

Delegated Report

Planning Application

Planning Application No: 20230906

Location: Kimberly Clark Ltd Northfleet Mill Crete Hall Road Northfleet

Description: Construction and operation of a 20MW Green Hydrogen Electrolyser and associated infrastructure.

Applicant: HYRO Energy Ltd. C/o Agent

Site Visit Date: Previous Visits on Multiple Occasions

Submitted Documents/Plans

Application Form

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

05135-RES-UTI-DR-XX-001 Rev 4 – Existing Utility Locations 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
 Response to PLA

Decision Letter from Secretary of State (regarding EIA Application)
 Written Statement from Secretary of State (regarding EIA Application)

Superseded Documents:

~~05135-RES-LAY-DR-PT-001 Rev 3 – Site Location Plan~~
~~Flood Risk Assessment (August 2023)~~

Relevant Planning History

Reference	Description	Decision	Decision Date
Secretary of State Decision: PCU/EIA/K22 30/3335757	Request for Screening Opinion in Relation to land at Kimberly-Clark Northfleet Mill, Northfleet - Construction of a Green Hydrogen Electrolyser and associated infrastructure.	Not EIA Development	04/04/2024
20230909	Request for Screening Opinion in Relation to land at Kimberly-Clark Northfleet Mill, Northfleet - Construction of a Green Hydrogen Electrolyser and associated infrastructure.	EIA is Required	06/12/2023
20041030	Erection of high bay warehouse, pulp barn and sub station to replace premises destroyed by fire including associated staff car park, lorry and trailer parking and incorporating landscaping strip.	Permitted	10/01/2005

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS03 – Northfleet Embankment and Swanscombe Peninsula East Opportunity Area
- CS07 – Economy, Employment and Skills
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards

Paragraph 33 of the NPPF (2023) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as

necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

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

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving well-designed and beautiful places
- Section 14 – Meeting the challenge of climate change, flooding and coastal change

Supplementary Planning Guidance

- SPG 4 - KCC Parking Standards (2006);

Consultations, Publicity and Representations

Consultees

Ward Councillors

No comments received.

GBC Licensing

30/10/23 and 15/05/24

No comment.

GBC Environmental Protection

Updated comments received on 30/05/24

Nothing further to add to the consultation response that was sent on 31st October 2023.

Updated comments received on 31/10/23

The additional information submitted has been reviewed.

Contamination

The Phase 1 Geo-environmental Desk Study dated 09/06/20123 (G-22-049 Rev 2) by GVR Geoservices Ltd has been reviewed. The methodology and findings of the report are accepted. The report concludes that due to past history of contaminative uses on the application site and also the adjacent site and its location in term of the aquifer and shallow water table, the site presents a moderate to high risk of potential mobile contaminants. These include PAHs, TPHs, PBCs and asbestos containing materials. Further intrusive investigation is therefore needed. In addition, gas and groundwater assessment is needed with monitoring for a 3-month period (if required) if there are to be fixed and occupied buildings with confined spaces, due to the risk of ground gases from made ground and organic alluvium.

Unexploded Ordnance (UXO)

In addition, a detailed Unexploded Ordnance (UXO) risk assessment has been commissioned (Appendix D of the Desk Study). This places the site as Low to Medium risk of UXO and therefore a UXO Risk Management Plan is recommended and should be undertaken prior to any intrusive groundworks taking place.

Air quality

It is noted that the requested Air Quality Assessment (AQA) has not been submitted, but emissions rates to air have been. Based on this, I think the applicant/their agent may have mis-understood the reasons for requesting an Air Quality Assessment. This is to review and assess the impact of the proposed development on the Northfleet Industrial Area Air Quality Management Area (AQMA) and air quality in the area generally. Impacts on air quality are assessed in terms of construction impacts and operational impacts, and the development should not adversely impact levels of pollution in the AQMA/area or result in any worsening of or further exceedances of Air Quality Objectives.

In the absence of an AQA and to help move forwards towards a determination of the application, I have reviewed the Transport Assessment and undertaken a basic Air Quality screening assessment. In terms of construction impact on the AQMA, there will be some additional traffic to/from the site for deliveries and construction. Large components will be delivered by barge via the Thames with other materials coming by road via various routes. Information has been provided regarding total trips for various vehicles over the expected 12-month construction period with maximum daily trip data also being supplied. Based on this, in terms of expected Annual Average Daily Traffic (AADT) movements, the proposal falls just within the criteria where an AQA is required in terms of both LDV and HDV daily movements. This is based on criteria within LAQM TG16 and the IAQM Air Quality and Planning Guidance. In this respect, construction impact from vehicle movements are not anticipated to give rise to air quality concerns.

