

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

Our ref: KT/2023/131276/01-L01
Your ref: 20231247
Date: 27 December 2023

Dear Alison,

Change of use of building to a mixed warehouse and office use together with erection of first and second floor extension and construction of a multi level car park, together with associated earthworks and drainage.

Jackson Family Holdings Ltd, Unit K6, Northfleet Industrial Estate, Lower Road, Northfleet, Gravesend, Kent, DA11 9BL

Thank you for consulting us on the above planning application on 12 December 2023.

Having reviewed the below documents, we have the following comments to make:

- Phase I Geo-environmental Desk Study and Preliminary Risk Assessment provided by R.CARR Geotechnical Services (Ref: 3962/22, dated March 2022)
- Flood Risk Assessment and Surface Water Management Strategy provided by Herrington Consulting Limited (Ref:3434, dated May 2022)

Environment Agency position

We have **no objection** to the proposed development, subject to the **following conditions** being included on any permission granted.

Without these conditions we would object in line with Paragraph 180 of the National Planning Policy Framework (NPPF) and Policy CS18: of the Gravesham Local Plan Core Strategy.

Condition: Contamination investigation

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 and Policy CS18: of the Gravesham Local Plan Core Strategy.

Condition: Contamination verification

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 and Policy CS18: of the Gravesham Local Plan Core Strategy.

Condition: Unsuspected contamination

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 and Policy CS18: of the Gravesham Local Plan Core Strategy.

Condition: Surface water drainage

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 (EA). 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 and Policy CS18: of the Gravesham Local Plan Core Strategy.

Condition: Piling

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 and Policy CS18: of the Gravesham Local Plan Core Strategy.

Informative

Drainage

We have reviewed the Flood Risk Assessment and Surface Water Management Strategy provided by Herrington Consulting Limited (Ref:3434, dated May 2022) and understand that discharge to ground via infiltration is considered not viable for this development (Page 28, Section 8.4 and Page 29, Table 8.3). As such discharge is recommended via a geocellular storage crate, which will discharge to foul sewer only and not to ground. This is acceptable in principle, however, should these plans change we would wish to be consulted further.

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.

Developers should check the .Gov website for Binding Rules information for small scale discharges:

<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-the-ground>

Submissions to the LPA should include all relevant information on foul drainage proposals:

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

Treated discharges to ground may require an Environmental Permit:

<https://www.gov.uk/government/publications/application-for-an-environmental-permit-part-b6-new-bespoke-water-discharge-activity-and-groundwater-point-source-activity>

Piling

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”.

Waste on-site

The CLAIRE Definition of Waste: Development Industry Code of Practice (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 EA
- 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 EA 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 EA 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

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 EA 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.

Advice to LPA

Tidal Breach Flood Depth

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. Although the site is protected by the Thames Tidal Flood Defences up to a 1 in 1000 (0.1%) chance in any year flood event, it is at risk of flooding if there were to be a breach in the defences.

While the site is at risk of flooding during a breach event, the proposal is less vulnerable and does not propose any sleeping accommodation.

If there were to be a breach in the Thames Tidal Flood Defences during a 0.5% AEP event for the 2115 epoch, the site could face a flood of up to **5.27mAOD**. The ground floor FFLs are set at **3.42mAOD at their lowest to a maximum of 3.83mAOD** which means that there could be a flood depth between **1.85 – 1.44m**.

The FRA submitted with the application has suggested that the first floor could provide safe refuge for the occupants on the ground floor during this event.

The Local Planning Authority should be satisfied that this is an adequate measure if they wish to approve this planning application. We advise liaising with the Council's emergency planners to make this decision.

Flood resistance and resilience

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>

CIRIA Code of Practice for property flood resilience

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

British Standard 85500 – Flood resistant and resilient construction

<https://shop.bsigroup.com/ProductDetail/?pid=000000000030299686>

Flood risk issues not within our direct remit

The following issues are not within our direct remit or expertise, but nevertheless may be important considerations for managing flood risk for this development. Prior to deciding this application we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.

- Adequacy of rescue or evacuation arrangements
- Details and adequacy of an emergency plan
- Provision of and adequacy of a temporary refuge
- Details and adequacy of flood proofing and other building level resistance and resilience measures
- Details and calculations relating to the structural stability of buildings during a flood
- Whether insurance can be gained or not
- Provision of an adequate means of surface water disposal such that flood risk on and off-site isn't increased

Note to applicant

Planning advice service

Should you wish us to review any technical documents or want further advice to meet the requirements of the conditions recommended, we may do this as part of our charged for planning advice service.

Further engagement will provide you with certainty of our position as to what our response to your planning application will be. It should also result in a better quality and more environmentally sensitive development.

As part of our charged for service we will provide a dedicated project manager to act as a single point of contact to help resolve any problems. We currently charge £100 per hour, plus VAT. We will provide you with an estimated cost for any further discussions or review of documents. The standard terms of our charged for service are available [here](#).

If you would like more information on our planning advice service, including a cost estimate, please contact us at kslplanning@environment-agency.gov.uk

Note to LPA

Condition Wording

If you wish to amend the wording of our requested conditions or if you wish to merge them with other Local Planning Authority conditions, please contact us to discuss the revised wording.

Decision notice

In accordance with the planning practice guidance ([determining a planning application, paragraph 019](#)), please notify us by email within two weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

Should you have any queries regarding this response, please contact me.

Yours sincerely,

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Sustainable Places Planning Specialist

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