

SECTION C  
MINERALS AND WASTE DISPOSAL

Background Documents - the deposited documents; views and representations received as referred to in the reports and included in the development proposals dossier for each case; and other documents as might be additionally indicated.

**Item C1**

**Application by Lafarge Cement UK for engineering operations comprising ground works to create a development platform and a temporary waste handling facility for excavated material and other ancillary works on land at Church Path Pit, Northfleet Works, The Shore, Northfleet, Gravesend, Kent, DA11 9AN – GR/13/702 (KCC/GR/0240/2013)**

A report by Head of Planning Applications Group to Planning Applications Committee on 11 December 2013.

Application by Lafarge Cement UK for engineering operations comprising ground works to create a development platform and a temporary waste handling facility for excavated material and other ancillary works on land at Church Path Pit, Northfleet Works, The Shore, Northfleet, Gravesend, Kent, DA11 9AN.

Recommendation: Permission be granted subject to conditions.

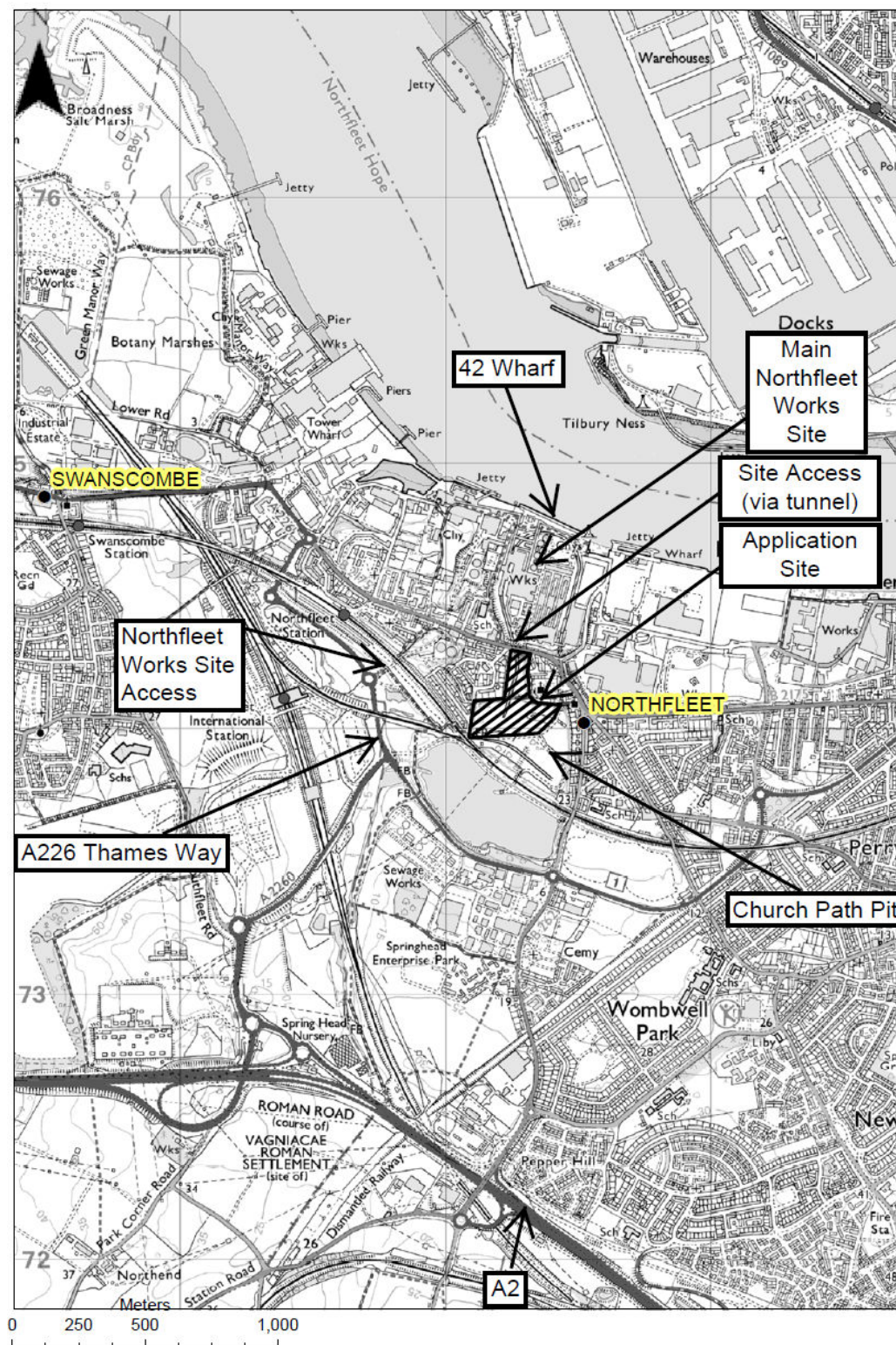
Local Members: Mr NS Thandi and Mrs S Howes

Unrestricted

**Site description and background**

1. The application site comprises 5.7 hectares (ha) of land in Church Path Pit, Northfleet, Kent. The old chalk quarry covers a total of 8.6 ha and forms part of the former Northfleet Cement Works site on the south bank of the River Thames in Gravesham. Although the northern part of the application site is formally known as St Botolph's Pit, the term Church Path Pit has been used for ease of reference by the applicant and in this report. Church Path Pit is bounded to the north, east and west by chalk cliffs between 15 metres (m) and 25m in height and to the south by the North Kent railway line. The land above the cliffs is primarily in residential use (e.g. South Kent Avenue, East Kent Avenue, Council Avenue, Northfleet High Street, Vicarage Drive, Church Path, Springhead Road) with some retail and ecclesiastical uses (e.g. The Hill). The majority of the cliffs are nearly 25m high (including those in St Botolph's Pit and on the northern and eastern boundaries of Church Path Pit). Those on the south western boundary of Church Path Pit (adjacent to South Kent Avenue) are approximately 15m high. The site location and key features referred to in this report are illustrated on the plans on pages C1.2 and C1.3.

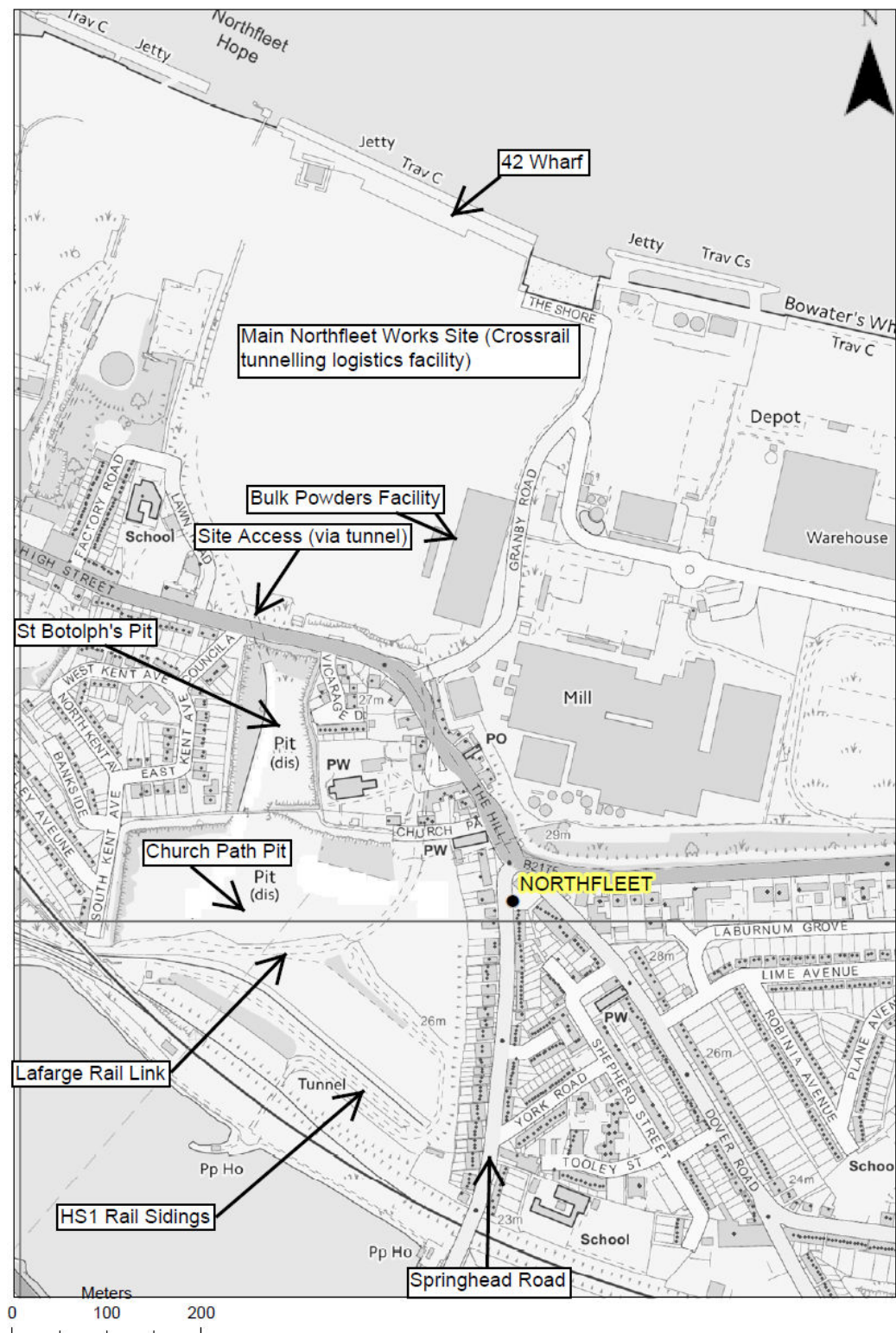
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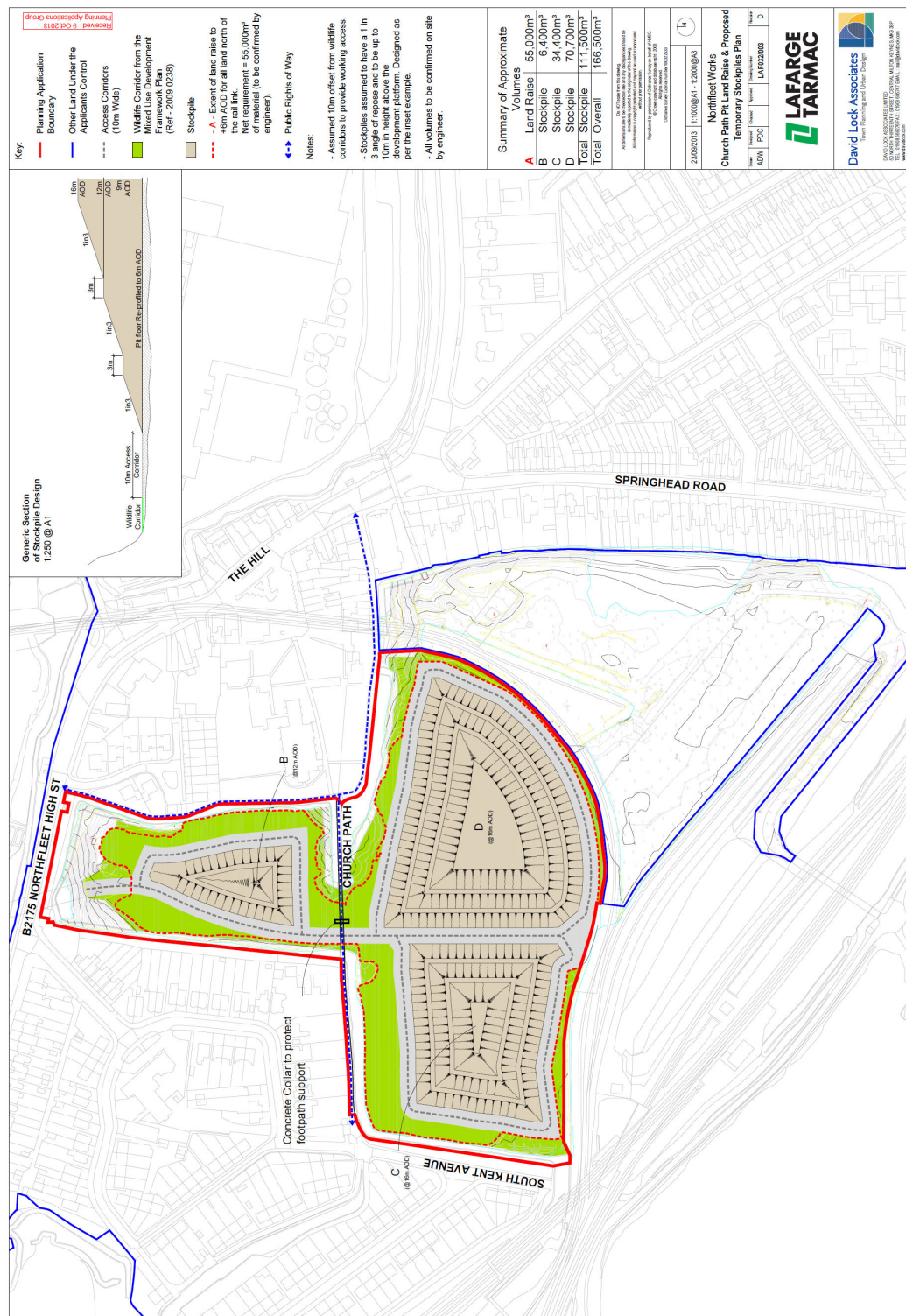


