

From: Bryan Geake - GT GC

Sent: 16 August 2022 17:09

To: planning.reps@gravesham.gov.uk

Subject: Request for Scoping Opinion pursuant to Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 proposed outline planning application Land Surrounding Ebbsfleet United Football Club

Dear Ms Genna Henry

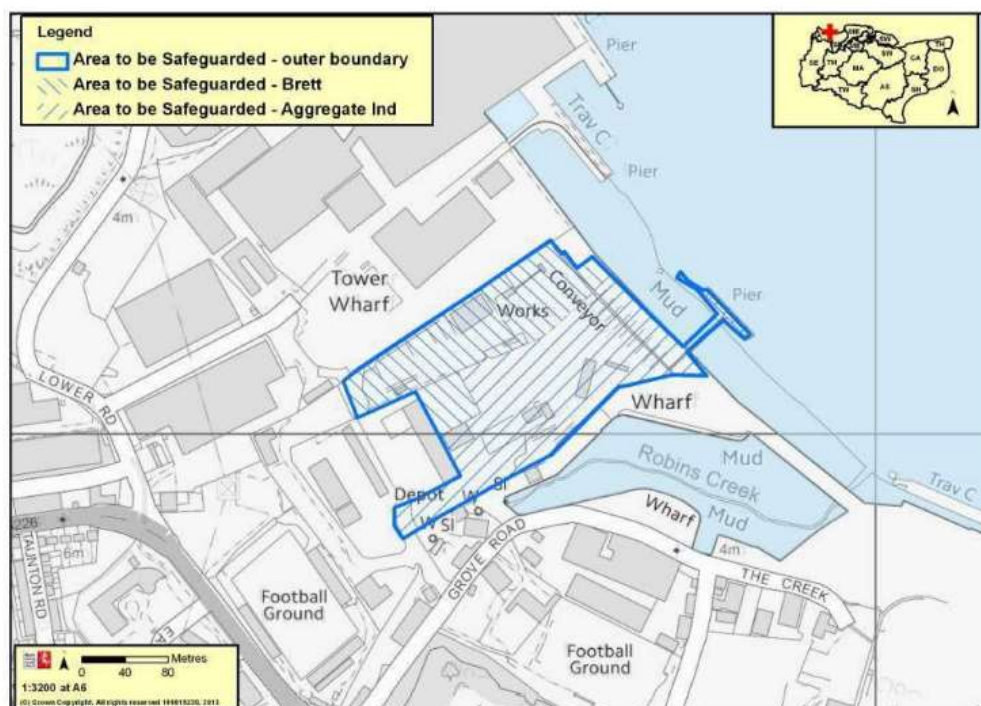
TOWN AND COUNTRY PLANNING ACT 1990 TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010 REFERENCE NO. 20220852 UPRN 100062311145 PROPOSED DEVELOPMENT Request for Scoping Opinion pursuant to Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 in respect of a proposed outline planning application with all matters reserved, except for means of access, for a mixed-use redevelopment involving the demolition of existing buildings and structures including site preparation/remediation works, and the development of up to 3,500 residential units (Use Class C3), up to 55,000 sq.m (GEA) of Use Class E including up to 32,000 sq.m (GEA) floorspace for retail, food, and beverages and up to 18,000 sqm (GEA) office floorspace, up to 15,000 sq.m (GEA) floorspace for a new 8,000-seater football stadium with associated business and leisure facilities, up to 20,000 sq.m (GEA) floorspace for a hotel (Use Class C1), up to 4,000 sq.m (GEA) floorspace for community uses (Use Class F), delivery of circa 3.8 hectares of open space and the realignment of the A226 Galley Hill Road / Stonebridge Road. Redevelopment of the site will also include some sui generis uses, with hard/soft landscaping, car and cycle parking, highways works, infrastructure provisions with ancillary works.

LOCATION Land Surrounding Ebbsfleet United Football Club, Bounded By Lower Road, Railway Line, Grove Road And The River Thames, Northfleet, Gravesend,

Thank you for consulting the County Council's Minerals and Waste Planning Policy Team on the above Request for Scoping Opinion.

It can be stated that the potential development referred to as 'Northfleet Harbourside' would directly affect the safeguarded mineral importation facility. The figure below shows the safeguarded area of this facility, Robins Wharf, as identified as Site G in the adopted Kent Minerals and Waste Local Plan 2013-30 Early Partial Review 2020 (the Plan).

Site G: Robins Wharf, Northfleet



The relevant safeguarding policy of the Plan is CSM 6: Safeguarded Wharves and Rail Depots, as reproduced below:

Policy CSM 6

Safeguarded Wharves and Rail Depots

Planning permission will not be granted for non-minerals development that may unacceptably adversely affect the operation of existing, planned or potential sites, such that their capacity or viability for minerals transportation purposes may be compromised.

