

Application: 20250161

Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (As Amended)

SCREENING OPINION REGULATION 15

To: **Mr Tim Spicer**
DHA Planning

The screening opinion relate to land situated at

Britannia Refined Metals Ltd, Botany Road, Northfleet, Gravesend, Kent DA11 9BG

and being **Request for a scoping opinion in accordance with The Town and Country Planning Act (Environmental Impact Assessment) Regulations 2017 in respect of an EIA Scoping Opinion in respect of the proposed construction of 3x wind turbines at Britannia Refined Metals Ltd, Botany Road, Gravesend, Kent.** Your application dated 20 February 2025 is permitted subject to the following:-

GRAVESHAM BOROUGH COUNCIL MAKES THE FOLLOWING COMMENTS:-

I refer to your submission dated 20.02.2025 submitting a request for an Environmental Impact Assessment (EIA) Scoping Opinion for the proposed development described above. Your request was accompanied by an 'Request for an EIA Scoping Opinion (February 2025)' document.

Part 4 (15) (2) of the EIA regulations requires that any request for a Scoping Opinion must include;

(a) In relation to a subsequent application -

- (i) a plan sufficient to identify land;
- (ii) a brief description of the nature and purpose of the development, including its location and technical capacity;
- (iii) an explanation of the likely significant effects of the development on the environment; and;
- (iv) such other information or representations as the person making the request may wish to provide or make.

Your document responds to part 4 (15) (2) of the Regulation and I am satisfied that your request is compliant with the Regulations in this respect.

Schedule 4 to the EIA Regulations specifies the information that an Environmental Statement (ES) must provide. The ES must include the information referred to in Schedule 4 and should include such information as is reasonably required to assess the environmental effects of the development and to which the applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile.

In this instance, the level of detail of the proposed development provided is limited to the red line boundary and a description of the main elements. This Scoping Opinion is issued on the basis of the information provided in your Scoping Report and the responses received from consultees only. Some aspects may need to be revisited as the scheme progresses towards submission.

Site Description

The Site is located on the Britannia Refined Metals (BRM) estate to the west of the Thames Estuary approximately 3.5 kilometres (2.2 miles) northwest of the town of Gravesend. The Site lies within the administrative boundary of GBC and is located in the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area and the Swanscombe Peninsula East Riverside Industrial Area. The boundary with Dartford Borough Council (DBC) is approximately 250 metres to the southwest.

The majority of the site comprises previously developed land and is in operational industrial and commercial use by BRM. Founded in 1930, BRM is one of the largest lead producers in the world, as well as a world-class precious metals refinery. The wider BRM plant within the Site presently employs 150 people. The principal manufacturing units at the Site are a metal refinery and silver plant; it is equipped with its own analytical laboratories, workshops, administrative offices, stores, and engineering departments.

Part of the central section of the Site is currently being redeveloped under planning permission KCC/GR/0050/2023 for use as a 25,000 tonnes per annum facility to sample waste electronics material such as circuit boards and copper bearing materials (referred to as 'E-Scrap'). This includes a new steel frames single-storey building with yard areas a perimeter roadway.

There will be vehicular entrances at the northern and southern end of the central section from Manor Way. To the eastern side of the current river wall is a linear operational wharf approx. 20 in width accessed through a gate in the flood wall from the central section of the BRM site. The wharf is one of the safeguarded wharves along the Thames Estuary identified within the Safeguarded Wharves Review 2018-2019 undertaken by the Greater London Authority, and supported by the Port of London Authority.

There are some small sections of the easternmost part of the site comprising foreshore that is exposed at low tide. This is in third party ownership and whilst built form will not encroach on this land, the turbine blades would over sail is when operating in some wind directions.

The site levels vary from approx. 4.8m above ordnance datum (AOD) at the northern end to approx. 5.5m AOD at the southern end of the operational area.

The England Coast Path National Trail follows Manor Way / Lower Road and then continues north and west around the Swanscombe Peninsula. The majority of the site is within Flood Zone 3.

The chalk bedrock geology on the Site is classified by the British Geological Survey (BGS) and Environment Agency (EA) as a Principal Aquifer with medium vulnerability, and superficial drift geology is classified as Secondary (undifferentiated) Aquifer.

Surrounding the site on its western side is within BRM ownership and is referred to as Botany Marshes East. This is an area of predominantly mixed grassland, scrub and reedbed habitat with ditches that forms one unit of the Swanscombe Peninsula Site of Special Scientific Interest (SSSI). This land is also part of the Botany Marshes Local Wildlife Site (LWS).

The SSSI covers a much wider area of the Swanscombe Peninsula to the north, west and southwest of the Site, totalling over 259 hectares and was notified in March 2021. There is pedestrian access to Botany Marshes via Manor Way and part of the site is crossed by a 400kV overhead National Grid electricity line.

Land immediately to the north is in commercial use for the processing and storage of aggregates and there is a jetty approx. 230m in length.

Opposite the site to the other side of the Thames Estuary are four operational wind turbines within the Port of Tilbury which are approx. 126.5m in height. Land to the immediate south of the Site comprises the Seacon Terminals Limited port facility, which includes a covered berth for all-weather working and a riverside deep-water berth. This land is operated and leased by Seacon Terminals and is within the wider BRM estate.

The wider environment is characterised by a mix of commercial and industrial land use.

There is the Thames Estuary and Marshes Ramsar Site approx. 6.2 kilometres to the east, a further eight SSSIs within 5km of the site and a section of the Thames Estuary to the northwest is designated as the Swanscombe Marine Conservation Zone.

The nearest Scheduled Monument to the site is Aspdin's Kiln approx. 700m away to the southeast and the closest Conservation Area is The Hill in Northfleet.

The A2 runs east to west at an approx. distance of 3km and the nearest AQMA is the A2 trunk road.

To the south of the Site, an outline planning application (20221064) has been submitted to GBC for a mixed-use redevelopment known as Northfleet Harbourside. This application received resolution to grant planning permission in April 2024 for a residential-led development including relocation of the Ebbsfleet United football ground and associated changes to the highway network. A decision will be made by the Secretary of State following a Public Inquiry.

Proposed Development

The proposed development consists of three wind turbines up to 140m tip height above the foundations and associated infrastructure on land within the Britannia Refined Metals site. The site is shown below along with the proposed position of the 3no. wind turbines:



The wind turbines are to help the processing of metal which is an energy-intensive process and is largely reliant on heat and power from the national grid in the form of gas and electricity. This affects the business in terms of energy market cost volatility but also climate change commitments to decarbonise and support the global transition to a low-carbon economy. Wind turbines were deemed to be the most effective way to de-carbonise BRMs operations.

