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Ethan Bonthron
Gravesham Borough Council
Sent via email

Our ref: KT/2024/132103/01-L01
Your ref: 20240960
Date: 29 November 2024

Dear Ethan Bonthron

Change Of Use To Open Storage (Use Class B8) With Associated Works, Cycle And Car Parking

Gas Holder, Canal Road, Gravesend, DA12 2RS

Thank you for consulting us on the above application on 5 November 2024.

Environment Agency Position

Thank you for consulting us on the above application. We have **no objections** to the proposal subject to the following **planning conditions** and **informatives** being applied to any planning permission granted.

Groundwater and Contaminated Land

The previous use of the proposed development site as a gas holder presents a medium risk of residual contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this location because the proposed development site is located upon Principal aquifer overlain by a Secondary aquifer

The reports submitted in support of this planning application provides us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development.

Further detailed information will however be required before built development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the Local Planning Authority. In light of the above, the proposed development will be acceptable if planning conditions are included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework.

Without these conditions we would object to the proposal in line with paragraph 180 of the National Planning Policy Framework because it cannot be guaranteed that the

development will cause or be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Land affected by contamination

Condition 1

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:

1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) 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.
4. 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 (3) 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 scheme shall be implemented as approved.

Reason

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of the National Planning Policy Framework.

Note

We consider the Ground Condition Desk Top Study produced by Ground Conditions Consultants Ltd (Ref: J24-012-R01, dated March 2024) to satisfy part 1 of this condition.

We have reviewed the Ground Condition Desk Top Study produced by Ground Conditions Consultants Ltd (Ref: J24-012-R01, dated March 2024) and understand that significant contamination has been identified within previous investigations including elevations of heavy metals, Polycyclic aromatic hydrocarbons, Benzene, Toluene, Ethylbenzene, and Xylene and potential for Nonaqueous Phase Liquid product within the underlying groundwater and soils. It is also understood that previous remediation has been limited to some surface soils and that no detailed controlled waters risk assessment has been conducted for the site. It is noted within the proposed designs that the proposed permeable paving is to comprise of approximately 500mm of material. It is unclear as to whether the site level is to be increased or reduced to accommodate for this hardstanding and what

groundworks may be required. We welcome the recommendation for further assessment outlined within the above mentioned report.

Condition 2

Prior to any part of the permitted development being occupied 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 paragraph 180 of the National Planning Policy Framework.

Condition 3

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

Reason

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 180 of the National Planning Policy Framework.

Surface Water Drainage Strategy

We have reviewed the Flood Risk Assessment and Sustainable Drainage Systems Strategy Report provided by the PES (Ref: FRA20197.1A, dated 26th March 2024) and it is understood that sealed permeable paving is to be utilised across the site. It is also noted that an oil interceptor is to be utilised, in areas where Heavy Goods Vehicle vehicles are to be sitting / turning on site, prior to discharge to local watercourse. Given that the site is underlain by contaminated soils we welcome the use of sealed permeable paving to prevent infiltration to ground. It is understood that no discharge to ground is to be conducted on site and that a detailed design is to be presented following assessment of Ground Investigation data.

The design of infiltration Sustainable Drainage Systems may be difficult or inappropriate in this location. We therefore request that the following planning condition is included in any permission granted. Without this condition we would object to the proposal in line with paragraph 180 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition 4

No drainage systems for the infiltration of surface water drain age into the ground is 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 with paragraph 180 of the National Planning Policy Framework.

Foul Drainage**Condition 5**

Development hereby approved shall not commence until a foul drainage strategy, detailing how the developer intends to ensure that appropriate foul drainage is implemented with a connection to foul sewer, has been submitted to and approved by, the local planning authority in consultation with the water undertaker and Environment Agency. The development shall be constructed in line with the agreed detailed design and recommendations of the strategy.

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 paragraph 180 of the National Planning Policy Framework.

Piling**Condition 6**

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 paragraph 180 of the National Planning Policy Framework.

Above ground storage of oils, fuels or chemicals and pollution management plan

It is noted within the proposed plan that a HGV Servicing area present within the north-east corner. It is unclear from the proposed plans as to what servicing or maintenance is to be conducted on site. As such we would recommend the addition of the following condition to this application unless it is made clear that chemicals and oils are not to be stored on site as part of the proposed site use.

Condition 7

No occupation of any part of the permitted development shall take place until a Pollution Management Plan is submitted to and approved, in writing, by the local planning authority.

Reason

To prevent pollution of controlled waters and comply with the National Planning Policy Framework. The plan must outline what monitoring and surveillance procedures are in place to mitigate the risks to the environment from fuel spillages at the site, and what provisions are available on site to deal with a spillage (e.g. spill kits etc).

We also recommend the following informatives.

Drainage Informative 1

Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.

Piling Informative 2

Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with the Environment Agency guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".

Waste on-site Informative 3

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

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

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be

contacted for advice at an early stage to avoid any delays.

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

The Environment Agency recommends that developers should refer to:

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

Waste Informative 4

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

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

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

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

Informative 5

Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest.

All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

Flood Risk

We have reviewed the documents submitted for the application at Canal Road and have **no objections** to the proposal, subject to the following informatives being

applied to any planning permission granted.

Flood resistance and resilience - advice to Local Planning Authority (LPA)/applicant Informative 6

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. Further guidance on flood resistance and resilience measures can also be found in:

Government guidance on flood resilient construction

<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

Construction Industry Research Information Association Code of Practice for property flood resilience

https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience.aspx

Flood warning and emergency response - advice to LPA Informative 7

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. The planning practice guidance (PPG) to the National Planning Policy Framework (NPPF) states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to 'Flood risk emergency plans for new development' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 167 of the NPPF and the guiding principles of the PPG.

Flood mitigation - advice to applicant/LPA Informative 8

Although we have no objections to the proposed development, the developer may wish to include measures to mitigate the impact of more extreme future flood events. Measures could include raising ground or finished floor levels and/or incorporating

flood proofing measures. Further guidance on preparing properties for flooding can be found at <https://www.gov.uk/government/publications/prepare-your-property-for-flooding>.

Signing up for Flood Warnings Informative 9

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

Flood Risk Activity Permit – Fluvial Informative 10

Please be aware that a designated 'main river' is under the jurisdiction of the Environment Agency for its land drainage functions. Under the Environmental Permitting (England and Wales) Regulations 2016 any works in, over, under or within eight metres of the top of bank or river wall, where one exists, may require a permit from ourselves. Please be aware that we will not usually approve works which obstruct access to the watercourse.

To apply for consent we recommend you contact one of our Flood and Coastal Risk Management Officers at the following email address:

PSO.SELondon&NKent@environment-agency.gov.uk

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

Yours faithfully

Ms Laura Edwards

Planning Advisor

Direct email KSLPLANNING@environment-agency.gov.uk