Any issues from fugitive during the construction phase can be addressed by a suitably worded Construction Environmental Management Plan (CEMP) condition.

Once operational, the Transport Assessment advises that very little traffic will be involved with the plant's operation apart from c. monthly inspections/maintenance visits and visit to deliver consumable such as nitrogen bottles over few months. The process itself is not polluting in terms of particulate emission (the pollutant the AQMA was declared for) or other pollutants covered by the Local Air Quality Management regime we are responsible for. Once operational, there is likely to be minimal impact on air quality locally.

Based on the above, I am happy to withdraw my request for an Air Quality Assessment to be submitted for evaluation

To address the above and other matters, the following conditions are recommended:

Land Contamination

No development approved by this permission shall be commenced prior to a contaminated land assessment (in accordance with the CLEA guidelines and CLR 11 methodology) and if necessary an associated remedial strategy, together with a timetable of works, being submitted to the Local Planning Authority for approval.

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.

Watching brief

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 LPA as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out.

Unexploded Ordnance (UXO)

Prior to any intrusive groundworks associated with the development taking place, 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 has been 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.

Construction Environmental Management Plan (CEMP)

Prior to the commencement of the development 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:

- 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

Comments received on 05/10/23

The additional information submitted has been reviewed.

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The CEMP shall include:

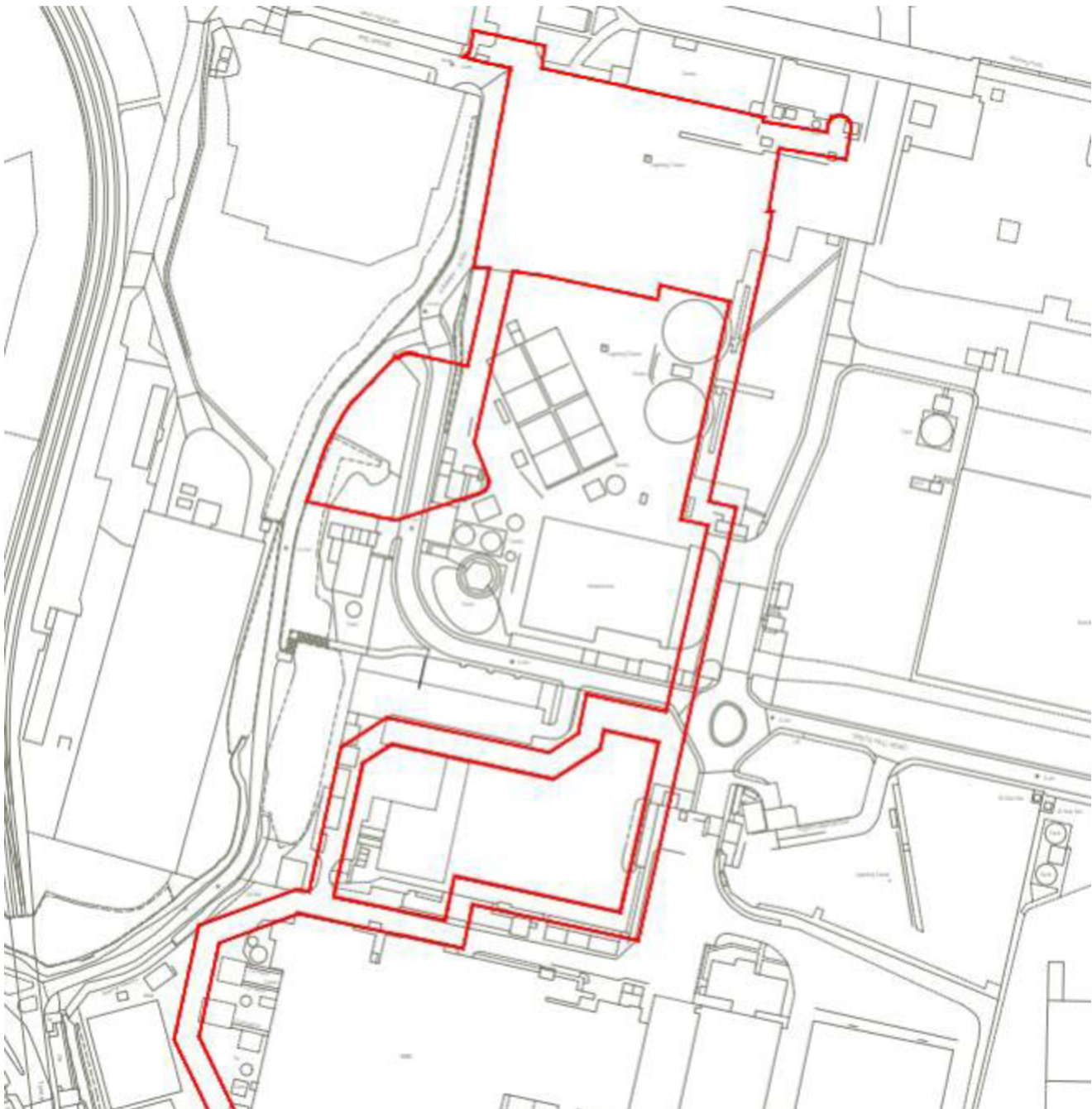
- An indicative programme for carrying out the works
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- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
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- 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

