

29 October 2024

Attention: Planning
Gravesham Borough Council
Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

SLR Project No: 402.064683.00001

Client Reference No: Britannia Refined Metals Ltd

RE: Discharge of Conditions 3, 4, 5, 6, 8, and 9 of Planning Permission Ref: 20240234 for the erection of an emissions management building consisting of a baghouse and stack.

Introduction

Planning Permission Ref.20240234 for the 'Erection of emissions management building consisting of a baghouse and stack' was granted by Gravesham Borough Council (GBC) on the 27th September 2024, and was subject to 12 conditions.

Conditions to be discharged

SLR Consulting Limited (SLR) have been instructed to provide the information required to discharge Conditions 3, 4, 5, 6, 8, and 9. The wording of these conditions is set out in full below, along with SLR's response to the requirements of the condition.

Condition 3 – Contamination

Condition 3 states:

No development approved by this planning permission shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

- a) A site investigation scheme, based on the findings of the Phase 1 Geotechnical and Environmental Desk Study 11 August 2023, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.*
- b) The results of the site investigation and the detailed risk assessment referred to in (a) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.*
- c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.*

Any changes to these components require the written consent of the Local Planning Authority. The approved details shall be implemented.

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 in line with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

SLR Response

Condition 3 references the requirement for a contaminated land assessment and stipulates a phased approach in accordance with the current best practice, as defined by the Land Contamination Risk Management (LCRM) guidance. The assessment of the Sample Preparation Building and Emissions Management Building site was commenced with an initial Phase One Geotechnical and Environmental Desk Study (11 August 2023) that was followed by a Phase 2 Ground Investigation Report (19 October 2023). The Phase 2 assessment included geo-environmental testing of soils and water, and a Generic Quantitative Risk Assessment.

A copy of the Phase 2 Ground Investigation Report is submitted in response to Part a) of Condition 3.

SLR (on behalf of BRM) implemented the programme of ground investigation, laboratory analysis, environmental monitoring and risk assessment. The findings from these did not identify any significant long terms risks with the potential to impact sensitive human, environmental and built receptors. Furthermore, these reports established that any short terms risks posed to site workers during the construction phase could be managed by appropriate working practices and health and safety precautions as detailed by the site's Construction Management Plan (CMP).

In light of the findings of the completed ground investigation work, no further phases of remediation and verification were deemed necessary, and as such the aforementioned Phase One and Phase Two reports are deemed appropriate with which to fully discharge Parts b) and c) of Condition 3.

In summary, the ground contamination works have reached a stage where no pollutant linkages remain, therefore, SLR have concluded that the site is suitable for the intended use without any further works. No further remediation and validation of the site required as the site is 'clean'. On this basis we believe that Condition 3 can be discharged in full.

Condition 4 – Construction Management Plan

Condition 4 states:

No development approved by this planning permission shall commence until a construction management plan has been submitted to, and approved in writing by, the Local Planning Authority. The document will address the following requirements:

- a) The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:*
- b) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;*
- c) Prior to the commencement of works a Dust Management Plan shall be submitted for approval. Work shall be undertaken in accordance with the approved plan which should make reference to current guidance on the 'Assessment of Dust from Demolition and Construction' (IAQM) or an acceptable equivalent. This must include asbestos investigation and handling.*



- d) *Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site (this is notwithstanding any Prior Consent that exists for the site under section 61 of the Control of Pollution Act 1974).*
- e) *A Construction Site Workers Risk Assessment to address working with potentially contaminated soils.*
- f) *Hours of works: works should only be undertaken between 0800 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays (this is notwithstanding any Prior Consent that exists for the site under section 61 of the Control of Pollution Act 1974).*

The development shall be implemented in accordance with the approved construction management plan.

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 ground contamination in line with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

SLR Response

SLR have prepared a Construction Management Plan (CMP) for the BRM Sampling Preparation facility and Emissions Management Building), and this provides the information required by Condition 4. The CMP forms part of the site induction which is mandatory for all employees, contractors and visitors attending the Site. The CMP is supported by the Principal Contractor's Construction Phase Health and Safety Plan.

In relation to dust management, a hoarding will be built around the construction area, to contain airborne dust from site preparation works and construction.

In addition to the dust management information set out in the CMP, ES Monitoring Limited have been appointed to undertake dust monitoring during site works. A MCERTS certified ES642 dust monitor has been installed on the hoarding that surrounds the construction area and the equipment was calibrated prior to on-site installation. If the monitoring confirms that the dust has reached a 'trigger level' i.e. 150 ug/m³ 1 hour, daily checks will be made to identify the source of the dust and the measures required to bring the dust back to below trigger levels.

A trigger level has been set as per below table:

Dust Trigger Levels:

	Receiver of Alert	Trigger level and integration period
RED	steve@nick-brownltd.co.uk	150 ug/m ³ 1 hour.

Source: ES Monitoring Limited Dust Monitoring Report Project Ref. 20683 04 March 2024 to 31st March 2024

Copies of the Dust Monitoring Reports are available upon request and to date, the trigger level has not been reached.

All material will be removed from the Site in covered vehicles and a mobile water bowser will be used to dampen the construction area and haul roads, in dry weather, to reduce windblown dust. There will also be provision to wash vehicle wheels, to reduce the amount of dust tracked out onto the highway.