The principal permanent components of the Proposed Development are as follows:

- three wind turbines of up to 140 metres in height above foundations and associated crane pad hard standings;
- transformer kiosks adjacent to the turbine towers;
- interconnecting cables between the turbines; and
- a new substation.

In terms of specification the turbines will be reconditioned and will have:

- total tip height of up to 140 metres above foundation (based on V80 or V90);
- rotor diameter of 90 metres (based on V90);
- use of an external transformer kiosk adjacent to each turbine (based on V80); and
- maximum sound power level based on the V90 turbine.

In addition to the above, it is anticipated that there would be a need for temporary development areas. These are likely to comprise: laydown areas for components and a construction compound (to house site cabins and welfare facilities).

Vehicular access is from Manor Road however the feasibility of some components being delivered by river via Seacon is being considered.

Responses from External Consultees

Historic England

Thank you for contacting us on 26th February 2025 regarding an EIA scoping opinion in relation to the above site. We treat such requests as pre-application advice. On the basis of the latest information about the proposals, detailed below, we offer the following advice.

Advice

1. The Proposal

The proposal is for Britannia Refined Metals Ltd (BRM) to instal three c.140m tall wind turbines on their site at Gravesend in Kent, with foundations and associated crane pad hard standings. BRM wish to install the turbines to generate clean renewable electricity to help decarbonise its industrial processes at their Gravesend facility.

2. Significance

Development on this site has the potential to impact upon both designated and undesignated heritage assets and their settings (undesignated within the boundary of the proposed development area, and both designated and undesignated in the area around the site.)

Significance can be harmed or lost through alteration or destruction of a heritage asset, or through development within its setting.

In line with the advice in the National Planning Policy Framework (NPPF), we would expect the Environmental Statement to contain a thorough assessment of the likely effects which the proposed development of this area might have upon those elements which contribute to the significance of these assets.

Our initial assessment of the Scoping Report shows that designated heritage assets within the near vicinity of the proposed development have been identified, however there are others beyond the suggested study area that also need consideration, on both sides of the River (in Essex and Kent).

We draw your attention in particular (but not exclusively), to the following highly designated heritage assets and conservation areas:

- The Hill, Northfleet Conservation Area
- Greenhithe Conservation Area
- Gravesend High Street Conservation Area
- Gravesend Riverside Conservation Area
- West Tilbury Conservation Area; Essex
- Church of St Mary the Virgin, Grade II* listed (NHL 1111628); Essex
- Church of St James, Grade II* listed (NHL 1111541); Essex
- Church of St Botolph, Grade I listed (NHL no 1054093)
- Church of Our Lady of the Assumption, Grade II* listed (NHL no 1081094)
- The Town Pier, Grade II* listed (NHL no 1089004)
- New Tavern Fort and Milton Chantry, scheduled and Grade II* listed (NHL nos 1013658 and 1261173)
- Gravesend Blockhouse, scheduled (NHL no 1005120)
- Tilbury Fort (scheduled) including Grade II* listed Officer's Mess (NHL nos 1021092 and 1375568); Essex

- Tilbury Riverside Station, Grade II* listed (NHL no 1111547); Essex
- Palaeolithic sites near Baker's Hole, scheduled (NHL no 1003557) and Neolithic sites near Ebbsfleet (NHL no 1004206)
- Aspden's kiln, scheduled (NHL no 1004227)

The Hill, Northfleet Conservation Area with the Church of St Botolph, Grade I listed (NHL no 1054093) and Church of Our Lady of the Assumption, Grade II listed (NHL no 1081094):*

Northfleet Conservation Area is significant as a good example of a typical modest medieval settlement with clusters of mainly two storey historic buildings focussed around a road and a triangular green and two churches, the Grade I listed Church of St Botolph and the Grade II* listed Church of our Lady of Assumption.

Both churches have distinctive and highly visible towers which were designed to be seen as the settlement was approached, though the monumental tower of the Church of our Lady of Assumption is the more visible of the two. The prominence of the towers is therefore a deliberate aspect of their individual significance and makes an important contribution to the skyline of the Northfleet Conservation Area. We would wish to see both views towards the churches and the conservation area where the towers are appreciated, as well as views from the assets themselves within the heritage assessment and LVIA. Long views towards the application site from the south and south-east are likely to be impacted by the proposed turbines.

Greenhithe Conservation Area:

Greenhithe Conservation Area covers a historic riverside village which connects to the river through narrow lanes. A narrow high street runs parallel to the river, buildings are set hard on the edge of the footpath creating an intimate linear space. Long views from the river and across the river are important to appreciating the significance of the conservation area, in particular, its intimate scale as traditional village of set against a backdrop of trees and greenery. Views towards the conservation area from the west could be impacted by development and we wish to see these in the LVIA.

Gravesend High Street Conservation Area

The High Street Conservation Area is principally significant as the key commercial spine road which has connected the town to the river landing stage (later The Town Pier) since the medieval period. The Conservation Area is characterised by its length, gently rising ground and tight historic grain with continuous building lines. The Town Pier is the terminus of the High Street and adds historic value as a symbol of Gravesend's popularity in the nineteenth century for day trippers arriving by steamboat.

Collectively, long riverside views contribute to significance as they illustrate the historic associative relationship between Gravesend, Tilbury and the River Thames.

Gravesend Riverside Conservation Area

The Gravesend Riverside Conservation Area, situated at the eastern shore of the town, is primarily significant for its Scheduled fortifications (16th century Gravesend Blockhouse and 18th century New Tavern Fort) and their fields of fire designed into the landscape. These heritage assets are historically significant in the wider riverscape by working in concurrence with other military assets, including Tilbury Fort, to strategically protect the mouth of the Thames from attack.

Milton Chantry, Gravesend's oldest building, symbolises the foundation for settlement stands at the heart of the conservation area.

Long views which show the development site in the context of the riverside conservation area and heritage assets should be assessed as part of the LVIA, including any effects the development might have on the ability to read fields of fire and communication key to the significance of the military assets.

The Town Pier, Grade II listed (NHL no 1089004)*

The Town Pier (Grade II*) has international historic significance as the earliest surviving cast iron pleasure pier in the world. Constructed by the civic engineer W.T. Clark in 1831, the structure has historic associative value. The riverscape is a setting key to understanding the significance of the pier as a working pontoon and pleasure building. Long views which show the pier within its riverside context at the heart of Gravesend' shore from the from the east towards the development site will be aid assessment of impact.