KCC Biodiversity

Updated comments received on 30/07/24

The PEA and BNG were completed in 2023 and the redline boundary submitted as part of this application is larger than the area surveyed.





The submitted ecological information is under the impression that the woodland areas (green spotted areas in the east of the site) will not be impacted by the proposed development.

If they are not being impacted, why are they within the redline boundary?

If they are being impacted by the works, there is a need for the BNG assessment to be updated to include the area of woodland. If areas of woodland are to be lost, we highlight that the proposed off site habitat enhancement of the grassland areas will not be sufficient to mitigate for the impact and a BNG will not be achievable.

If it is only the habitat detailed within the metric being lost by the proposed development, then we advise that this site is exempt from BNG as it will be impacting less than 25m² of habitat.

Southern Water

Updated comments received on 31/05/24

The developer proposes utilization of existing connections to the public sewers with a reduced flow being discharged to the sewerage network. This discharge can be permitted, if proven to be connected and it is ensured that there is no overall increase in flows into the surface water system. The applicant will be required to provide 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.

All other comments in our response dated 16 October 2023 remain unchanged and valid.

Updated comments received on 17/11/23

The comments in our response dated 16 October 2023 remain unchanged and valid for the additional details.

Comments received on 16/10/23

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.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf

Please note: There are private communication pipes within the development site.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

In order to protect public sewers, Southern Water requests that if consent is granted, the following condition is attached to the planning permission; The developer must agree with Southern Water, prior to commencement of the development, the measures to be taken to protect the public sewers.

Trade effluent is any liquid waste (effluent) discharged into our sewers from a business or industrial process. This includes any wastewater derived from a production process or from washing down or cooling activities including wastes from public funded activities such as municipal landfills. This can be best described as anything other than domestic sewage (toilet, bath or sink waste) or uncontaminated surface water and roof drainage (rainwater). southernwater.co.uk/retail/trade-effluent-retailer

The Trade Effluent application process for non-household (NHH) customers has changed since April 2017. This was a government decision to open the Market to competition.

In order to apply for a consent, you will need to engage a Retailer and submit the application through them.

Southern Water (SWS) is still the owner of assets (Wholesaler), but all administrative or billing matters are conducted by the Retailer of your choice.

Attached is a link to the Open Water website that lists Retailers available. Please note that not all Retailers will provide a Trade Effluent service.

open-water.org.uk/for-customers/find-a-retailer/suppliers/english-water-and-wastewater-retailers

Once we have received an application via your appointed water retailer, we have 2 months to issue a consent or refuse the application. Any requirement to discharge directly to the environment will require a permit/consent from the Environment Agency.

Should the Local Planning Authority be minded to grant planning permission for this development we request that the following condition is attached to the consent: The applicant should ensure that the Trade Effluent discharge licence has been obtained, before the connection to the public sewerage network can be approved.

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water.

Southern Gas

No comments received.

UK Power Networks

No comments received.

Dartford Group Fire Safety Office

No comments received.