The following sites, and the allocated sites included in the Minerals Sites Plan, are safeguarded:

- 1. Allington Rail Sidings***
- 2. Sevington Rail Depot***
- 3. Hothfield Works***
- 4. East Peckham***
- 5. Ridham Dock (both operational sites)***
- 6. Johnson's Wharf, Greenhithe***
- 7. Robins Wharf, Northfleet (both operational sites)***
- 8. Clubbs Marine Terminal, Gravesend***
- 9. East Quay, Whitstable***
- 10. Red Lion Wharf, Gravesend***
- 11. Ramsgate Port***
- 12. Wharf 42, Northfleet (including Northfleet Cement Wharf)***
- 13. Dunkirk Jetty (Dover Western Docks)***
- 14. Sheerness***

- 15. Northfleet Wharf**
- 16. Old Sun Wharf, Gravesend**

Their locations are shown in Figure 13: Minerals Key Diagram in Chapter 2 and their site boundaries are shown in Chapter 9: Adopted Policies Maps. The Local Planning Authorities will consult the Minerals Planning Authority and take account of its views before making a planning decision (in terms of both a planning application and an allocation in a local plan) for non-mineral related development (other than that of the type listed in policy DM 8 (clause 1) on all development proposed at, or within 250m of, safeguarded minerals transportation facilities.

Essentially the safeguarded site (a mineral importation wharf) is protected from direct loss, or it being made unviable by allowing incompatible development to occur in its proximity (within 250m is the policy's stipulation) that may cause the continued viable operation of the facility adversely affected. This to include its maintenance of adequate accessibility. If the proposal is indeed to incur the loss of the safeguarded site, then this would have to be successfully argued by invoking an exemption from the presumption to safeguard by meeting the requirements of Policy DM 8: Safeguarding Minerals Management, Transportation Production & Waste Management Facilities. The policy states:

Policy DM 8

Safeguarding Minerals Management, Transportation Production & Waste Management Facilities

Planning permission will only be granted for development that is incompatible with safeguarded minerals management, transportation or waste management facilities, where it is demonstrated that either:

- 1. it constitutes development of the following nature: advertisement applications; reserved matters applications; minor extensions and changes of use and buildings; minor works; and non-material amendments to current planning permissions; or***
- 2. it constitutes development on the site that has been allocated in the adopted development plan where consideration of the other criteria (1, 3-7) can be demonstrated to have taken place in formulation of the plan and allocation of the site which concluded that the safeguarding of minerals management, transportation, production and waste management facilities has been fully considered and it was concluded that certain types non-mineral and waste development in those locations would be acceptable; or***
- 3. replacement capacity, of the similar type, is available at a suitable alternative site, which is at least equivalent or better than to that offered by the facility that it is replacing; or***
- 4. it is for a temporary period and will not compromise its potential in the future for minerals transportation; or***
- 5. the facility is not viable or capable of being made viable; or***
- 6. material considerations indicate that the need for development overrides the presumption for safeguarding; or***

7. It has been demonstrated that the capacity of the facility to be lost is not required.

Replacement capacity must be at least equivalent in terms of tonnage, accessibility, location in relation to the market, suitability, availability of land for processing and stockpiling of waste (and materials/residues resulting from waste management processes) and minerals, and:

- **in the case of wharves, the size of the berth for dredgers, barges or ships**
- **in the case of waste facilities, replacement capacity must be at least at an equivalent level of the waste hierarchy and capacity may be less if the development is at a higher level of the hierarchy**

There must also be no existing, planned or proposed developments that could constrain the operation of the replacement site at the required capacity.

Planning applications for development within 250m of safeguarded facilities need to demonstrate that impacts, e.g. noise, dust, light and air emissions, that may legitimately arise from the activities taking place at the safeguarded sites would not be experienced to an unacceptable level by occupants of the proposed development and that vehicle access to and from the facility would not be constrained by the development proposed.

Further guidance on the application of this policy will be included in a Supplementary Planning Document

It is assumed that the Northfleet Harbourside proposals would be directly in conflict with the presumption to safeguard the mineral importation facility. Therefore, any planning application would have to include an Infrastructure Assessment (IA) to argue, evidentially, why an exemption criterion, (1. to 7 as shown above) can be invoked.

If you would wish to discuss any of the above in greater detail, please do not hesitate in contacting me on the above email.

Yours sincerely

Bryan Geake BSc Hons (Geol), MSc, MRTPI

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