Tilbury Fort

Tilbury Fort is England's most spectacular surviving example of a late 17th century coastal fort, designed at a time when artillery had become the dominant feature of warfare and therefore built with massive low earthworks, resilient to the shock of bombardment, instead of stone fortifications. The layout and construction was geared to the optimum siting of cannon at the forward batteries which, in conjunction with batteries on the opposing bank of the Thames, could create a field of fire spanning the estuary providing defence for the river itself and the capital. Its siting and relationship with other defensive structures on the River is therefore a very important part of its significance. Features at Tilbury which represent its later military phases (including the pillbox on the western perimeter of the site), are considered to be an integral part of the fort's history.

We think it likely the Fort would have some intervisibility with the proposed wind turbines and this will need to be explored further, and any impact to its significance clearly identified.

Tilbury Riverside Station

Tilbury Riverside Station was completed in 1924 to designs by Sir Edwin Cooper for the Port of London Authority and replaced an earlier station dating from 1854. The new complex was envisaged as the centre of passenger operations in London and comprise the Riverside Station, Baggage & Customs Hall, Ticket Office, floating Landing Stage and Refreshment rooms.

It is likely that the proposed wind turbines will be visible on views out of the station. The visual effects on the setting of this asset and potential impacts on its significance as a result would need to be understood.

Churches of St Mary the Virgin and St James

Church of St Mary the Virgin, built in 1170, is one of the pilgrim churches along the River Thames, placed at the edge of the marshes, as customary in the settlements in this part of Essex. The Church of St James is similar; it was built on the edge of the marshes, marking the settlement of West Tilbury.

Aspdins Kiln

The monument includes a mid-19th century downdraught kiln, surviving as upstanding and below-ground remains. The surviving kiln is part of a much larger 19th century cement works which extended along the south bank of the River Thames. It currently sits amongst industrial warehouse buildings, but its setting is due to be improved through a new development, where it would become a focal point within the scheme.

Neolithic and Palaeolithic sites near Ebbsfleet/Bakers Hole

These are important prehistoric archaeological sites that survive as below ground remains. Both are isolated within former quarry and industrial areas, and survive as remnants of relict human landscapes with associated occupation activity. Bakers Hole site is on the Historic England Heritage at Risk Register due to problems with scrub and vegetation growth.

Grays Beach Riverside Park

Additionally, and although outside of Historic England's remit, but in close proximity to the development site and with potential to be affected by it, we would like to note Grays Beach Park, Essex:

An Edwardian public recreation park situated on the Thames riverside designed by A.C. James, Borough Surveyor. It provides evidence of the ethos which gave rise to the provision of green open spaces in urban environments from the end of the nineteenth century; the riverside park maintains its original Edwardian outline. The park comprises three distinct areas: the original planned riverside park including play area, the riverside promenade and beach area, and the former miniature golf course; all areas were linked by paths and steps.

The park is included in the Essex Gardens Trust Inventory of Historic Designed Landscapes of Essex, which makes it a non-designated heritage asset.

3. Setting assessment

Given the scale of the proposed development and the range of designated heritage assets in the area, it is possible that development in this location could be visible from these assets, and as a result may affect their significance.

Dependent on the topography of the proposed development area, heritage assets further afield could also be affected.

We recommend close collaboration of cultural heritage and landscape/visual impact assessment, in order to adequately address issues in relation to setting of designated heritage assets. Techniques such as photomontages, computer generated views analysis imagery, and verified views with wireframes are a useful part of understanding visual impacts.

Analysis of key views from within the site boundaries, out of, and across the key site areas in relation to designated heritage sites will be important.

Setting may also form a part of the wider conceptual significance of a heritage asset and how it is experienced, and the report must therefore additionally reflect these more nuanced aspects of setting in order to fully take account of impact.

We note that buried archaeology also has a setting and this needs to be considered equally.

Direct impacts can be both physical and originate from setting issues; we would class indirect impacts as other aspects such as noise, vibration or changes in ground water that may inadvertently affect heritage assets. We do not therefore support the statement in the scoping report that there will be no direct effects on any designated heritage assets.

Further guidance on setting can be found at our website:

(<<https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/>>).
Version 4 of this document is currently under review.

4. Overall approach

An integrated approach to assessment is required for this project that demonstrates an understanding of how all the individual elements of the historic environment come to together to form a 'special place', and which fully analyses how the development proposals may impact upon the specialness of the area, and the assets within it.

We think it essential that an integrated landscape approach to assessment of heritage assets (both designated and undesignated) is undertaken and translated into the report. The military, industrial, and leisure landscape of the river is particularly pertinent here.

The assessment should also take account of the potential impact which associated development activities (such as construction, servicing, maintenance, and associated traffic) might have upon perceptions, understanding, and appreciation of the heritage assets in the area.

The assessment should also consider the likelihood of alterations to drainage and ground water patterns that might lead to in situ decomposition or destruction of below ground archaeological remains and deposits, and can also lead to subsidence of buildings and monuments. This is particularly relevant here where the proposal area is in a transitional zone between land and river, and with SSSI status for

adjacent ground that includes geological deposits, which could lead to higher levels of preservation of organic archaeological remains. Deeper interventions such as the foundations for the wind turbines, could impact on such deposits.

The Conservation Areas, the majority of the Listed Buildings (Grade II), and other non-designated heritage will also be a matter for the Local Authority. Impacts on these heritage assets will also need to be examined within the heritage baseline assessment and ES chapter.

5. Undesignated heritage assets

We would expect the Environmental Statement to consider the potential impacts on non-designated features of historic, architectural, archaeological or artistic interest, since these can also be of national importance and make an important contribution to the character and local distinctiveness of an area and its sense of place.

This information is available via the local authority Historic Environment Record (www.heritagegateway.org.uk) and relevant local authority staff. We recommend a consultation with Essex HER as well as the Kent HER (ref scoping report 8.2) for undesignated heritage records. For example, key early human remains and material culture were encountered during the excavation of Tilbury Docks that are relevant to understand this reach of the Thames and the archaeological potential of the application site. An HER search radius that extends across the Tilbury Docks site would be appropriate.

We strongly recommend that you involve your own conservation and archaeological staff at both Gravesham, and Kent County Council (archaeology), in the development of this assessment. They are well placed to advise on: local historic environment issues and priorities; the nature and design of any required mitigation measures (as decided at a further stage in any project); and opportunities for securing wider benefits for the future conservation and management of heritage assets.