Health and Safety Executive

Updated comments received on 13/05/24

Thank you for your letter of 10 May to HSE's Land Use Planning advice team asking for comments on Planning Application 20230906 (Application for a green hydrogen electrolyser and associated infrastructure at Kimberley Clark, Northfleet Mill). HSE is a statutory consultee for certain developments within the Consultation Zones of major hazard sites and major accident hazard pipelines, and provides advice on the risks to people at a proposed development from a major accident.

Having reviewed the information in the application, we can confirm that the conclusions of HSE's previous assessment of the planning application still apply.

Therefore, our previous advice letter of 26 September 2023 still stands.

Updated comments received on 30/11/23

Thank you for your letter of 27 October 2023 to HSE's Land Use Planning advice team asking for comments on Planning Application 20230906 (Application for a green hydrogen electrolyser and associated infrastructure at Kimberley Clark, Northfleet Mill).

HSE is a statutory consultee for certain developments within the Consultation Zones of major hazard sites and major accident hazard pipelines, and provides advice on the risks to people at a proposed development from a major accident.

Having reviewed the information in the application, we can confirm that the conclusions of HSE's previous assessment of the planning application still apply.

Therefore our previous advice letter of 26 September 2023 still stands.

Comments received on 26/09/23

Thank you for your letter of 25 September 2023 to the Land Use Planning advice team of the Health and

Safety Executive (HSE), requesting our comments on the planning application for a [15MW green hydrogen electrolyser and associated infrastructure at Kimberly Clark Ltd, Northfleet Mill, Crete Hall Road, Gravesend.

1. Land Use Planning advice

HSE is a statutory consultee for certain developments within the Consultation Zones of major hazard sites and major accident hazard pipelines.

These types of development include more than 750m² of floor space to be used for an industrial process and developments which are otherwise likely to result in a material increase in the number of persons working within or visiting the notified area (once the construction work has been completed).

HSE has developed a Web App (<https://pa.hsl.gov.uk/>) to provide planning authorities and developers with HSE's Land Use Planning advice for new developments.

In this case, we can confirm that the proposed development does not lie within the Consultation Zone of any of the major hazard sites or major accident hazard pipelines considered by HSE. Therefore, based on the information provided there is no need to consult HSE's Land Use Planning advice team on this application, and we have no comments to make.

We should be grateful if Gravesham Borough Council could consult with HSE on future planning applications using the LUP WebApp.

2. 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.

Port of London Authority

Updated comments received on 31/05/24

Further to recent correspondence we have now had the chance to review the application details and no further information has been submitted to address any of our original comments. Our previous comments, as outlined on 12th October 2023 therefore still apply.

Updated comments received on 12/10/23

Thank you for consulting the Port of London Authority (PLA) on the application in relation to the construction of a Green Hydrogen Electrolyser and associated infrastructure at Kimberly-Clark Northfleet Mill. We have now had the opportunity to review the submitted application and have the following comments to make.

Further to the previous comments made on the Screening Opinion in relation to this application (Ref 20230909), the PLA are not satisfied that a number of the issues have been suitably addressed. The Preliminary Ecological Appraisal states that the applicant will be delivering Biodiversity Net Gain (BNG) as part of the project. However, no detail as to how this will be delivered have been submitted. The distance between any works and the top of the riverbank isn't clear from the information submitted, so if any works involve the riparian zone (such as works to the river wall etc.), the applicant will need to provide a 10% net gain in river units under the principles of BNG. The biodiversity metric and report that sets out how the principles of BNG have been applied have not been submitted and therefore it is not possible to comment in any further detail.

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. We note from the Flood Risk Assessment that the applicant is aware that the proposed development is in a ground water source protection zone, and that they intend to provide extra precautions to ensure the quality of the water discharged to the ground. However, the detail on this has not been provided to duly consider impacts of the proposed construction and the longer-term operation of the Hydrogen Electrolyser on ground water.

Our prior comments on the Screening Opinion, referred to the proximity of the site to safeguarded wharves, as outlined in the Gravesham Local Plan Core Strategy and Policies Map (Map 1). The proposal must consider Policies CS07 Economy, Employment and Skills and Policy CS11 Transport of the Local Plan, in the context of supporting the continued use of the River Thames for commercial and passenger transport, whilst safeguarding and maximising the use of the existing commercial wharves. Although noted in the Transport Statement that deliveries of large components and equipment will be implemented via the wharves where feasible, further details of this should be reflected in associated Construction Logistics Plans (CLP) and/or Construction Environment Management Plans (CEMP). The Planning Design and Access Statement does not consider Policy DM8 (Safeguarding Minerals Management, Transportation Production & Waste Management Facilities) of the Kent Minerals and Waste Local Plan.

