

Application: 20230906

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

NOTIFICATION OF GRANT OF PERMISSION TO DEVELOP LAND
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To: **HYRO Energy Ltd.
C/O Rebecca Little, Pegasus Planning Group Ltd
Pavilion Court
Green Lane
Garforth
Leeds
LS25 2AF**

TAKE NOTICE that the **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **GRANTED PERMISSION** for development of land situate at:

**Kimberly Clark Ltd
Northfleet Mill
Crete Hall Road
Northfleet
Gravesend
Kent
DA11 9AD**

and being **Construction and operation of a 20MW Green Hydrogen Electrolyser and associated infrastructure**. Your application dated 1st May 2024 is permitted subject to the following:-

1. The development hereby approved shall be begun not later than 3 years following the date of this decision.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following schedule of approved plans:

Application Form
05135-RES-LAY-DR-PT-001 Rev 4 - Site Location Plan

05135-RES-PRO-DR-PT-001 Rev 4 - Elevation View - Infrastructure Layout
05135-RES-PRO-DR-PT-002 Rev 3 - Elevation View - North Infrastructure Layout
05135-RES-PRO-DR-PT-003 Rev 1 - Elevation View - West Infrastructure Layout
05135-RES-PRO-DR-PT-005 Rev 1 - Elevation View - East Infrastructure Layout

05135-RES-HYD-DR-PT-001 Rev 0 - Hydrogen Electrolysers
05135-RES-HYD-DR-PT-002 Rev 1 - Hydrogen Storage Tank
05135-RES-HYD-DR-PT-003 Rev 1 - Odourisation System

05135-RES-HYD-DR-PT-004 Rev 1 - Emergency Vent Stack
05135-RES-HYD-DR-PT-005 Rev 1 - Nitrogen Storage Tank
05135-RES-HYD-DR-PT-006 Rev 1 - Uninterruptible Power Supply Unit
05135-RES-HYD-DR-PT-007 Rev 1 - Low Pressure Buffer Tank (40ft Container)
05135-RES-HYD-DR-PT-008 Rev 1 - Pressure Let Down System and Safety Valve
05135-RES-HYD-DR-PT-009 Rev 1 - Office and Spares Container
05135-RES-HYD-DR-PT-010 Rev 1 - Instrumentation Air Unit
05135-RES-HYD-DR-PT-011 Rev 1 - Feed Water Tank
05135-RES-HYD-DR-PT-012 Rev 1 - Compressor
05135-RES-HYD-DR-PT-013 Rev 1 - Meter Cabinet

05135-RES-SDP-DR-PT-001 Rev 1 - Typical Services Support Frame

05135-RES-SEC-DR-PT-001 Rev 0 - Typical Security Fence Details
05135-RES-SEC-DR-PT-002 Rev 1 - Typical Lighting and CCTV Column
05135-RES-SEC-DR-PT-003 Rev 1 - Typical Vehicle Barrier

05135-RES-SUB-DR-PT-001 Rev 1 - DNO Substation Building
05135-RES-SUB-DR-PT-002 Rev 1 - Hydrogen Facility Substation Building
05135-RES-SUB-DR-PT-003 Rev 1 - Auxiliary Transformer
05135-RES-SUB-DR-PT-004 Rev 1 - Grid Compliance Equipment Harmonic Filter

05135-RES-SUB-DR-PT-005 Rev 1 - Grid Compliance Equipment Pre-Insertion Resistor

Cover Letter
Flood Risk Assessment (September 2023)
Desktop Utilities Report
Phase 1 Geoenvironmental Desk Study
Flood Risk Assessment
Design and Access Statement
Acoustic Impact Assessment
Transport Statement
Preliminary Ecological Appraisal
Hydrogen Electrolysers Detail (Plan)
Biodiversity Metric Document.

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

3. Notwithstanding the details shown on the approved plans, submitted documents and application form, before any works commence, a contaminated land assessment (in accordance with the Environment Agency's Land Contamination Risk Assessment Management (LCRM) and if necessary an associated remedial strategy, together with a timetable of works, shall be submitted to and approved by the Local Planning Authority. This shall include:

- a) A site investigation, based on the findings of the submitted insert desk study title, author and date, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
- b) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
- c) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance). If during any works contamination is encountered which has

not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

d) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

e) Where applicable, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over an agreed period of time, and the provision of reports on the same, must be prepared and approved in writing by the Local Planning Authority.