The Historic England SE Science Advisor is also able to comment on geoarchaeology, and scientific techniques of analysis, in support of the KCC Archaeological Officer as required.

The ES should also include a consideration of potential non-designated heritage assets and views on whether these would meet the criteria for national or local designation.

6. Policy

There will be a requirement through planning policy (NPPF and local policy) to avoid and minimise harm to heritage assets, provide clear and convincing justification for any harm, and there will be a presumption in favour of conserving designated assets (and their settings where these contribute to their significance).

By following planning policy and guidance we would also additionally expect the project to consider how it may offer enhancement to heritage assets, and how the project might deliver public (heritage) benefit.

Given the importance of the heritage assets within the area, we would expect to provide further advice in due course on this application.

Recommendation

We urge you to address the above issues, and recommend that production of an Environmental Statement should continue in accordance with national and local policy guidance, and following your expert conservation advice. If you have any queries about any of the above, or would like to discuss anything further, please contact me for further advice.

Health and Safety Executive

Thank you for your EIA scoping opinion request for any comments regarding 20250161 dated 26/02/2025 - Request for a scoping opinion in accordance with The Town and Country Planning Act (Environmental Impact Assessment) Regulations 2017 in respect of an EIA Scoping Opinion in respect of the proposed construction of 3x wind turbines at Britannia Refined Metals Ltd, Botany Road, Gravesend, Kent, DA11 9BG. Town and Country Planning (Environmental Impact Assessment) Regulations 2017, Regulation 4(4) - the vulnerability of the proposed development to major accidents relevant to the development HSE's response is limited to our role in the land use planning system for the control of major industrial hazards involving hazardous substances. HSE is not responding in our regulatory role in the health and safety system

1. The proposed development, being wind turbines, is not a development type that would store or process hazardous substances in quantities relevant to the potential for industrial major accidents with respect to The Planning (Hazardous Substances) Regulations 2015.
2. The development is not located within a safeguarding zone of an Explosives site licensed under the Explosives regulations 2014 or the Dangerous goods in harbour area regulations 2016.

3. The development is not located within HSE's land-use-planning consultation zones for major-accident-hazard pipelines and hazardous substances consented sites (licensed explosives sites are covered in the previous paragraph).

Due to the above 3 points, there appears to be no need to consult HSE.

4. If there is a major accident hazard establishment with no HSE consultation zones, in the vicinity of the proposed development, and you are concerned that the proposed development might increase the risk or consequences of a major accident at the existing establishment then please directly consult the operator of the establishment, as appropriate.

5. General health and safety at work

HSE realises that Environmental Risk Assessments are not expected to include general health and safety at work however we take this opportunity to point out that it may be beneficial for employer(s) to undertake a risk assessment as early as possible to satisfy themselves that their design and operation will meet requirements of relevant health and safety legislation as the project progresses.

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/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>

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.

Minerals and waste plans and local aggregate assessments

If you are consulting on a mineral/waste plan or local aggregate assessment, the MMO recommend reference to marine aggregates is included and reference to be made to the documents below;

- The Marine Policy Statement (MPS), section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry.
- The National Planning Policy Framework (NPPF) which sets out policies for national (England) construction minerals supply.
- The Managed Aggregate Supply System (MASS) which includes specific references to the role of marine aggregates in the wider portfolio of supply.
- The National and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period including marine supply.

The NPPF informed MASS guidance requires local mineral planning authorities to prepare Local Aggregate Assessments, these assessments have to consider the opportunities and constraints of all mineral supplies into their planning regions -including marine. This means that even land-locked counties, may have to consider the role that marine sourced supplies (delivered by rail or river) play -particularly where land based resources are becoming increasingly constrained.

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

Gatwick Airport

The proposed development has been examined from an aerodrome safeguarding perspective, and it does not conflict with safeguarding criteria in relation to Gatwick Airport. We would therefore have no concerns. However, should the heights change, I would be grateful if we can be reconsulted.

I have forwarded the information onto London City, Southend and Biggin Hill Airports for comment.

London City Airport

Thank you for consulting London City Airport. This proposal has been assessed from an aerodrome safeguarding perspective. Accordingly, it was found not to conflict with London City Airport's safeguarding criteria.

However, we would like to draw your attention to the following:

CAA Structural Notification

As the proposed development exceeds 91.4m AGL, upon grant of permission, the developer is required to notify the Civil Aviation Authority (CAA) as required under Annex 2 paras 30 – 32 of DfT/ODPM Circular 01/2003 'Safeguarding of Aerodromes & Military Explosives Storage Areas'.

CAA Crane Notification:

Phone 01474 33 70 00

Website www.gravesham.gov.uk

Gravesham Borough Council, Civic Centre, Windmill Street, Gravesend, Kent DA12 1AU

**INVESTORS
IN PEOPLE**

Where a crane is 100m or higher, crane operators are advised to notify the CAA (arops@caa.co.uk) and Defence Geographic Centre (dvof@mod.gov.uk). The following details should be provided before the crane is erected:

- the crane's precise location
- an accurate maximum height
- start and completion dates

CAA Aviation Warning Light Notification

As the proposed development is deemed an en route obstacle, further consultations required with the CAA regarding the potential for aviation warning lighting to be applied to the hub of the turbines.

This is in accordance with CAP764 and any further advice can be found within chapter 3, Section 9 of CAP764 – Policy and Guidelines on Wind Turbines
<https://www.caa.co.uk/publication/download/14561>

This response represents the view of London City Airport Ltd as of the date of this letter and applies solely to the above stated application. This letter does not provide any indication of the position of any other party, whether they are an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to London City Airport in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee London City Airport Ltd requires that it be further consulted on any such changes prior to any planning permission, or any consent being granted.

KCC Highways

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

A Transport Assessment and Travel Plan should be submitted to support any planning application in order that the traffic impact may be fully assessed.

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 Public Rights of Way

I can confirm that I do not have any objections to the above planning application at Britannia Refined Metals. Access to the site is via Public Right of Way NU1 from Lower Road, which 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.

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- 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 Biodiversity

We have reviewed the scoping opinion and we are satisfied with the range of surveys which have been carried out to assess the impact of the wind turbines on ecology.

The submitted information has detailed that habitat, breeding bird, wintering birds, bat, reptile, invertebrate, GCN, dormouse and water vole surveys have been carried out.