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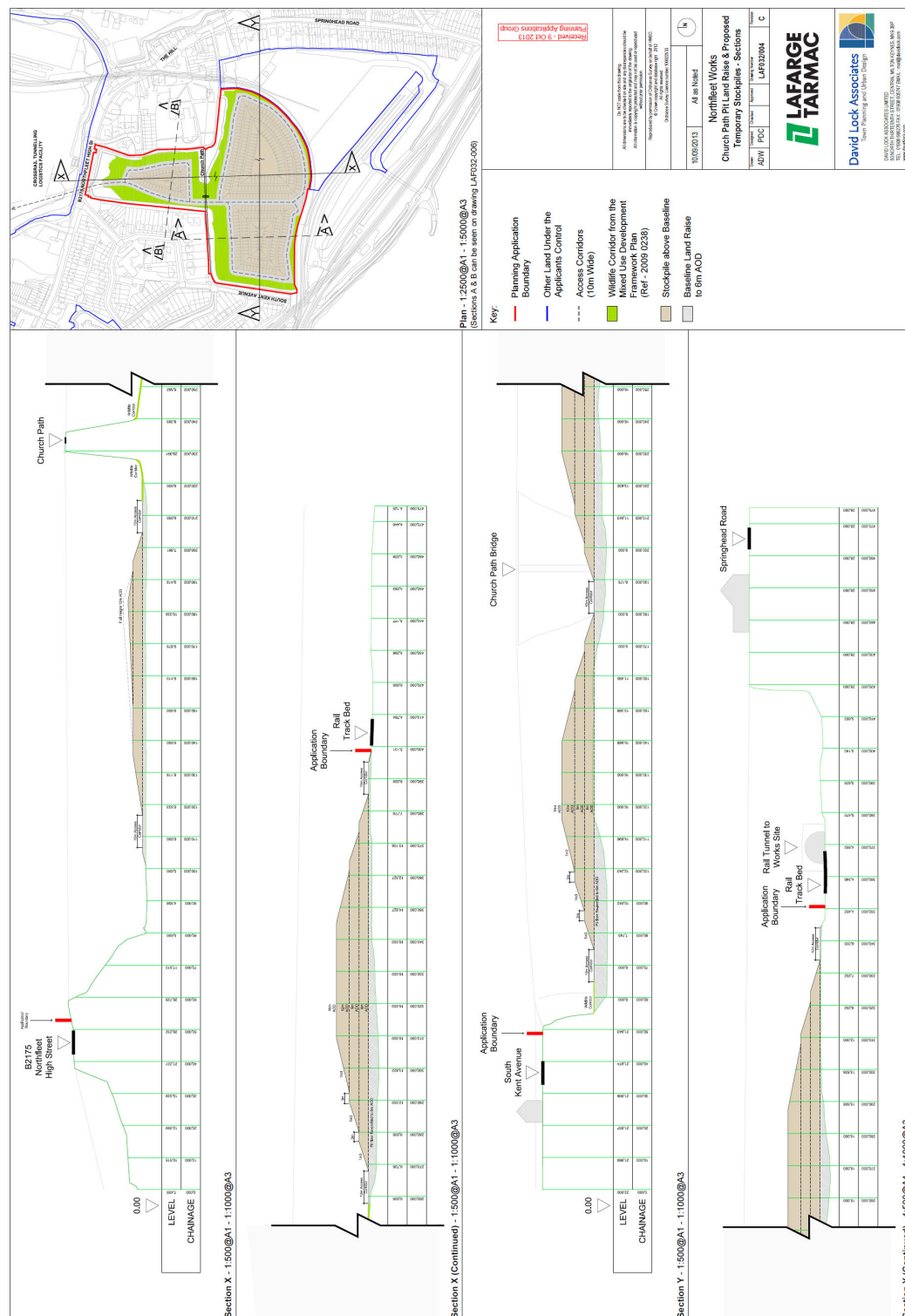


