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Lisa Fisher
Gravesham Borough Council
Sent via email

Our ref: KT/2025/132254/01-L01
Your ref: 20241000

Date: 22 January 2025

Dear Lisa Fisher

**Erection Of 6no. Affordable Residential Dwellings, Emergency Access /
Pedestrian / Cycle Route With Associated Parking And Landscaping.**

Land To The West Of Nursery Mews, Gravesend, Kent, DA11 7BU

Thank you for consulting us on the above application on 15 January 2025. As part of this consultation, we have reviewed the following documents:

- the Phase I and II Geo-Environmental and Geotechnical Investigation Report produced by Geo Integrity (Ref: 24-06-12, dated October 2024);
- the Drainage Strategy provided by Infrastructure CS Ltd (Ref 5824-MEWS-ICS-XX-RP-C-07.001-P03, dated August 2024).

Environment Agency Position

We have **no objections** subject to the following **planning condition** being included as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Please refer to the following sections for our full response:

- **Section 1:** Technical comments
- **Section 2:** Conditions and Informatives

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.

Please do not hesitate to contact us should you require any further information.

Yours faithfully

Ms Laura Edwards

Planning Advisor

Direct e-mail KSLPLANNING@environment-agency.gov.uk

Section 1: Technical comments

Land affected by Contamination -

We understand that limited concentrations of Polycyclic Aromatic Hydrocarbons have been identified within the underlying gravel Made Ground. It is understood that a 600mm cover layer is proposed to protect human health receptors. Due to lack of mobility and limited concentrations no further action is considered required with regard to controlled waters. This is acceptable in principle, however it is noted that the extents of the gravel outlined are estimates and any contaminated gravels identified outside of this area should be provided with the same depth of cover, to limit infiltration.

Drainage Strategy -

We understand that surface water is to be discharged to ground via soakaway situated beneath the car park. It is understood that silt traps and permeable paving are to be utilised to mitigate potential pollution associated with surface water runoff from the car park. It is also understood that foul water is to be discharged to mains sewer via gravity. This is considered acceptable from a groundwater quality perspective, however should plans change in the future we would wish to be reconsulted.

Section 2: Conditions and Informatives

Condition 1

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

Reason

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 187, 196 and 197 of the National Planning Policy Framework.

Waste on-site Informative 1

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project formally agreed with the Environment Agency
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

It should be noted that re-use of historic landfill materials (including capping materials) is not covered under DoWCoP.

The Environment Agency recommends that developers should refer to:

- the Position statement on the Definition of Waste: Development Industry Code of Practice and;
- The [Environmental regulations](#) page on GOV.UK

Waste Informative 2

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

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

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

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