

Gravesham Borough Council
Development Control
Civic Centre Windmill Street
Gravesend
Kent
DA12 1AU

Our ref: KT/2023/130452/01-L01
Your ref: 20221016
Date: 24 February 2023

Dear Katherine Parkin,

Erection of three single storey buildings to provide 10 class B1 light industrial business units with associated parking

Higham Railway Station, School Lane, Higham, Rochester, Kent, ME3 7JQ

Thank you for consulting us on the above application.

We **object** to this application due to the absence of a Flood Risk Assessment (FRA) and lack of information pertaining to the sites current condition.

Flood Risk comments:

The proposed development is defined by Table 2 of the Planning Practice Guidance (PPG) as Less Vulnerable and lies within Flood Zone 3, defined by Table 1 of the PPG as having a 'High Probability' of flooding. The National Planning Policy Framework (paragraph 163, footnote 50) states that an FRA must be submitted when development is proposed in such locations. An FRA is vital to making informed planning decisions. In its absence, the proposed development's flood risk is unknown. This is sufficient reason for refusing planning permission.

The site benefits from the Tidal Thames Flood defences but could still flood in a breach event. Additionally, the site is situated near a designated main river which runs parallel to the railway. The Environment Agency does not have a fluvial flood model for this river. The applicant should consider the flood risk posed by this river in addition to considering the impact to the surrounding area by the development displacing flood waters.

Under the Environmental Permitting Regulations (England and Wales) 2016, any activity in, over, under or within 8 metres of the river would require a flood risk activity permit (<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>).

To apply for a flood risk activity permit we recommend you contact one of our Flood and Coastal Risk Management Officers at the following email address:
PSO.SELondonandNKent@environment-agency.gov.uk

Groundwater and Contaminated Land comments:

We are aware that Condition 6 (Contamination) was discharged following submission of information to the satisfaction of the Local Planning Authority on extant planning permission GR20070891.

In respect of Application 20221016 (Alternative Redevelopment Proposal to units permitted by GR20070891). The applicant should confirm that permission has been granted by the document owner/commissioner for the use of Verification Report in connection with the remediation of contaminated land adjacent to Higham railway station for A Massey ESQ dated April 2014 amended 2015.

Planning Design and Access Statement dated September 2022 states in section 2.2 that the site "is now sadly is subjected to repeated unlawful fly tipping".

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 174 of the National Planning Policy Framework.

The Environment Agency request information as to the current site condition and whether the repeated fly tipping of unknown material has impacted the land during the intervening years since remediation in 2014

We request a holding objection until the above information is provided. If the above request for information is submitted to our satisfaction we could move to the contamination condition below.

Condition 1:

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

Reason:

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the National Planning Policy Framework.

Drainage

Kevin Wise Town Planning dated 6th August 2022 lists the documents submitted with the application, however no details have been submitted in respect of either foul or surface water drainage.

The site lies within a SPZ1 & SPZ2 on a Principal Aquifer and is considered sensitive in respect of controlled waters.

Condition 2:

No development shall commence until a strategy to deal with foul water drainage is submitted to, and approved in writing by, the local planning authority.

Reason:

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

Informative:

All applications to the LPA involving non-mains foul drainage should include all relevant information on foul drainage proposals:

<https://www.gov.uk/government/publications/foul-drainage-assessment-form-fda1>

Any foul drainage discharges to the environment in this area may require an Environmental Permit, unless it meets the General Binding Rules for small sewage discharges:

Small sewage discharges in England: general binding rules - GOV.UK (www.gov.uk)

Discharges to surface water and groundwater: environmental permits - GOV.UK (www.gov.uk)

If a permit is required the applicant should submit sufficient information to the EA to show that a permit could be achieved for this design of foul drainage in this locality. Discharges are not normally allowed in an SPZ1 or direct to groundwater in areas of shallow water tables. Discharges to ground via any other method than a British Standard drainage field (e.g. a soakaway or borehole) will require a permit. Foul proposals may have to involve modern sealed cesspools with regular emptying of sludge and effluents.

Condition 3:

No drainage systems infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. 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 174 of the National Planning Policy Framework.

Informative:

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.

Environment Agency

Orchard House Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH

Customer services line: 03708 506 506

Email: enquiries@environment-agency.gov.uk

www.gov.uk/environment-agency

Condition 4:

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 174 of the National Planning Policy Framework.

Informative:

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 EA 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".

Should you wish to discuss these matters further, please contact me via the email below.

Yours faithfully,

Pp Abbie Philpott
Planning Advisor

Ms Laura Edwards
Planning Advisor

KSLPLANNING@environment-agency.gov.uk