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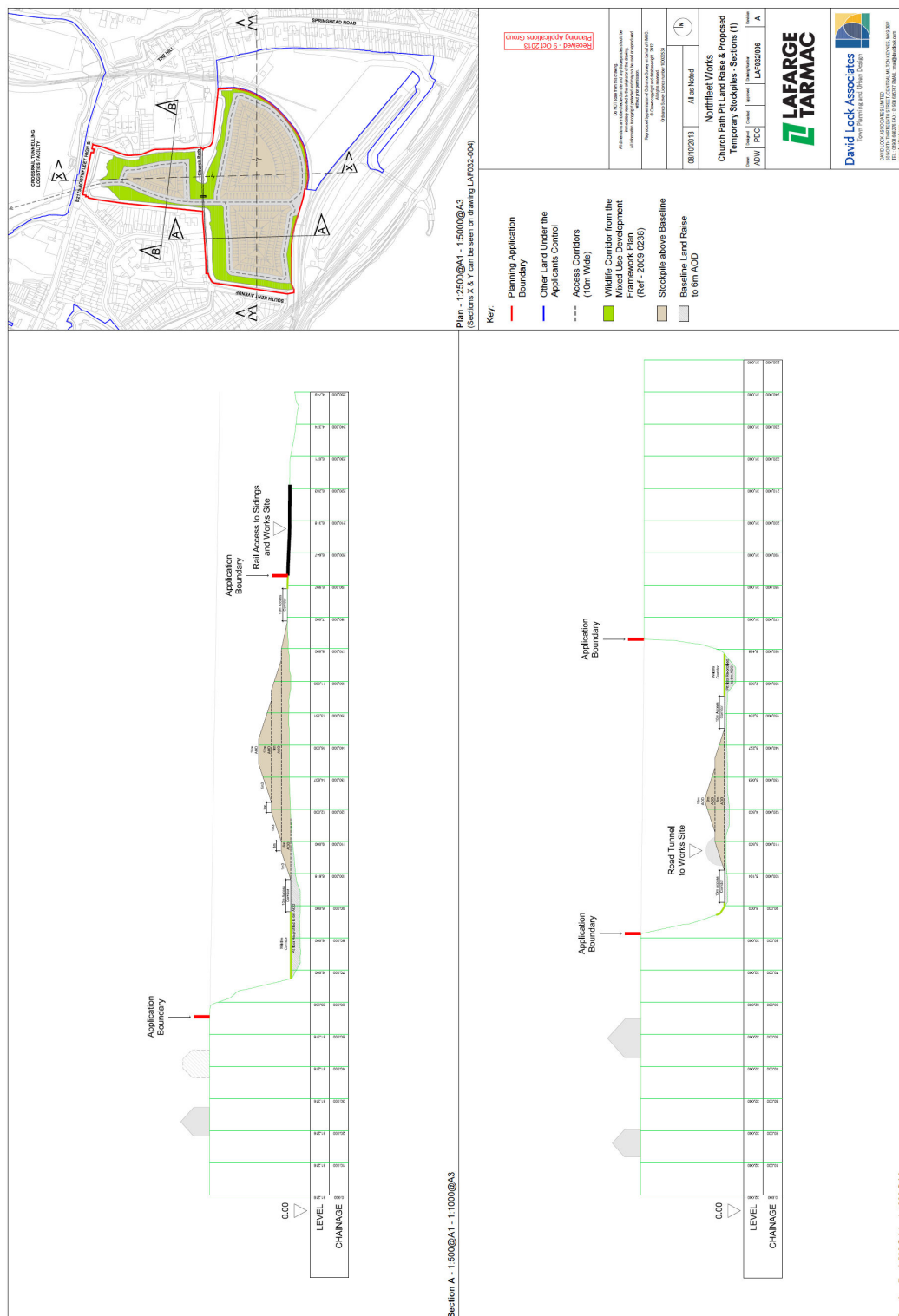
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2. Church Path Pit is largely vacant (comprising scrub and bare ground with variations in levels) but is occupied by the reinstated rail access to the former Northfleet Works site and associated sidings which currently serve the Crossrail Tunnelling Logistics Facility via a rail tunnel under The Hill owned by Lafarge Cement UK. The Crossrail facility provides for the importation of excavated materials by train and the storage of these materials until exported by sea and is permitted to operate until April 2016. The permission (as amended in March 2013) requires that imported material stockpiles do not exceed 14.5m in height and should normally be kept at about 10m high. The operations are also subject to an Environmental Permit (issued by the Environment Agency) and a number of requirements in respect of noise and vibration (required by Gravesham Borough Council under the Control of Pollution Act 1974 (as amended)). Once the Crossrail facility is removed, the rail link will serve the permitted Bulk Aggregates Import Terminal. It may also be able to serve the Bulk Powders Import Terminal which has been operational for some time and is currently accessed by road. The application site occupies that part of Church Path Pit to the north of the rail access. To the south (within Church Path Pit) are two turn-back sidings associated with the Channel Tunnel Rail Link (CTRL) / High Speed 1 line (HS1).
3. Vehicular access to Church Path Pit is available from that part of the former Northfleet Cement Works site to the north of Northfleet High Street via a tunnel owned by Lafarge Cement UK. Emergency vehicular access can also be obtained from the A226 Thames Way to the south via a private way through a tunnel under the North Kent railway line. Public footpath NU8 links Church Path (a restricted byway) with South Kent Avenue via an elevated footbridge at cliff-top level. A supporting structure for the walkway is located within the application site at the base of Church Path Pit. Public footpath NU7 runs between the eastern end of the footbridge and Northfleet High Street between the edge of the Church Path Pit and Vicarage Drive.
4. The application site is not allocated for any specific purpose in the adopted Kent Waste Local Plan (March 1998) or in any of the Kent Minerals Local Plans although it is safeguarded for the CTRL in the Kent Minerals Local Plan Chalk and Clay (December 1997). The Kent Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (May 2011) indicates (Site O) that Northfleet Wharf (including the land subject to the Bulk Aggregates Import Terminal and the adjoining Bulk Powders Import Terminal to the north of Northfleet High Street adjacent to the River Thames) will be safeguarded as a wharf and rail importation facility. The application site is part of an area safeguarded for the CTRL in the adopted Gravesham Local Plan First Review (1994). It remained safeguarded for the CTRL and was allocated as part of the Northfleet Cement Works / Land East of Grove Road Major Development Site in the Gravesham Local Plan Second Review Deposit Version (May 2000). It is now identified for employment use as part of the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area in the Gravesham Local Plan Core Strategy Submission Document (December 2013, as amended in May 2013).
5. None of the application site lies within any international, national or locally designated wildlife areas, although the area to the south of the Northfleet Line is part of the Ebbsfleet Marshes Local Wildlife Site. A Conservation Area (The Hill), which forms the

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historic core of Northfleet (containing six listed buildings, including the Grade 1 listed Parish Church of St Botolph), lies just to the north east of the application site on higher land at the eastern end of Northfleet High Street. The application site also lies within the Northfleet Industrial Source Area air quality management area (AQMA) declared for industrial sources of fine airborne particles (PM<sub>10</sub>) and nitrogen dioxide (NO<sub>2</sub>).

### **Planning History**

6. The area has a long history of cement manufacture. This has resulted in a fragmented landscape with varying ground levels. Cement making at Northfleet Works ceased in December 2008 and the demolition of the majority of the associated structures was completed in December 2010. A number of recent planning applications have been submitted at the former Northfleet Works site that are particularly relevant to the current proposals.
- Gravesham Borough Council granted planning permission (GR/20050561) for a Bulk Powders Import Terminal in 2005. This has been partially constructed in the eastern part of the Northfleet Works site to the north of Northfleet High Street and is operational. The permission (which is for permanent development) would allow the facility to be extended to handle up to 1 million tonnes (mt) of bulk powders each year via 42 Wharf.
  - The County Council granted planning permission (GR/09/286) for a Bulk Aggregates Import Terminal on 21 February 2011 on land immediately to the west of the Bulk Powders Terminal. The facility would also utilise 42 Wharf and have a capacity of 3mt each year. Aggregates would be imported at the wharf and exported by rail, river or road. The permission included the reinstatement of the rail link to the site via Northfleet sidings and Church Path Pit, ship unloading facilities, an enclosed area for storing aggregates and an ancillary ready-mixed concrete plant. The requirements of a number of conditions (8, 12 and 38) attached to the permission were approved on 6 June 2011. The permission (which is for permanent development) has been implemented in so far as the rail link and associated sidings have been completed but the facility has yet to be built and is not yet operational.
  - Gravesham Borough Council resolved to grant outline planning permission (GR/20090238) for Mixed Use Development comprising offices, warehouses, industrial units and houses at the former Northfleet Cement Works site on 13 April 2011 subject to the prior completion of a Section 106 (legal) Agreement. The application proposed that the development in Church Path Pit would comprise offices, warehouses and industrial units and include a level development platform at 6m above ordnance datum (AOD). The application area included all the land at the former Northfleet Works site (excluding that relating to the Bulk Powders Terminal and Bulk Aggregates Import Terminal and a small area of Church Path Pit containing the base of some pylons). It is understood that the detailed drafting of the Section 106 Agreement is ongoing and has yet to be completed.
  - The County Council granted planning permission (GR/10/1127) for a tunnelling logistics facility for the receipt, handling, processing and transhipment of



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excavated Crossrail material and ancillary uses on 15 April 2011. The Crossrail tunnelling logistics facility is located on land also subject to the Bulk Aggregates Import Terminal and Mixed Use Development proposals. The requirements of a number of conditions (5, 8, 9, 15, 16, 22, 24, 25, 26, 27, 29 and 30) attached to the permission were approved on 6 June 2011. A non-material amendment to the permission which (amongst other things) allowed an increase in stockpile heights was approved on 27 March 2013. The Crossrail facility is fully operational. Excavated material arrives by rail and is stockpiled prior to being exported by ship to Wallasea Island in Essex for use in a habitat creation scheme. The Crossrail permission is for temporary a period ending on 15 April 2016.

- The County Council issued a screening opinion (KCC/SCR/GR/0129/2013) on 2 May 2013 advising that proposals for ground works and a temporary waste handling facility for excavated material at Church Path Pit did not constitute EIA development and did not need to be accompanied by an environmental statement on the basis that the proposed development would not have significant effects on the environment by virtue of its nature, size or location when considered either individually or cumulatively with other development in the area.

### **The Proposal**

7. The application seeks planning permission for engineering operations comprising ground works to create a development platform and a temporary waste handling facility for excavated material and other ancillary works on land at Church Path Pit, Northfleet Works, The Shore, Northfleet, Gravesend, Kent. The application was submitted in July 2013, a Reptile Mitigation Strategy was submitted in August 2013 and further information responding to a number of issues raised by consultees and other respondents was submitted in October 2013. A meeting was held between representatives of the applicant, the County Council, High Speed 1 (HS1) and Network Rail to discuss a number of detailed issues on 7 November 2013 (e.g. site drainage and stockpile stability) and additional information was provided by the applicant in respect of these and related matters on 15 November 2013.
8. The applicant states that Crossrail needs additional storage capacity at the site to augment that at its existing facility as a result of its inability to export waste as rapidly as originally intended from that site due to delays in fully implementing the necessary conveyor system at Wallasea Island (i.e. the intended final destination for the excavated materials). This would enable tunnelling operations in London to continue as planned and waste to be taken to Northfleet by rail. It would also provide additional contingency in the event of further delays. The applicant also states that the proposed development offers the opportunity to bring forward the ground works element of the mixed use development proposals. The applicant further states that the primary source of material for the engineering operations would be excavated materials from the Crossrail project, although materials excavated from elsewhere within the Northfleet Works site could be used (consistent with any requirements for the retention of these as part of the mixed use development proposals) and other sources may also be considered. The proposed temporary waste handling facility would deal exclusively

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with Crossrail materials. The applicant additionally states that previously permitted HGV management plans would be reviewed as required. The applicant has suggested that a condition be imposed restricting the materials to be used to Crossrail flows imported to the site by rail unless approval is first obtained from the County Council for alternatives (i.e. from other sources and by river or road).

9. The applicant proposes that excavated materials would continue to be imported to the existing Crossrail Tunnelling Logistics Facility by rail and then moved to the application site by tipper and other machinery through the private vehicle tunnel under Northfleet High Street. This would avoid the need to use the public highway for these operations. The materials would be placed using excavators. The applicant proposes that hours of operation within Church Path Pit be restricted to between 08:00 and 18:00 hours Monday to Friday and between 08:00 and 13:00 hours on Saturdays with no Sunday working in order to minimise operational impacts. The applicant also proposes that similar measures be employed to minimise noise, dust and air quality impacts as is the case for the development already permitted to the north of the High Street (e.g. careful selection of plant and machinery used on site and regular maintenance, minimising the height from which materials are dropped, switching off plant and machinery when not required, minimising vehicle speeds and the use of water suppression as necessary).