Following completion of the measures identified in that scheme, and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 180 of the National Planning Policy Framework (NPPF), pursuant to Gravesham Local Plan Core Strategy Policy CS19: Development and Design Principles.

4. The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the Local Planning Authority should be informed as soon as practical and the work shall not continue until written agreement is provided by the Local Planning Authority as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out.

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 pollution from previously unidentified contamination sources at the development site in line with paragraph 180 of the National Planning Policy Framework (NPPF), pursuant to Gravesham Local Plan Core Strategy Policy CS19: Development and Design Principles.

5. Notwithstanding the details shown on the approved plans, submitted documents and application form, before any works commence, a UXO Operational Risk Management plan for unexploded ordnance (UXO) as detailed in Appendix D of the Phase 1 Geo-environmental Desk Study dated 09/06/20123 (G-22-049 Rev 2) by GVR Geoservices Ltd shall be implemented in full or implemented in full as to other necessary mitigation. A mitigation completion verification report must be submitted to and approved in writing by the Local Planning Authority, confirming that that all risks to existing and proposed premises have been satisfactorily mitigated.

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 pollution from previously unidentified contamination sources at the development site in line with paragraph 180 of the National Planning Policy Framework (NPPF) pursuant to Gravesham Local Plan Core Strategy Policy CS19: Development and Design Principles.

6. Notwithstanding the details shown on the approved plans, submitted documents and application form, before any works commence, a Construction Environmental Management Plan (CEMP) shall be submitted to and approval in writing by the Local

Planning Authority. The CEMP shall make reference to BS5228 Noise Vibration and Control on Construction and Open Sites, the Control of Dust from Construction sites (BRE DTi Feb 2003) and the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Dust from Demolition and Construction'. The construction of the development shall then be carried out in accordance with the approved methodology.

The CEMP shall include:

- Measures to prevent the mobilization of any identified contaminants during construction.
- Procedures for dealing with unexpected contamination discovered during construction.
- Plans for managing excavation and disposal of contaminated materials in compliance with relevant waste regulations.
- An indicative programme for carrying out the works.
- Measures to minimise the production of dust on the site(s).
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s).
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s).
- Design and provision of site hoardings.
- Management of traffic visiting the site(s) including temporary parking or holding areas.
- Provision of off-road parking for all site operatives.
- Measures to prevent the transfer of mud and extraneous material onto the public highway.
- Measures to manage the production of waste and to maximise the re-use of materials.
- Measures to minimise the potential for pollution of groundwater and surface water.
- The location and design of site office(s) and storage compounds.
- The location of temporary vehicle access points to the site(s) during the construction works.
- The arrangements for public consultation and liaison during the construction works.

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 pollution from previously unidentified contamination sources at the development site in line with paragraph 180 of the National Planning Policy Framework (NPPF), pursuant to Gravesham Local Plan Core Strategy Policy CS19: Development and Design Principles.

7. Notwithstanding the details shown on the approved plans, submitted documents and application form, before any works commence, a topographical site survey and/or a CCTV survey showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed flow will be no greater than the existing contributing flows, and full details of foul sewerage and surface water disposal, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details before the development hereby permitted is first brought into use and thereafter maintained.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 173-175 of the National Planning Policy Framework.

8. Notwithstanding the details shown on the approved plans, submitted documents and application form, before the scheme as approved is brought into use, an Operational

Environmental Management Plan (OEMP) must be submitted to the Local Planning Authority prior to the operation of the facility. This plan must include:

- Monitoring protocols for soil and groundwater quality to detect potential contamination from the electrolyser operation.
- Mitigation measures to prevent pollution incidents related to operational activities, including the handling and storage of hydrogen and other chemicals.

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 pollution from previously unidentified contamination sources at the development site in line with paragraph 180 of the National Planning Policy Framework (NPPF), pursuant to Gravesham Local Plan Core Strategy Policy CS19: Development and Design Principles.

