



# SCOPING OPINION

## Proposed London Paramount Entertainment Resort



December 2014





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## EXECUTIVE SUMMARY

This is the Scoping Opinion (the Opinion) provided by the Secretary of State in respect of the content of the Environmental Statement for London Paramount.

This report sets out the Secretary of State's opinion on the basis of the information provided in London Resort Company Holdings ('the applicant') report entitled London Paramount Entertainment Resort: Environmental Impact Assessment Scoping Report (November 2014) ('the Scoping Report'). The Opinion can only reflect the proposals as currently described by the applicant.

The Secretary of State has consulted on the Scoping Report and the responses received have been taken into account in adopting this Opinion. The Secretary of State is satisfied that the topic areas identified in the Scoping Report encompass those matters identified in Schedule 4, Part 1, paragraph 19 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended).

The Secretary of State draws attention both to the general points and those made in respect of each of the specialist topic areas in this Opinion. The main potential issues identified are:

- Socio-economics
- Cultural heritage and archaeology
- Transport and accessibility,
- Water management and flood risk,
- Soil and ground conditions, and
- Ecology.

Matters are not scoped out unless specifically addressed and justified by the applicant, and confirmed as being scoped out by the Secretary of State.

The Secretary of State notes the potential need to carry out an assessment under the Habitats Regulations<sup>1</sup>.

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<sup>1</sup> The Conservation of Habitats and Species Regulations 2010 (as amended)



# 1.0 INTRODUCTION

## Background

- 1.1 On 10<sup>th</sup> November 2014, the Secretary of State received the Scoping Report submitted by London Resort Company Holdings under Regulation 8 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (as amended) (the EIA Regulations) in order to request a scoping opinion for the proposed London Paramount ('the Project'). This Opinion is made in response to this request and should be read in conjunction with the applicant's Scoping Report.
- 1.2 The applicant has formally provided notification under Regulation 6(1)(b) of the EIA Regulations that it proposes to provide an ES in respect of the proposed development. Therefore, in accordance with Regulation 4(2)(a) of the EIA Regulations, the proposed development is determined to be EIA development.
- 1.3 The EIA Regulations enable an applicant, before making an application for an order granting development consent, to ask the Secretary of State to state in writing their formal opinion (a 'scoping opinion') on the information to be provided in the environmental statement (ES).
- 1.4 Before adopting a scoping opinion the Secretary of State must take into account:
  - (a) the specific characteristics of the particular development;
  - (b) the specific characteristics of the development of the type concerned; and
  - (c) environmental features likely to be affected by the development'.

*(EIA Regulation 8 (9))*
- 1.5 This Opinion sets out what information the Secretary of State considers should be included in the ES for the proposed development. The Opinion has taken account of:
  - i the EIA Regulations
  - ii the nature and scale of the proposed development
  - iii the nature of the receiving environment, and
  - iv current best practice in the preparation of environmental statements.
- 1.6 The Secretary of State has also taken account of the responses received from the statutory consultees (see Appendix 2 of this

Opinion). The matters addressed by the applicant have been carefully considered and use has been made of professional judgement and experience in order to adopt this Opinion. It should be noted that when it comes to consider the ES, the Secretary of State will take account of relevant legislation and guidelines (as appropriate). The Secretary of State will not be precluded from requiring additional information if it is considered necessary in connection with the ES submitted with that application when considering the application for a development consent order (DCO).

- 1.7 The Secretary of State, as part of the scoping consultation, wrote to Network Rail (CTRL) Ltd in their role as a relevant statutory undertaker. The Secretary of State was subsequently contacted by HS1 Ltd, in their role as the holder of 'the concession to operate, manage and maintain the High Speed railway infrastructure until December 2040'. At the date of issue of this scoping opinion, the legal status of HS1 Ltd as a relevant statutory undertaker for the purposes of the Planning Act 2008 has not been confirmed to the Secretary of State. The response made by HS1 Ltd is included for information at Appendix 2, as an additional consultation response. References within the scoping opinion to the response from HS1 Ltd are made subject to confirmation that HS1 Ltd is a relevant statutory undertaker.
- 1.8 This Opinion should not be construed as implying that the Secretary of State agrees with the information or comments provided by the applicant in their request for an opinion from the Secretary of State. In particular, comments from the Secretary of State in this Opinion are without prejudice to any decision taken by the Secretary of State (on submission of the application) that any development identified by the applicant is necessarily to be treated as part of a nationally significant infrastructure project (NSIP), or associated development, or development that does not require development consent.
- 1.9 Regulation 8(3) of the EIA Regulations states that a request for a scoping opinion must include:
  - (a) 'a plan sufficient to identify the land;
  - (b) a brief description of the nature and purpose of the development and of its possible effects on the environment; and
  - (c) such other information or representations as the person making the request may wish to provide or make'.

*(EIA Regulation 8 (3))*
- 1.10 The Secretary of State considers that this has been provided in the applicant's Scoping Report.



## The Secretary of State's Consultation

- 1.11 The Secretary of State has a duty under Regulation 8(6) of the EIA Regulations to consult widely before adopting a scoping opinion. A full list of the consultation bodies is provided at Appendix 1. The list has been compiled by the Secretary of State under their duty to notify the consultees in accordance with Regulation 9(1)(a). The applicant should note that whilst the Secretary of State's list can inform their consultation, it should not be relied upon for that purpose.
- 1.12 The list of respondents who replied within the statutory timeframe and whose comments have been taken into account in the preparation of this Opinion is provided at Appendix 2 along with copies of their comments, to which the applicant should refer in undertaking the EIA.
- 1.13 The ES submitted by the applicant should demonstrate consideration of the points raised by the consultation bodies. It is recommended that a table is provided in the ES summarising the scoping responses from the consultation bodies and how they are, or are not, addressed in the ES.
- 1.14 Any consultation responses received after the statutory deadline for receipt of comments will not be taken into account within this Opinion. Late responses will be forwarded to the applicant and will be made available on the Planning Inspectorate's website. The applicant should also give due consideration to those comments in carrying out the EIA.

## Structure of the Document

- 1.15 This Opinion is structured as follows:

- Section 1 Introduction
- Section 2 The proposed development
- Section 3 EIA approach and topic areas
- Section 4 Other information.

This Opinion is accompanied by the following Appendices:

- Appendix 1 List of consultees
- Appendix 2 Respondents to consultation and copies of replies
- Appendix 3 Presentation of the environmental statement.

## 2.0 THE PROPOSED DEVELOPMENT

### Introduction

- 2.1 The following is a summary of the information on the proposed development and its site and surroundings prepared by the applicant and included in their report 'London Paramount Entertainment Resort: Environmental Impact Assessment Scoping Report' referred to as 'the applicant's Scoping Report' in this document. The information has not been verified and it has been assumed that the information provided reflects the existing knowledge of the proposed development and the potential receptors/resources.

### The Applicant's Information

#### Overview of the proposed development

- 2.2 The proposed London Paramount development will be an entertainment resort, with attractions themed around film and television productions of Paramount Studios and UK producers. The proposals are made by London Resort Company Holdings Limited (the applicant).
- 2.3 As well as the proposed resort complex (which will include event spaces, theme park rides, hotels, and retail and catering space) a country park and river bus access beside the River Thames is proposed, along with flood protection measures and landscaping works throughout.
- 2.4 A new four-lane dual carriageway between the core resort area and the A2(T)/B259 junction will also form part of the project.
- 2.5 The Scoping Report anticipates the potential requirement for associated development, in locations outside of the proposed DCO boundary. The Scoping Report does not state what these works would be, but provides a list of examples cited in government guidance (DCLG, April 2013) and states that certain works of this list may be required in order to integrate the proposals with the local environment and infrastructure networks.

#### Description of the site and surrounding area

##### *The Application Site*

- 2.6 Chapter 3 of the Scoping Report provides a description of the proposed development site and its surroundings. The site is located around 30km east-south-east of central London on the south bank of the Thames estuary, within the county of Kent. The

site is bisected by the municipal boundary between the boroughs of Dartford and Gravesham. The proposed DCO boundary encompasses a large proportion of the Swanscombe Peninsula and extends in a corridor southwards to the A2, with a long spur to the west along the A2 to Bean Junction. The proposed development area is a complex shape, comprising approximately 537 hectares of land.

- 2.7 Much of the Swanscombe Peninsula comprises low-lying open land with extensive former cement kiln dust tips and other brownfield former-industrial land. The area was used historically for mineral and chalk extraction and subsequently has an irregular topography with extraction pits and areas of tipped material. The applicant's Scoping Report states that extensive areas of marshland remain, bordered by industrial areas. Within the site as a whole are patches of woodland, area of scrub and grassland, wet grassland, grazing marsh, reedbeds and open water features, and fragments of saltmarsh and mudflats. The site does not contain any nature conservation designations, however, Bakers Hole Site of Special Scientific Interest (SSSI) designated for its geological interest lies within the site. The proposed development site is underlain by white chalk, which is designated by the Environment Agency as a Principal Aquifer, overlain by alluvial deposits of silts and clays.
- 2.8 The banks of the Thames estuary within the proposed DCO boundary support a number of inlets and jetties used for mooring and landing boats. The inlet at the northern end of the Peninsula has associated buildings for boat maintenance and activity.
- 2.9 The HS1 high speed railway crosses the Swanscombe Peninsula south-east to north-west, serving Ebbsfleet International Station which is positioned just outside the proposed DCO boundary on its eastern side. Swanscombe railway station and Northfleet railway station also lie just outside the proposed DCO boundary, on the Kent Coast railway line. The A2(T) runs approximately east to west at the southern extent of the proposed development site, and the DCO boundary encloses land around the A2/B259 Ebbsfleet Junction and the A296/B255 Bean Junction.
- 2.10 A derelict waste water treatment facility exists on the northern end of the peninsula, and a Port of London Authority (PLA) radar beacon is located at its northern tip.
- 2.11 High voltage electricity lines cross the peninsula south-east to north-west, and are carried across the Thames by a 190m tall 'superpylon' located on the northern bank of the peninsula.

#### *The Surrounding Area*

- 2.12 The development site is bisected by the municipal boundary between the boroughs of Dartford and Gravesham. The urban areas of Stone, Northfleet, Swanscombe and Greenhithe lie to the

east and west of the proposed development site, each with their own district centre providing commercial and community services. Bluewater shopping centre, a significant retail development occupying 154,000 m<sup>2</sup> of retail floorspace and providing 13,000 car parking spaces on a 97 hectare site, lies to the south west beyond Greenhithe.

- 2.13 The north bank of the Thames estuary adjacent to the Swanscombe peninsula is also developed with a number of local settlements; and wharves, jetties and other port-related uses are present on both banks of the estuary in the locality. Strategic highway routes in the vicinity include the A2(T) which connects to the M25 at Junction 2 and to Junction 1 of the M2 beyond Gravesend.
- 2.14 The area is noted in the Scoping Report for having a distinctive landform, with a history of mineral workings contributing to the current terrain, and former chalk pits which have subsequently been used for waste landfill. To the south of the A2(T) the land is more open and rural with agricultural land and woodland blocks.

## **Alternatives**

- 2.15 The applicant's Scoping Report provides an account of the process applied to the selection of the Swanscombe Peninsula site for the proposed development. Site selection criteria were used to identify a number of areas of search, within proximity to London. Against these criteria nine other potential sites were identified, six within the Olympic Park Legacy development sites in East London, one in Marston Vale near Milton Keynes, one along the A12 to the north of Chelmsford, and one on the northern M25 corridor near St Albans. The approximate locations of the areas where searches for alternative sites were conducted are shown on Figure 3.1 of the applicant's Scoping Report.
- 2.16 The Swanscombe peninsula was considered the best option by the applicant with respect to transport links, size and topography, existing infrastructure and facilities, and availability of land.
- 2.17 Alternative options for the layout of the development are not discussed, however, the Scoping Report states that the layout of the development presented is illustrative and has evolved to take account of principal known constraints and opportunities, and will evolve further as the EIA consultation progresses.

## **Description of the proposed development**

- 2.18 As outlined above, the proposed London Paramount development will be an entertainment resort, with attractions themed around the film and television productions of Paramount Studios and UK producers, and aims to attract around 15 million visitors per year.

2.19 The main elements of the entertainment resort identified in Chapter 3 of the Scoping Report are:

- A core resort area (45ha approx.) with a range of event spaces, rides, studio attractions, cinemas, theatres, a water park, an open-air arena, night clubs, catering, retail and amenity facilities themed around films and television programmes,
- Approximately 30,000m<sup>2</sup> of event space for conferences and trade shows,
- A range of hotels with a combined total of approximately 5,000 bedrooms,
- Staff training facilities,
- A country park and river bus access beside the River Thames,
- Approximately 14,000 car parking spaces, partly in multi-storey facilities, and bus and coach parking,
- A transport interchange, including a ticket office
- A new four-lane dual carriageway between the core resort area and the A2(T)/B259 junction,
- Flood prevention works on part of the site,
- Landscape works throughout including earth shaping, new planting and habitat creation,
- Provision of service infrastructure including water, electricity and gas supplies, telecommunications and arrangements for wastewater treatment and disposal
- Improvements to the highway network (if required).

2.20 The Scoping Report states that the contents of the core resort are subject to evolution, but provides an indication of its proposed content at this stage, describing five themed entertainment zones. An 'entertainment street' is proposed, to host a range of events each year including music concerts and an exhibition space is proposed (The Great Exhibition) to accommodate attractions. Theatres and retail space will also form part of the resort. An indoor water park is proposed at the edge of the core area.

2.21 Event spaces will provide facilities for conferences, music events, trade shows and product launches.

2.22 The development area will also support staff training facilities and hospitality facilities. A range of hotels are proposed for construction within the site, with an envisaged total of 5,000 bedrooms approximately.

2.23 Service infrastructure is also included within the project description within the Scoping Report, which states that a

comprehensive strategy for service infrastructure provision will be incorporated, with an emphasis on resilience and sustainability.

### **Country Park and Landscape Proposals**

2.24 The proposals include a country park area, at the northern end of the site, to be subject to landscape and habitat enhancement works. A landscape strategy is proposed, with the aim of responding to the surrounding area to provide the setting for the development, and to integrate it into the locality and with future plans for Ebbsfleet Garden City. The Scoping Report alludes to proposals for earth shaping and landscape planting, along with habitat enhancement works to marshland areas and the local network of green infrastructure. It refers to benefits of these works to biodiversity and flood risk protection.

### **Proposed access and parking facilities**

2.25 Vehicular access will be from a new four-lane dual carriageway connecting the resort to the Ebbsfleet junction of the A2(T). This dual carriageway is proposed to provide direct access to approximately 14,000 car parking spaces and bus and coach parking, as well as to the service entry point.

2.26 The Scoping report outlines that non-car based transport opportunities for staff will be considered in a travel plan for the development. The opportunity to create landing stations for access via the River Thames will also be considered.

### **Associated Development**

2.27 The Scoping Report states that as the proposed DCO boundary includes the A2(T) corridor from Bean Junction to the west to Pepper Hill in the east, it is expected that highways improvement works associated with the development will be contained within the 'site as defined'. The Scoping Report goes on to state that should the need for associated development (outside of this boundary) be identified this will be highlighted in the EIA process. (The Secretary of State comments on the applicant's statement in this respect below.)

### **Construction**

2.28 The Scoping Report does not describe anticipated construction activities in detail. The Scoping Report states that ES will provide details of the construction programme, including construction activities, method and anticipated duration of works and that the DCO application will be supported by a Construction Environmental Management Plan (CEMP) setting out best practice mitigation measures to reduce construction related impacts (paragraph 4.21 of Scoping Report).

- 2.29 Construction is expected to take around 3 years between January 2017 and December 2019. (See Scoping Report paragraph 13.12.) An indication of the likely construction phasing is given in the Scoping Report in Figure 3.2, however timescales for separate construction phases are not provided.
- 2.30 The Scoping Report does not provide an estimate of the number of workers required during construction, or details regarding the proportion of construction staff to be full/part time, or seasonal.
- 2.31 Information on anticipated construction vehicles and staff vehicles is not provided. The Scoping Report in Chapter 11 makes reference to a Kent County Council Memorandum which allows construction work to take place between 07.00 and 19:00 Mondays to Fridays, and 08.00 to 13.00 on Saturdays with no working on Sundays. This is stated within the discussion of mitigation related to noise and vibration and it is not specified if the project will adhere exactly to these working hours.

### **Operation**

- 2.32 The operational period is expected to be 25 years, with the resort opening in 2010. The Scoping Report does not provide information on the anticipated employment levels of the operation resort or expected operational hours. The Scoping Report states that the ES will fully assess operational effects, and within certain topic chapters reference is made to the information which will be used to inform the assessment; for example estimated vehicle movements and modes of staff transport, and numbers and types of jobs created.

### **Decommissioning**

- 2.33 The Scoping Report states that decommissioning of the Project will be considered in the EIA, and while an expected lifespan of 25 years is given for the development the Scoping Report does not provide a descriptive overview of decommissioning activities.

## **The Secretary of State's Comments**

### **Description of the application site and surrounding area**

- 2.34 In addition to detailed baseline information to be provided within topic specific chapters of the ES, the Secretary of State would expect the ES to include a section that summarises the site and surroundings. It is noted from Table 4.5 of the Scoping Report that there is the intention to include this information. This section of the ES should identify the context of the proposed development, any relevant designations and sensitive receptors. Land that could be directly or indirectly affected by the proposed development should be identified, and any associated auxiliary facilities,

landscaping areas and potential off site mitigation or compensation schemes should be described.

## **Alternatives**

- 2.35 The ES requires that the applicant provide 'An outline of the main alternatives studied by the applicant and an indication of the main *reasons for the applicant's choice, taking into account the environmental effects*' (See Appendix 3).
- 2.36 It is understood from the Scoping Report that the development layout, in particular the core resort area, is subject to evolution. It will be important for the EIA to clearly demonstrate how layout options have been considered with respect to environmental constraints and opportunities, and to demonstrate where consultation has contributed to the proposed layout design. It is noted from Paragraphs 3.55 and 3.56 of the Scoping Report that the ES is intended to include this information.

## **Description of the proposed development**

- 2.37 The applicant should ensure that the description of the proposed development that is being applied for is as accurate and firm as possible as this will form the basis of the environmental impact assessment. It is understood that at this stage in the evolution of the scheme the description of the proposals may not be entirely confirmed. The applicant should be aware however, that the description of the development in the ES must be sufficiently certain to meet the requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations and there should therefore be more certainty by the time the ES is submitted with the DCO.
- 2.38 If a draft DCO is to be submitted, the applicant should clearly define what elements of the proposed development are integral to the NSIP and which is 'associated development' under the Planning Act 2008 (PA 2008) or is an ancillary matter. Associated development is defined in the Planning Act as development which is associated with the principal development. Guidance on associated development can be found in the DCLG publication 'Planning Act 2008: Guidance on associated development applications for major infrastructure projects'.
- 2.39 Any proposed works and/or infrastructure required as associated development, or as an ancillary matter, (whether on or off-site) should be considered as part of an integrated approach to environmental assessment.
- 2.40 The Secretary of State notes a number of references in the Scoping Report to an 'energy centre' as potentially forming part of the proposals. It is not clear from the project description in the Scoping Report what form this energy centre, if included, will take. The report makes allusions to energy centre emissions and



resulting effects and to the positioning of stacks, but no description of this facility is provided. The Secretary of State considers that this element of the proposal may have significant environmental effects and must be described in as much detail as possible and fully considered in the EIA and reported within the ES should it remain an option for inclusion.

- 2.41 The environmental effects of all wastes to be processed and removed from the site should be addressed, and the Secretary of State welcomes the intention (set out in Table 4.5 of the Scoping Report) to include a 'Energy, Waste, and Sustainability' chapter in the ES. The ES will need to identify and describe the control processes and mitigation procedures for storing and transporting waste off site and the capacity for the handling of waste within the surrounding area. All waste types should be quantified and classified.
- 2.42 The proposed country park area at the northern end of the peninsula, and the landscaping proposals throughout the development, are described in the Scoping Report as delivering benefits to biodiversity and flood risk protection. The Secretary of State would expect the ES to provide more detail on these aspects and for appropriate cross-references between the relevant topic chapters to be made. It will be important in the ES to clearly distinguish between residual effects following specific mitigation measures, and any additional side-benefits/enhancements.

### **Proposed access**

- 2.43 The Secretary of State notes that non-car based transport opportunities for staff will be considered in the development travel plan for the development. The Secretary of State would expect the ES and the travel plan to consider how visitors would access the site by other modes of transport than by car and by coach. Potential access by the regional train line is recognised in the Scoping Report, and potential use of landing points on the River Thames is also mentioned. The travel plan should provide more detail and the project description in the ES should clearly lay out how the options for travel and access have been included within the assessment. The applicant's attention is drawn to the response from High Speed 1 Ltd. (HS1) in this regard.

### **Flexibility**

- 2.44 The Secretary of State notes from Paragraph 3.34 of the Scoping Report that the arrangement and layout of the core resort area of the development shown in the Scoping Report (Figure 1.6) is illustrative only and subject to evolution. The Secretary of State welcomes that the proposals are to be firmed up during the pre-application stages but encourages the description to be as accurate and firm as possible so that its environmental impact can be more accurately assessed.

- 2.45 The Secretary of State highlights the importance for the EIA to assess the likely worst case scenario where the details of the scheme cannot be defined precisely. The Secretary of State welcomes the reference to Planning Inspectorate Advice Note 9 'Using the 'Rochdale Envelope' but also directs attention to the 'Flexibility' section in Appendix 3 of this Opinion which provides additional details on the recommended approach.

### **Associated Development**

- 2.46 The Scoping Report states that as far as possible, all works will be within the 'red-line boundary', and no associated development outside of the boundary is currently proposed. The report does however leave this option open and states that any associated development will be clearly defined and subject to consultation and EIA. The Secretary of State welcomes this approach but would seek clarification regarding the terms used to describe the development boundary. For the purposes of this Opinion, the term 'red-line boundary' has been assumed in this context to refer to the boundary presented in the Scoping Report. The Secretary of State draws the applicant's attention the need for the DCO boundary as presented in the final application to include any associated development within it.
- 2.47 The Scoping Report states that highways improvement works associated with the development will be contained within the 'site as defined'. The Secretary of State asks for clarification in the ES that this refers to the DCO boundary.

### **Construction**

- 2.48 The Secretary of State notes that no information has been provided in the Scoping Request regarding the size and location of construction compounds and construction laydown areas, although these are acknowledged as likely to form part of the proposals. Whilst it is appreciated that this information may not be available at this stage in the evolution of the project, applicants are reminded that this information will be required and should be included in the DCO boundary.
- 2.49 The Secretary of State considers that information on construction including: phasing of programme; working hours; construction methods, plant and equipment and activities associated with each phase; siting of construction compounds (including on and off site); lighting equipment/requirements; and number, movements and parking of construction vehicles (both HGVs and staff); numbers of full-time and part-time staff; and information on alternative modes of transport for equipment, materials and staff should be clearly indicated in the ES.
- 2.50 The information above is likely to be valuable to the assessment of environmental impacts for the majority of topic areas, in particular

traffic and transport, noise and vibration, landscape and visual, and socio-economic impacts.

### **Operation and maintenance**

- 2.51 Information on the operation and maintenance of the proposed development should be included in the ES and should cover but not be limited to such matters as: the number of full/part-time jobs; the operational hours and if appropriate, shift patterns; and the number and types of vehicle movements generated during the operational stage. The Secretary of State notes that the topic chapters within the Scoping Report recognise the need for this information to be gathered and used to inform the assessment.

### **Decommissioning**

- 2.52 The EIA should consider the decommissioning phase of the project if this is envisaged, taking into account as much information as possible on timing, duration, and the nature of the decommissioning works.

## 3.0 EIA APPROACH AND TOPIC AREAS

### Introduction

- 3.1 This section contains the Secretary of State's specific comments on the approach to the ES and topic areas as set out in the Scoping Report. General advice on the presentation of an ES is provided at Appendix 3 of this Opinion and should be read in conjunction with this Section.
- 3.2 Applicants are advised that the scope of the DCO application should be clearly addressed and assessed consistently within the ES.

### Environmental Statement (ES) - approach

- 3.3 The information provided in the Scoping Report sets out the proposed approach to the preparation of the ES. Whilst early engagement on the scope of the ES is to be welcomed, the Secretary of State notes that the level of information provided at this stage is not always sufficient to allow for detailed comments from either the Secretary of State or the consultees. The applicant's attention is drawn to comments from Kent County Council (KCC) and from Gravesham Borough Council (GBC) in this regard (Appendix 2).
- 3.4 The Secretary of State would suggest that the applicant ensures that appropriate consultation is undertaken with the relevant consultees in order to agree wherever possible the timing and relevance of survey work as well as the methodologies to be used. The Secretary of State notes and welcomes the intention to finalise the scope of investigations in conjunction with ongoing stakeholder liaison and consultation with the relevant regulatory authorities and their advisors.
- 3.5 The Secretary of State recommends that the physical scope of the study areas should be identified under all the environmental topics and should be sufficiently robust in order to undertake the assessment. The extent of the study areas should be on the basis of recognised professional guidance, whenever such guidance is available. The study areas should also be agreed with the relevant consultees and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given. The scope should also cover the breadth of the topic area and the temporal scope, and these aspects should be described and justified.
- 3.6 The Secretary of State considers that it will be important to clearly distinguish in the ES between construction phase impacts and effects, and operational phase impacts and effects.

## Matters to be scoped out

- 3.7 Matters are not scoped out unless specifically addressed and justified by the applicant, and confirmed as being scoped out by the Secretary of State.
- 3.8 The Scoping Report states that it is not intended to include air and sea based water traffic in the Transport and Access chapter of the ES. No justification behind this refinement of the scope is provided in the Scoping Report. Decisions to scope out impacts should be explained in the ES. At this stage, the Secretary of State considers that insufficient information on the transport options during construction, and in particular operation, has been provided at this stage to justify such an approach.
- 3.9 In addition, the Scoping Report includes an intention to apply rules on the limit and extent of the assessment set by the IEMA Guidelines for the Environmental Assessment of Road Traffic (IEMA, 1993) which will 'scope out' certain locations. As this is part of the methodology laid out in the Scoping Report, the Secretary of State agrees that, provided full justification is provided in the ES, that this approach appears appropriate at this stage. Nevertheless, the Secretary of State expects to see full consultation with the local highways authorities and the Highways Agency as appropriate on the scope of the transportation assessment.
- 3.10 Whilst the Secretary of State has not agreed to scope out certain topic or matters within the Opinion on the basis of the information available at the time, this does not prevent the applicant from subsequently agreeing with the relevant consultees to scope matters out of the ES, where further evidence has been provided to justify this approach. This approach should be explained fully in the ES.
- 3.11 In order to demonstrate that topics have not simply been overlooked, where topics are scoped out prior to submission of the DCO application, the ES should still explain the reasoning and justify the approach taken.