Ground works for development platform

10. The engineering operations would provide the 6m AOD development platform required for the mixed use development in the majority of Church Path Pit (as referred to in paragraph 6 above) as well as on the base of the former pylons which lie just outside that area. The creation of the development platform would require about 55,000 cubic metres (m<sup>3</sup>) of material. The resultant depth of infill would vary across the site depending on the exact levels already in place. In some places it would be as much as 4m and in others nothing. The development platform would remain in place following any temporary storage of excavated material. The applicant states that the mixed use development envisaged a balance of cut and fill across that entire site (about 31ha) and that whilst the development now proposed would revise those assumptions this could be accommodated within the tolerances for the proposed overall ground works (i.e. no significant overall change).
11. A concrete collar would be constructed around the support for Church Path bridge to safeguard the structure and ensure it is not affected by the land raising or related operations. It would also be necessary for ecological mitigation works (e.g. trapping and translocation of reptiles to an area outside the application site) to take place before any groundworks take place. The proposed receptor site lies in that part of Church Path Pit to the south east of the reinstated rail access to the former Northfleet Works site.
12. The applicant states that the permanent development platform would be created before any temporary storage of materials takes place in Church Path Pit. Consistent with the mixed use development proposals, a network of wildlife corridors would be established around the base of the cliffs to provide new habitat opportunities once the

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development platform is created. The applicant proposes that these be fenced off from any works associated with the temporary storage of materials to enable habitat creation and the potential re-introduction of species at a relatively early stage. It also proposes that the wildlife corridors be created using topsoil containing ruderal vegetation (i.e. vegetation growing on disturbed or derelict land). The wildlife corridors would also accommodate four surface water storage depressions which would enable surface water from the site to be stored during storm events and infiltrate as currently.

Temporary waste handling facility

13. Imported Crossrail materials would be stockpiled at heights of up to 10m on top of the permanent development platform (i.e. no higher than 16m AOD). Storage heights in that part of the site to the north of Church Path bridge (i.e. St. Botolph's Pit) would be restricted to 6m (i.e. 12m AOD). Materials would be stockpiled in layers of between 3m and 4m deep and having angles of repose (side slopes) of 1:3. Stockpiles would be separated from one another and the wildlife corridors by 10m wide access corridors. This would enable up to 111,500m<sup>3</sup> of material to be temporarily stored on the site.
14. The applicant states that the placement of this material could be undertaken in a relatively short timescale (about 2 months) and that the stockpiles would probably be removed by the end of 2014. However, it has requested that any planning permission allow an 18 month period from the date of issue for this. The stockpiled materials would be removed via the vehicle tunnel and existing Crossrail Tunnelling Logistics Facility to Wallasea Island in accordance with planning permission GR/10/1127. The applicant also states that the temporary storage would have the added benefit of surcharging the development platform and promoting settlement in advance of the mixed use development.
15. The application is supported by a Planning, Design and Access Statement, a number of drawings, a Structural Inspection report on the vehicle tunnel, a Geotechnical and Geo-environmental Site Investigation report, an updated Phase 1 Habitat Survey, a Reptile Mitigation Strategy, a Code of Construction Practice, a Geotechnical Appraisal, a Flood Risk Assessment, a Drainage Strategy and a Stock Pile Stability report. Drawings showing the proposed site layout and sections are included on pages C1.4, C1.5 and C1.6.

**Planning Policy Context**

16. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (NPPF) and Planning Policy Statement PPS10 (Planning for Sustainable Waste Management) (as amended in March 2011).
17. **Kent Waste Local Plan (March 1998)** – These include saved Policies W3 (Locational Criteria), W6 (Need), W7 (Re-use of Category A Waste), W18 (Noise, Dust and Odour Control), W19 (Ground and Surface Water Interests), W20 (Land Settlement, Stability, Land Drainage and Flood Control), W21 (Nature Conservation), W22 (Road Traffic and

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Access), W25 (Siting, Design and Appearance of Plant and Buildings), W25A (Re-use of Buildings and Site Features), W27 (Public Rights of Way), W31 (Landscaping Schemes) and W32 (Operation and Restoration Schemes).

18. **Gravesham Local Plan First Review (1994)** – In 2007, as part of the transitional arrangements for the new planning system, the Secretary of State agreed a number of adopted Local Plan First Review policies could be saved and remain in force until replaced by updated policies. These include saved Policies E1 (Existing Industrial Areas), TC0 (General Townscape, Conservation and Design), TC1 (Design of New Developments), TC2 (Listed Buildings), TC3 (Development Affecting Conservation Areas), TC5 (Archaeological Sites), TC6 (Scheduled Ancient Monuments), TC7 (Other Archaeological Sites), TC10 (Landscaping), C8 (Sites of Nature Conservation Interest), LT8 (Public Rights of Way), T0 (General Policy for Transport), T1 (Impact of Development on the Highway Network), T2 (Channelling Traffic on Primary and District Distributor Network), T3 (Development not well related to the Primary and District Distributor Network), T14 (CTRL), R1 (The Commercial Riverside – Maintenance of the River Frontage for Water Transport) and R2 (The Commercial Riverside – Wharves).
19. **Gravesham Local Plan Second Review Deposit Version (May 2000)** – The Local Plan Second Review has not been subject to examination and has not been formally adopted. However, the Borough Council resolved to use the document as a material consideration when determining planning applications. It now provides the Council's most recent position in respect of policy areas not covered in the Local Plan Core Strategy. Since the Local Plan Core Strategy addresses those issues relevant to the proposed development that are included in the Local Plan Second Review Deposit Version, there is no need to refer to them when determining this application. However, it is worth noting that draft Policy MDS3 identified the application site as within the Major Development Site at Northfleet Cement Works / Land East of Grove Road.
20. **Gravesham Local Plan Core Strategy Submission Document (December 2013, as amended May 2013)** – The Borough Council is currently preparing the Local Plan Core Strategy which will replace a number of the Local Plan First Review saved policies. The draft Core Strategy was approved by the Council and submitted to the Secretary of State on 22 May 2013 for public examination. The Council is proposing some minor amendments (May 2013) which have also been submitted. Relevant draft policies include: CS01 (Sustainable Development), CS02 (Scale and Distribution of Development), CS03 (Northfleet Embankment and Swanscombe Peninsula East Opportunity Area), CS07 (Economy, Employment and Skills), CS11 (Transport), CS12 (Green Infrastructure), CS18 (Climate Change), CS19 (Development and Design Principles) and CS20 (Heritage and the Historic Environment).
21. **Kent Minerals and Waste Development Framework – Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (May 2011)** – Draft Policies CSW1 (Sustainable Waste Management and Climate Change), CSW2 (Waste Hierarchy), CSW3 (Strategy for Waste Management Capacity), CSW5 (Non-Strategic Waste Sites), CSW6 (Location of Non-Strategic Waste Sites), CSW9 (Inert Waste



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Management Provision), CSW11 (Inert Waste Landfill), CSW13 (Remediation of Brownfield Land), DM1 (Sustainable Design), DM2 (Sites in International, National and Local Importance), DM3 (Archaeological Features), DM4 (Historic Heritage), DM5 (Safeguarding Mineral Resources and Importation Infrastructure), DM7 (The Water Environment), DM8 (Health and Amenity), DM9 (Cumulative Impact), DM10 (Transportation of Minerals and Waste), DM11 (Public Rights of Way), DM12 (Infrastructure Safeguarding), DM13 (Information Required in Support of an Application), DM15 (Restoration and Aftercare) and DM16 (After-use).

### **Consultations**

**22. Gravesham Borough Council – No objection but makes the following comments:-**

- The proposed creation of a development platform would be consistent with the proposals submitted to the Borough Council to land raise Church Path Pit as part of the Mixed Use Development outline application (GR/20090238).
- Seeks reassurance that the proposed development would have a minimal impact on surrounding residential properties and suggests that:
  - A comprehensive Code of Construction Practice covering all environmental impacts (including the submission of an application for consent under Section 61 of the Control of Pollution Act 1974 and sufficient dust mitigation measures for windblown dust) be submitted to and approved in writing by before any works commence;
  - Regular chemical testing of all material brought to the site be undertaken;
  - Any planning permission granted should only relate to the use of materials that are imported by rail as part of the Crossrail development and that the use of other materials imported by road or river should require further assessment or planning permission;
  - The SUDS issues raised by Southern Water are properly addressed and are the subject of conditions as necessary; and
  - The conditions suggested by HS1 should be included as part of any planning permission that is granted.

**23. Environment Agency – Initially objected to the proposed development due to the absence of a Flood Risk Assessment and indicated that it may also wish to recommend conditions relating to groundwater and contaminated land as part of any further consultation. Notwithstanding this, it also indicated that it had no objection in principle to the proposed development and that its objection could be overcome by the provision of a Flood Risk Assessment which demonstrated that the development would not increase risk elsewhere and where possible reduces flood risk overall. Following consideration of the further information submitted in support of the application in October and November 2013, raises no objection subject to the development being undertaken as proposed (including as set out in the Drainage Strategy dated November 2013) and the imposition of the following conditions:**

1. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in

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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. [Reason: To protect groundwater and the public water supply as site overlies a principle aquifer and is within an SPZ1 for abstracted supply.]

2. No infiltration of surface water drainage into the ground water 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 approval details. [Reason: To protect groundwater and the public water supply as site overlies a principle aquifer and is within an SPZ1 for abstracted supply.]

Has also requested that the applicant be advised of a number of issues relating to the definition of waste, the implications of this and the need to ensure that all contaminated materials are adequately characterised both chemically and physically and that the permitting status of any proposed on site operations is clear.

24. **High Speed 1 (HS1)** – Initially expressed concerns about potential adverse impacts on the integrity, safety, security, operation, maintenance and liabilities of HS1 and its property as a result of a lack of detail contained in the submitted application and requested that these issues be addressed. Following the receipt of further information in October 2013, it maintained its objection due to continuing concerns about: the proposed spoil material properties, earthworks stability and compaction operations; the quality of chalk and the potential for chalk dissolution; the shear strength parameters for the chalk layer; and the lack of any investigation by intrusive methods of the geology under the HS1 rail sidings and the lack of any detailed numerical modelling of the potential movement of the sidings as a result of the proposed development. However, following the meeting on 7 November 2013 and consideration of the additional information submitted on 15 November 2013, it has raised no objection subject to:
  1. the development being implemented as proposed (including compliance with the Drainage Strategy dated November 2013 and the reports relating to stockpile stability dated 24 September 2013 and 11 November 2013 and the provision of the stand-off's to HS1's apparatus shown on the application drawings); and
  2. no water of effluent being discharged from the site onto HS1 or its associated drainage system.
25. **Network Rail** – No formal comments received. However, it was closely involved in assessing and commenting on the proposals with HS1 such that its interests have been addressed in paragraph 24 above.
26. **Southern Water** – Advises that the site lies within a Source Protection Zone around one of its public water supply sources but will rely on the consultation with the Environment Agency to ensure that its interests are protected. Advises that the

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applicant will need to ensure that arrangements exist for the long term maintenance of any Sustainable Urban Drainage Systems (SUDS) to ensure that these remain effective in perpetuity as they are not adoptable by sewerage undertakers. States that good management would avoid flooding from the proposed surface water system which may otherwise result in the inundation of the foul sewerage system. Advises that where a SUDS scheme is to be implemented, drainage details should specify the responsibilities of each party for its implementation, a timetable for this and a management and maintenance plan for the lifetime of the development (including arrangements for the adoption by any public authority or statutory undertaker). Further advises that it has no records of public sewers across the site. However, is possible that there may be and that if this is the case an investigation of its condition would be required. This would need to establish the number of properties it serves and the potential means of access before further works could take place. It also advises the applicant to discuss this as necessary with Atkins Ltd.

27. **KCC Biodiversity Projects Officer** – Initially raised a number of concerns about the ecological aspects of the proposed development and sought clarification on a number of issues including the nature of the current habitat of the site, the proposed mitigation, the relationship between the application and the Mixed Use Development proposals (including the proposed development of the receptor site as part of the latter), the potential effects of lighting on bats, the potential impact on nesting and other birds and impact on reptiles.

Following consideration of the further information submitted in support of the application, together with those details submitted as part of the Mixed Use Development proposals, she states that there is sufficient information to allow adequate consideration of potential ecological impacts. She advises that the NPPF requires the County Council to be satisfied that the proposed development would not result in a net loss of biodiversity and that (when viewed in isolation) this is not possible in this case as the current application is incapable (in itself) of fully mitigating any losses. However, when viewed in the context of the overall habitat creation proposed as part of the Mixed Use Development she is satisfied that the objectives of the NPPF would be met. Notwithstanding this and the fact that planning permission has yet to be issued for the Mixed Use Development, she has raised no objection subject to conditions to secure the following:-

- All ecological measures / works being undertaken as proposed.
- Additional post-translocation monitoring of the receptor site and wildlife corridors being undertaken during years 1 and 3 (post-translocation). This additional work to include presence / likely absence surveys and habitat suitability assessments for reptiles and the submission of a report describing the results of the monitoring and containing contingencies and / or remedial actions (in the event that the monitoring shows that the conservation aims and objectives are not being met) being submitted to the County Council.
- Any lighting being designed (and clearly demonstrated) to ensure that dark corridors will be maintained in the wildlife corridors by the use of directional lighting and hoods. Where possible, the lamps used should be low or zero UV

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such as low pressure sodium lamps.

- The retention of the receptor site as reptile habitat for at least 7 years post-translocation.

28. **KCC Rights of Way (Countryside Access Service) – No comments.**

29. **KCC Archaeology and Conservation – KCC Archaeological Officer has no comments and KCC Conservation Officer has no adverse comments.**

30. **KCC Landscape Officer –** No significant concerns regarding landscape given the temporary nature of the proposed stockpiling. Has emphasised the need to use lighting sparingly to further reduce visual impact given the proximity of homes and other sensitive buildings.

31. **Port of London Authority – No objection.**

**Representations**

32. The application was publicised both by site notices and newspaper advertisement and 145 local residents / business properties were notified.

33. At the time of writing this report four letters / emails of representation have been received. Although only two raise formal objections, the others have raised a number of issues and concerns.

34. The objections relate to:-

- Noise (from proposed engineering operations and trains in Church Path Pit, including squealing noise from train wheels).
- Dust and atmospheric pollution.
- The applicant not identifying all the land it owns or controls in the area (e.g. the tunnels under Northfleet High Street and The Hill and the Blue Lake to the south of the North Kent railway line).
- Granting permission would give tacit agreement for further development in Church Path Pit and a dilution of any initial controls over working hours, etc.
- Adverse impacts on the amenity of local residents surrounding Church Path Pit (particularly those living on the rim of the pit).
- Many of the applicant's statements in respect of measures intended to minimise noise and vibration impacts include phrases such as "where reasonably practical", "where possible" and "may be extended" are used with such frequency that these are meaningless and unenforceable.
- Adverse ecological impacts (given that Church Path Pit was listed as being of High potential importance for invertebrates in 2006).

35. One of the respondents raising a formal objection has also included a copy of a letter to one of Gravesham Borough Council's Environmental Health Officers in which detailed concerns are expressed about noise from the rail link within Church Path Pit



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(particularly at night). It is clear from this letter, and other correspondence that I am aware of, that the respondent has long standing and continuing issues with the operation of the rail link. The same respondent also raised a number of issues (but neither objection nor support) in response to the Bulk Aggregates Import Terminal application (which included an amendment to the previously consented rail link) and had requested that measures be taken to minimise the impact of noise associated with trains using the rail link (e.g. spraying the tracks with lubricant).

36. The issues and concerns raised by the other respondents relate to:-

- Noise.
- Dust and air quality.

**Local Members**

37. County Council Members Mr NS Thandi and Mrs S Howes were notified in August 2013 and again in October 2013 following the receipt of further information in support of the application. No comments have been received from either Member.

**Discussion**

38. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In the context of this application, the development plan policies outlined in paragraphs 17 and 18 above are of most relevance. Material considerations include the national planning policies referred to in paragraph 16 and the draft or emerging policies referred to in paragraphs 19 to 21. Members should note that the Inspector dealing with the Gravesham Local Plan Core Strategy gave a preliminary view on 23 September 2013 (following a hearing session held on 18 September 2013) in which he expressed serious concerns about the soundness of the Plan, particularly in respect of the proposed housing provision and annual delivery rate over the Plan period. The Borough Council has since requested that the Inspector provide his recommended main modifications to the Plan in order that it could undertake further work and enable the Plan to be found sound. Whilst any resultant modifications to the Plan are unlikely to have a significant bearing on the current application, the weight that can be attached to the emerging Plan needs to be carefully considered when the application is determined.

39. The issues to be considered in this case are:-

- Need / sustainable development;
- Site suitability;
- Transportation;
- Noise, vibration, dust and air quality impacts;
- Groundwater and surface water impacts;
- Ground stability (e.g. tunnels and cliffs);

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- Biodiversity impacts;
- Landscape and visual impact;
- Archaeology and historic interest;
- Public rights of way; and
- Cumulative impact.

Need / sustainable development

40. Crossrail is a key national infrastructure project that is designed to significantly increase the capacity of the rail network into and across London and relieve congestion and overcrowding and meet growth demands, as well as support economic development and regeneration in areas such as the Thames Gateway. The delivery of Crossrail is provided for in the Crossrail Act (2008). The emerging Gravesham Local Plan Core Strategy supports the extension of Crossrail to the Borough. The objectives of the Crossrail project are also supported by policies in the NPPF relating to the economy and sustainable transport. PPS10 states that the overall objective of Government policy for waste is to protect human health and the environment by producing less waste and using it as a resource wherever possible. It also states that planning authorities should help deliver sustainable development through driving waste management up the waste hierarchy and looking to disposal as the last option. Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development and that this should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means that, unless material considerations indicate otherwise, proposals that accord with the development plan should be approved. It also states that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits. Paragraph 19 of the NPPF states that the planning system should support sustainable economic growth. Sustainable waste management, as its title suggests, is at the heart of PPS10. The need for sustainable development is also reflected in many of the adopted, draft and emerging policies referred to in paragraphs 17 to 21 above. The waste hierarchy, which provides an order of preference for waste management solutions ranging from prevention (*most effective*), preparing for re-use, recycling, other recover and disposal (*least desirable*), is an important principle of sustainable waste management. It is specifically referred to in PPS10 and draft Policy CSW2 of the Kent Minerals and Waste Development Framework – Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (May 2011) (i.e. the emerging Kent Minerals and Waste Local Plan).
41. The proposed use of the site would assist in ensuring that materials arising from the Crossrail development can continue to be removed by rail from the tunnel portals without unnecessary delay. The proposed use of the tunnel arisings for the creation of the development platform and the temporary storage of additional material prior to its onward transportation to assist in delivering the permitted development at Wallasea Island would accord with the waste hierarchy and meet the sustainability objectives of the NPPF, PPS10 and a number of adopted, draft and emerging development plan policies and is therefore supported in principle. If planning permission is granted, it

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would be desirable to ensure that the development platform is created prior to the proposed stockpiling activities in order to reduce the likelihood of additional materials from other sources needing to be imported at a later date in the event that insufficient materials are imported as part of the Crossrail works. Whilst I am satisfied that this could be secured by condition, I also consider that it would be prudent to provide sufficient flexibility to enable some stockpiling to take place prior to the completion of the entire development platform if unforeseen issues arise that prevent this from happening for a period of time (e.g. if insufficient suitable materials for use in the creation of the development platform are available at any particular time).

Site suitability

42. The application site is not identified or allocated for any use in the Kent Waste Local Plan (1998) or any of the Kent Minerals Local Plans and is not proposed to be allocated in the emerging Kent Minerals and Waste Local Plan. However, 42 Wharf, the Bulk Powders Terminal and Bulk Aggregates Import Terminal will be safeguarded. The site is safeguarded for the Channel Tunnel Rail Link in the adopted Gravesham Local Plan First Review (1994) and was allocated as part of the Northfleet Cement Works / Land East of Grove Road Major Development Site in the Gravesham Local Plan Second Review Deposit Version (May 2000). The emerging Gravesham Local Plan Core Strategy identifies the site as within the Northfleet Cement Works Regeneration Area (Key Site 1.5) which forms part of the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area. Draft Policy CS03 states that Key Site 1.5 will provide employment development of approximately 39,000 sq.m of new employment floorspace comprising business, industrial, and storage and distribution facilities (use classes B1, B2 and B8) and a Bulk Aggregates Import Terminal providing around 1,330 new jobs. The County Council has already permitted the Bulk Aggregates Import Terminal element whilst Gravesham Borough Council has resolved to grant planning permission for the development of Church Path Pit which would require the creation of a development platform at 6m AOD. These are both entirely consistent with draft Policy CS03.
43. Paragraph 24 of PPS10 states that waste management facilities proposed on sites not allocated for such use should be considered favourably when they are consistent with the policies set out in PPS10 and a range of criteria. These criteria include the physical and environmental constraints on development (including existing and proposed neighbouring land uses), the capacity of existing and potential transport infrastructure to support the sustainable movement of waste (seeking modes other than road transport where practicable and beneficial) and giving priority to the re-use of previously developed land. Policy W3 of the Kent Waste Local Plan states that proposals which only involve waste processing and transfer at locations outside those identified on the proposals map will not be permitted unless they can avoid the need for road access, or can gain ready access to the primary or secondary route network and preferably have potential for a rail or water transport link and are located within or adjacent to an existing waste management operation or within an area of established or proposed general industrial use. Policy W7 states (amongst other things) that proposals to prepare Category A waste for re-use (e.g. tunnelling arisings) will be

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considered against whether they: would minimise impacts on the local and natural environments; have or could secure ready access to the main road network, or have a rail or water link provided that there is acceptable access to an appropriate road network; and are within or adjacent to existing waste management facilities or are part of a location within an established or committed general industrial type area. Draft Policy CSW5 of the emerging Kent Minerals and Waste Local Plan supports locating non-strategic waste sites in or close to the Thames Gateway Growth Area and within or adjacent to existing minerals or waste sites where it can be demonstrated that benefits arise from co-location. Draft Policy CSW6 also encourages co-location where transport, operational and environmental benefits can be demonstrated.

44. The application site has good rail, river and road access. The proposed development would effectively form an extension to the existing Crossrail facility (which has operated successfully for some time) and provide the development platform required as part of the proposals for the redevelopment of the site. It need not involve the use of any significant road transport (since materials would be imported by rail and exported by sea) and would appear capable of complying with all of the above policies provided that it meets the detailed “tests” associated with the various environmental, operational and other policies addressed elsewhere in this report. Given the temporary nature of the proposals, which could be assured by a condition limiting the duration of the development, it would not prejudice the implementation of the development envisaged by the Gravesham Local Plan Core Strategy. Indeed, given the current availability of Crossrail material, it could actually assist in meeting emerging Local Plan objectives earlier than would otherwise be the case. Although one respondent has objected on the grounds that granting planning permission would give tacit agreement to further development in Church Path Pit, it should be noted that such development is likely to take place regardless of the outcome of the current application. It is also worth noting that the County Council supported the Mixed Use Development proposals on the basis that they were generally consistent with strategic policies.

Transportation

45. The use of sustainable transport (particularly by rail and water) is promoted in the NPPF, PPS10, Policies W3 and W7 of the Kent Waste Local Plan and draft Policy CS11 of the emerging Gravesham Local Plan Core Strategy. Policies W3 and W7 of the Kent Waste Local Plan require that proposals have good access to an appropriate road network and preferably have rail or water transport links. Draft Policy DM10 of the emerging Kent Minerals and Waste Local Plan supports development that minimises road miles.
46. The proposed development would involve Crossrail tunnel arisings being imported by rail to the existing sidings in the former Northfleet Works site to the north of Northfleet High Street as already happens. It would then be transported via a private vehicle tunnel under Northfleet High Street before being used to create the development platform or stockpiled. Stockpiled materials would be removed via the same tunnel before being exported from 42 Wharf. In this way, it would not be necessary to use



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road transport. Although the applicant has indicated that materials excavated from elsewhere within the Northfleet Works site could be used and that other sources could be considered that would involve importation of materials by HGVs on the public highway or ships or barges on the river, it has indicated that it would be happy to accept the imposition of a condition restricting materials to those from Crossrail flows imported to the site by rail unless approval is first obtained from the County Council for alternatives. The Borough Council has also requested that this be the case.

47. In considering the proposed development, it needs to be borne in mind that the principle of importing Crossrail materials by rail and road to Northfleet Works has already been established, that the Crossrail planning permission includes no specific restrictions on the number of trains allowed to use the site (although the application had assumed that up to 4 trains per day would deliver clay to the site and Crossrail had booked 5 train paths per day to accommodate this) and that the existing Crossrail permission allows up to 688 HGV movements (344 in / 344 out) per day associated with those works. It should also be noted that as all Crossrail materials are currently imported by rail, very few HGV movements currently take place. The only additional requirement that would need to be met if materials were to be imported to the existing Crossrail facility by road is for a revised HGV Management Plan to be submitted to and approved in writing by the County Council. Issues such as routeing have been well rehearsed as part of both the Bulk Aggregates Import Terminal and Crossrail proposals and would need to be satisfactorily reflected in any revised HGV Management Plan. If materials were to be imported by river, detailed arrangements on how materials would be landed and transported across 42 Wharf to the site would first need to be proposed, assessed and found to be acceptable. Regardless of the outcome of the current application, Crossrail material would continue to be imported by rail. The Bulk Aggregates Import Terminal planning permission would also enable train movements to continue permanently through Church Path Pit to serve that development such that any refusal based on continued train movements would very difficult to defend.
48. In the absence of further details on sources of materials or any revised HGV Management Plan, I consider that it is appropriate to restrict materials used in the manner suggested by the applicant and requested by the Borough Council. I am satisfied that this approach is reasonable and would enable the implications of alternatives to be appropriately tested by the County Council if the applicant wanted to extend the source of materials or their method of importation. Subject to the imposition of an appropriate condition(s), I am satisfied that the proposed development would be acceptable in terms of transportation issues and would accord with the above policies.

Noise, vibration, dust and air quality impacts

49. Government waste policy seeks to ensure that potential adverse amenity and health impacts associated with development proposals are minimised. PPS10 is clear that noise, dust and proximity to sensitive receptors are important considerations when making decisions on waste management development. PPS10 also makes it clear

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that modern, appropriately located, well-run and well-regulated, waste management facilities operated in line with current pollution control techniques and standards should pose little risk to human health and that the detailed consideration of a waste management process and the implications (if any) for human health is the responsibility of the pollution control authorities. It further states that: the planning and pollution control regimes should complement rather than duplicate each other; waste planning authorities should concern themselves with implementing the planning strategy in the development plan and not with the control of processes which are a matter for the pollution control authorities; and waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. Although the NPPF does not include waste policy, it also makes it clear (paragraph 122) that planning decisions should focus on whether the development itself is an acceptable use of land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. It also states that local planning authorities should assume that these regimes will operate effectively. The NPPF also states (paragraph 123) that planning decisions should aim to avoid noise from new development giving rise to significant adverse effects on health and quality of life and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions. It further states (paragraph 109) that the planning system should contribute to and enhance the 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 air or noise pollution.

50. Policy W18 of the Kent Waste Local Plan states that before granting planning permission the planning authority must be satisfied as to the means of control of noise, dust, odour and other emissions, particularly in respect of its potential impact on neighbouring land uses and amenity. Draft Policy CS19 of the emerging Gravesham Local Plan Core Strategy states that new development should safeguard amenity and avoid adverse environmental impacts from noise and air pollution. Draft Policy DM8 of the emerging Kent Minerals and Waste Local Plan requires minerals and waste proposals to demonstrate that they are unlikely to generate unacceptable adverse effects from (amongst other things) noise, vibration, dust and emissions or exposure to health risks and associated damage to quality of life and wellbeing to adjoining land uses and those in close proximity.
51. Those four local residents who have responded have all expressed concerns about potential adverse noise and dust / air quality impacts. One has also raised further concerns about noise and vibration associated with existing (and proposed) rail movements.
52. No objections have been raised by Gravesham Borough Council in respect of noise, vibration, dust and air quality impacts subject to the prior approval of a comprehensive Code of Construction Practice and consent being obtained under Section 61 of the Control of Pollution Act (1974) as was the case with the current Crossrail operation. The Borough Council's Environmental Health Team was / would be responsible for

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issuing any Section 61 consent. The Environment Agency (responsible for any Environmental Permit) has no objections in respect of these issues.

53. The Borough Council has already resolved to permit the proposed development platform as part of the Mixed Use Development and the proposed temporary waste handling facility is very similar to that already operating on that part of Northfleet Works to the north of the High Street. Both the resolution to permit and experiences with the current Crossrail operations indicate that the proposed development can be undertaken without giving rise to unacceptable impacts on the local community. Whilst concerns have been expressed by a small number of local residents about potential impacts associated with the proposals, and one local resident has complained to the Borough Council about noise and vibration associated with train movements through Church Path Pit, no complaints have been made to the County Council about the ongoing Crossrail operations. Since the Borough Council has been addressing noise and vibration issues as part of the Section 61 consent process, and I understand is in discussion with the complainant about these matters, I do not consider that it should directly affect any decision on the current application. The proposed development itself would be contained within Church Path Pit and St Botolph's Pit at a lower level than surrounding properties and the difference in levels would serve to minimise noise and air quality / dust impacts associated with operations. The proposed submission of a comprehensive Code of Construction Practice (which would include measures to address matters such as noise, vibration, dust and air quality) is capable of being secured by condition if planning permission is granted and would serve to provide controls in a similar way to the existing Crossrail operations. It would also be appropriate to impose a condition restricting operations on the application site to those times proposed (i.e. between 08:00 and 18:00 hours Monday to Friday and between 08:00 and 13:00 hours on Saturdays with no Sunday working), extended to preclude Bank / Public Holiday working. Any impacts that do arise would also be temporary as the stockpiles are proposed to be removed within 18 months.
54. Subject to the above matters being secured by conditions, I am satisfied that the proposed development would be acceptable in terms of noise, vibration, dust and air quality issues and would accord with the above policies.

Groundwater and surface water impacts

55. PPS10 states that locational criteria for waste management facilities should include the proximity of vulnerable surface and groundwater. Paragraph 120 of the NPPF states that planning decisions should ensure that new development is appropriate for its location and that the effects of pollution on the natural environment and the potential sensitivity of the area should be taken into account. Paragraph 100 seeks to ensure that development in areas of highest flood risk is avoided and that development does not increase the likelihood of flooding elsewhere. Policies W19 and W20 of the Kent Waste Local Plan respectively state that the planning authority will need to be satisfied that surface and ground water resource interests will be protected and land drainage and flood control have been satisfactorily taken into account. Draft Policy CS19 of the emerging Gravesham Local Plan Core Strategy states that new development should

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not pose an unacceptable risk or harm to the water environment, including the quality and/or quantity of ground waters, surface waters, wetlands and coastal water systems and should avoid adverse environmental impacts from land contamination. Draft Policy DM7 of the emerging Kent Minerals and Waste Local Plan requires that proposed development does not have a detrimental impact on the quality or flow of groundwater or surface water drainage or exacerbate flood risk in areas prone to flooding and elsewhere.

56. Although the Environment Agency indicated that it had no objection in principle to the proposed development it initially objected on the grounds that the applicant had failed to undertake and include a Flood Risk Assessment. It also indicated that it may wish to recommend conditions relating to groundwater protection and contaminated land. The applicant submitted a Flood Risk Assessment as part of a package of further information in October 2013 and a Drainage Strategy in November 2013. The Environment Agency has since advised that it has no objection subject to the development being implemented as proposed and conditions relating to the remediation of potential ground contamination and surface water drainage. Notwithstanding its acceptance of the Drainage Strategy dated November 2013 (which provides for infiltration of surface water drainage into the ground water through a number of surface water storage depressions), the Environment Agency has confirmed that it still wishes the second condition relating to this issue (referred to in paragraph 23 above) to be included in any planning permission in order that proposals for any additional infiltration to be properly assessed. HS1 has requested that no water or effluent be discharged from the site onto HS1 apparatus or its associated drainage system and that the Drainage Strategy dated November 2013 be complied with. I am satisfied that conditions could be imposed to address these issues if planning permission is granted. Southern Water indicated that it was content to rely on the Environment Agency to ensure its water supply interests are protected and raised a number of issues about drainage (SUDS and public sewers). In view of the Environment Agency's position, I am content that the issues raised by Southern Water have been adequately addressed. I am also satisfied that the Borough Council's suggestions on these matters would be met.
57. Subject to the imposition of conditions to address the above, I am satisfied that the proposed development would be acceptable in terms of groundwater and surface water interests and would accord with the above policies.

Ground stability (e.g. tunnels and cliffs):

58. The main national planning policies relating to ground stability of relevance to the proposals (i.e. the potential instability of tunnels and cliffs) are set out in the NPPF. Paragraph 120 states that planning decisions should ensure that development is appropriately located in order to prevent unacceptable risks from land instability. It goes on to say that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and / or landowner. Policy W20 of the Kent Waste Local Plan requires land stability to have been satisfactorily taken account of. There are no specific ground stability policies in the adopted, draft or



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emerging Gravesham Local Plans.

59. The applicant has included details of a structural inspection of the tunnel linking Botolph's Pit and the main Northfleet Works site through which access would be obtained. This advises that the tunnel and its approaches are in good condition with little sign of defect or blemish although it recommends that minor repairs are carried out to areas of spalled (flaking) concrete. The integrity of the rail tunnel and cliffs above it was assessed prior to the re-commencement of its use as a requirement of the Bulk Aggregates Import Terminal permission and is now being monitored and managed by the applicant in accordance with an approved scheme. There is a requirement on the Bulk Aggregates Import Terminal permission for a similar assessment and scheme to be submitted for the main road tunnels linking Northfleet Works with the A226 Thames Way. The Mixed Use Development proposals were accompanied by a Land Stability Statement which assessed the stability of all cliffs, tunnels and pit floors at Northfleet Works (including Church Path Pit, St Botolph's Pit and Vineyard Pit between the main Northfleet Works site and the A226). The proposed long term mitigation and management measures contained therein would be secured by the planning permission to be issued pursuant to that application by Gravesham Borough Council. The Statement was also submitted in support of the Crossrail application and that permission requires the same management and mitigation measures to be complied with.
60. HS1 initially objected to the proposals due to concerns about potential impacts on its apparatus (see paragraph 24 above). These concerns were the subject of discussions and have since been overcome by the submission of further information in October and November 2013. HS1 has most recently stated that it has no objection in terms of ground stability subject to the development being undertaken as proposed (including compliance with the reports relating to stockpile stability dated 24 September 2013 and 11 November 2013 and the provision of the stand-off's to HS1's apparatus shown on the application drawings). HS1's initial concerns about drainage have been addressed in the "Groundwater and surface water impacts" section above.
61. Given the temporary nature of the Crossrail proposals, as there have been no significant recent problems relating to the cliffs, rail or road tunnels and as the long term implications of tunnels and cliff stability will be fully addressed as part of the permanent Bulk Aggregates Import Terminal and Mixed Use Development proposals, I am satisfied that there is no need to impose additional measures in respect of these issues other than to require the mitigation set out in the land stability statement which accompanies the application and for the development to be implemented as proposed.
62. Subject to the imposition of conditions to address the above, I am satisfied that the proposed development would be acceptable in terms of ground stability and accord with the above policies. The imposition of the conditions requested by HS1 would also satisfy the Borough Council.

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Biodiversity impacts

63. PPS10 states that locational criteria for waste management facilities should include consideration of whether there would be any adverse effect on a site of international importance for nature conservation (SPA, SAC and Ramsar Sites) or a site with a nationally recognised designation (SSSI or NNR). Paragraph 118 of the NPPF states that local planning authorities should seek to conserve and enhance biodiversity when determining planning applications. It also states that permission should not normally be granted for development on land outside a SSSI that is likely to have an adverse effect on the SSSI and emphasises the importance of protecting European designated sites (e.g. SAC, SPA and Ramsar Sites). Policy W21 of the Kent Waste Local Plan states that the planning authority will need to be satisfied that the ecological interests of the site and its surroundings have been established and provisions made for the safeguarding of species of wildlife importance. Policy C8 of the adopted Gravesham Local Plan First Review (1994) seeks to protect habitats or features of importance for nature conservation. Draft Policy CS12 of the emerging Gravesham Local Plan Core Strategy states that: wildlife stepping stones and corridors will be created, protected, enhanced and maintained; biodiversity sites will be protected commensurate with their interest; there will be no net loss of biodiversity in the Borough and opportunities to enhance, restore, re-create and maintain habitats will be sought within new development; and where a negative impact on protected or priority habitats/species cannot be avoided on development sites and where the importance of the development is considered to outweigh the biodiversity impact, compensatory provision will be required either elsewhere on the site or off-site, including measures for ongoing maintenance. Draft Policy DM2 of the emerging Kent Minerals and Waste Local Plan states that proposals should not give rise to significant adverse effects on the character, appearance, ecological or amenity value of sites of international, national or local importance unless it can be demonstrated that there is an overriding need for the development and any impacts can be mitigated or compensated for such that there is a net gain or improvement to their condition.
64. Objections have been received from one respondent about adverse ecological impacts. The respondent referred to a 2006 entomologists report relating to brownfield sites in the Thames Gateway in which Church Path Pit was assessed as being of high potential importance for invertebrates.
65. Although the County Council's Biodiversity Projects Officer has advised that the proposed development would not (in itself) fully accord with the objectives of the NPPF in that it would result in a net loss of habitat, she is satisfied that the proposed development is acceptable when viewed in the context of the wider Mixed Use Development proposals which would involve the creation of various habitats elsewhere within the former Northfleet Works site. On this basis, she has recommended that a number of conditions be imposed to secure the proposed ecological measures / works, additional post-translocation monitoring, appropriate lighting and the retention of the receptor site as reptile habitat for at least 7 years post-translocation if planning permission is granted. Although it would affect the applicant's ability to fully implement any permission granted for the Mixed Use Development, it has indicated its willingness

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to adhere to latter condition. I am advised that an agreed regime of reptile trapping and translocation has already been completed.

66. Ideally, planning permission would already be in place for the Mixed Use Development in such circumstances. It is understood that this has been delayed due to the need to conclude detailed discussions about a number of matters (including highway improvements and housing delivery) for the Section 106 Agreement unrelated to biodiversity or ecological considerations. However, I am satisfied that it is reasonable for the Borough Council's resolution to grant planning permission to be relied upon in this case to ensure that the overall ecological objectives to be met. In coming to this view, I have had regard to the benefits of the proposed development referred to elsewhere in this report, the fact that the Borough Council has not raised any concerns on the issue and as the site is identified for employment development such that the creation of a development platform would almost certainly be required regardless of whether the Mixed Use Development were to proceed as currently envisaged. I am also satisfied that the temporary storage of materials on top of the proposed development platform would not directly affect the habitat within Church Path Pit and that any biodiversity impacts associated with that element could be addressed as necessary by conditions (e.g. the wildlife corridors being fenced off from the stockpiles and internal haul roads to prevent incursion by associated operations).
67. Subject to the above matters being secured by condition(s), I am satisfied that the proposed development would be acceptable in terms of biodiversity interests and would accord with the above policies when considered in the context of the Mixed Use Development proposals.

Landscape and visual impact

68. The main national planning policies relating to landscape and visual impact of relevance to the proposals are set out in the NPPF and PPS10. These promote sustainable development, the protection and enhancement of the environment and the quality, character and amenity value of urban areas. Policy W25 of the Kent Waste Local Plan seeks to ensure that the siting, design and external appearance of processing plant, hard surfacing, buildings and lighting is carefully controlled to minimise visual intrusion and assist integration into the local landscape. Policies W31 and W32 respectively seek appropriate schemes of landscaping and operation (with restoration as appropriate). Policy TC1 of the adopted Gravesham Local Plan First Review (1994) states that the design and massing of buildings should normally be in keeping with their surroundings. Policy TC10 states that details of landscaping proposals will normally be required for new developments. Draft Policy CS19 of the emerging Gravesham Local Plan Core Strategy states that new development should avoid adverse environmental impacts from light pollution. Draft Policy DM1 of the emerging Kent Minerals and Waste Local Plan states that proposals should minimise impact on the environment and protect and enhance the character and quality of an area. Draft Policies DM15 and DM16 require satisfactory provision for restoration, aftercare and after-use (as appropriate) as part of minerals and temporary waste management development.

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69. No landscape or visual amenity objections have been received about the proposed development although concerns have been expressed that it is more likely to lead to the future development of Church Path Pit. The greater likelihood of future development is not a material planning consideration. The proposed development will not be highly visible since the topography of the site and surrounding area means that it would be well contained by high cliffs and vegetation. However, as it is possible to see into the site from some public viewpoints (including footpaths) and residential properties surrounding the site, the development would be visible. It is worth noting that the proposed development platform would be required as part of the Mixed Use Development proposals regardless of the outcome of this application and that the proposed stockpiles would be lower than the maximum permitted height of the buildings proposed as part of that development. The County Council's Landscape Officer has no significant concerns given the temporary nature of the proposed stockpiling but has recommended that lighting be used sparingly to minimise visual impact. Lighting has already been discussed in the above "Biodiversity impacts" section and I am satisfied that the proposed controls can satisfactorily ensure that lighting does not give rise to unacceptable visual impact. I also consider that it would be appropriate to impose conditions limiting stockpile heights to those proposed (i.e. 16m AOD in Church Path Pit and 12m AOD in St Botolph's Pit) and restricting the amount of material stockpiled at the site to 111,500m<sup>3</sup>. I do not consider it necessary to limit the amount of material for the development platform since that would simply be created at 6m AOD.
70. Subject to the imposition of conditions to secure a suitable lighting scheme (either separately or as part of the proposed Code of Construction Practice), maximum stockpile heights and volume of stockpiled material (as above) and the development being implemented as applied for, I am satisfied that the proposed development would be acceptable in terms of landscape and visual impact and would accord with the above policies.

Archaeology and historic interest

71. The main national planning policies relating to the historic environment are set out in the NPPF. This emphasises the importance of protecting designated heritage assets (e.g. scheduled monuments and listed buildings) and also makes it clear that effects on non-designated assets should also be taken into account when determining planning applications. Policies TC0, TC1, TC2, TC3, TC5, TC6 and TC7 of the adopted Gravesham Local Plan First Review (1994) are all relevant. These (*variously*) seek to conserve and enhance the built environment, protect listed buildings, conservation areas and scheduled ancient monuments and their settings and promote the identification, recording, protection and enhancement of archaeological sites, ancient monuments and historic landscape features and their educational, recreational and tourist potential through management and interpretation. Draft Policy CS20 of the emerging Gravesham Local Plan Core Strategy states that the Borough Council will accord a high priority towards the preservation, protection and enhancement of its heritage and historic environment as a non-renewable resource. Draft Policy DM2 of

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the emerging Kent Minerals and Waste Local Plan states that proposals should not give rise to significant adverse effects on the character, appearance or amenity value of sites of international, national or local importance (including scheduled ancient monuments, conservation areas and listed buildings and their settings) unless it can be demonstrated that there is an overriding need for the development and any impacts can be mitigated or compensated for such that there is a net gain or improvement to their condition. Draft Policies DM3 and DM4 specifically refer to archaeology and historic heritage.

72. No objections have been received from KCC Archaeology and Conservation or others in respect of either any impact on the application site itself or the historic interest associated with The Hill Conservation Area or any listed buildings in that area or elsewhere. Since the proposed development would take place in the base of a chalk former quarry and would primarily involve the deposit of materials rather than further extraction, I am satisfied that the proposals would have no significant effect on archaeology. The landscape and visual impact of the proposed development has already been discussed above and I am satisfied that any conclusions drawn there can reasonably apply to any heritage interest associated with The Hill Conservation Area and any listed buildings.
73. I am satisfied that the proposed development would be acceptable in terms of archaeology and heritage issues and would accord with the above policies.

Public rights of way

74. The NPPF states (paragraph 75) that planning policies should protect and enhance public rights of way and access. Policy W27 of the Kent Waste Local Plan states that where proposals could adversely affect a public right of way, the County Council will secure the interests of its users. Policy LT8 of the adopted Gravesham Local Plan First Review (1994) seeks to maintain and improve the public rights of way network and, as opportunities arise, seek to provide new recreational footpaths and cycleways in the Borough. Draft Policy DM11 of the emerging Kent Minerals and Waste Local Plan states that planning permission will only be granted for development that adversely affects a public right of way if satisfactory prior provision is made for its diversion which is convenient and safe.
75. KCC Rights of Way (Countryside Access Service) has no comments on the proposed development. The proposed development would not directly affect any public right of way provided the concrete collar is constructed around the support for Church Path bridge to safeguard the structure (and therefore footpath NU8). Potential impacts on users of rights of way around the site would be similar to those associated with adjoining properties, albeit that any impacts would only be experienced during those periods when they are being used and therefore transitory. I am satisfied that any impacts would be minimal given that the rights of way are all at higher elevations than the base of Church Path Pit and provided appropriate controls are in place to minimise noise, dust and air quality. These issues have already been addressed elsewhere in this report.

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76. Subject to the provision of the concrete collar around the support for Church Path bridge to safeguard the structure (and therefore footpath NU8), I am satisfied that the proposed development would be acceptable in terms of public rights of way and would accord with the above policies.

Cumulative impact

77. The proposed development needs to be considered in the context of previous development (the Northfleet Cement Works), existing development (Bulk Powders Import Terminal and Crossrail Tunnelling Logistics Facility), permitted development (Bulk Aggregates Import Terminal) and proposed development (including the Mixed Use Development proposals that the Borough Council has resolved to permit) in the area. The proposed development would increase the size of the area used for the storage of Crossrail materials and additionally introduce this element into Church Path Pit and St Botolph's Pit. Whilst this has the potential to increase impacts on the environment and local amenity, I am satisfied that appropriate controls can be required (as discussed elsewhere in this report) such that any impacts would not be unacceptable. I note that the proposed development platform would be required as part of the Mixed Use Development, that the Mixed Use Development could not take place simultaneously with that proposed, that the proposed stockpiling and associated movement of materials would only be for a maximum period of 18 months and that the current Crossrail stockpiling activities have not given rise to any significant concerns. I also note that whilst complaints have been made to the Borough Council about noise associated with rail movements through Church Path Pit, those impacts which have given rise to the complaints would continue regardless of the outcome of the current application. I am therefore satisfied that the proposed development would not give rise to unacceptable cumulative impacts and is consistent with draft Policy DM9 of the emerging Kent Minerals and Waste Local Plan.

**Conclusion**

78. For the reasons set out in paragraphs 40 to 44, I am satisfied that the proposed development is acceptable in principle at this location. For the reasons set out in paragraphs 45 to 77 I am also satisfied that it meets the relevant detailed "tests" associated with the various environmental, operational and other policies and complies with the policies set out in paragraphs 16 to 21. On this basis I am satisfied that subject to the imposition of the various conditions referred to in this report, the proposed development represents sustainable development, accords with relevant development plan policies and that there are no material planning considerations that mean that planning permission should be refused. I therefore recommend accordingly.



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**Recommendation**

79. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO conditions covering amongst other matters:

- Duration (18 months from date of planning permission);
- Materials restricted to Crossrail tunnel arisings imported by rail (unless otherwise approved beforehand in writing by the County Council);
- The creation of the development platform prior to the stockpiling of materials (unless otherwise approved beforehand in writing by the County Council);
- The prior approval of a revised Code of Construction Practice;
- No development taking place until consent has been obtained under Section 61 of the Control of Pollution Act (1974);
- Hours of use restricted to between 08:00 and 18:00 hours Monday to Friday and 08:00 and 13:00 hours on Saturdays, with no Sunday, Bank or Public Holiday working;
- The Drainage Strategy dated November 2013 being implemented as proposed;
- Except as provided for in the Drainage Strategy dated November 2013, no infiltration of surface water into groundwater unless approved beforehand in writing by the County Council;
- The remediation of contaminated land (if found to be present);
- No water or effluent being discharged onto HS1 apparatus or into its drainage system;
- Implementation of the recommendations of the report on the tunnel between St Botolph's Pit and the main Northfleet Works site;
- Compliance with the reports relating to stockpile stability dated 24 September 2013 and 11 November 2013 (including stand-off's between material stockpiles and HS1 apparatus);
- The proposed ecological measures and works, together with additional post-translocation monitoring;
- The retention of the translocation receptor site for at least 7 years post-translocation;
- Lighting (only to be used if details are approved beforehand);
- Fencing for the wildlife corridors;
- Maximum stockpile heights (16m AOD in Church Path Pit and 12m AOD in St Botolph's Pit);
- The amount of stockpiled materials being restricted to 111,500m<sup>3</sup>; and
- The installation of a concrete collar support for Church Path bridge before importation and placement of materials.

Case Officer: Jim Wooldridge	Tel. no. 01622 221060
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Background Documents: see section heading.
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