INFORMATIVES:-

1 WORKS OF CONSTRUCTION

Hours of work of construction site plant, equipment and machinery, should be restricted to not earlier than 7.00 a.m. and not later than 6.00 p.m. weekdays and Saturday working should be restricted to not earlier than 8.00a.m. and not later than 1.00 p.m. No work shall be carried out on Sundays, Bank or Public Holidays.

- i. Suitable sound attenuation shall be used at all times in respect of all plant, machinery and equipment in operation on site in order to aid prevention of noise nuisance. Compliance with BS 5228: Part 1: 1984 and subsequent amendments regarding the use of equipment on site will be required in appropriate cases.
- ii. A suitable method of control shall be used in order to aid prevention of dust nuisance arising from work activities on site.
- iii. Burning of waste materials shall not be carried out on site. Such materials are to be stored in a suitable receptacle, as far from residential accommodation as reasonably practicable, pending disposal off site.
- iv. Adequate arrangements shall be made to remove all waste material from the site on a regular basis and to dispose of it at a suitably licensed waste disposal site.

2 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].

3 BUILDING REGULATIONS CONSENT

The granting of planning permission is independent from the granting of Building Regulations consent (which may, or may not, be required). In the event of a change to the scheme granted planning permission being required to satisfy the Building Regulations, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

4 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.

5 SOUTHERN WATER REQUIREMENTS

Please see the attached extract from Southern Water records showing the approximate position of our existing public foul and surface water sewers within the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

- The 900 mm public surface water sewer requires a clearance of 4 metres on either side of the public surface water sewer to protect it from construction works and to allow for future maintenance access.
- The 150 mm, 225 mm and 300 mm public foul sewer requires a clearance of 3 metres on either side of the public foul sewer to protect it from construction works and to allow for future maintenance access.
- No development or tree planting should be carried out within standoff distance of public sewers without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers.
- All existing infrastructure should be protected during the course of construction works.
- The applicant should ensure that the Trade Effluent discharge licence has been obtained, before the connection to the public sewerage network can be approved.

6 HAZARDOUS SUBSTANCE CONSENT LEGISLATION

The presence on land of a hazardous substance in a quantity exceeding the controlled quantity specified in the Planning (Hazardous Substances) Regulations 2015 requires the consent of the hazardous substances authority (usually the local planning authority). For hydrogen the controlled quantity listed in Schedule 1 of the 2015 Regulations is 2 tonnes. If a hazardous substance consent is required, requests from hazardous substance authorities for HSE consultation should be sent to HSE's Hazardous Substance Consents team at HazSubCon.CEMHD5@hse.gov.uk

7 KENT POLICE DESIGNING OUT CRIME TEAM

The Kent Police Designing Out Team have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

Applicants/agents should consult us as Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured By Design (SBD) as appropriate. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict.

There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime.

We recommend SBD guidance is utilised to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority

statutory duties under Section 17 of the Crime and Disorder Act 1998. The points below identify my recommendations for the layout and design of this scheme.

1. We strongly recommend that the applicant take this opportunity to review their general security arrangements regarding the existing buildings, including perimeter security, alarm systems, lighting and CCTV
2. Perimeter security of the site, including gates, should be reviewed to control site permeability and prevent theft of property. A good standard of building security is very important in rural areas, especially for outbuildings that may not be visited for weeks at a time. Each site should be fully enclosed within a minimum 2m security fencing system or higher. It is important that the gap between the base of any fencing and the ground is minimal, so that any equipment, such as the PV panels themselves or copper cable, cannot be easily passed underneath by thieves. Additional defensive planting of natural hedging should be considered around the boundary and along the existing footpath as an added layer of security.
3. Consideration should be given regarding property boundary for any potential places where it could be made more secure:
 - Densely planted buffers can be used to enhance boundaries. There are plenty of suitable native (non-toxic) prickly species.
 - digging deep ditches to control and deter unwanted vehicle access.
 - if possible, having a single-gated access point to each site. Please refer to the Commercial 2015 Guide, Section 2: Physical Security Specifications for gates on SBD Design Guides.
4. We recommend that all equipment is individually security marked and all serial numbers recorded within a site inventory. Copper cable, transformers, inverters, switch gear and any other equipment of high value should also be security marked. This can be achieved by using unique identifiers, such as serial numbers on the insulation sheathing and with the use of forensic marking solutions. A full equipment inventory should be kept.
5. All string inverters, substations, transformer stations and buildings/ storage containers should be fully alarmed with a monitored system and covered by CCTV. All CCTV should comply with the Information Commissioner's Office guidance. Appropriate security locks and devices should be installed on all equipment cabinets and associated buildings. Locking device screws/bolts should not be easily accessible when closed, to deter by-passing of the locks themselves by a determined offender. One way security clutch head security bolts/screws or similar can also be utilised to prevent easy removal.
6. We note CCTV cameras are proposed for this development "Cabling would also be required for power and data transfer associated with the CCTV system described below. This would generally follow the perimeter fence lines where the CCTV cameras would be located", which is greatly encouraged. We recommend monitored CCTV and alarms systems to be installed and operational to cover vulnerable elevations and site entrances in addition to point 5. Appropriate crime prevention/security signage warning of the use of CCTV and forensic marking solutions should be installed on the exterior face of the security fencing and any gates.
7. Doorsets and windows should meet PAS 24:2022 as a minimum-security standard. All external doors should have a minimum of two locking points with locks that meet the British Standard. All doors and windows that are not part of a designated fire escape route, should be closed and locked. Glazing for windows should be laminated rather than just toughened for security purposes. Please refer to the Commercial 2015 Guide, Section 2: Physical Security Specifications on SBD Design Guides ([securedbydesign.com](https://www.securedbydesign.com)) for doorsets and windows.
8. Given the amounts of equipment and copper cable likely to be on site during construction, it is essential that the site and the temporary compounds are secured, and appropriate temporary alarm and CCTV systems are installed, particularly if a security guard is not to be employed during construction. Any plant and associated fuel bowsers should also be secured, alarmed and immobilised at the end of each working day.

9. Car Park. The design criteria for car parks should follow the principles laid down in the police owned 'ParkMark' initiative. 'ParkMark' initiative (appropriate lighting, CCTV, Security fencing, Exit/entry barriers and gates, clear signage to help drivers and pedestrians navigate the car park safely etc). Any EV charging points should be provided in a safe and secure space. Secure motorcycle moped and scooter parking should be made available for staff and visitors. Such parking provision should benefit from surveillance, secure ground anchors and be lit after dark when in use.

If approved, site security is required for the construction phase. There is a duty for the principle contractor "to take reasonable steps to prevent access by unauthorised persons to the construction site" under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

We welcome a discussion with the applicant/agent about site specific designing out crime. If the points above are not addressed, they can affect the development and local policing.

8 **AGREEMENT FOR IMPOSITION OF PRE-COMMENCEMENT CONDITION(S)**

In accordance with The Town and Country Planning (Pre Commencement Conditions) Regulations 2018 and paragraph 36 of the Planning Practice Guidance the Local Planning Authority has agreed in writing with the applicant on 06/08/2024 to the inclusion of the following pre-commencement conditions:

Condition 3 - Contamination Land;
Condition 5 - UXO Operational Risk Management Plan;
Condition 6 - Construction Environmental Management Plan (CEMP); and
Condition 7 - Surface Water Drainage.

9 **RIVER WORKS LICENCE**

Any proposals for BNG relating to River Thames, or any potential new or amended use of the river for extraction or outfall will require a River Works Licence with the PLA and the PLA's Statutory Consents and Compliance team should be contacted at lic.app@pla.co.uk to discuss further.

Dated: 9 August 2024

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

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

NOTIFICATION TO APPLICANT

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If this is a **householder application*** which has been refused and you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks of the date of this notice**.

- For all other applications, refused or permitted, if you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- **For further information regarding Appeals and to make an application please click the relevant link:**
<https://www.gov.uk/appeal-householder-planning-decision>
<https://www.gov.uk/appeal-planning-decision>
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

***Householder applications**

These are:

- (a) applications for planning permission for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or
- (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development

but does **not** include –

- (i) an application for change of use;
- (ii) an application to change the number of dwellings in a building.

PURCHASE NOTICES

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.