National Grid

No comments received.

Kent Police Designing Out Crime Team

Comments received on 10/05/24

We 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) 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.

This information is provided by Kent Police DOCO's and refers to situational crime prevention. This advice focuses on CPTED and Community Safety with regard to this specific planning application.

Neighbouring properties

395 surrounding properties were consulted, and 2 comments were received from members of the public. 1 objection and 1 comment of support. Summary of the comments received are including below:

Objection:

- Not enough information available to assess usefulness of project.

Support:

- Save the world, save the environment.

Officer's Analysis

Principle of Development

This application is located inside the Urban Boundary. Policy CS02 (Scale and Distribution of Development), identifies first tier settlements, including Gravesend, Northfleet and Ebbsfleet as the most sustainable parts of the borough.

Policy CS03 also states that;

'The Swanscombe Peninsula East Riverside Industrial Area, Kimberly Clark Site and Imperial Business Estate will be retained in employment use and the Council will support proposals which expand and support their operation.'

Policy CS07 states that;

In considering development proposals, particular support will be given to schemes incorporating small and flexible industrial and/or office workspaces of high quality intended to support the start-up and expansion of small and medium-sized enterprises. The council will also support the refurbishment and upgrading of existing industrial and commercial premises and improvements in information and communications technology to facilitate more flexible working practices and the changing economic needs of the Borough.'

Paragraph 85 of the NPPF (2023) states:

'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.'

Industrial Strategy: building a Britain fit for the future 2017 (updated June 2018) identifies one 'grand challenge' as 'maximising the advantages for UK industry from the global shift to clean growth.' Within this it identifies a need to explore low carbon hydrogen options. As per footnote 44 of the National Planning Policy Framework, industrial proposals seeking to use low carbon hydrogen methods would therefore represent an opportunity for Britain to be a 'global leader in driving innovation'. It is noted that this document was withdrawn on 1st March 2023 and the Industrial Strategy has been transition into the Build Back Better: Plan for Growth and its related strategies. This document also emphasised the importance of low carbon hydrogen production in meeting the transition to Net Zero target.

Paragraph 124(b) of the NPPF (2023) states that planning policies and decisions should :

'recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;'

Paragraph 124(d) of the NPPF (2023) states that planning policies and decisions should :

'promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks,

lock-ups and railway infrastructure) 50 ; and'

The NPPF (2023) also identifies that the planning system should 'support the transition to a low carbon future in a changing climate...'

When determining planning applications 57 for renewable and low carbon development, local planning authorities should:

'(a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions;

(b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas; and

(c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site, and approve the proposal if its impacts are or can be made acceptable.'

In terms of Local Planning Policy, this site is located in an urban area, which is prioritised for development as a sustainable location. The proposed hydrogen facility would be used for the production of low-carbon hydrogen, to support the existing paper mill industry on the site. It is a standalone, low carbon proposal which should be supported where it accords with all other policies in the plan. The support for such development is reflected within the National Planning Policy Framework (2023), in particular, it is noted that the site does use an area of previously developed, underutilised land within the existing industrial site which is preferable. It recognises that small scale projects such as this would contribute to cutting greenhouse-gas emissions and that low carbon hydrogen options can contribute to meeting industry challenges in Britain which in turn would assist in ensuring that Britain is a 'driving force for innovation'. Not only is this of benefit for environment and climate change, but it would help to create the conditions in which this local industry can invest, expand, and adapt. The proposal would clearly therefore result in a positive impact in terms of the NPPF's economic and environmental goals, which lie at the core of the NPPF's definition of sustainable development. In terms of the social goals, there is some community benefit, by supporting investment and growth of local businesses, local employment is protected and created. There are residences surrounding the site and so to ensure that the social arm of sustainable development is upheld, the design should consider the impacts on the surrounding occupiers and the character and appearance of the area.

Locationally, the development would be acceptable in principle. However, all other relevant matters would also need to be considered. The principal considerations in the assessment of this application are:

- Screening Opinion
- Design and Character
- Residential Amenity
- Hazardous Substances
- Biodiversity Net Gain
- Contamination
- Thames Estuary and Ramsar Site

Screening Opinion

As the planning history details (and as included below), a screening opinion for this development was submitted in 2023. The decision made by Gravesham Borough Council as the Local Planning Authority, was that an Environmental Impact Assessment (EIA), was required. This decision was based on the nature of development, the location and sensitivity of the area. However, the applicant and planning agent

appealed this decision with the secretary of state, providing them with additional information relating to water demand. In a letter dated 4th April 2024, the Department for Levelling Up Housing & Communities advised that the Secretary of State does not consider that the proposal is likely to have significant effects on the environment and as such directed that the proposed development 'is not EIA development' within the meaning of the 2017 Regulations. Essentially, this decision by the Secretary of State means that no Environmental Impact Assessment would be required for this development.

-	Secretary of State Decision: PCU/EIA/K2230/3335757_for Screening Opinion in Relation to land at Kimberly-Clark Northfleet Mill, Northfleet - Construction of a Green Hydrogen Electrolyser and associated infrastructure	Not EIA Development	04/04/2024
20230909	Request for Screening Opinion in Relation to land at Kimberly-Clark Northfleet Mill, Northfleet - Construction of a Green Hydrogen Electrolyser and associated infrastructure.	EIA is Required	06/12/2023

Design, Character and Appearance

The proposed hydrogen facility would be located in the existing industrial site and as such its location would be appropriate for the existing setting. It would be on an area of current hardstanding which appears to be for storage. The main compound excluding water and Hydrogen connection would be set away from the highway to the south by approximately 169m and surrounded by security fencing. Elevational plans of the fencing have been provided showing a maximum height of 3m.

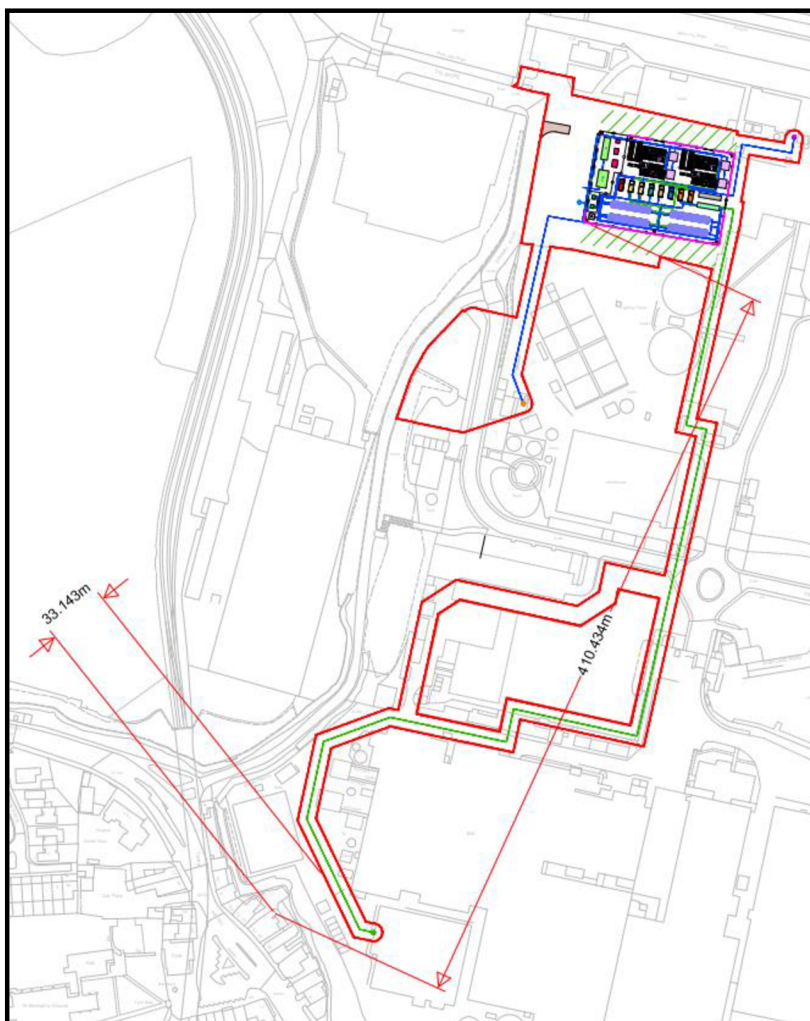
The hydrogen pipe would run from the south to the hydrogen connection within the site. The water supply connection would run from the northeast and the foul water connection would run to the southwest of the site. Whilst it is not clear whether the pipework will be above/underground, based on the information provided, this will likely be a mix of both. On balance, the facility would have a set back from the streetscene and would fit with the industrial appearance of the setting in which it would be located. The fencing would also partially obscure the development, with the proposed structure not appearing unduly large or out of character in this industrial setting. It would be no more visible to the public than those existing buildings surrounding and so its appearance would have a limited impact on the character and setting.

On balance, the proposed development would comply with the requirements of Policy CS19 of the Core Strategy 2014 and paragraph 135 of the NPPF (2023) in terms of design, character and appearance.

Neighbouring Amenity

The NPPF (2023) states that planning decisions should aim to secure a high standard of amenity for all existing and future users. The impact on amenity is also considered with regard to the criteria with Policy CS19 of the Core Strategy, which states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of those of neighbouring properties and land. Following a period of consultation with neighbouring properties, 1 objection to the proposal was received. One letter of support was also received.

The main area of the development would be set away from the nearest residences to the south by 410.4m. There would however be a new hydrogen connection which would be 33.1m from these residences as shown in the image below (Not to Scale).



The site is set away from the residential area and would not result in significant impact to residential neighbours with regard to overbearing bulk, overshadowing or overlooking. However, it is noted that noise impacts as a result of the development should be considered. Therefore, a condition requiring a Construction Environmental Management Plan would be required which would include measures to minimise dust and noise during construction.

The proposal is therefore considered to safeguard the amenity of neighbouring properties in compliance with policy CS19 of the Core Strategy 2014, subject to details reserved by condition.

Hazardous Substances

The Health and Safety Executive have confirmed that the proposed development does not lie within the Consultation Zone of any of the major hazard sites or major accident hazard pipelines considered by HSE. However, Hazardous Substances Consent (through HSE) will likely be required as per the Planning (Hazardous Substances) Act 1990. This requirement will be included as an informative on the decision to remind the agent and applicant of this.

Biodiversity Net Gain

The Port of London Authority (PLA), have raised concerns regarding the lack of Biodiversity Net Gain (BNG). During the course of the application, new legislation came into planning law, which required a 10% Biodiversity Net Gain on certain development, in specific circumstances. Exceptions to this are applied when development is considered to be 'de minimis'.

Given the BNG requirement, KCC Biodiversity were consulted following the provision of a BNG Metric. They raised concerns that the site outline included an area of woodland which was not included in the provided metric. Based on this enquiry this area was removed from the site outline, as the agent identified that no works are proposed to this area. The comments from KCC Biodiversity state that if it is only the habitat detailed within the provided metric being lost by the proposed development, the site would be exempt from BNG as it would be considered 'de minimis' as affecting less than 25m² of habitat. Based on the amended site plan and the metric as provided, the 'de minimis' exemption for BNG therefore applies to this scheme. The lack of BNG on this site is therefore considered to be acceptable as the 'de minimis' exemption applies.

The PLA expand further on their concerns regard BNG, by stating that:

'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. We note from the Flood Risk Assessment that the applicant is aware that the proposed development is in a ground water source protection zone, and that they intend to provide extra precautions to ensure the quality of the water discharged to the ground. However, the detail on this has not been provided to duly consider impacts of the proposed construction and the longer-term operation of the Hydrogen Electrolyser on ground water.'

Whilst it may be necessary for a River Works Licence to be obtained, this is a requirement outside of the provision of planning controls and is a separate matter for the PLA as the authorising body for such licenses, to attend to. An informative will be added for the avoidance of doubt.

Contamination

The NPPF (2023) at paragraph 190 states that;

'Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.'

and at 189 that

"Planning policies and decisions should ensure that: (a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation); (b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990 and (c) adequate site investigation information, prepared by a competent person, is available to inform these assessments."

GBC Environmental Protection have been consulted on the scheme. A Phase 1 Geo-environmental Desk Study has been submitted with this application. The Environmental Protection Team have advised that the findings of the report are accepted. They state:

The report concludes that due to past history of contaminative uses on the application site and also the adjacent site and its location in term of the aquifer and shallow water table, the site presents a moderate to high risk of potential mobile contaminants. These include PAHs, TPHs, PBCs and asbestos containing materials. Further intrusive investigation is therefore needed. In addition, gas and groundwater assessment is needed with monitoring for a 3-month period (if required) if there are to be fixed and occupied buildings with confined spaces, due to the risk of ground gases from made ground and organic alluvium.

As such, the impact of the development does present a risk of contamination. Pre-commencement conditions could be applied which would require investigation and submission of a groundwater assessment, with monitoring if required. The NPPF Glossary defines 'Site Investigation Information' as

follows:

'Includes a risk assessment of land potentially affected by contamination, or ground stability and slope stability reports, as appropriate. All investigations of land potentially affected by contamination should be carried out in accordance with established procedures (such as BS10175 Investigation of Potentially Contaminated Sites – Code of Practice).'

Paragraph 009 on Land Affected by Contamination of the Planning Policy Guidance (PPG) states:

'Responsibility for securing a safe development rests with the developer and/or landowner. However, local planning authorities should be satisfied that a proposed development will be appropriate for its location and not pose an unacceptable risk.'

Local planning authorities should work with applicants to find acceptable ways forward if there are concerns about land contamination. For example, establishing or retaining areas of green infrastructure may serve to limit harmful disturbance of the ground. To help secure necessary mitigation, planning permission can be granted subject to conditions and/or planning obligations, where the relevant tests are met.'

It is considered that application of such conditions would appropriately address the issues with this scheme. Subject to details reserved by condition, the proposed development would comply with policy CS19 of the Core Strategy 2014 and paragraphs 189 and 190 of the NPPF (2023).

Thames Estuary and Ramsar Site

Paragraph 180 and 183 of the NPPF (2023) requires planning decisions to ensure that the natural and local environment is enhanced by minimising impacts on and providing net gains for biodiversity and this is reflected in Section 40 of the Natural England Commission Rural Communities (NERC) Act (2006) and the Environmental Act (2021).

Policy CS12 (LPCS) indicates that sites designated for their biodiversity value will be protected, with the highest level of protection given to internationally designated Special Protection Areas, Special Areas of Conservation and Ramsar sites, and that there will be no net loss of biodiversity in the Borough.

The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering waterbirds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing development. Developers will need to pay £328.27 for every new dwelling provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds.

Where there are no other contributions required for a development applicant generally have chosen to submit the payment of £328.27 per dwelling by filling in the Strategic Access Management and Monitoring Strategy (SAMMS) Agreement. By filling in this form there are no legal fees to be paid by the applicant and refund mechanisms are in place in the event of a refusal.

In this case, the SAMM's tariff would not be applied as it would not relate to any of the defined use classes which would require payment. Essentially the scheme would not likely result in an increase in people using the Thames estuary and marshes for recreation, which would impact the use of these sites by migrating

birds.

Therefore, the development would comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 185 and 186) of the National Planning Policy Framework 2023 and Policy CS12 of the Gravesham Local Plan Core Strategy (2014).

Other Matters

The PLA made comments stating that the application must be considered against local plan policies CS07 (Economy, Employment and Skills) and CS11 (Transport). The scheme has been assessed against CS07 and is considered acceptable in that regard. However, the proposed scheme is for a hydrogen facility on an existing industrial site. It is expected that the site will use the wharves for commercial deliveries for the site currently and the proposed development is not considered to change that use. As such, consideration against CS11 is unnecessary. The PLA also suggest that the Design and Access Statement provided does not considered Policy DM8 of the Kent Minerals and Waste Local Plan. However, this does not form part of the adopted Development Plan at Gravesham Borough Council and therefore cannot be considered in assessing this application.

Conclusion & Recommendation

As assessed, the proposed scheme would have limited impact on the character of the area, the scheme would be set away from most public visibility, would be of an appropriate scale and appearance, reflective of its industrial setting. In this position, sited away from residential properties, the scheme would have limited impact on residential amenity of nearby occupiers. Hazardous Substances Consent may be required due to the use of Hydrogen, but this is a separate legislation and can be addressed by inclusion of an appropriate informative. The scheme has also been assessed as 'de minimis' against the Biodiversity Net Gain requirements and the details are therefore acceptable in this regard. It has been assessed that there is potential for land contamination on this site. However, these may be addressed by appropriate Pre-Commencement conditions. The scheme does not include residential development which may result in increased impact on Migrating Birds and so the SAMM's payment would not be required for this scheme. Subject to details reserved by condition, the proposed development complies with all relevant national and local planning policies. The recommendation is to approve.

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Mrs Lisa Fisher	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	6 th August 2024	Dated:	09 August 2024