On the basis of the information provided in this letter, the CMP and the Construction Phase Health and Safety Plan, we believe that Condition 4 can be discharged in full.

Condition 5 – Asbestos Risk Assessment

Condition 5 states that;

An Asbestos Risk Assessment under the Control of Asbestos Regulations 2012 shall be undertaken and submitted to, and approved in writing, by the Local Planning Authority prior to any excavation works commencing on site. Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during the groundworks stage, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

The development shall be implemented in accordance with the approved asbestos risk assessment.

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 ground contamination in line with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

SLR Response

The Phase 2 Ground Investigation Report (19 October 2023) confirmed that the sample of Made Ground recovered from BH01 at 0.5m bgl was identified as containing asbestos that was found to be in the form of fibre bundles and ACM debris of Chrysotile (white asbestos).

As a result of the findings, all excavations will be treated as contaminated and as such all waste transfer notices will be supplied by the Principal Contractor to the applicant, in accordance with asbestos regulations.

All site workers will be protected from asbestos dust through the use of PPE (suits, respirators and eye protection, sealing the site with plastic sheeting and wetting the site, to prevent dust becoming airborne.

The Principal Contractor confirmed that other protection measures will include the following, to protect the workforce:

- Minimising the need to break ground wherever possible through localised excavations and the use of piled foundations;
- Having the works areas fully segregated from the rest of the BRM site during excavations to prevent unauthorised access to the groundworks;
- Providing dust monitoring stations erected prior to the groundworks with results continually monitored and report;
- Ensuring all workers are given a full site induction which includes details of the potential of working with hazardous materials;
- Ensuring all workers wear total headcovers with filtered air flow units, gloves and full-length arm and leg during excavations works;
- Ensuring all workers wear cleaned overalls each day;
- Ensuring damping techniques are used during all excavation works;



- Ensuring all excavation plant is washed at the end of each shift; and
- Having individuals on site who are experienced and have received specific training on identifying traces of hazardous materials, including asbestos on site during all excavations.

The Principal Contractor will appoint a specialist waste company to manage the removal of all soils in accordance with the relevant regulations, to a licensed facility. The waste company will ensure that the waste soils carried are as per the waste transfer ticket, sheeting all loads and cleaning their wagons following transportation. The information provided above confirms that the Principal Contractor will, in accordance with the requirements of Condition 5, employ adequate and suitable measures for the minimisation of asbestos fibres during the groundworks stage, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. The Principal Contractor has also selected an appropriate waste haulier for transporting hazardous materials and a Waste Company to receive and treat the waste soils.

We therefore request that GBC confirm that the requirements of Condition 5 have been met and that Condition 5 can be discharged.

Condition 6 – Remediation Strategy

Condition 6 states:

Prior to any part of the permitted development being first brought into use a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

SLR Response

In addition to being requested by Condition 3, the provision of a land quality verification report is also requested by Condition 6. In the absence of any identified pollutant linkages that required remediation, it is judged that the preceding Phase One and Two assessments discussed above for Condition 3 will also satisfy Condition 6.

In summary, the ground contamination works have reached a stage where no pollutant linkages remain, therefore, SLR have concluded that the site is suitable for the intended use without any further works. The site will ultimately be capped with a permanent hardcover and buildings. Therefore, no further remediation and validation of the site is required as the site is 'clean'. We therefore request that GBC confirm that no verification report is required and that Condition 6 can be discharged.

Condition 8 – Drainage Strategy

Condition 8 states:

No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.



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 caused by mobilised contaminants in line Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

SLR Response

SLR's Geotechnical Team have confirmed that there will be no drainage to ground. The surface water from the building roofs and surface water will connect into the existing hard standing drainage system. Therefore, no surface water drainage systems have been developed for this project, for discharges to ground.

Condition 9 – Piling Risk Assessment

Condition 9 states:

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

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 caused by mobilised contaminants in line with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

SLR Response

Due to the underlying ground conditions at the site, it has been established that a piled foundation solution will be required, and as such a piling contractor was engaged to devise an appropriate strategy. Based upon the nature of the proposed development, the results of the geo-environmental ground investigation and the assessment of the proposed piling technique in accordance with current EA guidance, it is judged that Continuous Flight Auger (CFA) piles are likely to be most appropriate at the site.

SLR's Piling Risk Assessment (Feb 2024) is being submitted to discharge the requirements of Condition 9.

Conditions 7, 10 & 11

The requirements of Condition 7 (contamination not previously identified) Condition 10 (external materials) and Condition 11 (no external lighting other than that which illuminates the ground) are noted and will be complied with during the lifetime of the development.

Closure

The information provided in this letter and set out in attached documents is considered sufficient to respond to all the requirements of Conditions 3, 4, 5, 6, 8 and 9 of planning permission Ref. 20240234, thereby enabling them to be discharged.

If you have any questions on the information provided, please do not hesitate to contact me.

Regards,

SLR Consulting Limited





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Attachments:

- SLR Phase One Geotechnical and Environmental Desk Study (11 August 2023)
- SLR Phase Two Ground Investigation Report (19 October 2023)
- SLR Piling Risk Assessment 12 February 2024
- SLR Sample Preparation Construction Management Plan (20 September 2024)

Cc Nick Haskell – Britannia Refined Metals