## National Policy Statements (NPSs)

- 3.12 Sector specific NPSs are produced by the relevant Government Departments and set out national policy for nationally significant infrastructure projects (NSIPs). They provide the framework within which the Examining Authority will make their recommendations to the Secretary of State and include the Government's objectives for the development of NSIPs. It is noted that reference is made to the draft NPS for National Road and Rail Networks in Paragraph 9.3 of the Scoping Report. The National Policy Statement for National Networks has now been published.

## Environmental Statement - Structure

- 3.13 Table 4.5 of the Scoping Report sets out the proposed Main Contents list of the ES on which the applicant seeks the opinion of the Secretary of State.
- 3.14 The Secretary of State notes from this table that the EIA would cover a number of assessments under the headings of:
- Air Quality;
  - Noise and vibration;
  - Ecology;
  - Soils and ground conditions;
  - Water resource management;
  - Landscape and visual;
  - Energy, waste and sustainability;
  - Traffic and infrastructure;
  - Cultural heritage/archaeology;
  - Socio-economics; and
  - Cumulative assessment (if not addressed in individual chapters)
  - In-combination effects.
- 3.15 The Secretary of State notes from Table 4.5 that the ES is also proposed to include a description of the planning and legislative context, a description of the site and surroundings, a project description including a description of the proposed construction programme and methods, a description of the alternatives considered, and a description of the assessment methodology to be followed. A number of the responses to the Secretary of States' consultation in Appendix 2 contain comment on these aspects, including those from Dartford Borough Council (DBC), GBC, KCC, English Heritage (EH), the Environment Agency (EA), the Marine Management Organisation (MMO), and Natural England (NE).
- 3.16 The Secretary of State recommends that consideration be given to including additional topic chapters as may be required to address all relevant issues. For example, consideration should be given to including a chapter on 'infrastructure' to cover issues with existing infrastructure constraints and the construction and operational needs of the project, and a chapter on navigation and shipping issues (the Secretary of State refers the applicant to the response from the Port of London Authority (PLA) in Appendix 2).

## Topic Areas

### **Landscape and Visual Effects (see Scoping Report Section 5)**

- 3.17 The landscape and visual assessment in the scoping report refers to the Zone of Theoretical Visibility (ZTV). The Secretary of State advises that the ES should describe the model used, provide information on the area covered and the timing of any survey work and the methodology used. The Secretary of State recommends that the location of viewpoints and photomontages should be agreed with the local authorities and welcomes the intention in the Scoping Report to do so. The comments received from KCC and DBC provided in Appendix 2 of this Opinion should be considered when establishing the baseline to be used in the assessment and the approach to the assessment in particular with respect to landscape character. DBC have also provided guidance on viewpoints to be included, as have KCC and GBC (in Appendix 2).
- 3.18 The Secretary of State notes and welcomes the intention to include views from across the Thames in the assessment, and to assess the impact of lighting and nocturnal visual effects during construction and operation. The applicant should consider any measures as may be required by the Civil Aviation Authority (CAA) with respect to cranes and aviation safety (see Appendix 2 for the CAA response) within the assessment of lighting impacts.
- 3.19 The Secretary of State notes that the southern part of the indicative DCO boundary shown in the Scoping Report lies within Green Belt. The landscape and visual impact assessment will need to take account of the potential impact of the development to the Green Belt, including assessment of the impact to the openness of the Green Belt, with particular reference to the National Planning Policy Framework. In this regard it will also be appropriate to consider alternatives, in order to justify any requirement for highway improvements proposed within the Green Belt.
- 3.20 The Secretary of State encourages the applicant to agree the scope of the cumulative impact assessment with consultees, and notes the overarching approach to cumulative assessment outlined in the Scoping Report.
- 3.21 The proposals will be for large buildings and other structures, as well as the creation of built areas on a currently un-built open site. The Secretary of State requests that careful consideration should be given to the form, siting, and use of materials and colours in terms of minimising the adverse visual impact of these structures and maximising potential beneficial visual aspects. The Secretary of State notes the comments in Table 5.6 and Table 5.7 of the Scoping Report regarding the use of high quality architectural engineering and landscape design, and encourages the use of these techniques to create a development that integrates with the

environment and provides opportunity for enhancement of views. Design elements such as green roofs and walls may provide opportunities in this regard. HS1 have also provided comment (Appendix 2) related to this consideration.

- 3.22 The proposals will also include changes to the existing landform in places, indicated in particular in Chapter 7 of the Scoping Report. The Secretary of State advises that it will be important to show how the EIA has considered these aspects with respect to landscape and visual impacts. There is likely to be need for coherence with the water management, soils and ground conditions, cultural heritage, and ecology topic areas, a point also made by KCC in Appendix 2. The ES should consider the need for an integrated Landscape and Ecology Master Plan in this regard.
- 3.23 It will be essential for the project, including any mitigation works proposed, to take the presence of existing infrastructure into account within its design, and the applicant is referred to comments in Appendix 2 from HS1 with respect to existing assets, National Grid (NG) with respect to safety and access, and from the PLA with regards to navigation for river traffic, including making provision for existing equipment, sightlines across the peninsular and potential effects from lighting of the development.
- 3.24 The Secretary of State considers that for this topic area, as for all topics covered in the EIA, a well-developed project design will enable as much certainty around the assessment as possible, in this case particularly around the siting of prominent project elements and the design of landscape elements across the development. The Secretary of State encourages refinement of the layout of the project as far as possible in undertaking the EIA and this concern is also expressed by KCC and GBC in their responses in Appendix 2.

### **Ecology (see Scoping Report Section 6)**

- 3.25 The Secretary of State recommends that surveys should be up to date and carried out in accordance with the relevant best practice guidance and accepted professional standards, including ensuring that surveys are carried out at the appropriate time of year. The Secretary of State notes the response DBC (provided in Appendix 2) which echoes this advice and points to information on baseline conditions which will be relevant to the assessment. NE have provided advice on the methodology for the assessment (Appendix 2). It is understood from Chapter 6 of the Scoping Report that a further suite of ecological surveys is proposed for 2015. It is not clear from the Scoping Report what survey area will be applied to the surveys, but the Secretary of State advises that careful consideration must be given to the need to apply an appropriate survey area for each ecological feature to ensure surveys are robust. The timescales for the further surveys described in Table



6.1 extend beyond the presently intended submission date for the DCO application of August 2015; The Secretary of State advises that the ES should contain all of the baseline information needed for the assessment of potentially significant environmental effects. The Secretary of State also notes the concerns expressed by KCC, DBC and GBC in this regard (Appendix 2).

- 3.26 The Secretary of State recommends that the proposals should address fully the needs of protecting and enhancing biodiversity. The assessment should cover habitats, species and processes within the site and its surroundings. The Secretary of State draws attention in particular, but not exclusively, to the effects on water birds and on intertidal and coastal habitats. The Scoping Report indicates that the proposals may include infrastructure for access by boat from the Thames. The Secretary of State therefore considers that the assessment should cover potential impacts to the estuarine/marine habitat as well as intertidal and terrestrial habitats. NE have provided advice on particular areas of interest including marine features, and the EA have commented on additional species to be included within the scope of the surveys, including marine mammals (see Appendix 2). The responses from KCC, DBC, the MMO, and the PLA also highlight the need for an assessment of the potential impacts on the marine environment (provided in Appendix 2).
- 3.27 The potential impacts on international and nationally designated sites should be addressed as well as county level habitats. The Secretary of State notes the presence of Baker's Hole SSSI within the development area, and a number of other SSSI and nationally and locally designated sites within the surrounding area. The archaeological interest of these sites should be considered within the cultural heritage topic. The geological interest of these sites may be better considered within the soils and ground conditions chapter rather than the ecology chapter.
- 3.28 The Secretary of State notes the possible need for a Habitats Regulations Assessment in view of the development site's location in relation to the Thames Estuary & Marshes SPA and Ramsar site, the Medway Estuary & Marshes SPA/Ramsar and the Swale SPA/Ramsar, and the potential impacts resulting from the development. The applicant's attention is drawn to the response from the MMO, NE, and GBC (in Appendix 2) regarding the need for this assessment, and further advice is provided in Section 4 of this Opinion.
- 3.29 The assessment should take account of impacts of noise and vibration, lighting, and air quality (including dust), and cross reference should be made to these specialist reports. The Secretary of State considers that the proposals would result in a significant increase in visitor pressure and associated disturbance, and this aspect is also highlighted by comments received from the EA and provided in Appendix 2 of this Opinion. Reference should

be made to the design of the proposed flood defences and other proposed landscaping and drainage features across the site, and how these may impact existing habitats and the use of the area by water birds and other species of conservation concern; both negatively, and positively where opportunities to provide mitigation and enhancement for ecological features have been sought. The applicant's attention is drawn to comments received by the EA in this regard (Appendix 2).

- 3.30 The operational and decommissioning phases of the works should be addressed. The Secretary of State recommends the need to consider cumulative and combined impacts and advises this is particularly relevant in terms of assessing the impacts on ecology. The scope of the cumulative impact assessment should be agreed with the relevant consultees.

### **Water Resource Management (see Scoping Report Section 7)**

- 3.31 The Secretary of State welcomes the provision of a Flood Risk Assessment (FRA), and advises consultation with the EA, Thames Water and the local planning authorities as outlined in Paragraph 7.11 of the Scoping Report. The response from DBC also identifies Southern Water as a stakeholder (Appendix 2). Stakeholders associated with nearby sensitive infrastructure, including HS1, should also be involved in the consultation process to ensure all risks are identified. The FRA should cover tidal flood risk as well as fluvial impacts and therefore should consider the potential for breaching/overtopping of the flood defence under present and projected sea level scenarios and impacts on local water courses. The applicant's attention is drawn to the response from GBC with respect to the Ebbsfleet Stream and existing water management strategies (Appendix 2). The FRA should form an appendix to the ES.
- 3.32 The Secretary of State notes from the Scoping Report extensive proposals for reduction of flood risk, including raising of flood defences, compensatory water storage, and raising of ground levels. The Secretary of State advises that the impacts of these works should be fully considered, with appropriate reference to other topic areas. The Secretary of State welcomes the intention to include sustainable drainage systems in the project design, noting from the Scoping Report mention of rainwater recycling and installation of green roofs within building design, and swales and other open features within the landscape design. It will be important to fully assess in the EIA the impacts and the opportunities for environmental enhancement associated with these elements.
- 3.33 Potential impacts on the public sewer network should be addressed, including the need to address easements and impacts arising from vibration during the construction works. The Secretary of State notes the intention in Paragraph 7.8 to assess

the existing drainage arrangement (foul and surface) and the existing potable water demand around the development site and draws the applicant's attention to comments from DBC regarding other infrastructure in the area and the comments from GBC in this regard (Appendix 2).

- 3.34 Groundwater is a potential pathway for discharge of pollutants to surface and coastal waters. The Secretary of State recommends that this chapter be cross-referenced with the Soil and Ground Conditions topic chapter. In addition, the results of surveys for aquatic invertebrates undertaken for the ecological impact assessment may also inform the assessment of water quality in terms of baseline (and potentially monitoring, see 3.34 below). Advice from KCC and DBC is that buried cultural heritage assets should be considered as receptors for potential impacts on water quality (see Appendix 2). Should dredging works form part of the proposals, impacts on marine water quality and the disposal of material should be addressed, with regard to advice from the MMO (Appendix 2).
- 3.35 The Scoping Report makes mention at Paragraph 7.5 of the Water Framework Directive, however it is unclear at this stage how the Directive will be taken into account by the assessment. The EA and GBC have provided advice in their responses (provided in Appendix 2) on how this might be addressed. Further advice on the regulatory and policy context to be applied to the assessment is also provided by the EA.
- 3.36 Mitigation measures should be addressed and the Secretary of State advises that reference should be made to other regimes (such as pollution prevention from the EA). On-going monitoring should also be addressed and agreed with the relevant authorities to ensure that any mitigation measures are effective.

### **Soil and Ground Conditions (see Scoping Report Section 8)**

- 3.37 The Secretary of State notes that baseline information will be sourced from an area up to 250m beyond the development site. The baseline for the ES should explain in detail and justify the extent of the study area applied, for both the desk-based study described and any field based investigations carried out.
- 3.38 Given the historical uses of the site and the current active control and treatment of a portion of the site with regards to Made Ground comprising cement kiln dust, the Secretary of State considers that a considerable potential for sources of ground contamination exists and should be subject to a full assessment, including intrusive surveys to establish baseline conditions where appropriate. In this regard, the Secretary of State expects that the applicant should consult with relevant officers within local planning authorities and within the EA.

- 3.39 In the light of the works proposed, cross reference should also be made to the section on water resource management in order to address the potential impacts of the works to ground levels and the creation of sustainable drainage features and other water management measures. Inter-relationships with the transportation assessment should also be taken into account, including any trips generated from the need to remove contaminated or surplus spoil from the site.
- 3.40 It should be demonstrated how the constraints with respect to this topic area have informed the project design, where applicable. The Secretary of State notes the general potential mitigation measures listed in the Scoping Report, and advises that mitigation measures should be addressed and clearly related to the relevant impact pathways identified, and a full description of residual effects on receptors provided.
- 3.41 Interrelationships between this topic area and others should be considered in the ES, in particular water management, cultural heritage, and ecology when assessing the potential impacts of the development including impacts from mitigation proposals.

### **Transport and Access (see Scoping Report Section 9)**

- 3.42 The Secretary of State welcomes the development of the assessment of transport impacts in association with KCC and the Highways Agency (HA), and advises that the EIA should reflect how the outcomes of these discussions have been incorporated, as well as those with other local authorities. The Secretary of State would expect on-going discussions and agreement, where possible, with such bodies, and notes the response from the HA, provided in Appendix 2 of this Opinion.
- 3.43 The assessment of cumulative transport impacts will need to be well-defined; taking into account planned and committed projects which could combine with the effects of the proposals. The Secretary of State notes the improvements to the trunk road network identified in Paragraph 9.6 of the Scoping Report, and would add that the major developments identified in Paragraph 4.13 will also have implications for the Transport and Access Assessment. The Secretary of State expects that the scope of the cumulative transportation assessment will be agreed with local highway authorities and the HA, and directs the applicant to the consultation responses contained at Appendix 2 in this respect.
- 3.44 As noted in Section 2 above, information on anticipated construction vehicles and staff vehicles is not provided in the Scoping Report. However, it is noted that in Paragraph 9.30 of the Scoping Report the intention for an assessment to be made of construction impacts at the peak period of construction activity, which is identified as 2018. Paragraph 9.30 also indicates that the assessment year scenarios provided are subject to change

following consultation, and the Secretary of State draws the applicant's attention to comments from GBC, and DBC regarding the inclusion of a 2035 operational scenario (Appendix 2).

- 3.45 The Secretary of State draws the applicant's attention to concerns from KCC, GBC, and DBC (Appendix 2) regarding the information to be applied in the assessment; specifically the 2014 baseline, the anticipated peak visitor numbers and time periods (including duration of assumed peak periods) , the split between visitor, employment and servicing trips, and the types of transport used. The potential need for improvements elsewhere in the highway network to accommodate traffic generated by the development should also be addressed.
- 3.46 The design and layout of the proposed dual carriageway and junction improvements which form part of the project is not provided in the Scoping Report, and it is understood that this is yet to be determined. It will be important to refine these elements as far as possible in order to inform the assessment, and it may be appropriate to consider a number of defined options in order to ensure that the likely 'worst case' scenario is assessed. The Secretary of State refers the applicant to comments from the HA in Appendix 2 regarding planned improvements at these junctions. The Secretary of State also notes that some of these highway works are likely to be located in Green Belt and draws attention to the National Planning Policy Framework in this respect.
- 3.47 The assessment should encompass all likely transport modes and not solely road transport. The presence of the HS1 high speed railway, and the local rail network, should be taken into account within the assessment including potential impacts on these and incorporating information on existing capacity. Opportunities should be sought as part of the proposals to optimise the use of sustainable modes of transport, in line with the NPPF. The Secretary of State refers the applicant to comments from KCC, GBC, DBC, and HS1 regarding the need for the assessment scope and the transport modelling used to take into account travel by walking/cycling and travel by public transport, including rail travel, and notes the information provided by DBC on local bus services in the area (see Appendix 2).
- 3.48 The Transport Plan should describe where improvements to local public transport networks may be required and where opportunities for enhancements to walking/cycling routes have been sought, and these elements will also inform the EIA. The applicant's attention is drawn to DBC's comments on mitigation in Appendix 2. It will be essential for any mitigation works proposed to take the presence of existing infrastructure into account within its design, including HS1 and the applicant is referred to concerns from HS1 regarding access (Appendix 2). Nearby electricity infrastructure should also be considered and the applicant is

referred to information supplied by NG in Appendix 2. It may be necessary for cross-reference to be made to other technical chapters, for example ecology and landscape, when discussing mitigation measures.

- 3.49 The Secretary of State recommends that the ES should take account of the location of footpaths and any public rights of way (PROW) including bridleways and byways. The ES should clearly set out impacts on them including within the wider area. It is important to minimise hindrance to them where possible, taking into account the construction phase, and the operational phase, including any implications of site security features. The applicant's attention is drawn to NE comments on access in Appendix 2. A clear indication should be given as to how the proposed development will affect the existing and future facilities along the estuary and what mitigation would be appropriate in the short, medium and long term.
- 3.50 The Secretary of State recommends that the assessment should cover potential impacts on estuarine and marine traffic (both for the construction and operation phases of the development) and refers the applicant to comments received from the MMO, and from the Maritime and Coastguard Agency (MCA) and the PLA with respect to safety, navigation, and access (all responses are provided in Appendix 2 of this Opinion).

**Air Quality** (see Scoping Report Section 10)

- 3.51 Parts of the site fall within designated Air Quality Management Areas (AQMA). The assessment should therefore consider potential changes to air quality relative to compliance with the policy objectives of these AQMAs and in relation to European air quality limit values.
- 3.52 Chapter 10 refers to the study area extending along the wider road network leading to the site, but does not provide a figure or a description of the study area to be applied. The ES should provide a clear definition and justification of the study area used as the basis for the assessment, and the applicant's attention is drawn to the response by DBC who also note this point (Appendix 2). It will be important to agree key sensitive receptors with local stakeholders, and the applicant's attention is drawn to the comments from GBC in Appendix 2 with regard to the scope of the assessment. Consideration may also need to be given to existing sources of dust and particulate matter in operation in the area and their impact on the proposals, for example existing wharves as highlighted by the PLA.
- 3.53 The Secretary of State notes that proposed development is likely to include the development of an energy centre (Paragraph 10.4 of the Scoping Report). The proposal to describe and assess the potential pollutant emissions from the energy centre is welcomed;

however the likely parameters of the energy centre are not described in the Scoping Report. This information should be provided in the ES. The applicant should seek to agree the detailed scope of the assessment with relevant consultees (e.g. the EA and environmental health officers in local planning authorities). The assessment should consider the potential for the following types of emissions associated with the energy centre:

- Dust generated during construction;
- Traffic related emissions during construction and operation, including those associated with the delivery/removal of materials and fuel;
- Emissions from any proposed combustion processes, including any potentially visible plume associated with the cooling system.

3.54 The assessment should have regard to the potential requirements of other regulatory regimes needed to construct or operate the energy centre (e.g. an Environmental Permit from the EA). This is so that the Secretary of State can be satisfied that the effects of the development parameters required to obtain any such consents fall within those described in the ES. Further information on the information requirements in this respect is provided in Section 4 of this Opinion.

3.55 The potential for emissions both on site and off site during the construction and operational periods should be considered, including along access roads, local footpaths and other PRoW.

3.56 Paragraph 10.10 of the Scoping Report refers to the proposed use of the air dispersion model ADMS-Roads to predict the impact of emissions on pollutant concentrations at nearby receptors. The Secretary of State recommends that the modelling should consider a range of possibilities within the development parameters and should ensure that the 'worst case' scenarios for the construction and operational periods are assessed (even if this is only a short term impact).

3.57 The Scoping Report acknowledges that the proposed development is located near to a number of designated sites for nature conservation as well as the presence of various protected species and suitable habitats for these and other sensitive species. The potential impact on these habitats and designations due to any predicted increase in airborne pollutant emissions during construction and operation should be considered in the EIA. Section 4 of this Opinion provides specific advice on considering and assessing impacts on designated sites and protected species. The Secretary of State notes comments by KCC and DBC regarding the consideration of cultural heritage assets as sensitive receptors in terms of air quality (Appendix 2).

- 3.58 The inter-relationships with the assessment of impacts on traffic generation should be considered and the ES should cross refer to other relevant parts of the ES (e.g. noise, vibration). Such information should also be used to inform the ecological assessments.
- 3.59 Consideration should be given to appropriate mitigation measures and to monitoring of dust and odour complaints during construction and operation. This is particularly given the proximity of residential and ecological receptors to the site. Where possible, the design and likely effectiveness of these measures should be agreed with relevant consultees and described in the ES.

**Noise and Vibration** (see Scoping Report Section 11)

- 3.60 Paragraph 11.6 of the Scoping Report states that Nationally Significant Infrastructure Projects are not subjected to local authority consent, only by Government evaluation. The Secretary of State does not agree with this. Notwithstanding the other consents and licences required (such as from the EA and NE) local planning authorities usually have a role in the discharging of DCO requirements which relate to the management of potential noise and vibration impacts, and would be responsible for dealing with noise complaints during the operational period. The Secretary of State therefore recommends that the methodology and choice of noise receptors should be agreed with the relevant local environmental health officers within local planning authorities, and other relevant consultees (e.g. the EA, NE or the Ebbsfleet Development Corporation) as required. The Secretary of State draws attention to the responses from DBC and GBC regarding the criteria and standards applied in the assessment and the need to agree baseline and methodology (Appendix 2).
- 3.61 The Secretary of State notes the proposed methodologies for predicting and assessing potential noise and vibration impacts. The Scoping Report does not however explain the proposed method of assessing the potential noise impacts (e.g. cheers, shouts and entertainment/music) generated by the proposed rides, attractions and event spaces in the development. This information should be provided in the ES, with reference to the methodologies used for other similar types of developments in England. Consideration may also need to be given to existing sources of noise and vibration in the area and any impact they may have on the proposals, for example (as for air quality) existing wharves as highlighted by the PLA in Appendix 2.
- 3.62 The Secretary of State notes the intention to maintain flexibility about the design elements of the project and welcomes the proposed use of the Rochdale Envelope to assess the potential impacts of the development. This is approach particularly important in respect of potential noise and vibration impacts. Figure 1.6 of the Scoping Report illustrates the proposed general



location of various components of the project; however the potential impacts and receptors could vary according to the characteristics (e.g. design, size, configuration) of the components (including the rides/attractions) at any given time. The assessment should therefore describe and assess the impacts based on the proposed maximum development parameters. The ES should also explain clearly how proposed DCO requirements control potential impacts within the assessment parameters.

- 3.63 Potential noise sources during construction and operation should be clearly described. The ES should also describe the potential receptors for these impacts and how these might vary with potential changes to the design/configuration of the project following commencement.
- 3.64 The ES should describe the types of vehicles and plant to be used during the construction phase and assess the characteristics of impacts (e.g. type and magnitude) that these would generate. This should include an assessment of the proposed piling works. The assessment should be informed by the anticipated working hours of the construction phase, and these should be subject to agreement from the local authorities.
- 3.65 The noise and vibration assessments should take account of potential traffic movements along access routes, especially during the construction phase. The results from the noise and vibration assessments will also provide information to inform the ecological assessments therefore the ES should include cross-referencing to relevant chapters/appendices as appropriate. Noise and vibration levels from works along the foreshore of the River Thames (potentially affecting birds and marine ecology) should be assessed.
- 3.66 The ES should describe clearly the proposals for mitigating potentially significant adverse effects, and the Secretary of State's viewpoint in this regard is echoed by comments provided by DBC regarding the need for detailed proposals for mitigation and a detailed consideration of residual effects (Appendix 2). This should include consideration of how noise complaints during construction and operation could be monitored.

**Cultural Heritage** (see Scoping Report Section 12)

- 3.67 The applicant's attention is drawn to the response from EH regarding the policy context of the cultural heritage assessment and the need for a multidisciplinary approach to the assessment (provided in Appendix 2). EH have also provided advice on the assessment methodology, as have KCC in their response (Appendix 2).
- 3.68 The Scoping Report describes the presence of (and potential for) a number of archaeological features of high value to cultural

heritage within the site and surroundings. It is therefore possible that these and/or previously undisturbed remains could be found during site preparation/construction work. The applicant is therefore encouraged to plan for such scenarios and to discuss and agree the suitability of the assessment methodology and potential mitigation measures with consultees such as EH and KCC heritage officers. The Secretary of State expects the applicant to take the comments provided by EH and by DBC on the description of cultural heritage assets and their sensitivity into account in preparation of the ES (Appendix 2).

- 3.69 The study area and investigations used to determine the baseline conditions for the assessment should be clearly defined and justified in the ES. Any limitations should be explained, as should the methods/mitigation used to address these (including how these are secured through DCO requirements). EH, KCC, GBC, and DBC have provided detailed advice, included in Appendix 2 of this opinion, on study area extent, on the existing sources of information available of relevance to the EIA baseline, available local guidance and recommended methodologies. EH highlight the need to consider marine assets within the scope of the assessment and provide advice on how this might be achieved. The Secretary of State expects that the detailed advice provided by EH, KCC, GBC and DBC is taken into account in the preparation of the ES.
- 3.70 The potential cumulative effects on the setting of heritage assets such as Scheduled Monuments and listed buildings should be assessed. The Secretary of State notes the major development proposals to be included in this assessment (Paragraph 12.51 of the Scoping Report) and considers that the assessment should consider the potential worst case impacts, for example should the construction periods for these projects overlap.
- 3.71 The need for photomontages to illustrate potential impacts on relevant heritage assets from certain viewpoints should be discussed and agreed where possible with relevant consultees.
- 3.72 Cross reference should be made to the landscape and visual assessment of the ES where relevant, and also to the ground conditions chapter and water management chapter in respect of any proposed groundworks. The applicant's attention is drawn to comments from EH regarding the potential effects of changes to ground water levels and water quality to buried assets retained in situ (Appendix 2), and the Secretary of State expects that these interrelationships to be taken into account in preparation of the ES.
- 3.73 Mitigation measures should be clearly described and related to the potential impacts identified by the assessment. The applicant's attention is drawn to the advice provided by EH on the approach to mitigation, and comments from KCC and DBC regarding consideration of how heritage assets could be protected and

opportunities sought for positive benefits to interpretation and understanding of the heritage resource (Appendix 2).

**Land Use and Socio-Economic Effects** (see Scoping Report Section 13)

- 3.74 The applicant should give consideration to the detailed comments provided by KCC, GBC, and DBC regarding the scope and methodology of the assessment (Appendix 2).
- 3.75 The Scoping Report states that the proposed development could generate in the region of 27,000 direct and indirect jobs. The method used to calculate this is not described, however the Secretary of State welcomes the proposals to provide more detailed information in this regard in the ES (for both construction and operation).
- 3.76 The characteristics of jobs generated by the project should be clearly described. This should include information on whether jobs are permanent/part-time, the range of skills required, the seasonality of employment, the catchment area for employment and how proposed employment compares with the available workforce in the area.
- 3.77 The assessment should also consider the potential impacts of any existing land uses/jobs that would be lost or displaced by the proposed development. This should not be limited to employment uses but also include community uses such as open spaces, public rights of way and other recreational or community facilities.
- 3.78 The proposed development includes significant retail and other uses (e.g. event/exhibition space and hotel accommodation) which could impact upon similar existing provision within the wider local area, including Bluewater Retail Park. The ES should describe how the proposals compare with existing provision and consider the potential for adverse effects. Potential indirect effects on local housing supply should also be assessed, as highlighted by GBC (Appendix 2).
- 3.79 The method used to calculate the likely number/growth of visitors to the resort should be described. The potential for the development to affect visitor numbers at other similar attractions in England and abroad should be assessed.
- 3.80 Paragraph 13.38 of the Scoping Report notes that the assessment will need to draw judgements on the net effects of visitor expenditure (both on and off site). Any such judgements should be clearly explained and justified. In this regard the Secretary of State welcomes the proposed use of scenarios (based wherever possible on research from other similar resorts) to determine likely

best and worst case impacts. These scenarios should be clearly explained and defined in the ES.

- 3.81 The Secretary of State notes and welcomes the consideration given to the potential for socio-economic transboundary effects from the proposed development. Table 13.7 indicates the potential for transboundary effects and Paragraph 13.57 states that consideration will be given to the relative materiality and characteristics of such effects. The applicant is encouraged to consult early with potentially affected EEA States to ensure the ES includes sufficient information to determine the potential for significant effects..
- 3.82 Further advice on the recommended approach to dealing with potential transboundary effects is provided in Section 4 of this Opinion and in Planning Inspectorate Advice Note 12.

**Waste** (see Scoping Report Section 14)

- 3.83 The proposed development will result in the production of a range of different types of waste throughout the construction, operational and decommissioning phases of the development. The applicant's Site Waste Management Plan (SWMP) should be appended to the ES.
- 3.84 The Secretary of State encourages the applicant to discuss their proposed approach with the EA and the relevant waste disposal authority, as well as the MMO if intending to dispose of dredged material in the marine environment, to establish an appropriate methodology and evaluation criteria and ensure that all types of wastes and their effects are considered. The applicant should note that KCC highlight the planned adoption of the emerging Kent Minerals and Waste Local Plan 2013-30 in 2015 in their response in Appendix 2.
- 3.85 It is essential that the assessment accounts for materials to be removed from the site and to identify where potential traffic movements would be routed. Such details should also be reflected in relevant supporting documents (e.g. the SWMP).
- 3.86 Where the re-use of construction waste on site is proposed to minimise the need for the export and import of material the ES should describe the method used to calculate the likely cut and fill balance of material.
- 3.87 Some of the effects linked to waste (e.g. on air or water quality) would be covered in other chapters of the ES. The inter-relationship between the chapter on waste and these other chapters should be clearly explained in the ES and cross-referenced, where appropriate.

- 3.88 The ES should describe any mitigation measures necessary to deal with adverse impacts and identify any residual effects. The ES should also make it clear how mitigation measures would be secured and delivered in the DCO.

### **Other Topics**

- 3.89 Consideration should be given to the inclusion of a chapter on infrastructure in the ES. This chapter may cover issues surrounding existing utility and transport infrastructure constraints to the project design, construction and operation, as well as the requirements with regard to utilities during construction and operation, for example sewerage, water, and electricity supply. It may be appropriate to include a discussion of the effects of electromagnetic fields (EMF) on workers and visitors during construction and operation in this topic chapter, given the presence of an overhead electricity transmission line within the site. The applicant's attention is drawn to the comments of Public Health England (PHE) in this regard (Appendix 2) and those from HS1, also in Appendix 2, with reference to electromagnetic radiation (EMR) and potential impacts on rail passengers and rail assets.
- 3.90 Consideration should also be given to the inclusion of a chapter on navigation and shipping impacts, in light of advice from PLA, CAA and NATS (Appendix 2) with respect to radar and data communications and air navigation safety.

## 4.0 OTHER INFORMATION

- 4.1 This section does not form part of the Secretary of State's Opinion as to the information to be provided in the environmental statement. However, it does respond to other issues that the Secretary of State has identified which may help to inform the preparation of the application for the DCO.

### Habitats Regulations Assessment (HRA)

- 4.2 The Secretary of State notes that European sites are located a few kilometres from the proposed development; the Scoping Report identifies the Thames Estuary & Marshes SPA/Ramsar approximately 7.5km to the east, and the Medway Estuary and Marshes SPA/Ramsar approximately 19km to the east. It is the applicant's responsibility to provide sufficient information to the Competent Authority (CA) to enable them to carry out a HRA if required. The applicant should note that the CA is the Secretary of State.
- 4.3 The applicant's attention is drawn to The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (The APFP Regulations) and the need to include information identifying European sites to which the Habitats Regulations applies or any Ramsar site or potential SPA which may be affected by a proposal. The submitted information should be sufficient for the competent authority to make an appropriate assessment (AA) of the implications for the site if required by Regulation 61(1) of the Habitats Regulations.
- 4.4 The report to be submitted under Regulation 5(2)(g) of the APFP Regulations with the application must deal with two issues: the first is to enable a formal assessment by the CA of whether there is a likely significant effect; and the second, should it be required, is to enable the carrying out of an AA by the CA.
- 4.5 When considering aspects of the environment likely to be affected by the proposed development; including flora, fauna, soil, water, air and the inter-relationship between these, consideration should be given to the designated sites in the vicinity of the proposed development.

### Evidence Plans

- 4.6 An evidence plan is a formal mechanism to agree upfront what information the applicant needs to supply to the Planning Inspectorate as part of a DCO application. An evidence plan will help to ensure compliance with the Habitats Regulations. It will be particularly relevant to NSIPs where impacts may be complex, large amounts of evidence may be needed or there are a number of uncertainties. It will also help applicants meet the requirement

to provide sufficient information (as explained in Advice Note 10) in their application, so the Examining Authority can recommend to the Secretary of State whether or not to accept the application for examination and whether an appropriate assessment is required.

- 4.7 Any applicant of a proposed NSIP in England, or England and Wales, can request an evidence plan. A request for an evidence plan should be made at the start of pre-application (eg after notifying the Planning Inspectorate on an informal basis) by contacting the Major Infrastructure and Environment Unit (MIEU) in Defra (MIEU@defra.gsi.gov.uk).

## Sites of Special Scientific Interest (SSSIs)

- 4.8 The Secretary of State notes that a number of SSSIs are located close to or within the proposed development. Where there may be potential impacts on the SSSIs, the Secretary of State has duties under sections 28(G) and 28(I) of the Wildlife and Countryside Act 1981 (as amended) (the W&C Act). These are set out below for information.
- 4.9 Under s28(G), the Secretary of State has a general duty ‘... to take reasonable steps, consistent with the proper exercise of the authority’s functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest’.
- 4.10 Under s28(I), the Secretary of State must notify the relevant nature conservation body (NCB), JNCC/NE/NRW in this case, before authorising the carrying out of operations likely to damage the special interest features of a SSSI. Under these circumstances 28 days must elapse before deciding whether to grant consent, and the Secretary of State must take account of any advice received from the NCB, including advice on attaching conditions to the consent. The NCB will be notified during the examination period.
- 4.11 If applicants consider it likely that notification may be necessary under s28(I), they are advised to resolve any issues with the NCB before the DCO application is submitted to the Secretary of State. If, following assessment by applicants, it is considered that operations affecting the SSSI will not lead to damage of the special interest features, applicants should make this clear in the ES. The application documents submitted in accordance with Regulation 5(2)(I) could also provide this information. Applicants should seek to agree with the NCB the DCO requirements which will provide protection for the SSSI before the DCO application is submitted.

## European Protected Species (EPS)

- 4.12 Applicants should be aware that the decision maker under the Planning Act 2008 (PA 2008) has, as the CA, a duty to engage with the Habitats Directive. Where a potential risk to an EPS is identified, and before making a decision to grant development consent, the CA must, amongst other things, address the derogation tests<sup>2</sup> in Regulation 53 of the Habitats Regulations. Therefore the applicant may wish to provide information which will assist the decision maker to meet this duty.
- 4.13 If an applicant has concluded that an EPS licence is required the ExA will need to understand whether there is any impediment to the licence being granted. The decision to apply for a licence or not will rest with the applicant as the person responsible for commissioning the proposed activity by taking into account the advice of their consultant ecologist.
- 4.14 Applicants are encouraged to consult with NE and, where required, to agree appropriate requirements to secure necessary mitigation. It would assist the examination if applicants could provide, with the application documents, confirmation from NE whether any issues have been identified which would prevent the EPS licence being granted.
- 4.15 Generally, NE are unable to grant an EPS licence in respect of any development until all the necessary consents required have been secured in order to proceed. For NSIPs, NE will assess a draft licence application in order to ensure that all the relevant issues have been addressed. Within 30 working days of receipt, NE will either issue 'a letter of no impediment' stating that it is satisfied, insofar as it can make a judgement, that the proposals presented comply with the regulations or will issue a letter outlining why NE consider the proposals do not meet licensing requirements and what further information is required before a 'letter of no impediment' can be issued. The applicant is responsible for ensure draft licence applications are satisfactory for the purposes of informing formal pre-application assessment by NE.
- 4.16 Ecological conditions on the site may change over time. It will be the applicant's responsibility to ensure information is satisfactory for the purposes of informing the assessment of no detriment to the maintenance of favourable conservation status (FCS) of the population of EPS affected by the proposals<sup>3</sup>. Applicants are advised that current conservation status of populations may or

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<sup>2</sup> Key case law re need to consider Article 16 of the Habitats Directive: *Woolley vs East Cheshire County Council* 2009 and *Morge v Hampshire County Council* 2010.

<sup>3</sup> Key case law in respect of the application of the FCS test at a site level: *Hafod Quarry Land Tribunal (Mersey Waste (Holdings) Limited v Wrexham County Borough Council)* 2012, and Court of Appeal 2012.



may not be favourable. Demonstration of no detriment to favourable populations may require further survey and/or submission of revised short or long term mitigation or compensation proposals. In England the focus concerns the provision of up to date survey information which is then made available to NE (along with any resulting amendments to the draft licence application). This approach will help to ensure no delay in issuing the licence should the DCO application be successful. Applicants with projects in England or English waters can find further information on Natural England's protected species licensing procedures in relation to NSIP's by clicking on the following link:

[http://www.naturalengland.org.uk/Images/wml-g36\\_tcm6-28566.pdf](http://www.naturalengland.org.uk/Images/wml-g36_tcm6-28566.pdf)

- 4.17 In England or English Waters, assistance may be obtained from the Consents Service Unit. The Unit works with applicants to coordinate key non-planning consents associated with nationally significant infrastructure projects. The Unit's remit includes EPS licences. The service is free of charge and entirely voluntary. Further information is available from the following link:

<http://infrastructure.planningportal.gov.uk/legislation-and-advice/consents-service-unit/>

## Health Impact Assessment

- 4.18 The Secretary of State considers that it is a matter for the applicant to decide whether or not to submit a stand-alone Health Impact Assessment (HIA). However, the applicant should have regard to the responses received from the relevant consultees regarding health, and in particular to the comments from the Health and Safety Executive and Public Health England.
- 4.19 The methodology for the HIA, if prepared, should be agreed with the relevant statutory consultees and take into account mitigation measures for acute risks.

## Other regulatory regimes

- 4.20 The Secretary of State recommends that the applicant should state clearly what regulatory areas are addressed in the ES and that the applicant should ensure that all relevant authorisations, licences, permits and consents that are necessary to enable operations to proceed are described in the ES. Also it should be clear that any likely significant effects of the proposed development which may be regulated by other statutory regimes have been properly taken into account in the ES. The Secretary of State refers the applicant to the information provided by the MMO regarding marine licences, this is contained in their response in Appendix 2.

- 4.21 It will not necessarily follow that the granting of consent under one regime will ensure consent under another regime. For those consents not capable of being included in an application for consent under the PA 2008, the Secretary of State will require a level of assurance or comfort from the relevant regulatory authorities that the proposal is acceptable and likely to be approved, before they make a recommendation or decision on an application. The applicant is encouraged to make early contact with other regulators. Information from the applicant about progress in obtaining other permits, licences or consents, including any confirmation that there is no obvious reason why these will not subsequently be granted, will be helpful in supporting an application for development consent to the Secretary of State.

### Transboundary Impacts

- 4.22 The Secretary of State has noted that the applicant has provided a transboundary screening matrix which indicates the proposed development is not likely to have significant impacts on another European Economic Area (EEA) State.
- 4.23 Regulation 24 of the EIA Regulations, which *inter alia* require the Secretary of State to publicise a DCO application if the Secretary of State is of the view that the proposal is likely to have significant effects on the environment of another EEA state and where relevant to consult with the EEA state affected. The Secretary of State considers that where Regulation 24 applies, this is likely to have implications for the examination of a DCO application.
- 4.24 The Secretary of State recommends that the ES should revisit the screening presented in the Scoping Report in light of the developed plans for the proposal in order to identify whether the proposed development has the potential for significant transboundary impacts and if so, what these are and which EEA States would be affected.



## **APPENDIX 1**

### **List of Consultees**



## APPENDIX 1

### LIST OF BODIES FORMALLY CONSULTED DURING THE SCOPING EXERCISE

<b>CONSULTEE</b>	<b>ORGANISATION</b>
<b>SCHEDULE 1</b>	
The Health and Safety Executive	Health and Safety Executive
The National Health Service Commissioning Board	NHS England
The relevant Clinical Commissioning Group	NHS Dartford, Gravesham And Swanley Clinical Commissioning Group
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	English Heritage
The Historic Buildings and Monuments Commission for England	English Heritage - South East
The Relevant Fire and Rescue Authority	Kent Fire and Rescue Authority
The Relevant Police and Crime Commissioner	Kent Police and Crime Commissioner
The Relevant Parish Council(s) or Relevant Community Council	Darenth Parish Council
The Relevant Parish Council(s) or Relevant Community Council	Stone Parish Council
The Relevant Parish Council(s) or Relevant Community Council	Southfleet Parish Council
The Relevant Parish Council(s) or Relevant Community Council	Swanscombe and Greenhithe Parish Council
The Relevant Parish Council(s) or Relevant Community Council	Bean Parish Council
The Environment Agency	The Environment Agency
The Environment Agency	The Environment Agency - South east
The Maritime and Coastguard Agency	Maritime & Coastguard Agency
The Maritime and Coastguard Agency	The Maritime and Coastguard Agency
The Maritime and Coastguard Agency - Regional Office	The Maritime and Coastguard Agency - London coastguard maritime rescue co-ordination centre
The Marine Management Organisation	Marine Management Organisation (MMO)
The Civil Aviation Authority	Civil Aviation Authority
The Highways Agency	The Highways Agency - South East
The Relevant Highways Authority	Kent County Council
Transport for London	Transport for London

The Coal Authority	The Coal Authority
The Canal and River Trust	The Canal and River Trust
Trinity House	Trinity House
Public Health England, an executive agency to the Department of Health	Public Health England
The Crown Estate Commissioners	The Crown Estate
The Secretary of State for Defence	Ministry of Defence
<b>RELEVANT STATUTORY UNDERTAKERS</b>	
<b>Health Bodies (s.16 of the Acquisition of Land Act (ALA) 1981)</b>	
The National Health Service Commissioning Board	NHS England
The relevant Clinical Commissioning Group	NHS Dartford, Gravesham And Swanley Clinical Commissioning Group
Local Area Team	Kent & Medway Area Team
Ambulance Trusts	South East Coast Ambulance Service NHS Foundation Trust
<b>Relevant Statutory Undertakers (s.8 ALA 1981)</b>	
Railways	Network Rail Infrastructure Ltd
Railways	Network Rail (CTRL) Ltd
Railways	Highways Agency Historical Railways Estate
Road Transport	Transport for London
Water Transport	The Canal and River Trust
Canal Or Inland Navigation Authorities	Port of London Authority
Civil Aviation Authority	Civil Aviation Authority
Licence Holder (Chapter 1 Of Part 1 Of Transport Act 2000)	NATS En-Route Safeguarding
Universal Service Provider	Royal Mail Group
Relevant Homes and Communities Agency	Homes and Communities Agency
Relevant Environment Agency	Environment Agency
Water and Sewage Undertakers	Southern Water
Public Gas Transporter	Energetics Gas Limited
Public Gas Transporter	ES Pipelines Ltd
Public Gas Transporter	ESP Connections Ltd
Public Gas Transporter	ESP Networks Ltd
Public Gas Transporter	ESP Pipelines Ltd
Public Gas Transporter	Fulcrum Pipelines Limited
Public Gas Transporter	GTC Pipelines Limited
Public Gas Transporter	Independent Pipelines Limited
Public Gas Transporter	LNG Portable Pipeline Services Limited
Public Gas Transporter	National Grid Gas Plc

Public Gas Transporter	National Grid Plc
Public Gas Transporter	Quadrant Pipelines Limited
Public Gas Transporter	SSE Pipelines Ltd
Public Gas Transporter	Scotland Gas Networks Plc
Public Gas Transporter	Southern Gas Networks Plc
Public Gas Transporter	Wales and West Utilities Ltd
Electricity Distributors With CPO Powers	Energetics Electricity Limited
Electricity Distributors With CPO Powers	ESP Electricity Limited
Electricity Distributors With CPO Powers	Independent Power Networks Limited
Electricity Distributors With CPO Powers	The Electricity Network Company Limited
Electricity Distributors With CPO Powers	Utility Assets Limited
Electricity Distributors With CPO Powers	UK Power Networks Limited
Electricity Transmitters With CPO Powers	National Grid Electricity Transmission Plc
Electricity Transmitters With CPO Powers	National Grid Plc
<b>LOCAL AUTHORITIES (SECTION 43)</b>	
Local Authority	London Borough of Bexley
Local Authority	Kent County Council
Local Authority	Sevenoaks District Council
Local Authority	Tonbridge and Malling District Council
Local Authority	Dartford Borough Council
Local Authority	Gravesham Borough Council
Local Authority	Medway Council
Local Authority	Thurrock Council
Local Authority	Surrey County Council
Local Authority	East Sussex County Council
Local Authority	London Borough of Bromley



## **APPENDIX 2**

# **Respondents to Consultation and Copies of Replies**



## APPENDIX 2

### LIST OF BODIES WHO REPLIED BY THE STATUTORY DEADLINE

Civil Aviation Authority
Coal Authority
Dartford Borough Council
English Heritage
Environment Agency
ESP Gas Group Ltd
Gravesham Borough Council
GTC Pipelines Ltd
Health and Safety Executive
Highways Agency
Highways Agency Historical Estate Team
Kent County Council
Marine Management Organisation
Maritime and Coastguard Agency
Medway Council
National Grid Electricity Transmission plc.
National Grid Gas plc.
NATS
Natural England
Port of London Authority
Public Health England



**Environment and Wellbeing**  
Civic Offices  
2 Watling Street, Bexleyheath, Kent, DA6 7AT  
Tel: 020 8303 7777 Fax: 0203 045 5817  
DX31807 Bexleyheath [www.bexley.gov.uk](http://www.bexley.gov.uk)



LONDON BOROUGH OF  
**BEXLEY**

m/r 14/02160/SCOPE  
y/r BC080001

Tel 020 3045 5760  
date 18th November 2014

*The person dealing with this matter is*

Mr Richard Turek  
(e-mail- [richard.turek@bexley.gov.uk](mailto:richard.turek@bexley.gov.uk))

London Resort Company Holdings  
c/o The Planning Inspectorate  
C/o Will Spencer  
EIA And Land Rights Advisor  
On Behalf Of The Secretary Of State  
3/18 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

PINS RECEIVED

21 NOV 2014

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACTS**

**London Paramount Entertainment Resort Dartford Borough Council Dartford  
Scoping consultation as to the information to be provided in an environmental  
statement relating to the London Paramount Entertainment Resort.**

I acknowledge receipt of your details received on 13th November 2014  
requesting a Scoping Opinion on the above proposal.

I would advise you that I am undertaking a consultation exercise regarding this  
proposal and I will endeavour to reply within the specified period. For your  
information the application was recorded in our records under reference  
14/02160/SCOPE.

Please contact my assistant on the above telephone number if you have any  
queries.

Yours faithfully

  
Head of Development Control





**From:** [Smailes Baggy](#)  
**To:** [Environmental Services](#)  
**Subject:** FW: London Paramount Entertainment Resort (ref: BC080001)  
**Date:** 17 November 2014 14:05:54

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Dear Mr Spencer,

## **London Paramount Entertainment Resort – Scoping Comment**

Thank you for your recent e-mail which sought Civil Aviation Authority scoping comment related the subject proposed development, located immediately north of Swanscombe. I trust the following is useful.

I gather that the maximum height of any associated structure would be some 60m (above ground level). That being the case I can advise that none of the associated structures would constitute an aviation en-route obstruction for civil aviation purposes. I have therefore few associated observations other than to highlight that the need for planning deliberations to take into account any relevant aerodrome specific safeguarding issues (DfT/ODPM Circular 1/2003 refers).

In isolation the CAA would not make any case for any associated structure to be equipped with aviation warning lighting and there is no generate civil aviation notification issue.

I should however highlight that any crane utilization during the construction phase should be subject to the related CAA guidance with is available at <http://www.caa.co.uk/docs/33/CAP%201096%20In%20Focus%20-%20Crane%20Ops.pdf>

Additionally, to address the question of military aircraft safety, the work should be brought to the attention of the Head of Safeguarding, Defence Infrastructure Organisation, Kingston Road, Sutton Coldfield B75 7RL. I should also add that that due to the unique nature of associated operations in respect of operating altitudes and potentially unusual landing sites, it would also be sensible to establish the related viewpoint of local emergency services air support units.

I hope these few comments match your requirements. Should you require any further civil aviation regulatory input, do not hesitate to get in touch. Please advise if the understand of the route and assumption of the heights involved are incorrect.

### **Mark Smailes**

Airspace Regulator  
Safety and Airspace Regulation Group  
Civil Aviation Authority  
CAA House  
45-59 Kingsway  
London WC2B 6TE  
Tel: 0207 453 6545

---

**From:** Environmental Services [mailto:EnvironmentalServices@infrastructure.gsi.gov.uk]  
**Sent:** 11 November 2014 13:35  
**To:** Smailes Baggy

**Subject:** London Paramount Entertainment Resort (ref: BC080001)

Dear Sir/Madam,

Please see the link below in respect of the EIA scoping consultation for the above project:

<http://infrastructure.planningportal.gov.uk/wp-content/uploads/2014/11/141111-Letter-stat-cons-ScopingAND-Reg9Notification.pdf>

Will Spencer  
EIA & Land Rights Advisor  
Major Applications and Plans, The Planning Inspectorate, Temple Quay House, Temple Quay, Bristol, BS1 6PN

Direct Line: 0303 444 5048

Helpline: 0303 444 5000

Email: [will.spencer@pins.gsi.gov.uk](mailto:will.spencer@pins.gsi.gov.uk)

Web: [www.planningportal.gov.uk/planninginspectorate](http://www.planningportal.gov.uk/planninginspectorate) (Planning Inspectorate casework and appeals)

Web: [www.planningportal.gov.uk/infrastructure](http://www.planningportal.gov.uk/infrastructure) (Planning Inspectorate's National Infrastructure Planning portal)

Twitter: [@PINSgov](https://twitter.com/PINSgov)

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200 Lichfield Lane  
Berry Hill  
Mansfield  
Nottinghamshire  
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)

Web: [www.coal.decc.gov.uk/services/planning](http://www.coal.decc.gov.uk/services/planning)

Mr Will Spencer – EIA and Land Rights Advisor  
The Planning Inspectorate

**[By Email: [environmentalservices@infrastructure.gsi.gov.uk](mailto:environmentalservices@infrastructure.gsi.gov.uk)]**

Your Ref: BC080001

4 December 2014

Dear Mr Spencer

**Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) – Regulations 8 and 9**

**Application for an Order Granting Development Consent for the London Paramount Entertainment Resort**

Thank you for your consultation letter of 11 November 2014 seeking the views of The Coal Authority on the EIA Scoping Opinion for the above proposal.

The Coal Authority is a non-departmental public body sponsored by the Department of Energy and Climate Change. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response:

I have reviewed the proposals and confirm that the proposed EIA development is located outside of the defined coalfield. Accordingly, The Coal Authority has **no comments** to make regarding the information to be contained in the Environmental Statement that will accompany this proposal.

As this proposal lies outside of the defined coalfield, in accordance with Regulation 3 and Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 it will not be necessary for any further consultations to be undertaken with The Coal Authority on this Nationally Significant Infrastructure Project. This letter can

be used by the applicant as evidence for the legal and procedural consultation requirements.

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely

*Mark Harrison*

**Mark E. N. Harrison** *B.A.(Hons), DipTP, LL.M, MInstLM, MRTPI*  
**Planning Liaison Manager**

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available coal mining data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

**From:** [Sonia Bunn](#)  
**To:** [Will Spencer](#)  
**Subject:** London Paramount Scoping Report  
**Date:** 04 December 2014 17:01:42

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Dear Will

I just want to double check the timescale for replies to the scoping consultation. I need to get the Council's response signed off by the Leader, Mayor and managing director and they can only do this on Tuesday afternoon. So the response will be sent electronically to you before the end of the working day on Tuesday 9th December. Am I right to assume that this falls within the deadline you have set of "by 9 December".

I look forward to hearing from you.

Regards

Sonia Bunn  
Dartford Borough Council.

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The Planning Inspectorate

*Sent by email.*

Please ask for: Sonia Bunn  
Direct Line: (01322) 343620  
Direct Fax: (01322) 343047  
E-mail: [Sonia.Bunn@dartford.gov.uk](mailto:Sonia.Bunn@dartford.gov.uk)  
DX: 142726 Dartford 7

Your Ref: BCO80001  
Our Ref: 14/00857/NSIP

Date: 9 December 2014

Dear Sirs,

**RE: Planning Act 2008 (as amended) and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended)  
Scoping consultation in relation to the application for an Order Granting Development Consent for the London Paramount Entertainment Resort**

Please find attached the Council's detailed response to the submitted scoping response.

The Council recognises that the detailed issues on this large and complex scheme are being worked on by the applicant and their consultants and that this scoping report is an initial stage in the process. The detailed comments attached are therefore provided in order to assist the applicant and yourselves in order to provide clarity on some of the more localised issues and, in accordance with the PINS advice note 11, to give an indication of the Council's expectations at an early stage in the process of the assessment in order to avoid further work in the future.

The Council's principal concern with regard to the scoping is the extent of the assessment of the socio-economic issues. The Council considers that the proposed assessment of these issues should be widened to include the local issues and the associated impacts arising from the development and the mitigations that will be required both on and off site. The Council recognises that it may need to implement planning policy and changes to service delivery in order to mitigate the development and is keen to understand better what these local impacts might be.

I should clarify, that as local planning authority for much of the area covered by the proposed development, the Council procures specialist technical advice from the KCC archaeology team and the KCC ecology team and this advice is incorporated into this response but is also likely to be passed onto you by Kent County Council.

Finally I would emphasise that the Council takes much comfort from recent discussions with the applicant that the detailed issues raised in the attached note are being worked on and that the Council is involved with this process. The Council looks forward to seeing the Preliminary Environmental Information and having more clarity with regard to

the parameters of the development (i.e. the Rochdale Envelope) as well as the refinement of the red line.

Yours sincerely,



Sonia Bunn  
Senior Planner (Major Projects)

The Borough Council has sought to set out their comments so that they relate to each chapter, dividing these into detailed comments on the submitted report, more general comments on the scoping methodology and some discussion points on mitigation.

#### **Chapter 4: Proposed scope and structure of the Environmental Statement**

##### *Detailed points*

In the matrices describing the sensitivity of receptors, sites of 'Very High' sensitivity should include archaeological sites of known international significance not just World Heritage Sites, as there is no European level system of international designation for cultural heritage sites, and the designation of WH sites is restricted by political factors.

##### *General comments on the proposed methodology*

It is suggested that the Environmental Statement should include a description of the cultural heritage resource in all its elements including Pleistocene geology, Holocene palaeoenvironmental evidence, historic landscapes and industrial heritage, together with an assessment of its significance, as this is such a critical element over this area which impacts on all other issues.

#### **Chapter 5: Landscape and visual effects**

##### *Detailed points*

- Paragraph 5.18: The baseline assessment of the area south of the River Thames advises that skylines are dominated by pylons and overhead transmission lines but fails to note that a strong characteristic of this urban area is that there are many ridgelines, both natural and manmade, and almost all of these are characterised by trees on the ridges. Such that the long distance views and the backdrops to the urban area is characterised by trees on ridgelines.
- Paragraph 5.21: The Thames Gateway Historic Environment Characterisation project is listed as a baseline study but this study is inadequate in its assessment of archaeological character and is also now very out of date. It should not be used to inform any assessment of archaeological character for the site or wider area.
- Table 5.3 (the potential assessment viewpoints). The visual receptors for numbers 14 & 15 are transposed. Ingress Abbey is the Listed Building (in residential use) and Ingress Park is the recent residential development.



## **Comments on Scoping Report London Paramount Entertainment Resort**

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Number 20, All Saints Church, is a Listed building but has been deconsecrated and converted to apartments.

### *General comments on the proposed methodology*

The inclusion of the historic landscape dimension in the Landscape and Visual effects chapter is welcomed as the landscape features created by former and current industrial activities such as the dramatic landforms left by quarrying or the landmarks relating to cement production and power generation (such as the ‘superpylon’ on the northern edge of the peninsula) contribute greatly to the landscape character of the area and form lasting reminders of a period in history where Britain probably had its greatest impact on a world scale. However, the Council is concerned to ensure that the assessment of the industrial heritage of the area should not be reduced to categorising the area as a wasteland or of automatic low environmental quality. Instead it should objectively assess the cultural and social aspects of the landscape rather than assuming that the immediate pre-industrial landscape has a higher value than any of the other now largely invisible industrial landscapes which were once present within the development site.

The Kent Historic Landscape Character assessment should be included in the baseline studies but more detailed historic landscape character assessment should be carried out for the site level of description and assessment as the Kent study is intended to be very broad brush. Useful information may also be found in the recent Kent Farmsteads Guidance baseline study.

Swanscombe Heritage Park and St Peter and Paul Church, Swanscombe should be taken forward as viewpoints. The Heritage Park should also be considered as a heritage site rather than just as a public open space. The contemporary landscape would have been radically different to the present day but views to the River Thames and Ebbsfleet Valley from adjacent high ground are important aspects to understanding its former landscape setting. The Palaeolithic sites such as the Bakers Hole scheduled monument, in the Ebbsfleet Valley should also be assessed in terms of landscape legibility.

### *Mitigation*

In due course, the Council will be keen to understand further how the high quality architectural, engineering and landscape design can be delivered through the DCO where this detail is not available at the time of the consideration of the proposal.

## **Chapter 6: Ecology**

The KCC Ecology section provides advice to the Borough Council under a service agreement and they confirm that the Ecology chapter of the EIA Scoping Report provides a broad summary of the results of the ecological surveys undertaken to date. However, they together with other ecological bodies advise that there is

## **Comments on Scoping Report London Paramount Entertainment Resort**

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insufficient detail provided to appraise the standards and quality of the survey work at this stage but the expectation is that all ecological surveys will be carried out in accordance with good practice guidance, with any deviations from good practice detailed and justified within the planning submission.

### *Detailed points*

- The Bakers Hole SSSI is considered under ecology but should be considered as earth heritage and also under cultural heritage as it is designated for its archaeological and geological value.
- The red line shown at present currently overlaps with a development site known as the Northfleet West Sub Station. The site has planning permission for up to 950 dwellings, although work has not started yet. Dormice have been identified within the corridor of land of this site that falls with the red line indicated.
- Paragraph 6.17 of the scoping report suggests that some of the habitats and species associated with the Ebbsfleet Marshes Local Wildlife site may no longer be present, owing to impacts of past developments. Such developments were subject to avoidance and mitigation measures to minimise such impacts and the Council would consider any assumptions to the contrary premature, until full surveys have been undertaken.

### *General comments on the proposed methodology*

The suite of ecological surveys undertaken to date appear to have been restricted to the Swanscombe Peninsula area. Several habitats and species of particular conservation interest have been identified. The intention to undertake further ecological surveys, as set out in Table 6.1, is supported but there are concerns regarding the survey timings in relation to the proposed timetable for submission. It is important that external forces do not result in limitations to the ecological survey results, for example with surveys carried out during sub-optimal weather conditions due to time constraints. In such a case the survey results may not present a sufficiently accurate representation of species presence, distribution and/or abundance. It is not clearly stated within the scoping report that all the ecological surveys will be carried out in advance of the EIA being finalised.

There have been baseline ecology studies undertaken in connection with the development of the area known as Ebbsfleet and there has been some continual monitoring of ecology on the site. So there may be some baseline information that can be accessed for this area, particularly the area along the stream, which will assist with the assessment.

The impact of lighting at the operational stage does not appear to be included in the table of potential ecological effects.

## **Comments on Scoping Report London Paramount Entertainment Resort**

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Kent Wildlife Trust advise that whilst they accept the use of “Guidelines or Ecological Impact Assessment published by the Chartered Institute of Ecology and Environmental Management, consideration will need to be given to adequate mitigation for habitats considered of ‘local’ value when using these. They are concerned that mitigation plans often fail to address impacts on these local habitats which can incrementally lead to significant biodiversity losses.

It is recommended that the ecological surveys and the planning submission (as it relates to ecology) are undertaken in accordance with the British Standard *Biodiversity – Code of practice for planning and development* (BS 42020:2013) and with Natural England’s Standing Advice.

The Council note the absence of any surveys of the marine environment. Given the potential for impacts to occur within the River Thames estuary as a result of this proposal, ecological surveys covering the estuary are likely to be required. However, more detailed advice on this topic is likely to be provided by the Environment Agency and the Marine Management Organisation.

Paragraph 6.47 states that “*the existing and proposed baseline studies...will provide the reference point against which the nature, extent and significance of potential ecological effects can be assessed*”. However, paragraph 6.59 goes on to state that “*the initial survey work has provided a suitable basis for identifying the potential ecological effects associated with the construction and operation of the proposed scheme*” and Table 6.3 presents these, alongside ‘potential ecological mitigation measures’. While the Council support the early consideration of potential ecological impacts, the ES should identify and assess, and the development of mitigation and compensation measures, should be based on sufficient, adequate ecological survey data. Given this stance, the Council consider the identification of ‘residual ecological effects’ that are “*not considered to be significant*” to be somewhat premature.

The intention to consider the wider potential effects on the North Kent European sites within a Habitats Regulations Assessment is supported.

KCC Ecology confirm that they would be happy to provide further advice and input to the detailed assessment, the ecological survey requirements and to the development of acceptable mitigation measures

### **Chapter 7: Water Resources Management**

#### *Detailed points*

p.99 Southern Water are also a stakeholder within this area.

*General comments on the proposed methodology*

The assessment of water management should include cultural heritage receptors in terms of the effect of water quality on organic remains, microfossils and other environmental indicators within buried archaeological deposits.

Baseline information for the water quality and water management issues may be available for the River Ebbsfleet as part of the on-going monitoring undertaken as part of the requirements of the planning permission for Ebbsfleet.

The water management issues in this area are complex and must be considered with regard to other developments coming forward. The EA are more appropriate to advise on this but the Council as local planning authority need to ensure that the development does not prejudice the infrastructure available for other developments, particularly all the new housing coming forward within the Borough. The Council will expect the assessment to consider how the impact of the development on water resource availability will be mitigated

The impact of the proposal on the flood storage area adjacent to the River Ebbsfleet should be considered including how this will impact on the surface water run-off from adjacent land (particularly the NWSS site to the west) and also the development that has already been granted planning permission in the area.

It is not clear how the ES will consider the Water Framework Directive.

*Mitigation*

The Council will also expect the water management mitigation proposals to set out how water will be conserved and water use minimised both during the construction phase and the operation phase.

***Chapter 8: Soil and Ground conditions***

*Detailed points*

The adopted local planning policy referred to is out of date and the London Plan is not relevant to this site as it falls outside of the London area.

*General comments on the proposed methodology*

No comments on the methodology proposed but the Council would suggest the involvement of their contaminated land officer in the detailed proposed assessment.

***Chapter 9: Transport***

As well as the comments below, the Council would also like to confirm its support for the comments made by Kent County Council as highways authority – some of which are reiterated below.

*Detailed points*

Paragraph 9.1 The Council consider that this paragraph should also include reference to discussions with the local authorities as the environmental effects impact on their areas and therefore they should inform the scope of the Transport Assessment and Travel Plans.

Paragraph 9.2, It is noted that visitor travel demand is anticipated to average 41,000 visitors per day and that this is proposed to form the basis of the assessment. The Council are concerned that this is not the worst case scenario advocated for the “Rochdale Envelope” approach or indeed a robust approach for a Transport Assessment. We understand that on peak days it is more likely to be 90,000 visitors. It is important that the detailed modelling and assessment of “special event days” is also addressed.

Table 1 does not reflect the three hour peak which all the local authorities voiced concern about in our responses to the Strategic Modelling Document in October/November 2014. It is usual for Transport Assessments in this area to monitor and assess a three-hour peak between 06:00 and 09:00 due to the differing peaks on the strategic highways network and at local junctions, reflecting both strategic and local trips. With regard to this proposal the assessment should reflect this three-hour peak in the local area and should also consider the earlier times of arrival of employees plus the large volume of visitors that will be attempting to “beat the crowd” and arrive long before 10-11am, as with any entertainment resort.

Paragraph 9.10 A 2025 Assessment Scenario is welcomed, but a 15 years (after opening) – 2035 – scenario should also be submitted, as requested by KCC in their response to the Assessment Scenario considered in line with the Strategic Modelling Methodology Technical Notes, November 2014.

Paragraph 9.26 – Reference is made to Table 2 but this appears to be Table 4 (receptors).

Paragraph 9.27 - reference is made to Table 3 but this ought to be referring to Table 5 (Severity of Different Magnitudes of Effect). Table 3 appears to be missing.

Paragraph 9.30 of the scoping report states that 2014 will be the baseline for any modelling but it is unclear as to whether this represents data from new surveys or figures taken from previous surveys and updated. If earlier data is used, the Council has concerns that this reflects lower traffic flows during the recession.

*General comments on the proposed methodology*

The Institute of Environmental Assessment's "Guidelines for the Environmental Assessment of Road Traffic" states "In preparing an Environmental Statement, it is considered that the documentation should enable significantly affected people, parties or interests to be able to identify the "worst" environmental impact that might be reasonably expected. This issue is returned to in paragraph 3.10 of the IoEA's Guidelines. "Worst" environmental impacts are likely to include the effects of "greatest change" as well as "highest impact". Clarification is sought on the issue of average and 'special event' days, as there is no mention of special event days within the scoping report. The Council would expect to see thorough assessment of "worst case scenarios" reflecting the upper projected visitor figures.

Any analysis should clearly differentiate between visitor, employment and servicing trips as these could potentially occur at different times during the day and involve different origins and access points to the site.

There is the potential for flows relating to London Paramount to conflict with flows generated elsewhere, particularly in the case of Bluewater which is another major generator of visitor traffic in the immediate vicinity. Bluewater results in significant flows at weekends and on a seasonal basis, including in association with special events. As well as "off peak" peaks in traffic flow such as the morning opening which may coincide with the morning peak of the leisure resort and afternoon peaks at school pick up time. The Council would be keen to assist with further discussion on this and how it is assessed.

We would reiterate the concerns that the Councils (DBC, GBC and KCC) presented in the response to the Technical Note on Modelling, in that this model is not a multi-modal model and that it is therefore not appropriate for modelling anything other than the 58% of destination traffic projected to arrive via "private vehicles". A multi-modal approach is required if the strategic modelling is going to be an exercise which can properly inform the trip generation and associated environmental impact posed by the entertainment resort, encompassing public transport use such as local bus services, Fastrack and local and international rail travel.

The Council is disappointed that there is no mention of Fastrack, which is a high frequency bus service, which runs largely on its own dedicated route between Dartford and Gravesend, linking the new developments and nodes such as Bluewater and Ebbsfleet. As well as form part of the assessment baseline, this service also in the Council's opinion provides strong potential for mitigation. In addition the proposed development includes the areas of Swanscombe Peninsula, and Ebbsfleet which are critical missing links in the dedicated route networks and the Council's development plan policy seeks to ensure new development brings forward these missing links.

The scoping for Transport and Access focuses on road transport impacts whereas the approach needs to be more rounded and take into account transport on a multi-modal basis. Further information is therefore required on the assessment of public transport interventions required to support the development (rail/bus/coach/water) and how sustainable modes (walking/cycling) will be promoted at the local level.

#### *Mitigation*

The Institute of Environmental Assessment's suggestion to plot the locations of the key groups, sensitive to traffic conditions, on a map is something KCC are seeking and the Borough Council would wish to support as part of the EIA. It is considered that this would then facilitate early discussions as to mitigation measures on the local network linked to employment and localised logistics traffic generated by the Entertainment Resort. The Guidance suggests this is the best way to present a large amount of information succinctly.

There is very little detail provided on access points to the site during the construction or operational phases, including for the public, staff and servicing. Once again, it is very difficult to scope aspects relating to such impacts without more detail. The Council will be expecting new links to be identified as part of the mitigation.

The mitigation proposed should include how the impact of on-street parking is addressed, both in the local area and further afield, eg. around Fastrack stops. This may need to be addressed through parking regulation and enforcement.

Mitigation should consider the need for Transport Toolkit measures to be introduced as remedial actions where impacts are outside acceptable limits – including modifying parking charges to encourage a further shift to public transport/sustainable modes etc. This methodology of potential toolkit measures to be determined in the future subject to the impacts arising has been developed in the Eastern Quarry planning permission.

## **Chapter 10: Air quality**

### *Detailed points*

The proposed assessment methodology is generally accepted, however it is not clear from the scoping report to what distance the development impact will be assessed. Although, figures 9.1 and 9.2 show the network links to be considered it is unclear what is to be assessed in terms of air quality.

### *General comments on the proposed methodology*

## **Comments on Scoping Report London Paramount Entertainment Resort**

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It is suggested that in order to ensure the final assessment meets the Council's normal requirements that the detail of the proposed assessment is discussed further with the Council's environmental health officers and agreed before the modelling work is carried out.

The assessment of air quality should include cultural heritage receptors in terms of the effect of air quality on built heritage receptors.

The Council is pleased to note that a meeting to discuss air quality is being set up by the applicants consultants in order to discuss these issues.

### **Chapter 11: Noise and vibration**

#### *Detailed points*

- Some of the noise standards referred to in the scoping report have been superseded, BS4142 is now BS4142:2014 which is notably different from its predecessor.
- BS5228 is now +A1:2014.
- Regard should be also had to the World Health Organisation "Night Noise Guidelines for Europe" 2009.
- The criteria used are all  $L_{Aeq}$ s which allow very high levels of noise within the measurement period.
- The threshold of significant effects at dwellings appears to be inconsistent with WHO guidance as referred to in the Noise Policy Statement for England.
- There appears to be little reference to  $L_{Amax}$  within the assessment.
- There are only seems to be reference to KCC as a noise authority whereas, Dartford Borough Council would be the planning authority for this development if it were not an NSIP proposal and the Borough Council will be the noise regulating authority should complaints be received during construction and once the development is operational.

#### *General comments on the proposed methodology*

The Council's environmental health officer with expertise in noise assessment is disappointed that the scope is very general and would have liked to have seen more detail on the specifics of the assessment in relation to how and where it will be undertaken with realistic proposals for potential mitigation measures rather than the generic suggestions for barriers. They advise that if barriers and enclosures are to be used in construction and or demolition phases then specific details of attenuation



should be provided using calculations rather than typical DMRB or BS5228 examples being quoted.

*Mitigation*

The hours for construction working quoted in section 11.59 are those usually imposed by KCC, the hours of control normally imposed within the Dartford Borough are different and reflect the dense urban character of the surrounding area and the Borough Council's experience of dealing with complaints. The Borough Council would therefore seek that the hours of construction of this development are in line with other developments in the area, although exceptions are normally agreed if it is demonstrated that there will be no adverse impact from extended hours of working. The normal hours of construction working permitted by DBC are between the hours of 0800 to 1800 Mondays to Fridays inclusive, and 0800 to 1300 on Saturdays with no working on Sundays and Bank Holidays. If longer hours are considered the Council the conflict with other permitted developments and the difficulty of enforcing different regimes should be considered.

## **Chapter 12: Cultural Heritage**

It is perhaps worth emphasising here that the site is located in an area which is one of the most important areas for Palaeolithic archaeology in the country, with several sites of international significance. There are also nationally important sites, some of which are not protected by designation, from several other archaeological periods within the valley.

*Detailed points*

- Paragraph 12.6 Best practice guidance - documents in this section should include the EIA guidance prepared during the Planarch project, Kent Farmsteads guidance and the emerging South East Historic Environment Research Framework.
- Paragraph 12.7 Relevant designations – the correct spelling of the Latin name for the Roman town of Springhead is 'Vagniacis' and the text is incorrect in stating that the designation was designed to protect the outer edges of the settlement; at the time of scheduling the main focus was thought to be within the area designated, as the main Roman road was wrongly thought to pass through the area south of the A2.
- Paragraph 12.11 Baseline data – there are many more archaeological reports and studies which will be relevant to the Environmental Statement; in particular desk-based assessments and archaeological evaluation has been carried out in the Ebbsfleet Valley and a desk-based assessment has been carried out for the previous Swanscombe peninsula applications. The North

Kent Coast Rapid Coastal Zone Assessment Survey and the Thames Estuary Aggregates Survey should be included. A full list of recent reports can be obtained from the Kent Historic Environment Record.

- Paragraph 12.12 A study area of 500m from the edge of the site will be inadequate to understand the archaeological potential of the area. It is expected that at least a 1km study area would be needed.
- Paragraphs 12.19-12.20 The Saxon to Modern section of the scoping report is considered to be very superficial and will need to be considerably expanded for the ES. The post-medieval evidence considered should include water management of the earlier courses of the Ebbsfleet river including the later Northfleet mill known from documentary evidence, use of the southern part of the valley for watercress cultivation (the first time watercress was cultivated in the UK), the earlier cement industry which at the Swanscombe Works included the first commercially viable production of Portland cement, and the later focus of the area for power generation and transmission.
- Paragraphs 12.32-12.33 Identification of baseline conditions – the desk-based assessment for the site will need to include specialist input on Palaeolithic archaeology, palaeoenvironmental evidence and industrial heritage in particular. The IFA guidelines are likely to be inadequate in these areas and it is suggested that the desk-based assessment follows recent best practice for work undertaken on other major development sites in the area. KCC archaeology have offered to provide examples of what would be expected. As stated above at least a 1km study area rather than a 500m area would be appropriate and would help reduce the risk of unexpected discoveries during later phases of the development.
- Paragraph 12.35 – Many relevant sources and studies have not been mentioned – KCC archaeology have offered to provide a full list of recent relevant work.
- Paragraph 12.36 – the assessment of the baseline resource should follow a staged approach including desk-based assessment of geotechnical and archaeological studies to produce a preliminary deposit model, geophysical survey including electrical sectioning and limited boreholes to refine and enhance the deposit model, the preparation of archaeological character areas, targeted archaeological field evaluation, and further refining of the archaeological character areas. It is important that this work starts as soon as possible as at least some archaeological field evaluation is likely to be needed for inclusion within the ES. KCC archaeology can provide examples of previous assessments which have prepared archaeological character areas which have been extremely useful in aiding the decision-making process and allowing the development to proceed efficiently and speedily.

## **Comments on Scoping Report London Paramount Entertainment Resort**

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- Paragraph Table 12.1 - the category of Very High should include archaeological sites of accepted international importance not just World Heritage sites.
- The Bakers Hole SSSI is considered under ecology but should be considered as earth heritage and also under cultural heritage as it is designated for its archaeological and geological value.

### *Mitigation/Residual effects*

The ES should also include consideration of the potential positive effects of the development both in terms of site management and heritage interpretation, together with educational and skills development opportunities. The development site includes the scheduled monument of Bakers Hole Palaeolithic site which is on the Heritage at Risk register – there is clearly an opportunity with the new development to improve the condition of the monument and allow it to be removed from the list. Dependent upon the final level of development proposed in the Ebbsfleet area the proposed development may also need to take on the responsibilities of the previous planning permission within the Ebbsfleet Valley to prepare and carry out a management plan for significant heritage assets within the site.

The ES should also consider the positive opportunities which the development may provide for interpretation of heritage and display of archaeological archives created as a result of the work. The NPPF (para 141) states that archaeological evidence and the archives generated should be made publicly accessible. There are also opportunities for the creation of heritage features as part of the proposals e.g. a reconstruction of the Ebbsfleet Anglo-Saxon watermill which was excavated as part of the Channel Tunnel Rail Link work. The developer is also likely to be required to make a financial payment for the long term storage and public access to the archaeological archives generated by the project.

The ES should consider the environmental impacts in an integrated way so the Cultural Heritage section should include an assessment of the impacts of other mitigation measures required, e.g. flood risk management or ecological mitigation.

## **Chapter 13: Land use and Socio-economic effects**

### *Detailed points*

- The HM Treasury “Green Book” approach which monetises impacts and seeks to establish the balance of costs and benefits is not in this Council’s opinion an appropriate methodology for the assessment of land use and socio-economic impacts relating to planning issues. In planning terms, any negative impacts are not simply counter-balanced by the benefits but rather are required to be mitigated in their own right. There are many potential

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**Dartford Borough Council  
8 December 2014**

impacts falling under the section due to the scale of the project proposed and the Council would suggest that a different methodology and a far broader scope of assessment will be necessary for the different potential impacts to be assessed.

- The scoping repeatedly refers to the strategic economic impacts but has little discussion on the social impacts. The methodology set out at section 13.22 onward seems to concentrate on the economic effects.
- The Borough Council would suggest that some of the background papers to the adopted Core Strategy would form useful baseline information, such as employment and hotels. It would also point out that table 13.3 fails to mention the adopted Dartford Core Strategy
- Para 13.53 states that it is not anticipated that the socio-economic effects of the Resort will have a material influence on European Protected Sites. The Council does not consider it appropriate to reach this conclusion without the results of the assessment.

*General comments on the proposed methodology*

The Council is disappointed that some of the local impacts have not been considered and are concerned to ensure that these issues are covered in the proposed EIA. They would suggest that the following issues should be addressed:

- There is little mention of the impact on service and infrastructure provision, (in particular: police, fire and health), both at construction and operation stage, including the impact on services, particularly if employees bring families with them.
- The Borough Council would suggest that a health impact assessment is carried out. The assessment should relate to health needs both during construction and during the operational stage.
- The Borough Council considers that there should be an assessment of the local community characteristics, such as deprivation and employment, to form a baseline. The likely benefits from the proposal are likely to improve these characteristics and therefore this assessment could be a positive impact for the EIA.
- Housing impacts and assessment of need should be undertaken at both construction and operation stage and this should not be limited to the private rented sector (section 13.31). At construction stage this should consider private rented and short term accommodation, but also the need for construction camps, their likely location, their impacts on the environment and the potential for transport impacts. At operational stage consideration in the Council's view should extend to housing affordability; the additional housing need in the area; and the release of housing land that this might require. In addition, the draw of the development is likely to result in the change of use of

existing residential dwellinghouses to other uses with the subsequent potential to lead to a reduction in the baseline housing stock.

- The socio-economic and land use implications of the impact on and use of public transport is also a consideration the Council would like to be assessed.
- The Council would like to understand the impacts with regard to displacement of employment uses on the proposed site, particularly as these are predominantly “bad neighbour uses”. Where is it anticipated that they will go? Will the services they provide still be available to the local communities? What is the loss of these local business on the local communities, in terms of both employment and services.
- Impact on the local town centres, in terms of both leisure and retail should be addressed. Both Dartford and Gravesend have local theatres that could be impacted upon by the proposed theatres within the resort. The proposed resort will potentially result in retail and food and drink uses (as well as hotels) seeking to locate close to the site. The impact of this on the town centres, if not mitigated, needs to be understood as well as the land uses changes in the local area and the impact on the local shopping centres and their continued ability to serve local needs.
- An assessment of the possible multiplier effects within the local economy, including employment associated with visitor spending outside of the site and also employment associated with the spending of on-site employees and the impacts of this in the local area and the potential mitigation required to manage the land use implications.

The Borough Council’s Corporate Plan should be addressed with the assessment

### *Mitigation*

The proposed methodology emphasises the positive economic impacts (which the Council considers are important and welcome) but the more local impacts should also be considered in order to ensure that appropriate mitigation is put in place. The Council recognises that some of this mitigation may be necessary for it to address, such as development of planning policy, changes to service delivery and therefore considers it important that these impacts are properly assessed by the developer.

### **Chapter 14: Waste**

The Council has no comments on the proposed scoping of the assessment of waste effects. But the Council would expect the mitigation proposed to seek to minimise waste generated, maximise recycling and seek to minimise impacts with regards to the removal of waste from the site.

## **Overall comments on the Scoping Report**

### *Detailed points*

- The local planning policy position is set out accurately in chapter 2 relating to the policy context, there are inaccuracies and omissions in some of the later chapters, so that the document appears inconsistent.
- Often references to London planning policies or documents which do not apply in this area.

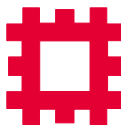
### *General comments on the proposed methodology*

The project description does not include detailed parameters to define clearly the Rochdale envelope and therefore the basis of the EIA is unclear at times. The Council has sought to make additional comments to guide the assessment as the detail of the scheme become clearer.

Within the red line site boundary, it is unclear what development is to be undertaken as part of London Paramount development – is this all to be developed by the applicant or some (for example in Station Quarter North and South) by others such as Land Securities? Again the Council would hope that this is clarified within the final development parameters.

### *Mitigation*

The Council hope that the Environment Statement is a single comprehensive document, with detailed consideration of the inter-related impacts of the different issues, as the mitigation for one discipline can impact on another discipline.



ENGLISH HERITAGE

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05 December 2014

Dear Mr Spencer

**Planning Act 2008 (as amended) and The Infrastructure Planning  
(Environmental Impact Assessment) Regulations 2009 (as amended) –  
Regulations 8 and 9**

**Application by for an Order Granting Development Consent for the London  
Paramount Entertainment Resort - Environmental Impact Assessment: Scoping  
Report**

Thank you for seeking comments from English Heritage about the potential historic environment effects of this proposal. You will not be surprised that we consider these to be substantial and in need of consideration through the EIA process, chiefly but not exclusively via a “Cultural Heritage” chapter.

We offered advice about EIA screening on the 5<sup>th</sup> November 2013 and this is appended to the Scoping Report. We can now make significant additional comments about the proposed approach to EIA and a DCO application. We do not consider that the Scoping Report has appropriately and fully addressed the significance of the site or advanced the best means to understand and then respond to the effects of the proposed development. We however look forward to working with the project team, including Wessex Archaeology, during 2015 to agree their approach and then as the proposal is worked up. We will do so in partnership with the Heritage Conservation team at Kent County Council. This part of Kent is familiar territory for us and them, due to the HS1 project and numerous other developments. We look to achieve the same productive relationship with the Paramount project as we have had with others.

**1. Relevant Government guidance to be taken account of when considering development.**

**a. NPPF**



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There is no National Policy Statement for business and commercial development and therefore decisions will be informed by the NPPF and its associated NPPG. This need not be quoted verbatim in the Scoping Report but regrettably we found coverage of it at 12.3 of the report to be superficial and with some errors.

In the NPPF it is a core planning principle to conserve heritage assets in a manner appropriate to their significance. It is not just a matter of taking into account the desirability of sustaining and enhancing their significance, as the report suggests. Sustainable development should seek economic, social and environmental gains jointly and simultaneously through the planning system which should play an active role in guiding development to sustainable solutions (para.8). Sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment (para.9). Decision takers should therefore also seek to improve proposals so that they avoid or minimise harm to the significance of designated heritage assets and maximise benefits, including enhancement of heritage assets.

NPPF para 128 requires applicants to provide proportionate information on the significance of heritage assets affected by their proposals and an impact assessment of the proposed development on that significance. We would add that the provision of such information might involve several stages of heritage appraisal, including desk based assessment, field evaluation and discussion of mitigation in order to achieve an appropriate assessment of and a response to heritage significance. Para 129 requires decision takers to also assess and respond to significance and the EIA assessment should be designed to facilitate this.

When considering the impact of a proposed development on the significance of a designated heritage asset, **great weight** should be given to the asset's conservation, not just some weight, as the Scoping Report incorrectly says (NPPF para 132). This is the greatest sense of importance raised for any type of planning issue in the NPPF.

Paras 132-135 of the NPPF provide essential guidance about effects on significance for use in decision-taking. Where a proposal cannot avoid all harm, a balance must be weighed between harm and public benefit. Any harm or loss requires clear and convincing justification. Where a proposal would lead to substantial harm to or total loss of significance for a designated heritage asset, permission should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. The tests in paragraph 133 of the NPPF should also be noted. Substantial harm to or loss of a designated asset of the highest significance should be wholly exceptional.

If a proposal cannot be amended to avoid all harm, and would lead to less than substantial harm to the significance of a designated heritage asset, then this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (para.134). For undesignated heritage assets NPPF also requires a balanced decision having regard to the scale of any harm or loss of significance (para 135). Para 139 introduces the need for specific consideration of undesignated heritage assets that are of archaeological interest and of equal significance to scheduled monuments. It advises that these be treated as per designated assets i.e. under paras 132-134 and we think this is highly relevant to this



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proposal with its high probability of nationally important but undesignated archaeological remains.

Where development has been shown to be justified based on the above advice, para 141 of the NPPF requires developers to demonstrate how as part of a proposal they will record and advance understanding of the significance of any heritage assets in a manner proportionate to their importance and how they will make such information publicly available.

**b. DCMS guidance on scheduled monuments and nationally important non – scheduled monuments.**

There are 5 scheduled monuments covering 7 scheduled areas within the proposed development. Works to these would normally require scheduled monument consent (SMC) as decided by DCMS with the advice of English Heritage. The Development Consent Order process may obviate the need for SMC, but if so Government policy on nationally important ancient monuments, including scheduled monuments but also non-designated nationally important monuments, would still apply. This is set out in the DCMS position statement of October 2013 but this is not referenced in the Scoping Report. English Heritage will be pleased to provide advice to you or the developer about the implementation of this policy. Section 2 of the DCMS publication provides advice about consent which aligns with the advice of the NPPF but which is not identical.

**2. The proposed approach to assessment of effects on significance and mitigation.**

In order to meet the policy requirements set out above it is essential for this project to achieve an appropriate understanding of its effects on the significance of the historic environment and advance an appropriate response to this. Table 4.5 lists the components of the Environmental Statement (ES) and follows a standard format. Historic environment will be primarily covered in the section for Cultural Heritage but it must be noted that none of the 10 types of impact advanced in the ES format can be viewed as standalone. The historic environment must be considered as part of other issues and we specifically identify ecology, soils and contamination, landscape and visual, water management (including flood defence) and traffic and infrastructure as key issues also likely to impact on it. The team working on the ES will need to achieve a multidisciplinary approach.

In Table 4.6, we think it is an omission for the “Appropriate Assessment” not to include assessment of undesignated heritage assets alongside designated sites. The potential for undesignated nationally important archaeological remains is high.

**3. Potential Impacts on heritage significance**

Sections 12.39-12.42 of the report describe the proposed approach but in determining the sensitivity of archaeological and cultural heritage receptors, a more sophisticated assessment of heritage significance will be needed. We advocate adoption of English Heritage’s Conservation Principles guidance. In particular, assessment of the specific heritage values of each heritage asset to be affected by development will be needed, not just a relatively crude assessment of whether the



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whole asset is of local, national or international significance. This is also the method described by the English Heritage guidance on assessing the setting of heritage assets, which also requires a careful assessment of the particular aspects of the significance of an asset that will be affected in order to appreciate the overall effect of a particular change to its setting.

We agree with the overall assessment of the aspects of the proposed development most likely to impact upon the historic environment (section 12.44) but note that marine aspects of the proposal do not appear here. We also think that section 12.45 has described the most likely range of appropriate mitigation measures but it will be beneficial to discuss at an early stage what is understood by “preservation in situ” in this context. If the construction of a development platform for the resort involves substantial ground raising it is possible that some archaeological remains can be preserved in situ. Understanding of the existing site topography, including that arising from kiln waste disposal, will be very helpful in understanding this aspect. However there could still be construction impacts from services installation and inadvertent damage e.g. from vehicles. Future operational effects might arise from construction, compression or groundwater changes. Furthermore, *in situ* archaeological remains would become inaccessible and their evidential value could not then be realised for the long term foreseeable future. The potential for harm to archaeological remains cannot therefore be dismissed from assessment of the overall quantum of harm even if *preservation in situ* is shown to be a feasible option.

We do not entirely agree with the assessment of residual effects at section 12.47 and wish to discuss this with the project team.

Bullet 1 - For a heritage asset to be effectively preserved in situ it must be demonstrated what the residual effects are likely to be. For instance, it cannot be assumed that avoiding direct disturbance of buried remains will adequately preserve remains in situ if there are other continuing effects, such as change in ground water levels or quality.

Bullet 2 - Archaeological work itself causes harm by destroying archaeological remains. If remains are conserved, thus enabling their future investigation when it is likely that techniques will have advanced; much more information will be recovered from them. Therefore, excavation (sometimes inappropriately called “preservation by record”) is likely to result in a residual effect greater than minor adverse where significant archaeological remains are degraded or destroyed through excavation. NPPF (para 141) is relevant here as it explains that the ability to record evidence should not be a factor in deciding whether loss of significance should be permitted. Excavation is a form of mitigation to be considered once an appropriate assessment of the impact of development upon significance has first been made.

Bullet 3 - The mitigation of impacts on the setting of heritage assets by design and landscaping must be demonstrated in the application. The residual effect should not be assumed to be minor adverse.

#### **4. Next steps towards production of an Environmental Statement.**

If requested to do so English Heritage will provide the applicant with any relevant information that it holds but it is more likely that the Historic Environment Record of Kent County Council will be the major source of data. The results of some recent



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projects may be yet to reach the archives and it may be necessary to directly approach those still working on such projects.

- **Desk based assessment.**

We agree that an essential first step must be a desk based assessment to collate what is already known about the historic environment of this part of Kent. A great deal is known as a result of past major infrastructure projects such as HS1 but also through other development. The baseline discussion of archaeology, as set out in the report is a little sketchy given the range of known designated and non-designated heritage assets, and the high potential to reveal yet more. We recommend a wider study area than the 500 metres suggested at section 12.33 (depicted in figure 12.1). A wider area should be used so as to contextualise the archaeological background to the development site but this need not cover in detail such locations as Gravesend or Dartford. An area 2.5 Km from the site might assist with understanding the bigger picture with detailed consideration perhaps held down to 1 Km. This is an issue requiring early further discussion with the applicant. In the first instance the Zone of Theoretical Visibility should be used to identify heritage assets that might potentially be affected, although this might take the form of a rapid sift and be followed by more detailed assessment of only those assets that seem most likely to be receptors of harm. Effects on heritage assets on the north bank of the Thames should be considered and we note that some locations, including Tilbury Fort, a part of the National Heritage Collection managed by English Heritage, are amongst the viewpoints (Figure 5.1).

There are some errors in the scoping report about relevant heritage designations. Section 12.7 describes the scheduled monument for Springhead Roman town as designed to protect the outer edges of the settlement. In reality the monument was set to cover what was then thought to be the focus of the Roman town but subsequent investigation has shown that this lies more to the north of the A2/M2. This error has not been corrected and whilst the legally protected area may still contain Roman archaeology the nationally important archaeological remains and the potential for more to be revealed are not all covered by this existing designation. At section 12.8 it is stated that there are no listed buildings located within the site but Figure 5.2 shows 4 such assets within the red lined area and more close by.

Section 12.34 describes the publicly accessible sources of primary or synthesised information. Here the holdings of the National Archives are an omission. We have now viewed the range of historic mapping held there as a result of the Government's ownership of land c 1810 in connection with an unimplemented Grand Naval Arsenal. These provide a detailed depiction of the then landscape of the project area before the major impacts of later industrialisation. We think such information will be useful for understanding some types of archaeological remains and also for use alongside the historic landscape character assessment data (HLC), which should also interface with heritage settings and Landscape and Visual Impact Assessment (LVIA).

The desk based assessment should look to characterise the significance of the historic environment (chiefly but not exclusively archaeological remains) and we recommend that it might do so by describing the site as archaeological zones, building on existing work already developed for this part of Kent. This will require much more detailed work but to understand the effects of the proposed development better we have considered the indicative elements of the proposal (Figure 1.6) and



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broadly divided the project area as follows. A marine area for the river Thames and its foreshore, the Swanscombe peninsula being the land north of the chalk ridge represented by the Galley Hill road and the Ebbsfleet valley south of the chalk ridge, connecting to the A2/M2. Each has its own archaeological potential and raises specific issues.

The marine archaeological issues are discussed below. Less is known about the Swanscombe peninsula than for other areas. Existing records cluster around the shoreline as this is where systematic survey has been most active. The deep alluvial stratigraphy of the marshes and the lack of major recent development activity, other than for HS1, have meant fewer discoveries here but this does not mean that nothing of significance survives. The potential for wetland archaeology of prehistoric date in particular and associated with islands of formerly higher ground, now obscured by a build-up of alluvium, is likely to be high. Industrial archaeology will also be an important component of the heritage of the peninsula. The HS1 tunnel portal investigations are an indicator of the potential of this part of the project area on which the main resort development would largely be built. We note and support the intention to retain some of the marshes as open space.

Our understanding of the Ebbsfleet valley has been transformed by the archaeological work done for HS1 and other developments but it remains the case that this part of the project area has further high potential for survival of nationally significant archaeological remains. Very significant archaeological remains of various periods survive, however, the Palaeolithic archaeology of the higher ground (Thames and Ebbsfleet river terraces) is particularly noteworthy, as it provides an exceptionally rare opportunity to understand our most distant ancestors and the environments they occupied. The Bakers Hole scheduled monument and the associated geological SSSI require improved management and are an example of the potential to enhance heritage assets in addition to avoiding harm. The Swanscombe skull site and the Ebbsfleet elephant butchery site (from HS1) are but two examples of remains of the highest significance. In the Roman period the settlement at Springhead remains of high significance despite past major development. Past decisions were to preserve some archaeological remains here in situ. The proposed development could now have a high impact on this nationally important but undesignated archaeology and in particular we wish to explore with the project team the options for the road connections to the A2/M2 so as to minimise the overall harm.

- **Archaeological deposit modelling**

We agree that this should form an important part of assessing archaeological potential and its significance. A preliminary action should be an initial site-wide deposit model, prepared as part of the desk-based assessment and based on historic borehole data and the results of previous archaeological interventions. This could then be used to target further pre-determination fieldwork with the aim of adding to and refining this initial deposit model. Geotechnical work done for other purposes would provide some information if monitored by a geo-archaeologist but purposive geo-archaeological boreholes and test pits; geophysical survey; and trench evaluation are each likely to be necessary to produce a workable deposit model. Section 12.32 proposes geo-archaeological deposit modelling following monitoring of geotechnical work (12.34), a first stage of this modelling is however needed as part of the baseline desk based assessment (12.32), in order to guide locations for geo-



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archaeological and archaeological evaluation. Collaborative work with those responsible for the soil and ground condition assessments should enable the borehole data used in the phase 1 ground engineering assessment (8.9) to be also available to the geo-archaeologist preparing the deposit model. Consultation of historic borehole data (some of which might be available via the BGS borehole viewer) should be included in 12.34, as should BGS geology mapping (bedrock and superficial). The deposit model should also include assessment sufficient to address the foreshore (intertidal) and now submerged areas.

The results of the deposit model should be presented visually with supporting text, so that areas of differing potential and depths of archaeological interest are illustrated in annotated plots and cross sections that can be understood by non-specialists. It should integrate with the characterisation of the archaeological resource as zones we have proposed above.

- **Field investigations**

Section 12.36 describes actions in addition to those above that will be needed to fully understand the baseline resource. Field investigations will be a very necessary part of this assessment process, and will need to be undertaken prior to the preparation of the ES. In addition to the future archaeological fieldwork identified as necessary in the report some surveys undertaken for ecology, ordnance and engineering purposes might also provide useful archaeological data.

We do not think that geophysical survey should only be used in areas of no previous disturbance. There are various circumstances in which such survey would be a useful assessment tool, for example in conjunction with boreholes to assess the characteristics and potential of the deep alluvial deposits of the peninsula.

The deposit model should be updated following the field investigations, geotechnical monitoring and surveys. It should be used to consider the potential effects of changes in hydrology and compaction on the buried archaeological resource if proposed for preservation in situ. The updated deposit model should be summarised and illustrated in the ES. In particular it should define areas of archaeological potential, with a description of their significance.

## **5. Marine issues**

In general the sub tidal and intertidal aspects to the development have not been addressed particularly clearly in the scoping document and therefore relevant policy and recommendations are omitted. Much of this might be relevant to *Associated Development*, outlined in section 1.8, and which includes diversion or realignment of watercourses, jetties and flood defences or dredging. The latter is only discussed in relation to ecological effects but could harm heritage assets. There is no mention of the Marine Policy Statement 2011 and other relevant legislation such as the Merchant Shipping Act 1995 and the Protection of Military Remains Act 1986 should be considered.

Marine historic environment issues need to be picked up in the ES in terms of submerged and intertidal remains and this is likely to have implications for additional appropriate assessment techniques and mitigation measures. There is no reference



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to historic seascape characterisation and this should be included within the ES. This region is subject to work by Cotswold Archaeology. The North Kent Rapid Coastal Zone Assessment covered the peninsula for survey but the level of confidence ascribable to the resulting datasets needs now to be considered as this was an early study and techniques and coverage of asset types have both improved over time.

Field survey is likely to be needed. The creek situated at the NW of the peninsula is of interest given its orientation for landing vessels. The Indicative Land Uses Plan, (Figure 1.6), suggests that impacts to this specific area might be limited due to its use as open space, but this will only be informed through detailed plans. This and other areas of the foreshore, no matter the impacts should be included under field survey in support of the ES so as to aid understanding of maritime interaction. Marine areas to be impacted by the proposed development should also be included within field survey to support the ES.

## **SUMMARY & RECCOMENDATIONS**

This is a complex project proposal in an area of high historic environment significance. As a result we have substantial comments to make. These might be summarised as follows

- A need to review and revise the EIA Scoping Report to take into account our comments, above.
- A need to pay particular attention in the preparation of the ES to:
  - Prehistoric (esp. Palaeolithic) archaeology, palaeo-environmental archaeology, geo-archaeology and industrial archaeology;
  - Adopting a staged process of archaeological assessment, beginning with a geo-archaeological deposit model as part of the baseline desk-based assessment and following this with field evaluation and survey targeted on gaps in knowledge of significance and archaeological potential;
  - Using the information gained to identify zones of archaeological potential and significance, which would form the basis of the historic environment discussion in the ES;
  - The methodology to be used for the assessment of heritage setting and its links with LVIA;
  - Developing a credible approach to the assessment of effects on significance (including residual effects).
  - Considering sustainable development and enhancing or improving aspects of the historic environment for public and heritage benefit.
- A need to clarify the policy framework and process for assessing the DCO application (e.g. with regard to NPPF and Government policy regarding scheduled monuments).
- A need to consider marine issues as part of the ES.



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We would be pleased to answer any questions arising from this response to your letter of 11<sup>th</sup> November and if necessary to assist the Secretary of State further with adoption of a scoping opinion.

We have commenced the process of discussing historic environment issues with the applicant through their consultants, Wessex Archaeology, and we look forward to an on-going and positive dialogue with the entire project team. We are copying this letter to both Wessex Archaeology and Savills as planning agents and to the Heritage Conservation team of Kent County Council.

**Yours sincerely**

Peter Kendall  
Principal Inspector of Ancient Monuments  
(Kent, Sussex and Surrey)

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Copies: Savills, Wessex Archaeology, Kent CC (Heritage Conservation)



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Mr. Will Spencer - EIA & Land Rights  
Advisor  
Planning Inspectorate  
Room 4/04 Kite Wing  
Temple Quay House (2 The Square)  
Temple Quay, Bristol  
BS1 6PN

**Our ref:** KT/2014/119154/01-L01  
**Your ref:** BC080001

**Date:** 08 December 2014

**Proposal:** Request for a scoping opinion under the Planning Act 2008 (as amended) and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended)

**Location:** London Paramount Entertainment Resort, Swanscombe Peninsula

Dear Mr Spencer,

Thank you for the EIA Scoping consultation letter which we received on 11 November 2014.

**Environment Agency position**

We have reviewed the scoping report submitted and have further comments to make in respect of ecology, flood risk, water resources, water quality, groundwater protection, passive recreation and waste to ensure that the Environmental Statement will appropriately address the environmental issues we consider are of most importance for this proposal.

Our technical comments detailing the information we consider should be provided in the Environmental Statement are provided in the Appendix to this letter.

In a technical meeting with consultants acting for LRCH on 19 November 2014, which included discussions about high level principles, it was agreed that we would have further meetings, of smaller sub groups, focused on specific technical issues.

If you have any queries please do not hesitate to contact me.

Yours sincerely,

Mr Steve Swain  
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## **Appendix – Technical advice**

### **General comment – Water Framework Directive assessment**

We advise that the Environmental Statement should include a section on how the proposal considers the Water Framework Directive (WFD). The proposal has the potential to impact on a number of waterbodies, including groundwater, which lie within the area covered by the Thames River Basin Management Plan.

Further ecological baseline data should be collected, as explained in the sections below that cover Ecology and Water Resource Management, for the purposes of the EIA. This data will also help enable LRCH to demonstrate that no deterioration of the waterbodies will result from their development and that it does not prevent the future achievement of WFD objectives. The WFD Assessment should tie together the water cycle strategy and ecological assessment of the impacts and proposed management of the development.

Please find further technical advice concerning the requirements of the WFD Assessment in the Ecology and Water Resource Management sections below.

### **Chapter 2 – Regulatory and policy context**

#### **European Directives**

The following Directives should be included within the regulatory and policy context.

- Council Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for the Community action in the field of water policy, otherwise known as the Water Framework Directive (WFD), was adopted on 23 October 2000. This Directive was transcribed into UK law by the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003. This required the creation of River Basin Management Plans. The London Paramount site lies within the area covered by the Thames River Basin Management Plan, which is referenced in the Water Resource Management chapter and we advise should also be referenced in the Ecology chapter.
- Council Directive 2008/56/EC of the European Parliament and of the Council establishing a framework for community action in the field of marine environmental policy, otherwise known as the Marine Strategy Framework Directive. Was adopted on 17 June 2008. This Directive was transcribed into UK law by the Marine and Coastal Access Act 2009. This required the creation of the Marine Management Organisation (MMO) and made provision for the creation of marine plans that relate to marine plan areas (also called Marine Protection Zones). It is possible that the coastline of the development site could form part of one of these areas in 2015. Please refer to any advice from the MMO on this subject.

## **Chapter 6 – Ecology**

### **Relevant law, policy and best practice guidance**

The Thames River Basin Management Plan should be included within this section. This plan is included within the Water Resources Management Chapter but includes biodiversity as well as water quality objectives and measures. We are in the process of creating new versions of the River Basin Management Plans. These are due to be approved in 2015.

### **Best practice guidance**

We advise that the Environment Agency guidance entitled ‘Clearing the waters, A user guide for marine dredging activities – Understanding the implications for decision making’ and the accompanying guidance at the link below are added to the current list.

<https://www.gov.uk/government/publications/complying-with-the-water-framework-directive-marine-dredging>

We also recommend including the following links:

Estuary Edges guidance

<http://www.thamesweb.com/projects-introduction/72-estuary-edges.pdf>

“Building a better environment” joint advice with Natural England and the Forestry Commission on how new development can help improve the environment.

<https://www.gov.uk/government/publications/planning-a-guide-for-developers>

### **Baseline studies**

Details of the methodology, effort, timing and area of the surveys referenced have not been provided. Therefore, we are not able to comment on their appropriateness. Surveys need to be designed holistically to cover the whole site area, and not just the Swanscombe Peninsula.

Biological records should involve an exhaustive search of Local Biological Records, including from local sources, so that the fullest picture of biological value of the site can be confirmed as a baseline.

### **Section 6.17**

Section 6.17 should be entitled ‘Local Wildlife Sites’, not Sites of Special Scientific Interest.

The scope suggests that the ecological value of the Ebbsfleet Marshes Local Wildlife Site is likely to have decreased and that some of the habitats and species in the

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citation may no longer be present. We advise that these descriptions should be supported by scientific evidence. The citation is relatively limited in detail, so it is possible that full ecological surveys will demonstrate that more species and habitats are associated with the Local Wildlife Site than currently cited.

### **Further baseline surveys**

We advise that the European otter should be included for consideration during the ecological appraisal. Field signs of otter have been reported to the Environment Agency on the Swanscombe Peninsula in the last 10 years. Therefore, when assessing potential impacts of the development, otters, and how they potentially use the Thames estuary, marshes and Ebbsfleet valley should be taken into account.

We also advise that harbour and grey seals are considered when deciding which further baseline surveys are required. They are found in this part of the Thames Estuary and are known to haul out at suitable locations. They are vulnerable to disturbance and therefore the use of the site should consider the likely impacts on individuals and how to mitigate the impacts. The Zoological Society of London has some data on seals, which may indicate if further surveys are required.

Marine intertidal and subtidal surveys will be necessary to allow assessment of potential impacts upon the protected species *Alkmaria romijni*.

There is currently no baseline data provided for aquatic invertebrates. Surveys of aquatic invertebrates are proposed between April and June 2015. We are keen to talk with the consultants for LRCH to agree the design, scope and positioning of future surveys and advise on any 3<sup>rd</sup> party data that could be used. It is important that the surveys provide a rigorous baseline. The views of Natural England and the MMO are likely to feature in advice provided to LRCH about this.

A possible impact of not having a rigorous baseline level for aquatic invertebrates is that it may not be possible to properly assess the impacts of the development on ecology and water quality. For example, the development includes a large new road in close proximity to the river Ebbsfleet. If drainage is proposed to enter the watercourse there will need to be considerable baseline data on the current water quality, together with mitigation, to ensure the quality does not deteriorate. This will also help to demonstrate that the development is acceptable in terms of the WFD.

We recommend that LRCH look into options to make sure that the baseline for aquatic invertebrates, including in the river Ebbsfleet and associated reedbeds, is sufficiently rigorous to enable a complete appraisal of the site and impacts of the development. This advice, concerning a rigorous baseline to inform mitigation measures, also applies to the other habitats, including Black Duck Marsh, and species mentioned in the Scoping report. Consideration will need to be given to how adequate mitigation for impacts of the development, as informed by surveys that are due to end at the end of June, can be factored into the design of the development given the project programme and degree of variation in development plans possible

post-submission for development consent.

### **Table 6.3**

Table 6.3 provides initial assessments of the significance of potential ecological effects of the development given the use of potential mitigation measures. The confidence in these assessments should be proportional to the limited degree of detail available about the project and, as caveated within paragraph 6.59, the incomplete survey baseline data. An understanding of the details of the project, as they develop, including the re-modelling and re-landscaping of the site, and of the baseline ecology, will enable greater confidence to be had in the assessments.

#### Disturbance associated with the operation of the venue and public pressure

Given the current low use of the site it would be unlikely that the new resort would be able to not significantly increase disturbance to all wildlife, but particularly to seals and birds utilising the inter-tidal habitats for feeding and the site as a high tide roost. Therefore, adequate mitigation should be provided, as suggested in the table, such as there being a zoned approach to management, wardening and fencing for the Country Park, Black Duck Marshes and other parts of the site.

The mitigations measures suggested within the table should be incorporated into the design of the site through an integrated approach. For example, if flood defences are to be set back to create inter-tidal habitats, these inter-tidal areas should be designed to be largely free from disturbance by virtue of being out of sound and direct sight lines of people, and being extensive enough to be of long-term ecological value.

A similar approach should be taken for the creation of grassland habitats and of fresh/brackish water wetlands, by creating areas with less or no disturbance. An integrated approach to design should balance reducing disturbance for ecological benefits, with improved public access to watercourses.

#### Permanent loss of grasslands

The potential ecological mitigation measures should include the extensive reseedling of parts of the site because this is an opportunity to create grassland habitats that are far ecologically richer than those present. We also advise that mitigation measures are considered for the landscaping of the main resort area, such as green roofs, wild flower beds, and green walls.

#### Boat use of the jetty

The EIA should take into account the planned increase in sea traffic as a result of the development, which would increase disturbance and could also be an erosion risk to the saltmarsh, which is already showing signs of erosion from boat wash. It may also impact on the West Thurrock lagoon and marshes Site of Special Scientific Interest.

The increase in boat traffic, dredging for navigation, new moorings and jetty construction will need to consider the impact upon the marine protected species *Alkmaria romijni* which has been found within this stretch of the river Thames and was a supporting element for the Thames estuary proposed Marine Protection zone. The impact of flood defences and coastal realignment will also need to consider the potential impact upon this species.

The environmental impacts of any dredging works and riverside construction should be considered and mitigated for. This is also likely to need to be assessed as part of the WFD Assessment.

## **Chapter 7 – Water resource management**

### **Relevant law, policy and best practice guidance**

We recommend that the following documents are included:

- Marine and Coastal Access Act 2009
- North Kent Rivers Catchment Flood Management Plan
- Kent Thameside Strategic Flood Risk Assessment (updated 2009)

The site contains coastline that may come forward as part of a Marine Protection Zone, under the Marine and Coastal Access Act 2009. This would result in greater controls on development. Please refer to any advice from the MMO on this subject.

### **Relevant law, policy and best practice guidance**

We are in the process of creating new versions of the River Basin Management Plans. These are due to be approved in 2015.

### **Baseline studies**

Water quality

Surveys of aquatic invertebrates are being proposed, as covered in the Ecology chapter. These will need to provide a sufficient baseline to enable both the ecological and water quality impacts of the development to be assessed. Please find more information on these surveys in the previous section on Ecology.

### **Paragraph 7.12**

We support the intention to separate the flood risk, water resources management, water quality and drainage sections into separate chapters and that these support each other.

### **Flood risk (Paragraph 7.13)**

The proposed scope of the Flood Risk Assessment (FRA) captures the principle flood risk issues. There is a degree of overlap with Chapter 9 – Transport and Access. For flood defences to function adequately over time, access must be designed in to the scheme to enable inspections and access for plant to conduct maintenance or renewal works. This will be covered in the FRA.

### **Water resource management (Paragraph 7.14)**

This statement captures the main issues.

### **Water quality (Paragraph 7.15)**

This statement captures the main issues.

### **Drainage (Paragraph 7.16)**

The proposal should take into account existing flows into the site and how the drainage scheme will manage these as well as the run off generated by the site.

### **Water quality (Paragraph 7.23)**

The environmental impacts of any dredging works and riverside construction should be considered and mitigated for. This is also likely to need to be assessed as part of the WFD Assessment. To enable this assessment, baseline information is needed. Detailed quantitative information, such as analytical results of sediment contaminants undertaken to Centre for Environment, Fisheries and Aquaculture Science (CEFAS) standards and volumes of material to be dredged are usually required for WFD Assessments.

In the marine environment, the methods used for construction and dredging are likely to be significant deciding factors on whether the development is acceptable in terms of WFD. Therefore, we advise that appropriate techniques and timings are included within any mitigation measures.

A greater degree of detail of the structures to be constructed and how the site will operate are needed to be able to assess marine impacts from increased boat usage and associated construction works and operations.

### **Drainage (Paragraph 7.24)**

The site does not lie within the area covered by the London Plan. A holistic approach to drainage will be encouraged, incorporating multiple environmental benefits. For example, first flush attenuation, such as green roofs, should be included to treat run off. Contrary to the wording in the Scoping Report, beyond the first flush, discharge may be unattenuated into the tidal Thames, subject to provision of storage to account

for any tide-locking.

### **Assessment significance criteria**

Issues and impacts can be required at a number of different resolutions, extending beyond the London Paramount site. Consultation with representatives of LRCH is likely soon and this subject is expected to be discussed.

### **Chapter 8 – Soil and Ground Conditions**

Overall, the scope provided covers all of the groundwater protection elements we consider most important.

#### **Paragraph 8.2**

This site overlies a chalk aquifer. In terms of the ‘aim of ensuring that suitable and safe conditions are achieved for the proposed end-use’, any pathways for contamination must be strictly controlled to avoid pollution of the principle and secondary aquifers from any historic contamination identified on the site from previous uses.

#### **Potential mitigation measures and residual effects**

In completing any site investigations and risk assessments the applicant should assess the risks to groundwater and surface waters from contamination which may be present and, where necessary, carry out appropriate remediation.

#### **References**

We recommend that the following reference is added:

- Environment Agency guidance on requirements for land contamination reports.

### **Chapter 9 – Transport and access**

There is a possible overlap in this chapter with the section on Flood Risk. Any access routes across flood defences will need to be designed to ensure that the performance of the flood defence is not affected; otherwise flood risk could be increased. However, this will be covered within the FRA. We advise that the provision of access to flood defences should also be covered by the FRA, as we have mentioned within the section on Water Resource Management.

We note that the assessment of sea based traffic has been proposed to be scoped out of the EIA. We advise that the environmental impacts of works to enable and of the operation of sea based traffic should be assessed but that this is largely covered by Table 6.3 in the Ecology chapter.



## **Potential mitigation measures and residual effects**

We promote public access to rivers for passive recreation purposes and would, therefore, encourage the inclusion of means for public access as one of the additional mitigation measures.

### **Chapter 10 – Air Quality**

The development could be a receptor that would need to be taken into account by nearby sites that have current environmental permits.

### **Chapter 14 - Waste**

The site investigation data and remediation strategy from the Soil and Ground Conditions chapter will serve to inform the most appropriate waste management activities for construction.

We support the use of the river for the transport of waste and construction materials during construction to mitigate against possible climate change impacts.

*The comments we set out above are without prejudice to future decisions we make regarding any applications subsequently made to us for our permits or consents for operations at the site.*



**From:** [ES Pipelines](#)  
**To:** [Environmental Services](#)  
**Subject:** Reference: PE127322. Plant Not Affected Notice from ES Pipelines  
**Date:** 19 November 2014 10:22:47

---

Environmental Services  
The Planning Inspectorate

19 November 2014

Reference: BC080001-London Paramount Entertainment Resort

Dear Sir/Madam,

Thank you for your recent plant enquiry at: London Paramount Entertainment Resort

I can confirm that ESP Gas Group Ltd has no gas or electricity apparatus in the vicinity of this site address and will not be affected by your proposed works.

ESP are continually laying new gas and electricity networks and this notification is valid for 90 days from the date of this letter. If your proposed works start after this period of time, please re-submit your enquiry.

**Important Notice**

Please be advised that any enquiries for ESP Connections Ltd, formerly known as British Gas Connections Ltd, should be sent directly to us at the address shown above or alternatively you can email us at: [PlantResponses@espipelines.com](mailto:PlantResponses@espipelines.com)

Yours faithfully,

Alan Slee  
**Operations Manager**

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**From:** [Price, Peter](#)  
**To:** [Environmental Services](#)  
**Cc:** [Will Spencer; cpotts@savills.com](mailto:cpotts@savills.com)  
**Subject:** London Paramount scoping report - Gravesham Borough Council's response  
**Date:** 09 December 2014 12:55:13  
**Attachments:** [London Paramount scoping report covering letter to PINS - PWP.docx](#)  
[20141075- Delegated Report - London Paramount - EIA scoping report consultation.docx](#)  
[GR 14 XX LE01 Paramount scoping opinion.doc](#)

---

Dear Sir/Madam

**Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) – Regulations 8 and 9**

**Consultation on an Environmental Impact Assessment Scoping Report for the development of the London Paramount Entertainment Resort at Swanscombe Peninsula, Kent by London Resort Company Holdings Limited (LRCH or 'the Developer').**

Further to your letter of 11 November 2014 consulting the Borough Council on the EIA Scoping Report prior to the Secretary of State adopting its scoping opinion I attach a copy of the Council's formal response.

The response is in the form of a written report that was agreed at a special meeting of Members of the Council held on 8 December 2014.

In addition I enclose a letter dated 5 December 2014 from Kent County Council's Heritage and Conservation Manager to the Borough Council (as they are our heritage advisors) and which includes further comments on the report and suggestions for information to be included in the Environmental Statement in relation to cultural heritage and archaeological matters and this therefore forms part of the Borough Council's overall response.

I also attach a copy of a covering letter.

A hard copy of the report, covering letter and letter from Kent County Council's Heritage and Conservation Manager has been sent by post but in order to meet the deadline for comments today I am emailing the information direct and as requested.

We trust that the Council's response and request for additional information will be taken into account by the Secretary of State in adopting its scoping opinion.

Please confirm receipt of this email and its attachments.

Kind regards

Peter Price BA (Hons), Dip TP, MRTPI  
Principal Planner  
Address: Gravesham Borough Council, Civic Centre, Gravesend, Kent  
DA12 1AU  
Telephone: 01474 337396 Fax: 01474 337942  
Email: [peter.price@gravesham.gov.uk](mailto:peter.price@gravesham.gov.uk)  
Website: <http://www.gravesham.gov.uk>  
Gravesham Borough Council - Connecting with the Community

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Mr Will Spencer  
EIA and Land Rights Advisor  
on behalf of the Secretary of State  
The Planning Inspectorate  
3/18 Eagle Wing  
Temple Quay house  
2 The Square  
Bristol, BS1 6PN

**Planning and Regeneration Department**

**Ask for:** Peter Price

**Telephone:** 01474 337396

**Fax:**

**Email:** peter.price@gravesham.gov.uk

**My ref:** 20141075

**Your ref:** BC080001

**Date:** 10 December 2014

Dear Mr Spencer

**Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) – Regulations 8 and 9**

**Consultation on an Environmental Impact Assessment Scoping Report for the development of the London Paramount Entertainment Resort at Swanscombe Peninsula, Kent by London Resort Company Holdings Limited (LRCH or ‘the Developer’).**

Thank you for your letter of 11 November 2014 consulting the Borough Council on the EIA Scoping Report prior to the Secretary of State adopting its scoping opinion.

Your letter requests that either the Borough Council:

- informs the Secretary of State of the information they consider should be provided in the environmental statement, or
- confirms that they do not have any comments.

**The Borough Council’s Response**

The Borough Council has considered the scoping report in some detail and its review and assessment is set out in the attached officer report. The officer report was presented to a special meeting of Members of the Council held on 8 December 2014.

The special meeting agreed the officer recommendation, namely:

**That the Secretary of State be advised of the Council’s response to the EIA scoping report and of the additional information that should be provided in the preparation of the Environmental Statement to accompany the application by London Paramount for a Development Consent Order.**

I therefore enclose a copy of the report, which has subsequently been amended as requested by Members at the special meeting, for your consideration in forming the scoping opinion.

In addition I enclose a letter dated 5 December 2014 from Kent County Council’s Heritage and Conservation Manager to the Borough Council (as they are our heritage advisors) and which

**Switchboard** 01474 56 44 22

**Minicom** 01474 33 76 17

**Website** [www.gravesham.gov.uk](http://www.gravesham.gov.uk)

includes further comments on the report and suggestions for information to be included in the Environmental Statement in relation to cultural heritage and archaeological matters and this therefore forms part of the Borough Council's overall response and should be taken into account in your scoping opinion.

If you have any queries in relation to the Council's response please do not hesitate to contact me.

Thank you for consulting the Borough Council.

Yours sincerely



pp **Service Manager, Development Management**

Enc.

By email and hard copy





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<b>Application no:</b>	20141075
<b>Location:</b>	London Paramount Entertainment Resort Swanscombe Kent
<b>Description:</b>	Consultation on a scoping opinion under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009.
<b>Applicant:</b>	London Resort Company Holdings
<b>Report by:</b>	Service Manager, Development Management
<b>Decision Level:</b>	Special Meeting of Members, 8 December 2014
<b>Recommendation:</b>	That the Secretary of State be advised of the Council's response to the EIA scoping report and of the additional information that should be provided in the preparation of the Environmental Statement to accompany the application by London Paramount for a Development Consent Order.

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## 1. Introduction

- 1.1 The London Paramount EIA (Environmental Impact Assessment) **SCOPING REPORT** was deposited with the Secretary of State for Communities and Local Government on the Planning Inspectorate National Infrastructure Planning website on 10 November 2014 by London Resort Company Holdings Limited (LRCH or 'the Developer').
- 1.2 This follows on from the screening decisions issued by both Gravesham and Dartford Councils in November 2013 which concluded that the development of a leisure resort at Swanscombe Peninsula constitutes EIA development and an Environmental Statement is required to accompany such a planning application.
- 1.3 The EIA scoping report which runs to over 200 pages identifies the proposed coverage or 'scope' of the environmental impact assessment (EIA) that will be undertaken in connection with the proposed development of the London Paramount Entertainment Resort at Swanscombe in Kent.
- 1.4 The EIA will accompany the planning application that LRCH will submit in late summer to the Secretary of State for a Development Consent Order (DCO) as the development qualifies (and was confirmed as such on 9 May 2014) as a nationally significant business or commercial project for which development consent is required under the Planning Act 2008 (rather than the 1990 Planning Act).

- 1.5 For projects requiring development consent under the Planning Act 2008, the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) are applicable as opposed to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 which applies to conventional type planning applications that need to be accompanied by an EIA.
- 1.6 Once a developer has submitted an EIA scoping report to the Planning Inspectorate, the Secretary of State has 42 days in which to **adopt a scoping opinion**.
- 1.7 Before so doing, the Secretary of State must consult with a prescribed list of consultation bodies and with relevant non-prescribed consultation bodies identified in Planning Inspectorate Advice Note 3 EIA consultation and notification (version 5, July 2013).

## **2. Consultations and Process**

- 2.1 Consultation bodies who are consulted on the scoping report are given only 28 days in which to respond. The Borough Council is such a consultee.
- 2.2 The full list of the bodies the Planning Inspectorate has consulted on the scoping request is as follows:
  - Health and Safety Executive
  - NHS England
  - NHS Dartford, Gravesham and Swanley Clinical Commissioning Group
  - Natural England
  - English Heritage
  - English Heritage - South East
  - Kent Fire and Rescue Authority
  - Kent Police and Crime Commissioner
  - Darenth Parish Council
  - Stone Parish Council
  - Southfleet Parish Council
  - Swanscombe and Greenhithe Parish Council
  - Bean Parish Council
  - The Environment Agency
  - The Environment Agency - South east
  - Maritime & Coastguard Agency
  - The Maritime and Coastguard Agency
  - The Maritime and Coastguard Agency - London coastguard maritime rescue co-ordination centre
  - Marine Management Organisation (MMO)
  - Civil Aviation Authority
  - The Highways Agency - South East
  - Transport for London
  - The Coal Authority
  - The Canal and River Trust
  - Trinity House
  - Public Health England
  - The Crown Estate
  - Ministry of Defence
  - NHS England - Kent & Medway Area Team
  - South East Coast Ambulance Service NHS Foundation Trust
  - Network Rail Infrastructure Ltd
  - Network Rail (CTRL) Ltd
  - Highways Agency Historical Railways Estate
  - Port of London Authority

- NATS En-Route Safeguarding
- Royal Mail Group
- Homes and Communities Agency
- Southern Water
- Energetics Gas Limited
- ES Pipelines Ltd
- ESP Connections Ltd
- ESP Networks Ltd
- ESP Pipelines Ltd
- Fulcrum Pipelines Limited
- GTC Pipelines Limited
- Independent Pipelines Limited
- LNG Portable Pipeline Services Limited
- National Grid Gas Plc
- National Grid Plc
- Quadrant Pipelines Limited
- SSE Pipelines Ltd
- Scotland Gas Networks Plc
- Southern Gas Networks Plc
- Wales and West Utilities Ltd
- Energetics Electricity Limited
- ESP Electricity Limited
- Independent Power Networks Limited
- The Electricity Network Company Limited
- Utility Assets Limited
- UK Power Networks Limited
- National Grid Electricity Transmission Plc
- National Grid Plc
- Marine Management Organisation (MMO)
- London Borough of Bexley
- Kent County Council
- Sevenoaks District Council
- Tonbridge and Malling District Council
- Dartford District Council
- Gravesham District Council
- Medway Council
- Thurrock Council
- Surrey County Council
- East Sussex County Council
- London Borough of Bromley

*(Note: RSPB was not a prescribed consultee)*

2.3 The consultation requires the consultation bodies either to:

- inform the Secretary of State of the information that should be provided in the environmental statement, or
- confirm that there are no comments.

2.4 The closing date for the consultation is **Tuesday 9<sup>th</sup> December 2014**.

2.5 LRCH did undertake some pre-consultation with the Local Authorities, Highways Agency, Environment Agency, English Heritage, and Natural England during the preparation of the EIA scoping report.

- 2.6 In addition separate consultation will be required to be undertaken with relevant parties prior to the submission of the application and a consultation statement will be set out in a Statement of Community Consultation (SoCC). The SoCC will also set out how the local community can access what is known as Preliminary Environmental Information (PEI), (*environmental information collected to date and an assessment, on a preliminary basis, of the likely significant environmental effects of the Project, but not a draft environmental statement*).
- 2.7 The Borough Council's Development Management department has undertaken its own internal consultations on the scoping report with a number of other Council departments and services including Planning Policy, Regulatory Services, Economic Development, Leisure Services, Legal Services, Parking Services, Waste Management, Conservation and Engineering Services.
- 2.8 All of the Council's elected members have been consulted on the scoping by the Council's Development Management department along with all the seven Parish Councils within the Borough as the latter were not within the Secretary of State's prescribed list of consultation bodies.
- 2.9 Insight gained from the fact-finding trip to the Florida resorts undertaken by a number of Council officers and elected Members at Easter this year into how theme parks of this scale operate, the issues involved and their impact has also helped inform the detailed response to the scoping report that follows. This was particularly so in relation to transport impacts on local and strategic highway networks, the impact on existing local communities and the socio-economic effects in terms of labour demand and catchment, skills requirements and demand for housing provision.
- 2.10 The group's findings were the subject of a report by the Director (Housing and Regeneration) to Council on 30 September 2014. (See link below)

<http://web.gravesham.gov.uk/democracy/documents/g2168/Public%20reports%20pack%20Tuesday%2030-Sep-2014%2019.30%20Council.pdf?T=10>

### **3. The Site and the Development**

#### ***The Site***

- 3.1 The application site as per the indicative Development Consent Order boundary (red line plan) is shown as having an area of approximately 537 hectares (ha) or 1,327 acres.
- 3.2 The site includes the entertainment resort on Swanscombe Peninsula and the transport corridor running from north to south and then along the A2 as far as the Bean junction.
- 3.3 The Swanscombe Peninsula itself is mostly low lying open and partly undulating largely post-industrial brownfield land with extensive former cement kiln dust (CKD) tips but there are some areas of land still in agricultural use as well as extensive marshland.
- 3.4 The transport corridor includes surface level car parking and associated roads serving the Ebbsfleet International Station, Springhead Nursery, former chalk pits that have been used for waste landfill to the west of the Ebbsfleet station, agricultural land and other uses of land to the south of the A2.
- 3.5 It should be noted that the red line boundary has significantly changed since that which accompanied the original EIA screening opinion application which at that time included the Lafarge Tarmac former cement works site and additional areas within the boundary of the Ebbsfleet outline planning application. Conversely the site boundary for the purpose of the scoping and subsequent EIA and DCO submissions has also expanded to include

significant areas of land along the A2 corridor and also includes the river Thames frontage to Swanscombe Peninsula.

### ***The Development***

- 3.6 The scoping report does start to give a slightly clearer indication of the form and extent of the resort development, albeit without any real level of detail.
- 3.7 In summary, the main elements of the proposed London Paramount Entertainment Resort are indicated in the report as follows:
- A core 'resort' c. 45ha in area, featuring a range of events spaces, rides, studio attractions, cinemas, theatres, a water park, an open-air arena, night clubs, catering, retail and amenity facilities themed around the films and television programmes of Paramount Studios and UK producers.
  - c. 30,000m<sup>2</sup> of event space for conferences and trade shows.
  - A range of hotels with a combined total of c. 5,000 bedrooms.
  - Staff training facilities
  - A country park and river bus access beside the River Thames.
  - c. 14,000 car parking spaces for both visitor and staff use, located partly in multi-storey facilities, and bus and coach parking.
  - A transport interchange
  - A new four-lane dual carriageway between the core resort area and the A2 (T) / B259 junction.
  - Flood prevention works on parts of the site.
  - Landscape works throughout the development, incorporating earth shaping, new planting and habitat creation.
  - Provision of service infrastructure including water, electricity and gas supplies, telecommunications and arrangements for wastewater treatment and disposal.
  - Possible improvements to the highway network
- 3.8 It is stated that it is possible that the development boundary or 'Order limit' will retract to enclose an area smaller than the red line boundary while on the other hand it is possible that the DCO application will include a need for 'associated development' in locations outside the red line boundary.
- 3.9 Section 115 of the Planning Act 2008 allows development that is associated directly with the principal development to be included in the main DCO application, subject to various qualifying conditions, such as:
- works to roads and footpaths;
  - diversion or realignment of watercourses;
  - the construction of new road, rail or footbridges;
  - railway works;
  - jetties;
  - parking spaces for workers or users of the principal development;
  - public transport infrastructure and services;

- construction compounds, temporary haul roads, vehicular marshalling facilities and construction laydown areas;
- connections to electricity, gas, telecommunications, water, and wastewater networks;
- landscape and planting works;
- flood defences and flood mitigation measures;
- water balancing facilities;
- creation of compensatory habitats or replacement green space;
- noise barriers;
- security measures.

#### 4. Relevant Planning History

4.1 A substantial part of the site is within Dartford Borough.

4.2 In respect of the Gravesham land the most relevant planning history is as follows:

##### Ebbsfleet – Land Securities

Outline planning permission on the 152 hectare site with all matters reserved for detailed planning approval for a development for a maximum of 789,550m<sup>2</sup> (approx. 8.5 million square feet) of mixed use development granted on 21 November 2002 following completion of a legal agreement.

(GBC reference GR/96/35 and Dartford reference DA/96/47).

##### Screening Opinions

Also of direct relevance are the screening decisions issued by both Gravesham and Dartford Councils in November 2013 that the development of a leisure resort at Swanscombe Peninsula constitutes EIA development and an Environmental Statement is required to accompany a planning application. The GBC screening application reference was 20130966.

The screening was based on an area of 198 hectares and for a leisure resort of up to 747,000 m<sup>2</sup>.

The screening concluded that:

**An Environmental Impact Assessment (EIA) is required due to the nature of the proposals and their scale; the sensitivity of the area; and the likely significant environmental impact that is likely to occur, including cumulative impacts.**

The screening opinions were given in accordance with Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as at that time it was assumed that a conventional planning application would need to be made under the 1990 Planning Act.

#### 5. Development Plan Policy

##### Local Plan

5.1 The development plan for the area covered by the London Paramount site comprises:

- Dartford Core Strategy (adopted September 2011), along with saved policies from the Borough of Dartford Local Plan, adopted in 1995.

- Gravesham Core Strategy (adopted September 2014) along with saved policies of the Gravesham Local Plan First Review, adopted in 1994.
- Saved Policies from the Kent Minerals and Waste Local Plans.

*(Note: Paragraph 2.31 of the Scoping Report has omitted to mention the adopted Gravesham Local Plan Core Strategy (2014) as forming part of the development plan).*

5.2 The most relevant policies from the adopted Gravesham Core Strategy are:

Core Strategy Policy CS01: Sustainable Development  
 Core Strategy Policy CS02: Scale and Distribution of Development  
 Core Strategy Policy CS03: Northfleet Embankment and Swanscombe Peninsula East Opportunity Area  
 Core Strategy Policy CS06: Ebbsfleet (Gravesham) Opportunity Area  
 Core Strategy Policy CS07: Economy, Employment and Skills  
 Core Strategy Policy CS09: Culture and Tourism  
 Core Strategy Policy CS11: Transport  
 Core Strategy Policy CS12: Green Infrastructure  
 Core Strategy Policy CS19: Development and Design Principles  
 Core Strategy Policy CS20: Heritage and the Historic Environment

5.3 The following remaining saved policies from the Local Plan First Review are relevant:

Policy T1: Impact of Development on the Highway Network  
 Policy T2: Channelling of Traffic onto the Primary and District Distributor Network  
 Policy T5: New Accesses onto Highway Network  
 Policy P3: Vehicle Parking Standards

#### National Guidance

5.4 The National Planning Policy Framework (NPPF, March 2012) and the National Planning Practice Guidance (NPPG, March 2014) are material considerations.

5.5 Paragraph 3 of the NPPF states:

*'This Framework does not contain specific policies for nationally significant infrastructure projects for which particular considerations apply. These are determined in accordance with the decision-making framework set out in the Planning Act 2008 and relevant national policy statements for major infrastructure, as well as any other matters that are considered both important and relevant (which may include the National Planning Policy Framework). National policy statements form part of the overall framework of national planning policy, and are a material consideration in decisions on planning applications.'*

## **6. Internal Consultation Responses**

6.1 It is not proposed to set out the responses that have been received as a result of the internal consultations as these have been fed into the analysis and comments section of this report.

6.2 Contributors to the consultation process have been Regulatory Services - Environmental Health (Noise/Pollution and Air Quality); GBC Scientific Officer; GBC Planning Policy Manager; GBC Principal Economic Development Officer; Borough Councillors.

6.3 Comments to the Borough Council on the scoping report have also been provided by Kent County Council's Heritage and Conservation Manager (dated 5 December 2014) and those comments specifically in relation to heritage issues should be considered as an addition to the Council's response alongside the various comments on the scoping as set out in

section 8 of this report.

## 7. The Purpose and Function of the EIA and Scoping Report

### Introduction

- 7.1 The aim of an Environmental Impact Assessment (EIA) is to protect the environment by ensuring that a determining body when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process. It also ensures that the public are given early and effective opportunities to participate in the decision making procedures (*source reference: the National Planning Practice Guidance*)
- 7.2 The scoping report helps to identify what topics and what information should be provided in the Environmental Statement (ES) and give an indication of potential impacts - both positive and negative. Effectively it provides the framework for the preparation of the ES.
- 7.3 It will be a matter for the Secretary of State for Communities and Local Government to determine whether to adopt the scoping opinion having regard to all the consultation responses it receives to the applicants scoping report.
- 7.4 The focus of the scoping is to:
- identify environmental features likely to be affected by the development and a consideration of which of these effects will be significant effects;
  - describe the EIA methodologies that will be used to determine the degree of significance to be attached to the significant effects; and
  - describe the possible mitigation measures or enhancement that might be relevant.
- 7.5 A key consideration in assessing the effects will be the scale and nature of the proposed development and taking into account site specific and local environmental **baseline** conditions (*that is to say the state of the environment before the onset of the proposed development*).
- 7.6 The scoping report should identify gaps in information and indicate proposed further surveys.
- 7.7 The purpose of the scoping report and opinion is not to come to a conclusion about the overall impact of the development or the acceptability or otherwise of the development proposed.
- 7.8 It is however critical that sufficient information is provided to 'scope in' those issues considered to be likely significant effects. It is important that the required information is neither defined too narrowly, such that some critical area of uncertainty or a significant adverse effect may emerge later in the process, nor that the required information is too loosely defined, resulting in time spent on pursuing unnecessary detail (*see later reference to the Rochdale Envelope*)
- 7.9 A comprehensive and focused scoping process, culminating in a constructive scoping opinion that identifies the likely significant effects will enable the preparation of an Environmental Statement that provides a concise and objective analysis that deals with all the significant areas of impact and highlights the key issues relevant to the decision making process.



### The EIA Structure

- 7.10 LRCH have indicated that the London Paramount EIA will employ established EIA methodology and analysis techniques of using a series of matrices and describing the sensitivity of receptors, the magnitude of any effects and the significance of any effects which will be quantified or where this is not possible qualitative assessments will be used.
- 7.11 The potential of mitigation measures will be considered in the assessment of effects and residual effects would be assessed (*residual impacts are defined as those impacts that remain following the implementation of mitigation measures*).
- 7.12 Cumulative effects are also required to be considered of other existing or planned development within the area of the proposed site (*cumulative effects can be defined as "the impacts of the environment which result from incremental impacts of the action when added to past, present and reasonable foreseeable future actions*).
- 7.13 Consideration will also be given to trans-boundary impacts, that is to say environmental effects that extend beyond the boundary of the country including traffic and transport, air quality and socio-economic effects.
- 7.14 The EIA structure will adopt a standard format with main impact sections being:
- Planning and legislative context
  - Air Quality;
  - Noise and vibration;
  - Ecology;
  - Soils and ground conditions
  - Water resource management
  - Landscape and visual;
  - Energy, waste and sustainability
  - Traffic and Infrastructure;
  - Cultural heritage / archaeology;
  - Socio-economics; and
  - Cumulative assessment (if not addressed in individual chapters)
  - In-combination effects.
- 7.15 The Development Consent Order (DCO) application when it is submitted to the Planning Inspectorate (PINS) will be supported by a design and access statement, planning statement, consultation report, appropriate assessment, statement to inform habitat regulations assessment and a construction environment management plan.
- 7.16 A key role that the Local Authorities have in the NSIP process and following the submission by the applicants of the Development Consent Order application to PINS is to produce a Local Impact Report (LIR) on the development. It is important therefore that the EIA contains sufficient information to enable this to be done and that is why at this stage it is critical that the Scoping Report is detailed and robust enough to help to shape the EIA.

### The Rochdale Envelope

- 7.17 The scoping report indicates that the applicant wishes to maintain flexibility about the detailed design of elements of the project including the content of the core studio park. Nevertheless sufficient information has to be provided to properly inform the EIA and this has to accord with what is termed the 'Rochdale Envelope' principles.
- 7.18 The principles arose from a number of court cases but effectively what it means is that:
- There is an acknowledgment that major projects such as this one will evolve but there clearly needs to be defined parameters

- An EIA needs to take into account of that evolution and within the defined parameters
- Controls should be imposed to ensure development evolves within those parameters
- Proposals should be detailed sufficient to enable a proper assessment of the environmental effects and necessary mitigation
- A range of possibilities should be considered including adopting a 'worst case' scenario.
- The level of information should be sufficient to enable main or likely significant effects on the environment to be assessed.
- There should not be an unnecessary degree of flexibility.

#### The London Paramount Scoping Report

7.19 The scoping report identifies the proposed scope of the individual EIA topics – landscape and visual effects (*including lighting/nocturnal effects*), ecology, water resource management, soil and ground conditions, transport and access, air quality, noise and vibration, cultural heritage, land use and socio-economic effects and waste.

7.20 For each of the topics the key steps will, in most cases, be:

- Identification of Baseline Studies (and evaluation of the resource)
- Identification and description of effects
- Assessing the significance of effects
- Examination of potential mitigation measures and consideration of residual effects

7.21 In addition to the consideration of the EIA topics the scoping report also considers the criteria leading to the selection of this site for the entertainment resort and why other sites elsewhere in the country were discounted as not being the preferred site, other scheme development options for the resort and it also provides a number of emerging illustrative plans including:

- Indicative Land Uses Plan
- Indicative Strategic Development Phasing Plan

7.22 An emerging master plan was also displayed by the applicants, along with a proposed highway access plan, at the recent public consultation events (November 2014) although these have not been included in the scoping report.

## **8. Analysis and Comments**

### Introduction

8.1 In respect of Borough wide environmental impacts the critical effects are considered to be in relation to the landscape and visual impacts of the development, noise and air quality impacts, transport and access impacts and land use and socio-economic impacts and this forms the principal focus of the Council's response to the consultation. Other particular impacts are also considered such as heritage, waste and construction but other

consultation bodies will no doubt respond to PINS in relation to their own specialisms.

- 8.2 It is not intended to summarise within this report each of the various sections and topics of the scoping report, only to highlight some of the more salient points.
- 8.3 However, more importantly, the following paragraphs provide a summary critique of and response to both the scoping report in general and the key EIA topics including suggestions as to what additional information should be provided or documents or resources that the applicants should make reference to in the proposed EIA and also to highlight any inconsistencies or fundamental errors in the report.

*General Comments on the Scoping Report, Description of Development and Level of Detail*

*Lack of Clarity of the Development*

- 8.4 Overall, the description of the development contained in the EIA Scoping Report lacks at this stage the level of detail to provide a clear picture of what is proposed although it is clearly acknowledged that this will become more apparent as the design work progresses and this will assist in informing the process of assessing the environmental effects of the development.
- 8.5 Particular areas of concern relate to:
- Within the red line site boundary, it is unclear what development is to be undertaken as part of London Paramount or not – is this all to be developed by the applicant or some (for example in Station Quarter North and South) by others such as Land Securities? It would be useful to have a plan and details showing surrounding developments (including those within the red line if by others) to assist in determining cumulative impacts and to aid scoping. It is also noted that the highways within the red line boundary do not include the Hall Road/Springhead Road junction which may require improvement as a result of the development;
  - The plan provided showing the distribution of uses across the site (theme park, hotels, car parking etc.) is unclear in terms of what and how much is going where;
  - Although the broad heights of various elements above Ordnance Datum are provided in paragraph 5.50 of the scoping report, there are no illustrative scale and massing plans to ensure that this aspect is adequately scoped and the maximum visual envelope defined, but hopefully this will emerge when modelling work is undertaken;
  - Very little information is provided on how the proposed facility is supposed to operate in terms of access times, linkages with hotels, movement in and around the site and which elements will be publically accessible or require ticket entry etc. so it is difficult to provide comments on scoping in some form of context;
  - It is not clear whether the Country Park and Black Duck Marsh areas on Swanscombe Peninsula shown on the plans are intended to be private parts of the resort or will be publically accessible open spaces;
  - There is very little detail provided on access points to the site during the construction or operational phases, including for the public, staff and servicing. Once again, it is very difficult to scope aspects relating to such impacts if consultees are not provided reasonable levels of information on access and network connectivity relating to road, rail, bus, walking and cycling etc.;
  - There is no detail at this stage of the likely impacts from maintenance and servicing when the resort is open which will need to operate on a 24 hour a day, 7 day a week basis;

- It would be helpful if the applicant could also clarify as to whether the future phases of development on Swanscombe/Botany Marshes to the east of the main resort will be included in the current NSIP application and assessed through the ES in terms of the overall cumulative impact of the scheme.

#### *Associated Development*

- 8.6 Under DCLG guidance contained in the document *Planning Act 2008: guidance on associated development applications for major infrastructure projects* (April, 2013), associated development must be directly related to the principal development and be subservient to it. Details of associated development must be included in the main application as the Secretary of State has no powers to consider it separately. The ES must also contain sufficient information to assess both the principal development and the associated development.
- 8.7 Whilst the EIA Scoping Report contains a number of illustrative plans detailing where the principal development may be located across the application site, no such information is provided as yet on any associated development. No details are provided of the potential location, scale, form and massing of associated development and detail of what may or may not come forward within the Ebbsfleet Valley is also scant. Whilst the latter includes the dual carriageway access to the resort and a new junction to the A2, the indicative plan of this new infrastructure displayed at the most recent public consultation does not appear in the EIA Scoping Report.

#### *Inconsistencies in Plans*

- 8.8 There would also appear to be significant inconsistencies between the plans that appear in the figures attached to the EIA Scoping Report and those presented in the latest round of public consultation.
- 8.9 For example, the area covered by the resort differs between the emerging master plan used for consultation purposes and the indicative land use plan that appears in the EIA Scoping Report. The latter includes Bamber Pit and the Esander (Inveresk) Sports Ground pit within the main development area (as Sui generis: amusement park, water park, car park, utilities) whereas the master plan shows them as being 'green' spaces. It is again acknowledged that the master plan is a rapidly changing and evolving framework for the development.
- 8.10 The EIA Scoping Report indicative land use plan also shows areas to the south of Baker's Hole landfill site and around the Ebbsfleet Station as 'development plot access only' and 'open space hard plot' whereas the phasing plan show these as being future phases of development - the same as areas linked to and immediately east and west of the main resort to the north of the railway/A226.

#### *How the Resort Operates*

- 8.13 Key factors in terms of environmental impact of the scheme will be how the resort is operated in terms of opening times (influencing when people arrive/leave – although it has been indicated that the opening time will be 11.00am people, including staff, will be arriving long before then for potential ease of entry or to access other facilities); the overall capacity of the resort (including if there are times when people will be stopped entry); the type/scale of special events to be hosted and how they relate to the operation of the main theme park (to determine worst case impact scenarios); how it is serviced (it currently appears to be anticipated that this would be via the new highway access, although river and rail options could presumably also be considered as part of the mix); the proportion of visitors who use sustainable transport modes rather than the private car or stay-over rather than day-trip (potentially reducing and spreading movements on the highway and public transport networks); and how and when staff get to and leave the site (modal split again being

important, linked to the employment catchment of the facility and what proportion are living and working locally either on a temporary or permanent basis).

#### *Level of Detail*

- 8.15 Whilst it is understood that the current exercise relates only to EIA scoping and that the ES will of necessity contain a wider range and depth of information, sufficient detail is still required at this stage to ensure that scoping is robust and the applicant is not required to undertake further work at a later stage once such detail emerges. The alternative is that the applicant be required to undertake a more comprehensive form of assessment that considers all eventualities on a 'just in case' basis but this is something that the applicants should be trying to avoid.

#### *Need for Comparators*

- 8.16 A commitment within the EIA Scoping Report to provide a section on comparator resort developments would also have been helpful – for example to show how theme parks of a similar scale operate elsewhere (ideally in Europe); and whether or not London Paramount will follow a similar format; or that it will not follow that model and why.

#### *Landscape and Visual Impact*

- 8.17 In respect of the assessment of landscape and visual effects the report indicates that the methodology will be based on the recommendations of *Guidelines for Landscape and Visual Impact Assessment* produced by the Landscape Institute.

#### *Viewpoints*

- 8.18 It stated that proposed viewpoints are to be agreed with the respective local authorities - 8 are identified in Gravesham (Gravesend to Tilbury ferry; Swanscombe peninsula footpath; the Factory Club; Northfleet lighthouse; the Hill conservation area; Ebbsfleet Valley; Gravesend Riverfront and Kings Farm) although it is considered that there may well be other viewpoints that are equally important including Carl Ekman House, Tooley Street, Northfleet (Residential Users); Wallis Park, Northfleet (Residential Users); and Windmill Hill, Gravesend (Conservation Area).

#### *Need for Details of Scale, Form and Massing*

- 8.19 The scoping report lists the aspects of the development that are likely to have landscape and visual effects in paragraph 5.50. However whilst the heights of a range of the developments within the core resort area are indicated including buildings at plus 32m in height, structures (mountains) of 50-60m in height, rides and roller coasters at plus 40m in height and hotels at plus 40m it is difficult to see how these can be properly assessed without an indicative master plan providing details of scale, form and massing in particular locations given there will be groups of buildings that have the potential to be seen from different places or obstruct views of the river etc.
- 8.20 It is also noted that at paragraph 5.52 of the scoping report it is intended that the cumulative effect of development will be taken into account, having regard to the wider context of the Ebbsfleet Valley development. However, it is not made clear what assumptions will be made in relation to the form this development will take given that London Paramount is likely to result in changes to any existing master plan layout and it is unclear whether the development as permitted is deliverable given the market for offices at the current time.
- 8.21 The visual impact of the development will also depend on the architectural quality of the development that is brought forward and its detailed design. Whilst form is likely to follow function to a large extent in the case of a theme park development, it is important given the

Swanscombe Peninsula location that design excellence is achieved and that the built form is iconic. The EIA Scoping Report should indicate the mechanisms by which this will be achieved – i.e. international design competition/peer review by a panel of independent architectural experts/prior approval of the local planning authority (presumably the Ebbsfleet Development Corporation by that stage).

#### *Lighting Impacts*

- 8.22 Although the landscape and visual effects chapter heading in the scoping report indicates that this will include lighting and nocturnal effects there is no reference in the report to the assessment of the effect of the lighting of this development both in terms of light sensitive premises and glow in the sky.

#### *Wind Impacts*

- 8.23 The development could potentially have an impact due to its scale and magnitude to impacts on the prevailing wind and it is considered that the EIA should therefore consider wind tunnel and vortex effects.

#### *Ecology*

- 8.24 In respect of ecology impacts the scoping report indicates that the assessment of potential effects of the development will follow best practice guidance in the Institute of Ecology and Environmental Managements Guidelines for Ecological Impact Assessment and whilst ecological baseline surveys have been undertaken for parts of the site a suite of further baseline survey work remains to be undertaken. However it is noted in paragraph 6.42 that the further suite of survey are to be undertaken between autumn 2014 through to late summer 2015 and therefore the full results may not be available for the preparation of the EIA and the overall ecological impacts would not be properly assessed at that stage.
- 8.25 It is nevertheless considered that the scoping report sets out a comprehensive framework for the assessment of ecological impacts and it will be a matter for the environmental consultees (notably the Environment Agency and Natural England) to comment in more detail.

#### *Ecology Statement of Common Ground*

- 8.26 It is suggested that reference is made to the Statement of Common Ground between Lafarge, Kent Wildlife Trust and Gravesham Borough Council on the approach to ecology at Swanscombe Peninsula.

This is available on line at

[https://www.gravesham.gov.uk/\\_data/assets/pdf\\_file/0007/97423/PE-18-Statement-of-Common-Ground-Lafarge-Cement-KWT-and-GBC-13-September-2013.pdf](https://www.gravesham.gov.uk/_data/assets/pdf_file/0007/97423/PE-18-Statement-of-Common-Ground-Lafarge-Cement-KWT-and-GBC-13-September-2013.pdf)

#### *Appropriate Assessment*

- 8.27 The production of a Habitats Regulations Assessment or more commonly termed Appropriate Assessment under the Conservation of Habitats and Species Regulations 2010, as amended, to take into account potential impact on internationally designated sites to the east of the Borough will need to have regard to the cumulative impact of all planned development and not just the London Paramount project. Potential impacts due to increased river traffic and noise/light from events and fireworks will also need to be considered and the potential of additional visitors to the area also visiting the marshes leading to further bird disturbance. Mitigation of any significant potential adverse impacts may be required and detailed discussions with Natural England would be advisable at an early stage to scope any necessary work. (*Note: Appropriate Assessment is an additional assessment in relation to projects that might have significant effects on protected*

Water Resources Management

*Focus of the Scoping*

- 8.28 The scoping report indicates that the assessment of the impact of the development on water resources will focus on flood risk issues, water resource management, water quality and drainage (foul and surface). It is noted that there is a range of potential mitigation measures to address flood risk including raising flood defences, flood storage, raising floor levels or raising ground levels. The specialist advice on the more technical aspects of the scoping will no doubt be provided by the Environment Agency and the respective water companies that are statutory consultees.

*Impact on the Ebbsfleet Stream and Cumulative Impacts*

- 8.29 However it is noted that the section on flood risk at 7.13 seems to concentrate primarily on the River Thames whereas fluvial/pluvial flooding from the Ebbsfleet Stream is also an issue. Extensive work was undertaken on this in the context of the Ebbsfleet outline planning applications and the subsequent approved water management strategies and presumably this will need to be updated to take into account the implications of the London Paramount proposals and any associated changes to the Ebbsfleet master plans.
- 8.30 In particular, it is noted that the proposed dual carriageway shown in the public consultation (rather than the EIA Scoping Report) shows the new access road occupying parts of the restored Ebbsfleet stream south of HS1 and land that was intended to be used for flood storage under the Ebbsfleet water management plan. The implications need to be fully understood as it implies knock-on effects for the Station Quarter South master plan.
- 8.31 Also, it is noted that the Eastern Quarry development is assumed to have existing rights to discharge surface water drainage to both the Ebbsfleet stream and to Swanscombe Marshes. The Eastern Quarry II Water Management Plan (2008) states at paragraph 3.4 that current permitted levels of discharge are 22 Ml/day (equivalent to 255 l/s) via the pipe in Craylands Gorge to Swanscombe Marshes and 8 Ml/day (equivalent to 93 l/s) to the River Ebbsfleet.
- 8.32 Given the complexity of drainage arrangements and the potential for ground water rebound in the area, any Flood Risk Assessment and Water Resources Management Plan will need to take this and any other consented/planned discharges into account as part of the cumulative impact of development. For information, it is also understood the sections of the adjacent A2 and the Southfleet Road junction also drain into the Ebbsfleet stream and the implications of this need to be checked with the Highways Agency. The combined impact of this along with the environmental impact of any drainage discharges from the proposed access road on potential pollutant loads to the water environment and risk of accidental spillage will presumably also have to be assessed through the ES.

*Drainage and Impact on Drinkable Water Resources*

- 8.33 Groundwater does not appear to be included within this section of the report and yet is a valuable water resource in the area. Indeed this part of North Kent is generally considered to be water stressed and the robustness of supply of potable (drinkable) water has been carefully considered in the context of existing planned development through the Water Resource Management Plans (WRMP) of Southern and Thames Water and through the Kent Thameside Water Cycle Study (2009) – see [http://docs.gravesham.gov.uk/webdocs/Environment%20and%20Planning/GLP/CLIM-05 Kent Thameside Water Cycle Study 1 Main Report March 2009.pdf](http://docs.gravesham.gov.uk/webdocs/Environment%20and%20Planning/GLP/CLIM-05%20Kent%20Thameside%20Water%20Cycle%20Study%201%20Main%20Report%20March%202009.pdf) .

The site includes a leachate producing landfill within a Source Protection Zone for

groundwater quality. It is also prone to flooding.

- 8.34 The London Paramount proposals and associated development potentially place additional loadings on potable and other water resources that were not taken into consideration when the Gravesham and Dartford Core Strategies were prepared. It will be necessary therefore for the applicant to provide an assessment of the implications of their proposals on wider water resource availability and how any impacts will be mitigated. It is assumed that the proposals will incorporate water efficiency measures and these should be clearly set out in any accompanying strategy.
- 8.35 Drainage proposals include various infiltration and open storage methods; these will need to be designed with close reference to the contamination status of the site to avoid exacerbating leachate production. The viability of these methods is questioned without first knowing the status of the groundwater which is likely to be quite shallow.

#### *Water/Sewage Treatment Facilities*

- 8.36 It is unclear from the plans submitted in combination with the EIA Scoping Report as to where it is now intended water and sewage treatment facilities will be provided and the requisite outfall arrangements. As the scale of plant necessary to service a development of this type is likely to be significant, this should be made clear along with any implications arising from the processes to be undertaken and likely

#### *Green Roofs*

- 8.37 Details of on-site attenuation and use of green roofs/walls etc. forming part of any water management strategy should also be clearly set out. The levels of discharge from the site (taken in combination with other drainage requirements) should also be detailed as agreed with the Environment Agency.

#### *Water Framework Directive*

- 8.38 The contribution of the scheme toward the achievement of Water Framework Directive (WFD) objectives, (which is an EU wide directive aimed at improving the quality of water bodies), as set out in the Environment Agency's Thames River Basin Management Plan should be clearly set out in the submission documents and the ES to show how these have been taken into consideration in the design evolution of the proposals.
- 8.39 The reference to the London Plan at 7.24 is an error as the site does not lie within the jurisdiction of London.

#### *Residual Effects*

- 8.40 There is no indication in this section of the report of any likely residual effects which is perhaps surprising.

#### *Soil and Ground Conditions*

- 8.41 The report indicates that the assessment of the impact of the development in respect of geo-environmental conditions at this site is to ensure that suitable and safe conditions are achieved for the proposed end use.
- 8.42 It is known from the baseline assessment that in respect of Swanscombe Peninsula itself much of the natural geology is overlain by a substantial but variable thickness of made ground (fill) composed of cement kiln dust (CKD) while away from the core site and in particular in the Ebbsfleet transport corridor of the site there are extensive quarry areas, some left unrestored and other which have been filled with domestic and industrial waste.



### *Residual Effects*

- 8.43 The report suggests a range of mitigation measures which if followed will mean that there should be no residual effects.
- 8.44 However it is not clear from the scoping report what the implications are for the delivery of the necessary infrastructure and in particular the provision of the road access corridor being within the area of and adjacent to the filled ground, whether this is actually physically possible and what residual effects of this will be.

### *Long Term Maintenance*

- 8.45 It is very likely that long term maintenance will be required to deal with the volumes of leachate being produced by the landfill, therefore early consideration will need to be given as to whether the existing treatment system will be retained, or if a new system will be needed. The current system includes open storage lagoons, which will need to be adequately segregated from visitors.
- 8.46 It is suggested that a phase 1 desk study and site walkover will be carried out prior to the preparation of the ES chapter, and a phase 2 intrusive investigation will be undertaken in order to meet final planning requirements. The phase 2 intrusive investigation will need to be completed prior to the Development Consent Order application being granted. This is to ensure that the contamination issues are fully understood and they are not to a degree that would warrant the site unviable for development.

### *Transport and Access*

#### *Scope of the EIA Assessment in relation to Transport*

- 8.47 Transport and access to the development both during the construction period and during the operational period is quite clearly the key area of concern in terms of impacts as has already been evidenced from the applicants consultations with the public to date and from current human experience and knowledge of the operation of traffic flows and junctions on the A2 and other local roads in this part of North Kent
- 8.48 The scoping report indicates that the EIA will examine the environmental effects of traffic and this will sit alongside the Transport Assessment (TA) accompanying the planning application and the Travel Plan.
- 8.49 It is stated in the scoping report that it will be the TA that will include a series of technical notes that will deal with such matters as travel demand, transport modal share, trip distribution and transport modelling etc. whereas the assessment of environmental effects in the EIA will be related to:
- severance
  - driver stress and delay
  - pedestrian and cycle amenity
  - accidents and safety
  - construction traffic

#### *The Need for a Full Understanding of the Overall Transport Impacts*

- 8.50 It is nevertheless very difficult to consider the more specific environmental impacts that will arise from the various modes of transport that will take visitors, staff and deliveries to and from the site, along with construction traffic, and the levels of traffic in isolation without a full and complete understanding of and analysis of the overall transport impacts.

- 8.51 The applicants recent public consultations and exhibitions have already revealed that the development would add some 12% of additional traffic to the existing volume of traffic on the A2 on a daily basis, that the modal split will see 60% of customers arrive by car (with 20% by train, 15% by coach/bus and 5% by river transport) and that a dedicated point of access would be provided for cars to access the site in the form of a dual carriageway with a new junction from the A2.
- 8.52 The scoping report itself indicates in paragraph 9.2 that the average travel demand will be around 41,000 persons per day which in itself is the equivalent on having to cater with an average attendance at a Premiership football match on every day of the year. It is also stated on a typical day that 16,000 visitors to the resort will be from overseas.
- 8.53 As a result of projected population growth in Gravesham, Dartford and the Medway Towns traffic flows on the A2 will significantly increase. The proposed Ebbsfleet Garden City in itself will have a significant impact on traffic generation (with potentially up to 15,000 new homes).
- 8.54 It is recognised that the London Paramount development is unique so that to some extent the analysis is challenging and in itself a difficult technical exercise that departs from the 'normal'. This is made more complex by the potential for works and congestion at nearby junctions on the A2 to impact adversely on each other so that modelled outputs may not accurately reflect what happens 'on the ground'. This is particularly the case because even minor road incidents can lead to widespread delays and congestion on both the strategic and local highway network due to pressure of demand.
- 8.55 Whilst, in general, sufficient land use information is available to feed into the modelling exercise, data used should reflect the total quantum set out in the development plans for the area and not just what has planning permission. This also links to the need for modelling to go beyond a 2025 headline year as it is normal in such circumstances to also assess 15 years after opening – this would then effectively take into account the full quantum of planned development in places such as the Ebbsfleet Valley sites rather than just an interim position.
- 8.56 The applicant's attention is drawn to a number of issues that would need to be resolved in so doing.

*Transport Impacts in relation to Other Ebbsfleet Development*

- 8.57 Firstly, it is unclear what the future Ebbsfleet development will now comprise within the outline planning permission area given that there is no certainty that the outline planning permission will be fully implemented especially as some areas (such as Northfleet Sidings) have been taken out of the development site – the London Paramount proposals may also impact upon the developable area partly for the reasons set out above under water resource management and the provision of an access corridor through the site in relation to other development constraints (heritage, Ebbsfleet stream etc.).
- 8.58 Secondly, both Dartford and Gravesham Councils may have to review their spatial strategies given the possible implications of London Paramount for employment relative to labour supply and/or any employment-led objectively assessed housing need scenario.
- 8.59 In this respect, the applicant is strongly advised to work with Gravesham Council because it is currently commissioning (in partnership with Medway Council but also with input from other stakeholders) a new Strategic Housing and Employment Needs Assessment (SHENA) to inform its emerging Site Allocations and Development Management Policies DPD.

*Accuracy of Transport Modelling, Assessing Peak Impacts and Impacts across the Wider Network*

8.60 In respect of transport modelling, it is understood that the applicant intends to use an updated version of the Highways Agency Lower Thames Crossing Model (LTCM). Unfortunately, no details of the model have been provided but it is assumed that this focuses primarily on strategic road network impacts. It is also unclear at the current time how the modal split set out in the EIA Scoping Report at Table 1 (Visitor Travel Demand and Mode Share) has been derived and it is likely that any outputs will need to be subject to sensitivity testing to assess their robustness.

8.61 The following points are also made:-

- Any analysis will need to disaggregate visitor, employment and servicing trips as these could potentially occur at different times during the day and involve different origins and access points to the site – the latter having implications for routing.
- If the LTCM is a strategic network model, it is important to recognise that there will still be impacts felt on the local road network that will need to be assessed separately – these impacts could be both the result of trips directly related to the resort as well as trips displaced due to congestion caused. Ideally, this would involve the use of an appropriate multi-modal model covering the whole of Kent Thameside and not just the immediate vicinity of the junctions with the strategic road network. Impacts on some of the key rural routes (including the A227 Wrotham Road) will also need to be assessed as will the potential for rat-running down rural lanes. In any event, agreement will need to be reached on the spatial extent and level of detail involved in any such modelling if the LTCM is considered inadequate to assess localised effects.
- Paragraph 9.30 of the EIA Scoping Report states that 2014 will be the baseline for any modelling but it is unclear as to whether this represents data from new surveys or figures taken from previous surveys and updated. If earlier data is used, concerns will need to be addressed as to whether this still exhibits depressed flows due to the recession and how this will be taken into account.
- It is understood that the LTCM modelling will analyse flows on the basis of one-hour peaks. However, the Kent Thameside modelling previously assumed that peak hour spreading would occur due to levels of congestion and there is the potential for flows relating to London Paramount to conflict with flows generated elsewhere. This is particularly the case where there is already another major generator of visitor traffic in the immediate vicinity at Bluewater – resulting in significant flows at weekends and on a seasonal basis, including in association with special events. Further discussion will be needed on this and how it is taken into account. *(Note: It is the case that the morning peak hour on the A2 is 7-8am which comes before the local peak of 8-9am).*
- Careful consideration will need to be given to the network used in the LTCM to ensure that it includes links that are locally significant and not just strategically significant. This connects with the points made above under the first bullet point on how local impacts will be analysed and unacceptable impacts mitigated.
- In terms of sensitivity testing, it is noted that the scenarios to be tested include Design Year Horizon (2025) with the cumulative effects of development and Lower Thames Crossing (Option C). Aside from the issue of further modelling being required to assess impacts at 2035 with the full quantum of proposed development taken into account, it is also necessary to model at both 2025 and 2035 with Lower Thames Crossing (Option A) in place as a potential alternative upon which no Government decision has yet been made. This would then provide an assessment of all the potential Lower Thames Crossing option – i.e. with the crossing in its current form; with Option A and Option C – for the purposes of direct comparison.
- It is also a matter of some concern that Institute of Environmental Management and

Assessment (IEMA) Guideline rules are being used to assess which highway links should form part of any assessment – i.e. where traffic flows will increase by more than 30% (or the number of HGVs will increase by more than 30%) or any other specifically sensitive areas where traffic flows increase by more than 10%. This may exclude links which are already at or near capacity where either of the above thresholds may lead to excessive demand and unacceptable levels of congestion or delay. How this issue is dealt with will need to be the subject of further discussion.

- 8.62 It is noted that the scheme omits a new road around the south of the peninsula linking Swanscombe Cross to Stonebridge Road, as a by-pass for Galley Hill Road A226. The potential need for such a link is highlighted in the supporting text to adopted Gravesham Local Plan Core Strategy (2014) policy CS03 and paragraph 4.4.4 and within the adopted Dartford LDF Core Strategy (2011) at policy CS6 and Diagram 7. The London Paramount scheme, taken together with the cumulative impact of adjoining development, will place significant extra loading on both the A2 and the A226 London Road. It will therefore be important to assess whether this new link road is required given the fragility of the existing road and its limited capacity for upgrade. If a new link isn't required, there may still be a need for works to the existing road to stop long-term deterioration and to ensure it remains fit for purpose.
- 8.63 The EIA and transport assessment will in any case need to consider access options for local traffic. The emerging proposals appear to imply that visitors from the local area could only access the resort from the A2 but arguably it would not be desirable to direct local traffic on to the A2 even though provision of local access would have dis-benefits.

#### *Public Transport and Other Transport Modes*

- 8.64 Clearly, the EIA Scoping Report on transport and access focuses on road transport impacts whereas the approach needs to be more rounded and take into account transport on a multi-modal basis. Further information is therefore required on the assessment of public transport interventions required to support the development (rail/bus/coach/water) and how sustainable modes (walking/cycling) will be promoted at the local level – particularly as the development has the potential to impact adversely on the introduction of links east-west across the Ebbsfleet or north-south from the urban area to the countryside south of the A2.
- 8.65 The recognition that there is potential for the London Paramount resort to be served by river-bus type services is welcomed. Given the close proximity of Grays Town Centre (with a railway station on the London Fenchurch Street-Southend line) to Swanscombe Peninsula, the possibility to provide a ferry link as part of any river-bus service might be explored as this could reduce car based trips over the Dartford Crossing and assist in the regeneration of the wider area.
- 8.66 It is noted that the list of potential environmental effects in relation to transport does not include stress or delay to public transport users and it is considered that all users of the roads (not just drivers) and users of rail stations (Northfleet, Swanscombe and Ebbsfleet) are also potential receptors and the EIA should be scoped to include environmental effects in relation to public transport users and an assessment of the capacity of the public transport system to cope with the demand generated by the development.

#### *Parking*

- 8.67 Whilst the EIA Scoping Report states that the development will include 14,000 car parking spaces for visitors and staff, where and how such parking is provided, allocated and managed will impact upon trip generation and needs to be the subject of detailed consideration. In particular, any submission will need to deal with:-
- The level of proposed charges to use such spaces, together with what parking actually serves what uses etc.;

- How issues of parking regulation and enforcement around the site and in adjoining areas will be managed – this being particularly important in places such as Swanscombe, Ebbsfleet and Northfleet where on-street parking could become an issue as a result of the development;
- The need for a Transport Plan - to cover servicing and manage employee trips/encourage the use of public transport in place of private car based trips;
- Highway monitoring to ensure that impacts are within acceptable limits relative to prediction; and
- The need for Transport Toolkit measures to be introduced as remedial actions where impacts are outside acceptable limits – including modifying parking charges to encourage a further shift to public transport/sustainable modes etc.

#### *Policy Documents*

- 8.68 The section on transport and access also needs to be reviewed to ensure that only those policy documents relevant to the area are included – although it is accepted that a development of this scale has the potential to impact in transport terms across a wide area.

#### *Consideration of All Transport Solutions*

- 8.69 It is considered that in the assessment of environmental effects of transport the approach should be to look at all possible scenarios and options to deliver transport solutions to the site such as the potential of providing parking off site in locations that are not dependent on the A2 trunk road for access but serviced perhaps by a rapid transport system or similar. Options for park and ride including provision for staff might also reduce the need for provision of multi storey car parking on site thus reducing costs of the development.
- 8.70 Paragraph 9.43 of the scoping report indicates that air traffic has been scoped out of the assessment by presumably the report might have the potential for customers/staff to access the resort by helicopter and the effect of this could also be assessed. It is noted that there is no reference in the scoping to the potential of Crossrail being extended to Northfleet and Gravesend.

#### *Air Quality*

- 8.71 The scoping report indicates that sensitive receptors are likely to be affected within the vicinity of the site through construction activities and traffic generated during both construction and operation and also from emissions from a proposed energy centre from the site.

#### *Assessment of Local Impacts*

- 8.72 It is important that the approach to air quality impacts is on the basis of detailed local assessment having relevant regard to the local population rather than a broad brush approach. It is essential that local impacts are fully assessed including the traffic impacts, the significant impact the energy centre may have on the development and the areas outside of the site and the impact the local air quality will have on the development.
- 8.73 The scoping report covers the minimum requirements to be assessed in terms of air quality but as this is a flagship development, which will be on site for many decades, it should be championing low emission development and therefore a commitment to having a low emission strategy is seen as a must as well as the use of innovative energy saving technology.

### *Agreement to Methodology*

- 8.74 In relation to the planned air quality impact assessment it is important that the methodology is agreed with both local councils, including the sensitive receptors, before the EIA is prepared. Consideration needs to be given as to whether any air quality monitoring needs to be carried out in areas where there is insufficient data especially where existing data indicates levels marginally below the EU limits and National Objectives, so that it can support the modelling.
- 8.75 It is important that where monitoring data exists it is used rather than national data as this tend to be too generic and based on modelling i.e. Gravesham have their own background monitoring network for nitrogen dioxide and as such this data should be used. Gravesham's monitoring data can be found at [www.kentair.org.uk](http://www.kentair.org.uk) and the raw passive monitoring can be supplied by the council direct.
- 8.76 All relevant emissions to air need to be considered not just nitrogen dioxide and particulate matter PM10, NOx, PM2.5 also needs to be modelled as well as carbon dioxide. The stack emissions from the energy centre will have additional pollutants that will need to be assessed. Contour maps will need to be provided as the relevant scales for all pollutants.

### *Air Quality Impacts from Traffic*

- 8.77 With regards to routes the traffic may take to get to and from the site this needs to be considered carefully. Construction traffic that has to use the local highway network (*although alternatives means of transport should be considered where possible*) should be given specific routes out to the motorway passing the minimum amount of residential receptors. This should be managed by GPS tracking on vehicles. Operational traffic i.e. business traffic during operation also needs to be controlled in a similar manner. Customer traffic needs to be assessed carefully as it is less easy to manage. Many customers may be staying in the area already rather than coming straight from Europe, therefore local roads will be affected. All possible routes will need to be assessed. It is noted that both EU limits and National Objectives will both be considered.

### *Mitigation and Management*

- 8.78 Mitigation measures will need to be put forward by the air quality consultants looking at both traffic impacts, that of the development on the locality e.g. the impact of the energy centre and also in relation to the impact of the local air quality on the development itself.
- 8.79 Management controls will need to be put in place in order that traffic created by the development does not grow exponentially after operation commences. The development's impact on the locality will need to be reviewed regularly and mitigation measures implemented as the local authorities require.
- 8.80 Previous presentations on the project have suggested that there could also be regular displays of fireworks to provide a finale to daily entertainment and to accompany special events. Presumably these could have an air quality impact and/or produce smoke that has the potential to drift over the River Thames and be a hazard to navigation. If this is the case, how will these be assessed through the EIA?

### *Noise and Vibration*

- 8.81 In terms of operational noise and vibration, it is noted that the key aspects to be assessed include noise from fixed plant and equipment; traffic noise generated by the development operation; and noise impact on the development itself.
- 8.82 Previous presentations on the project have suggested that there could also be regular

displays of fireworks to provide a finale to daily entertainment and to accompany special events. The special events themselves also have the potential to be significant generators of noise – i.e. concerts etc. with amplified music. There is no indication of such noise impact being identified in the scoping report.

#### *Construction and Traffic Noise*

- 8.83 Paragraph 11.43 of the scoping report indicates that construction noise is temporary and for relatively short periods of time. However this is a rather sweeping statement as construction activities have the propensity to cause significant harm to receptors unless properly controlled and mitigated.
- 8.84 There is a statement in paragraph 11.54 of the scoping report that in terms of traffic noise generated by the development an increase of up to 50% in traffic volumes is expected during the operation of the development. It is unclear how this has been estimated and it does not appear to be consistent with indications in the transport topic of the scoping report.
- 8.85 Paragraphs 11.55 to 11.58 of the scoping report relating to noise impact of the development appear to be standard type statements without any particular relevance to the actual scale and form of the development as proposed.

#### *Cultural Heritage*

##### *Significance of the Heritage Resource*

- 8.86 The archaeological potential of both Ebbsfleet and Swanscombe Peninsula is both significant and well understood given the long history of excavation in the local area and from previous assessment and investigation undertaken in relation to HS1 and the Ebbsfleet outline planning application.
- 8.87 The EIA Scoping Report in this respect appears to be reasonably comprehensive and no doubt that both English Heritage and Kent County Council will need to ensure that due weight is given to the significance of heritage assets.
- 8.88 The scoping report indicates that there is no single accepted or standard guidance for the assessment of the likely effects of the development on the archaeological and cultural heritage resource but that there are a number of sources of best practice guidance.
- 8.89 There are four scheduled monuments within the site boundary as well as a Site of Special Scientific Interest (SSSI) and there are a number of listed buildings and conservation areas nearby.

##### *Need for Additional Baseline Heritage Assessment*

- 8.90 The Scoping Report sets out considerable detail of the baseline heritage resource in relation to prehistoric and Roman/Saxon period but is light on detail when it comes to the later development of the two areas, particularly associated with the industrial development of Swanscombe and Northfleet from the early C19th onwards.
- 8.91 Swanscombe Peninsula can be characterised as an area where C19 – 20<sup>th</sup> industrial interventions are superimposed on a surviving skeletal medieval agrarian landscape. This landscape was created through the reclamation of the marsh by the construction of early tidal defences and the laying out of raised causeways (manorways) radiating northward from the Lower Road. It is believed that one of these provided access to a ferry to Grays in Essex, first recorded in 1308 and still operating in the 1840s. (*Reference - Joan Tucker: Ferries of the Lower Thames (2010) pages 166 – 167*)

8.92 There is extensive evidence relating to the more recent historic development of this area both in documentary and plan form. These include:

- Original 1799 Ordnance Survey drawings available from the British Library on-line gallery at:

<http://www.bl.uk/onlinegallery/onlineex/ordsurvdraw/d/002osd00000015u00385000.html>

- 1810 survey and John Rennie's plan for a new Royal Naval Dockyard on Swanscombe Peninsula (see below), available from the Public Records Office under references:-

MR 1/1347

MR 1/1351

MPE 1/728 (Ingress Abbey Estate)

- There is also a series of title deeds relating to the above, where land was acquired by the Crown to build the dockyard (scheme abandoned in 1812) under CRES 38/863.

8.93 As a result of a legal dispute between two rival cement manufacturers (White and Bevan), there is extensive research available from the 1880s that covers the development of both the Manor of Swanscombe and the marshland area from medieval times. This forms part of the Hewlett Papers at the Public Records Office under LRRO 67/103 & 104.

8.94 There should also be a large scale map of Swanscombe Level by the Commissioner of Sewers dated about 1826 in the Kent Archives Office, Maidstone under S/NK/P/8/5.

8.95 In addition to the above, it is understood that the Earl of Jersey tried to sell the Swanscombe Manor Estate in the 1820s and that the Sales Particulars are available at the Kent Archives Office. These contain reference plans relating to Swanscombe Marshes and the Ebbsfleet Valley area that may be of use. Similar plans from the 1872 sale of the estate are available in the Gravesham Reference Library local studies collection and at the British Library.

8.96 There is clearly a lot of information already extant on the historical development of the local cement and paper industries in this area. In addition to these there are some excellent aerial photographs of the factories that occupied the quarries here available on line at the *Britain from Above* website <http://www.britainfromabove.org.uk/>

8.97 Issue 7 of *Archive: The Quarterly Journal for British Industrial and Transport History* (September 1995) also includes an article by John Fletcher on Early Locomotives at Swanscombe Cement Works. This includes a number of old photographs of the works that presumably remain extant in the Lafarge archives.

#### *Mitigation*

8.98 A number of potential mitigation measures are indicated in paragraph 12.45 of the scoping report including as a starting point avoidance of direct impacts on archaeological remains through site selection and design although it is difficult to imagine, having regard to the known location of the archaeological resource, and the extent and location of the proposed works to access the development anything other than there being the potential for direct impacts on the archaeological remains.

#### *Kent County Council Heritage and Conservation Comments*

8.99 In addition to the above comments on cultural heritage the comments on the report and suggestions for information to be included in the Environmental Statement from KCC's Heritage and Conservation Manager form part of the Borough Council's overall response.



## Land Use and Socio-Economic Effects

### (a) Land Use Effects

#### *Green Belt Impacts*

- 8.100 Part of the application site enclosed by the red line boundary lies within the Metropolitan Green Belt to the south of the A2 Watling Street trunk road and A296 Roman Road in Dartford. Whilst it is understood that the inclusion of this area is intended to facilitate the highway improvements at the Bean and Ebbsfleet junctions necessary to service the development, it needs to be recognised that any other works or other built development would not be precluded within this area under any DCO.
- 8.101 It should also be noted that any proposals for development within the Green Belt (whether comprising highway works or not) would be subject to national policy that seeks to preserve openness and potential harm by reason of inappropriateness or other harm.
- 8.102 Paragraph 90 of the National Planning Policy Framework (NPPF, 2012) states that engineering operations or local transport infrastructure which can demonstrate a requirement for a Green Belt location may not be inappropriate where it preserves openness and does not conflict with the purposes of including land in it, but it is difficult to see how this would apply given the scale and form of the junction improvements set out in the most recent public consultation but not included in the EIA Scoping Report.
- 8.103 Whilst Green Belt represents a policy rather than an environmental constraint, aspects remain relevant to the EIA scoping because of potential harm to other interests of acknowledged importance – such as adverse landscape impacts, loss of best or most versatile agricultural land (Grade 2), and cultural heritage in terms of impact on the Springhead Roman Town Scheduled Monument and the contribution made to its significance by its setting at the head of the Ebbsfleet Valley.
- 8.104 It is difficult under these circumstance to see how the ES could ignore the Green Belt constraint given the above could constitute ‘other harm’ that would be material in determining whether ‘very special circumstances’ exist to justify setting aside policy. It would be appropriate therefore for the ES to consider alternatives to the indicative junction design set out in the public consultation that seek to mitigate impact on the Green Belt and other associated harm. Such mitigation might include placing some of the key links in tunnel rather than on bridge links to reduce visual/Green Belt impact (particularly that linking the new dual carriageway with the London westbound slip south of the A2) provided this can be designed and constructed in such a way that any potential impact on archaeological deposits is deemed to be acceptable.

### (b) Socio-Economic Effects

#### *The Need for Full Assessment of Impacts on Employment, Housing and Social Infrastructure*

- 8.105 In this section of the scoping report it is indicated that the assessment will consider the impact on the economy and tourism from the creation of 27,000 direct and indirect jobs and that the socio-economic effects will be considered in relation to the construction period (3 years) and for the operating period (over a period of 25 years), considering the value of these effects on the economy as well as any potential negative socio-economic effects, identifying any mitigation to minimise the effects.
- 8.106 The economic and tourism benefits of the development locally are without question substantial. The development represents a significant regeneration opportunity which the area will stand to benefit from and an opportunity to re-balance the local economy and provide a new employment offer to replace many of the traditional industrial jobs that have

been lost locally in the last few decades and in the light of the more recent economic recession. However the actual impacts of the development in terms of the job market, impacts on local business supply and demand, the impacts on local housing supply and demand both during the construction phase and during its operation and the impact on all forms of social infrastructure need to be fully assessed through the EIA process.

- 8.107 Paragraph 13.31 indicates that it will be necessary to assess the effects of the development on the local housing market during the construction period but does not set out how this will be done.
- 8.108 For the operating period there is no reference to the impact on housing demand and supply or in relation to the impact on other aspects of social infrastructure such as health care provision.
- 8.109 The scoping report does not indicate whether there would be an assessment of the impact on the demand for business provision in response to the development of the resort.
- 8.110 The London Paramount development is likely to have a profound effect on the economy of the area and the way in which local people can gain access to paid employment of different types and skill level. This may also have implications for other businesses in the area as they attempt to secure the services of people to work in their companies given the increased competition for labour.

#### *Demand for Housing Provision*

- 8.111 As noted above, there may also be implications in terms of the most appropriate spatial strategy for the boroughs of Dartford and Gravesham should demand for housing of various types, price and tenure arising from an employment-led development scenario differ from existing objectively assessed need. Such implications potentially relate not only to absolute numbers of dwellings but also the proportion of dwellings that are affordable as a result of the wage profile of those employed at the resort.

#### *Demand for Employment Floor Space*

- 8.112 In addition, there may also be implications for the level of demand for B Use Class employment floorspace in Dartford and Gravesham. To ensure that the local area is in a position to take full advantage of the economic benefits that might arise, there is a need to understand whether London Paramount will lead to additional demand for B use Class floorspace from supporting firms supplying or servicing the site. On this, the ES should ideally assist in identifying the likely level of any such demand as a socio-economic impact. Alternatively, there may be potential to release existing employment sites for housing should London Paramount provide a suitable alternative way of meeting an identified need for jobs and this also needs to be explored.
- 8.113 Given London Paramount stands to be super-imposed on an area where existing development plan policy prevails and the project does not accord with the development plan, it is imperative that the implications are properly understood in order that the spatial strategy can be modified as appropriate if it is deemed necessary to do so.
- 8.114 The NSIP Examiner's Report to the Secretary of State on the Daventry Rail Freight Interchange Extension at paragraph 4.18 considered the strategic fit of the proposal with development plans for the area in terms employment and housing capacity to support the development. Similar considerations would apply to London Paramount and this justifies the Council's response to socio-economic impacts.

For Examiners Report see <http://infrastructure.planningportal.gov.uk/wp-content/uploads/projects/TR050001/3.%20Post%20Decision%20Information/Decision/Examining%20Authority%20report%20to%20Secretary%20of%20State.pdf>

- 8.115 The EIA Scoping Report acknowledges that there is no established principles for undertaking a social-economic impact assessment but appears to rely primarily on an HM Treasury Green Book approach to assess socio-economic impacts. It is considered that this lacks the level of fine detail necessary to properly understand the implications for the local area. What is proposed for inclusion in the ES is therefore seen as inadequate.

*Additional Analysis Required*

- 8.116 As an absolute minimum, the applicant should therefore address deficiencies in the following areas:-

- A detailed profile of labour demand arising from the development (during both construction and operation) should be provided detailing the types, skill and wage levels of jobs (distinguishing between temporary/permanent/full/part-time jobs) to be created both on and off site;
- An analysis detailing the catchment from which such labour is likely to be drawn (disaggregated to show potential variation in catchment for different categories of labour supply); current socio-economic and labour market conditions within that catchment (including sub-areas where disaggregated); and the ability of that catchment to meet labour demand, paying particular attention to sub-areas within North Kent and adjoining areas to ensure that there is a good fit between the potential supply and demand for labour; *(and this also feeds into the transport analysis)*
- An analysis detailing any potential skills gaps required to be filled to service the London Paramount development and how those gaps might be filled so that local people can take full advantage of the opportunities development may bring. Early discussions with Jobcentre Plus would be helpful in terms of identifying capacity in the local labour market and what effects such a project would have on the wider sub regional employment market and potential transport issues. Jobcentre Plus is in similar early discussions with Ebbsfleet UDC;
- An analysis detailing the extent to which the proposed development will contribute to economic or regeneration objectives for the area, including potential cumulative impacts having regard to other current and planned major economic developments within the area. Such analysis will also need to identify implications for the employment strategies (either implicit or explicit) in existing development plans for the area, particularly in terms of whether London Paramount could act as a substitute for existing employment allocations and/or likely demand for B Class (or other Use Class) employment space within the area;
- An analysis detailing any implications of London Paramount in terms of in-commuting and housing need generated within the area under different employment scenarios. Such an analysis should also include details of any proposals to provide on or off-site staff accommodation for London Paramount during both construction and operational phases. In terms of the construction stage this should also consider the knock on effects to local B&B and hotel bed supply and environmental impact these may cause on land uses (i.e. temporary workers camps);
- An analysis and justification for the retail and leisure components at London Paramount as an out of centre location that might compete with or divert investment away from other existing or planned centres in the form of an NPPF compliant retail and commercial leisure impact assessment;

- An analysis of visitor and tourist impact on the wider area as a result of the operation of the London Paramount facility, detailing possible multiplier effects within the local economy. This should also include details of likely levels of indirect/induced employment associated with the spending of visitors, together with indirect/induced employment associated with the spending of on-site employees; Visit South East and Visit Kent may have primary research concerning domestic and foreign visitor behaviour of choices.
- An analysis of the implications of London Paramount (in combination with the phased delivery of other planned development) in terms of impact on population and the local labour market, together with increased demand for improved social infrastructure during both the construction and operational phases – including the need for additional health provision, child care, sports and recreational provision to meet the needs to employees/visitors, policing, fire services and emergency planning etc.; and
- An analysis of trade diversion that might occur as a result of the London Paramount development, having regard to the economic impact on existing provision within the facility's zone of influence. i.e.
  - Alternative Theme Parks – such as Legoland, Chessington, Thorpe Park, Disneyland Paris etc.
  - Alternative Cinemas – such as at Bluewater, Lakeside, Medway Valley, the Woodville etc.
  - Alternative Theatres and Venues - such as the Orchard, the Woodville, the Churchill at Bromley etc.
  - Other Hotel/Guest Accommodation – to be identified.

8.117 The above should be subjected to sensitivity testing in order that the robustness of assumptions made and therefore of the analysis itself is understood.

8.118 As noted above, Gravesham Council is currently in the process of commissioning (in partnership with Medway Council) a Strategic Housing and Employment Needs Assessment (SHENA) which will also have regard to the input of a variety of key stakeholders. This may provide an opportunity for the applicant to work with the Council in providing a consistent evidence base in respect of housing, employment and retail elements that may assist their work in this area.

#### *Source Documents*

8.119 It is suggested that the list of policy documents/supporting studies set out in the tables under this section need to be reviewed to ensure they are of relevance. Whilst some of the employees at the site may come from London, it is not clear how the range of London based documents are of direct relevance.

The most up to date documents are:

Thames Gateway Kent Growth Plan 2014-2020 – this acts as GBC's Economic Development strategy.

<http://www.tgkp.org/content/documents/TGKP%20Growth%20Plan%20May%202014%20Final.pdf>

Unlocking the Potential: Going for Growth Kent and Medway's Growth Plan: Opportunities, challenges and solutions 2013. (Note: The Borough Council does not support the Lower Thames Crossing option C)

[http://kmep.org.uk/documents/Unlocking\\_the\\_Potential\\_-\\_v.3.1\\_19.12.13.pdf](http://kmep.org.uk/documents/Unlocking_the_Potential_-_v.3.1_19.12.13.pdf)

<http://www.southeastlep.com/about-us/activities> , for example they are working on a Construction Apprenticeship programme <http://www.tracweb.co.uk>

### