

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

Our ref: KT/2022/129861/01-L01
Your ref: 20220733
Date: 09 August 2022

Dear Sir/Madam

**THE INSTALLATION OF TWO ADDITIONAL BITUMEN TANKS, LOAD OUT
GANTRY AND THE INSTALLATION OF A BITUMEN EMULSION PLANT AND
ALTERNATIVE CAR PARKING.**

**FM CONWAY IMPERIAL WHARF CLIFTON MARINE PARADE GRAVESEND
KENT DA11 0DY**

Thank you for consulting us. Having reviewed the submitted information, including the Flood Risk Assessment (FRA) ('Land at Imperial Wharf', reference: DE.CNY.IMP.002.FRAv2, dated: May 2022)

We would object to the proposal as the FRA does not sufficiently demonstrate that works will provide a satisfactory standard of flood risk protection for the design life of the development.

Tidal Defence Condition and Raising:

As stated in our previous response, the site is bordered to the north by the Thames Tidal Defence which is understood to be predominantly formed of a sheet pile wall with a capping beam and ground anchors in addition to two flood gates, one of which has been temporarily decommissioned. A previous inspection of the river wall discovered minor cracks and impact damage in the capping beam plus missing mastic sealant. There is a hole in the concrete wall that sits in front of the flood defence located at the splash zone and if water gets through this to the sheet pile it could cause erosion/corrosion of the sheet pile and erosion of the promenade material. In 2019 the residual life was predicted as 10 years.

Paragraph 5.1.11 of the submitted FRA, states that the design life for the development is 100 years. It would therefore be appropriate to consider options for defence raising in line with the Thames Estuary 2100 Plan. A revised FRA should be submitted which details the defects of the Tidal Defence and proposes repairs/mitigations to provide the required standard of protection for the development's 100-year design life. The FRA should also provide a proposal for defence raising to provide protection throughout the 100-year design life.

Proximity to the Tidal Thames Defences:

Paragraph 5.1.25 states that the proposed development will not restrict access to the flood defence for maintenance and future raising. It is understood that the existing site and bordering sites, feature development near the tidal flood defence. However, we seek to avoid a worsening of the current situation. Typically, we would require setback of 16 meters from a tidal flood defence (including buried elements such as tie rods). The application must provide offset distances with a consideration for buried elements such as ground anchors.

Other Considerations:

We have previously required additional information regarding the construction underneath the existing walkway. Paragraph 5.1.28, of the submitted FRA, states that a qualified engineer has been instructed to investigate this issue and to propose repairs. We would require a comprehensive assessment of the flood defence and walkway to be carried out and appropriate mitigation to be implemented before we could remove our objection to the proposal. We also require details of the proposed crash barrier referenced in paragraph 5.1.30 such as the offset to the Tidal Flood Defence and construction method.

It should be noted that the details listed under paragraph 5.1.31 should be resolved as part of this planning application in addition to being supplied with an application for a Flood Risk Activity Permit (FRAP). We require details for how the new bitumen line will be installed and how this will interact with the flood defence. We would also require a consideration for the increased loading to the river wall and resulting from the new tanks.

Informative:

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 meters of a main river (16 meters if tidal)
- on or within 8 meters of a flood defence structure or culvert (16 meters if tidal)
- on or within 16 meters of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

Please be aware that the Tidal Thames Defences are likely to incorporate buried elements which may extend further inland than the above ground river wall.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

In preparation for the required FRAP, we would require the application to be supported by a method statement. This must detail what construction activities would be carried out within 16 meters of the tidal flood defences.

However, planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Given the nature and scale of development, expanding an existing facility, with no significant deep earthworks, the proposal is acceptable in principle providing the following conditions are attached.

Condition:

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 the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority.

The remediation strategy shall be implemented as approved.

Reasons:

To protect the underlying groundwater from the risk of pollution and in accordance with the requirements of the National Planning Policy Framework (NPPF). The site could impact underlying or nearby controlled waters. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented.

Condition:

No drainage system for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning Gravesham Borough Council End 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 approval details.

Reasons:

To protect the underlying groundwater from the risk of pollution and in accordance with the requirements of the National Planning Policy Framework (NPPF). The site could impact underlying or nearby controlled waters. National Planning Policy Framework (NPPF) states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing

development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

Condition:

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 that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reasons:

To protect the underlying groundwater from the risk of pollution. The piling could impact underlying or nearby controlled waters by causing contamination in the ground to migrate into groundwater or surface water by causing disturbance to existing ground and historic contamination. All storage of chemicals, fuel and oils must be undertaken in appropriate industry standard containment and secondary containment meet relevant design standards.

If you require any further information, please contact us via the email below

Yours faithfully

David Sankar
Planning Advisor

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