Information submitted with any planning application must include the following:

- Results of the species and habitat surveys
- Assessment of impacts on the habitat and species
- Assessment of impacts on the Swanscombe Peninsula SSSI and other local, national or international designated sites within the wider area.
- Details of any mitigation and/or compensation required
- Details of any monitoring required
- Plan demonstrating that any mitigation and/or compensation can be implemented.
- Consideration of the results any relevant consultant results (e.g. noise).

KCC Heritage

The approach to considering Heritage is set out in Chapter 8 of the SLR document - Request for an EIA Scoping Opinion Britannia Refined Metals Wind Energy Britannia Refined Metals Botany Road, Northfleet, Gravesend, Kent, DA11 9BG Prepared by:
SLR Consulting Limited Mountbatten House, 1 Grosvenor Square, Southampton SO15 2JU SLR Project No.: 404.063945.00001 Client Reference No: SUP201 20 February 2025 Revision: 06.

I consider that the scope and approach to assessing the significance of, and potential impacts to, heritage (including below-ground archaeological and palaeoenvironmental remains) as set out in this document is appropriate.

KCC Flood and Water

Kent County Council as Lead Local Flood Authority has reviewed the report prepared by SLR (Revision 6) on behalf of Britannia Refined Metals Ltd and can inform the LPA that we raise no objections to scoping out surface water from the future Environmental Statement.

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.

Kent Wildlife Trust

The Britannia Refined Metals site sits adjacent to the Swanscombe Peninsula Site of Special Scientific Interest (SSSI), Botany Marshes Local Wildlife Site, and Thames Estuary Marine Conservation Zone.

The Priority Habitats which adjoin, or are in close proximity to, the site include mudflats, sandflats, low-marsh, coastal saltmarsh, reedbeds, willow carr, and coastal and floodplain grazing marsh

Considering the above designations which are either adjacent or in close proximity to the application site, it is advised that any forthcoming Environmental Statement is supported by an assessment of the impacts on local, nationally, and internationally designated sites, including the Swanscombe Peninsula SSSI. Up-to-date habitat surveys and assessments of impacts to those habitats should also be provided alongside any proposed mitigation/compensation measures. Species surveys and assessments of impacts to those species (including collision risk) should include breeding and wintering birds, invertebrates and reptiles, great crested newts, and water vole.

The Environmental Statement should also assess the impacts of noise from the construction and operation of the development on sensitive receptor sites and the species they contain. A Biodiversity Net Gain assessment, together with a copy of the completed Defra BNG Metric and supporting habitat maps, should be submitted alongside the Environmental Statement.

I hope that the detail within this letter proves to be useful in your response to the scoping opinion request. If you have any questions, please do not hesitate to contact me.

Port of London Authority

Thank you for consulting the Port of London Authority (PLA) on the above-mentioned request for a scoping opinion in accordance with the Town and Country Planning Act (Environmental Impact Assessment) Regulations 2017 in respect of an EIA Scoping Opinion in respect of the proposed construction of 3x wind turbines at Britannia Refined Metals Ltd, Botany Road, Gravesend. I have now had the opportunity to review the submitted scoping report and can confirm the PLA agree with the recommendations in the report for the following topics to be scoped in and prepared as part of a forthcoming planning application:

Communications: Support that the Scoping Opinion recognises that the further assessments that will be carried out for the Environmental Statement will continue with further direct ongoing consultation with the PLA on this topic. This is considered essential as part of the assessment of the appropriateness of wind turbines at this location.

Natural England

Environmental Impact Assessment Scoping consultation (Regulation 15 (4) of the Town and Country Planning EIA Regulations 2017): Request for a scoping opinion in accordance with The Town and Country Planning Act (Environmental Impact Assessment) Regulations 2017 in respect of an EIA Scoping Opinion in respect of the proposed construction of 3x wind turbines at Britannia Refined Metals Ltd, Botany Road, Gravesend, Kent.

Location: Britannia Refined Metals Ltd, Botany Road, Northfleet, Gravesend Kent

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in the consultation dated 26 February 2025, received on the same date.

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

A robust assessment of environmental impacts and opportunities based on relevant and up to date environmental information should be undertaken prior to a decision on whether to grant planning permission. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for the proposed development.

Further guidance is set out in Planning Practice Guidance on environmental assessment, natural environment and climate change.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

Please note that Natural England must be consulted on Environmental Statements.

Please send any new consultations or further information on this consultation to consultations@naturalengland.org.uk.

Environment Agency

Thank you for consulting us on the above Environmental Impact Assessment (EIA) scoping opinion on 26 February 2025.

We note that the proposed development site is:

- Located within 16m of tidal flood defences
- Within Flood Zone 3 (tidal)
- Located atop a Principal Aquifer
- Within Source Protection Zone 3
- Active waste recycling facility (COMAH site)
- Located on potentially contaminated land
- In the presence of a Site of Special Scientific Interest (SSSI)

We are a statutory consultee for EIA scoping opinions and have the following comments to make for the environmental issues and opportunities that fall within our remit.

Environment Agency position

Having reviewed the submitted EIA scoping report, we agree with the topics recommended to be scoped in and out of the Environmental Statement (ES).

Groundwater & Contaminated land

We understand that a suitable Ground Investigation is to be conducted on site to assess the potential risks to the Underlying gravel and chalk aquifers. The underlying aquifers include the Kempton Park Gravel Member (Secondary A) and Chalk (Principal Aquifer), which are likely to be in hydraulic conductivity.

We welcome that any assessments of ground and groundwater conditions will be carried out under the following guidance and legislation:

- Land contamination risk management (LCRM), Environment Agency, 2023;

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- Contaminated land exposure assessment (CLEA) tool, Environment Agency, 2014 (updated 2019);
- Environment Agency Groundwater Protection Guides, March 201722;
- The Water Framework Directive (Standards and Classification) Directions (England and Wales) 2015; and
- Water Environment (Water Framework Directive) (England and Wales) (Amendment) Regulations 2015.

Fisheries, Biology & Geomorphology

With reference to chapter 7 (Terrestrial and aquatic ecology) It is our opinion that the majority of sensitive receptors have been documented. Proposal to ensure Bat and bird species are protected during operation, will be required.

The proposal will require a Biodiversity Net Gain (BNG) assessment, a Construction Environmental Management Plan (CEMP) and Environmental Management Plan (EMP) during and post works. Potential flood defence investigations which may require flood defence reparation or replacement. If the latter is necessary, we would require the applicant to submit proposals to fulfil a set-back flood defence with a vegetated intertidal terrace as per the Port of London Authority Estuary Edges guidance.

There is some evidence to suggest that coastal erosion may be a risk at this location for the northern most turbine (point C) which is placed close to the water's edge, and seaward of the flood defence. Mapping since 1915 shows a movement of the high tide line and a loss of saltmarsh and mudflat. Later erosion protection to the turbine, if this continues to be the case, would need to be at the expense of the applicant. It can also not be guaranteed to be permitted at the time due to the implications to other coastal processes.

Flood Risk

As detailed within the EIA scoping report, the planning application for the proposed development will require a Flood Risk Assessment (FRA) to be submitted. The FRA should demonstrate that the development is able to remain operational at times of flooding. The FRA should demonstrate that the flood defences in the surrounding area are at a suitable condition and provide a sufficient standard of protection to facilitate this development.

Due to the nature of the wind turbines, in terms of size, and associated infrastructure, there is a high risk that the installation of the turbines within close proximity of the flood defence, the proposed development is likely to adversely affect the construction and stability of the flood defence wall, and any underground flood defence elements/ground anchors, which will compromise its function.

We normally require a buffer zone of 8 metres (fluvial) and 16 metres (tidal) between any new development and the top of the bank of the river. The permanent retention of a continuous unobstructed area is an essential requirement for emergency access to the river for repairs to the bank and for future maintenance and/or improvement works. A buffer between new development and the river wall is also required to ensure no adverse loading which could impact the stability of the channel wall.

Where development is proposed next to the river we recommend that it includes a green buffer strip alongside the watercourse. Where such a buffer strip does not currently exist, we normally seek that it is established. This is a key way in which we carry out our legal duty to further and promote the ecological and landscape value of rivers and land associated with them. In urban areas, in particular, rivers have often

been degraded by past development, and we expect that any new development should go some way to redress the balance.

Installations

As part of the permit application the impact of the emission points will have been modelled. Consideration should be given to the impacts the 3 wind turbines could have on the dispersion of the stack emissions, and on fugitive emissions.

Water Quality

The applicant should follow Environment Agency's standard advice regarding water quality and pollution prevention. The applicant should implement this advice to ensure all potential risks are reduced.

Advice to Applicant and Local Planning Authority

Flood Risk Activity Permit

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 or by emailing enquiries@environment-agency.gov.uk. 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.

Requirement for an Environmental Permit

This development may require a new permit or a variation to the existing permit under the Environmental Permitting (England & Wales) Regulations 2016, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that there is no guarantee that a permit will be granted. Additional 'Environmental Permitting Guidance' can be found at: <https://www.gov.uk/environmental-permit-check-if-you-need-one>.

Planning advice service

Should you wish us to review any technical documents or want further advice to address the environmental issues raised, we may do this as part of our charged for planning advice service.

Further engagement will provide you with certainty of our position as to what our response to your planning application will be. It should also result in a better quality and more environmentally sensitive development.

As part of our charged for service we will provide a dedicated project manager to act as a single point of contact to help resolve any problems. We currently charge £100 per hour, plus VAT. We will provide you with an estimated cost for any further discussions or review of documents. The standard terms of our charged for service are available [here](#).

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If you would like more information on our planning advice service, including a cost estimate, please contact us at kslplanning@environment-agency.gov.uk.

Closing comments

Please note that the view expressed in this letter is a response to an EIA scoping opinion enquiry and does not represent our final view in relation to any future planning application made in relation to this site. We reserve the right to change our position in relation to any such application. You should seek your own expert advice in relation to technical matters relevant to any planning application before submission.

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

Dartford Borough Council

No observations to make.

Responses from Internal Consultees

GBC Environmental Protection

Having reviewed the submitted 'Request for an EIA Scoping Opinion, it is agreed that air quality can be scoped out. The Northfleet AQMA has been revoked, and it is unlikely that there will be any operational impacts associated with the proposed wind turbines. Any construction phase impacts can be addressed by way of a CEMP which can be dealt with by an appropriate condition attached to any permission.

With regards to other matters relevant to Environmental Protection:

Ground conditions and Groundwater

It is agreed that a desk-based risk assessment and conceptual site model be undertaken and submitted as part of the ES.

Noise

Potentially there will be noise associated with the construction, operational and de-commissioning phases of the proposal. A noise and vibration assessment will therefore be undertaken as part of the ES to cover this. The proposed assessment methodology is accepted.

Officer Assessment

The principal purpose of an ES is to report the findings of the EIA on the significant effects of an EIA development on its receiving environment.

The Scoping Report provides a basis and framework for assessing the overall environmental effects of the development. This response is structured around the sub-headings presented in the Scoping Report informed by input from statutory and non-statutory consultees. In addition to the summarised comments from the consultees above, the full responses received can be found here: https://docs.gravesham.gov.uk/PublicAccess_LIVE/SearchResult/RunThirdPartySearch?FileSystemId=DC&FOLDER1_REF=20250161 and should be reviewed alongside this Scoping Opinion.

Likely Environmental Effects

The approach to consider all stages of the development (construction, operational and potential decommissioning phases). It is envisaged to build the scheme out in phases with completion in 2031.

In accordance with the EIA Regulations, the ES will include an assessment of direct and indirect cumulative effects arising from the Proposed Development when considered alongside any other developments in the area surrounding the Site.

The environmental topics that could be included in the ES are:

- Communications;
- Terrestrial and Aquatic Ecology;
- Heritage;
- Ground Conditions and Groundwater;
- Landscape and Visual Impact;
- Noise;
- Ornithology; and
- Traffic and Transportation.

Topics not included in the preliminary scope of the EIA are:

- Air Quality;
- Aviation;
- Climate Change;
- Population, Human Health and Economics/Employment;
- Risk of Major Accidents and Disasters including ice throw;
- Shadow Flicker;
- Surface Water; and
- Waste.

Air Quality is not to be included as the former Northfleet Industrial Area AQMA was revoked in January 2024. It is not envisaged that the increase in traffic from the construction of the turbines will have a significant impact on other close AQMAs. It is agreed that air quality can be scoped out.

Aviation is also not to be included. London City Airport and Gatwick Airport have both responded to the consultation and have raised no objections. Gatwick have asked, if the heights of the turbines changes, to be reconsulted. London City Airport have drawn attention to required notifications and have also asked to be reconsulted if plans change. No response has been received from Biggin Hill Airport, Southend Airport (both consulted by Gatwick) or the Civil Aviation Authority. No objection is raised to exclude aviation in the scope of the ES.

Climate change is not included as this is the principle objective of the proposed development.

Population, human health and economic/employment are not included due to the nature and scale of the development that will have no material effect on population or demographics during the construction or operational phases. The proposal is to secure the economic future of the business and therefore will not have a significant detrimental impact.

Risk of major accidents and/or disasters is not included due to the prevailing health and safety legislation and that wind energy developments are considered 'essential infrastructure' and therefore compatible with development in flood zones 2 and 3. Ice throw is a low risk as the turbines stop operating in instances of ice build up.

Shadow flicker occurs when the sun is low and shines onto a window of a building. This may affect the amenity of residential properties. A review of local land use found that there are currently no residential properties or proposed residential properties within potentially affected shadow flicker zones.

Surface water is also not to be included as wind energy development is classed as 'essential infrastructure' in terms of vulnerability to flood risk within annex 3 to the National Planning Policy Framework 2024.

Very little waste will be generated and therefore waste is not to be included.

Communications

The PLA has confirmed that there could be potential effects on its marine radar coverage. The inclusion of an assessment on fixed microwave communication links, marine radar and radio communication with vessels is welcomed. The PLA agree with the recommendations in the report. They support that the Scoping Report recognises that the further assessments that will be carried out for the Environmental Statement will continue with further direct ongoing consultation with the PLA on this topic. This is considered essential as part of the assessment of the appropriateness of wind turbines at this location.

Terrestrial and Aquatic Ecology

There are a number of statutory and non-statutory designated sites as listed above. The effects on sensitive terrestrial habitats, aquatic habitats, protected and notable species and the cumulative effects on habitats and protected and notable species are all to be included and the proposed methodology is accepted. Natural England have provided standing advice only and have asked to be reconsulted if the plans change.

The Environment Agency agree with the topics to be scoped in and scoped out of the ES. They are happy that the majority of sensitive receptors have been documented in chapter 7. The proposal to ensure bat and bird species are protected during operation will be required.

The proposal will require a Biodiversity Net Gain (BNG) assessment, a Construction Environmental Management Plan (CEMP) and Environmental Management Plan (EMP) during and post works. Potential flood defence investigations may require flood defence reparation or replacement. If the latter is necessary, the EA would require the applicant to submit proposals to fulfil a set-back flood defence with a vegetated intertidal terrace as per the Port of London Authority Estuary Edges guidance.

There is evidence of coastal erosion at the position of the northern most turbine; any erosion protection to the turbine will be at the expense of the applicant and cannot be guaranteed to be permitted.

A flood risk assessment is required to be submitted with the planning application. This should demonstrate that the development is able to remain operational at times of flooding and that the flood defences in the surrounding area are at a suitable conditions and provide a sufficient

standard of protection to facilitate this development. Normally a buffer zone of 8m (fluvial) and 16m (tidal) between any new development and the top of the bank of the river is required. The permanent retention of a continuous unobstructed area is an essential requirement for emergency access to the river for repairs to the bank and for future maintenance and/or improvement works. A buffer between new development and the river wall is also required to ensure no adverse loading which could impact the stability of the channel wall. A green buffer is also recommended which is a key way in which the EA carry out their legal duty to further and promote the ecological and landscape value of rivers and land associated with them. In urban area, rivers have often been degraded and any new development should go some way to redress the balance.

As part of the permit application the impact of the emission points will have been modelled. Consideration should be given to the impacts the 3 wind turbines could have on the dispersion of the stack emissions, and on fugitive emissions.

The applicant should follow Environment Agency's standard advice regarding water quality and pollution prevention. The applicant should implement this advice to ensure all potential risks are reduced.

The applicant is advised that a flood risk activity permit and/or an environmental permit may be required.

The Marine Management Organisation has also commented and advised that works within the Marine area require a licence from them. A wildlife licence is also required for activities that that would affect a UK or European protected marine species.

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 the project is 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>

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.

KCC's Ecologist is satisfied with the range of surveys which have been carried out to assess the impact of the wind turbines on ecology and have stated that information submitted with any planning application must include the following:

- Results of the species and habitat surveys
- Assessment of impacts on the habitat and species

- Assessment of impacts on the Swanscombe Peninsula SSSI and other local, national or international designated sites within the wider area.
- Details of any mitigation and/or compensation required
- Details of any monitoring required
- Plan demonstrating that any mitigation and/or compensation can be implemented.
- Consideration of the results any relevant consultant results (e.g. noise).

KCC's Flood and Water Officer raises no objection to the scoping out of surface water from the ES.

Kent Wildlife Trust advise that any forthcoming ES is supported by an assessment of the impacts on local, nationally, and internationally designated sites, including the Swanscombe Peninsula SSSI. Up-to-date habitat surveys and assessments of impacts to those habitats should also be provided alongside any proposed mitigation/compensation measures. Species surveys and assessments of impacts to those species (including collision risk) should include breeding and wintering birds, invertebrates and reptiles, great crested newts, and water vole.

The Environmental Statement should also assess the impacts of noise from the construction and operation of the development on sensitive receptor sites and the species they contain. A Biodiversity Net Gain assessment, together with a copy of the completed Defra BNG Metric and supporting habitat maps, should be submitted alongside the Environmental Statement.

Heritage

There are no designated heritage assets within the site. A list of the closest scheduled ancient monuments, listed buildings, conservation areas, world heritage sites, registered parks and gardens and battlefields have been provided together with a list of non-designated heritage assets. The scoping also provides a background to the site's archaeology.

The approach to considering heritage is set out in Chapter 8 of the document. The KCC Archaeologist is satisfied that the scope and approach to assessing the significance of, and potential impacts to, heritage (including below-ground archaeological and palaeoenvironmental remains) as set out in this document is appropriate.

Historic England have provided a comprehensive response which is included in the consultee response section and it not intended to repeat it here. They would expect the Environmental Statement to contain a thorough assessment of the likely effects which the proposed development of this area might have upon those elements which contribute to the significance of these assets.

The Scoping Report identifies designated heritage assets within the near vicinity of the proposed development however there are others on both sides which are listed below:

- The Hill, Northfleet Conservation Area
- Greenhithe Conservation Area
- Gravesend High Street Conservation Area
- Gravesend Riverside Conservation Area
- West Tilbury Conservation Area; Essex
- Church of St Mary the Virgin, Grade II* listed (NHL 1111628); Essex
- Church of St James, Grade II* listed (NHL 1111541); Essex
- Church of St Botolph, Grade I listed (NHL no 1054093)
- Church of Our Lady of the Assumption, Grade II* listed (NHL no 1081094)
- The Town Pier, Grade II* listed (NHL no 1089004)

- New Tavern Fort and Milton Chantry, scheduled and Grade II* listed (NHL nos 1013658 and 1261173)
- Gravesend Blockhouse, scheduled (NHL no 1005120)
- Tilbury Fort (scheduled) including Grade II* listed Officer's Mess (NHL nos 1021092 and 1375568); Essex
- Tilbury Riverside Station, Grade II* listed (NHL no 1111547); Essex
- Palaeolithic sites near Baker's Hole, scheduled (NHL no 1003557) and Neolithic sites near Ebbsfleet (NHL no 1004206)
- Aspdin's kiln, scheduled (NHL no 1004227)

They have taken each asset above and explained their significance which can be found in their full response in the consultee section of this report. They have also included Grays Beach Riverside Park as an area that should be considered.

Due to the number of heritage assets and the wider area from which the turbines will be visible from, Historic England do not support the statement that there will be no direct effects on any designated heritage assets.

It is essential that an integrated landscape approach to assessment of heritage assets (both designated and undesignated) is undertaken and translated into the report. The military, industrial, and leisure landscape of the river is particularly pertinent here. They urge the applicant to address the issues they have raised and recommend that production of an Environmental Statement should continue in accordance with national and local policy guidance, and following the applicant's own expert conservation advice as well as local archaeology staff such as the Council's own Conservation Officer and KCC's Archaeologist.

Ground Conditions and Groundwater

The scope of the proposed investigations is acceptable. The Environment Agency welcome that any of the assessments of ground and groundwater conditions will be carried out under the following guidance and legislation:

- Land contamination risk management (LCRM), Environment Agency, 2023;
- Contaminated land exposure assessment (CLEA) tool, Environment Agency, 2014 (updated 2019);
- Environment Agency Groundwater Protection Guides, March 201722;
- The Water Framework Directive (Standards and Classification) Directions (England and Wales) 2015; and
- Water Environment (Water Framework Directive) (England and Wales) (Amendment) Regulations 2015.

The effects to construction workers and the effects on the gravel and chalk aquifers during construction of the foundations are to be included. The effects to site users, effects associated with wind-blown contaminants on neighbouring commercial premises and the effects to surface water receptors from lateral migration of contaminants associated with the construction, effects on buried structures and ecological designations are not to be included.

The Council agrees that a desk-based risk assessment and conceptual site model be undertaken and submitted as part of the ES. The proposed assessment methodology is accepted.

The Health and Safety Executive has stated that there is not a need to consult the HSE on the proposed development.

Landscape and Visual Impact

The purpose of the LVIA is to identify and record the potential effects that the proposed development may have on the landscape and visual resource, taking into account effects on:

- the landscape elements of the Site;
- the landscape character of the Site and surrounding area;
- areas that have been designated for their scenic or landscape-related qualities; and
- views from various locations such as settlements, routes, hilltops and other sensitive locations.

The potential cumulative effects will be considered.

The physical effects of the development, the effects of turbine lighting for aviation safety are not to be included. No concerns have been raised from the aviation authorities and therefore this is acceptable.

Noise

The main sources of noise in the existing environment at dwellings in proximity to the Site are anticipated to be:

- local traffic movements;
- noise associated with industrial and commercial activities;
- noise from shipping and other vessels on the Thames Estuary;
- wind induced from trees and foliage surrounding each dwelling;
- localised sources from human activities;
- birdsong and animal activity; and
- noise from operational wind turbines at the Port of Tilbury (although this is not considered part of the baseline when deriving operational noise limits).

The extent of noise to be included in the ES are noise associated with the delivery and construction, noise and vibration associated with the foundations, turbine installation, operation noise from the turbines and cumulative noise from the Port of Tilbury wind turbines.

A noise and vibration assessment shall be undertaken as part of the ES to over potential noise associated with the construction, operational and de-commissioning phases of the proposal.

The proposed methodology is acceptable.

Ornithology

The potential ornithological interest on and close to the Site is influenced by the proximity adjacent to the Swanscombe Peninsula SSSI with its two diverse assemblages of breeding birds, and the presence of the Thames Estuary and Marshes SPA and Ramsar sites approximately 6 kilometres to the east with their associated wintering and passaging bird interest features.

The elements proposed to not be included in the ES are the loss/degradation of habitats through construction works, permanent structures and access tracks, inadvertent damage to nests during construction and decommissioning.

Species of low conservation concern (e.g., green-listed Birds of Conservation Concern), or those not considered sensitive to wind energy developments are proposed to be scoped out of the assessment.

KCC's, Natural England's and Kent Wildlife Trust's responses include birds and are included in the Terrestrial and Aquatic Ecology section.

Traffic and Transportation

It is envisaged that the principal means of transporting wind turbine components to the site will be via road from the Port of Tilbury and this has been used as the basis for consideration of assessment scope in the ES. It is however possible that some or all components could be delivered via the Seacon Terminal to the south of the Site, or other port/terminal facilities, if feasible/viable at the time of construction, which would reduce journey distances on road.

The ES will include the effect of highway geometry, adjacent buildings and street furniture on AIL movements, effect of general construction HGV movements on highway or junction capacity and effect of general construction movements on driver and pedestrian delay.

The effects of the Proposed Development in combination with other schemes that are either operational/constructed, consented, or for which planning permissions are currently being sought, will be assessed within the ES where appropriate. Cumulative effects will be considered on an issue-by-issue basis and for some topics there may not be a requirement to assess cumulative effects.

No objection is raised by KCC Highways Officer however they have states that a Transport Assessment and Travel Plan should be submitted to support any planning application in order that the traffic impact may be fully assessed.

The KCC Public Rights of Way Officer also raises no concerns to the proposed information to be submitted with the ES.

Summary

Having regard to all of the above, this Scoping Opinion is made on the basis of the details submitted in the Request for an EIA Scoping Opinion Report by SLR, and other information available to the Council. It is considered that the EIA Scoping Opinion Report covers all the topics that the Council would require to be included within an Environmental Statement (ES) for the proposed development. Subject to the issues raised in this Scoping Opinion, the Council also considers that both the scope of the ES and methodology for assessing significance and scoping the relevant assessment is acceptable.

In reaching this decision the Local Planning Authority has taken account of the specific characteristics of the particular development and the environmental features likely to be affected by the development as required under Regulation 15(6). This Scoping Opinion does not preclude the Local Planning Authority from requesting further information when considering any future planning application for the proposed development.

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Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Shazad Ghani
MPhil, MA, BA (Hons)
Head of Planning
Planning Service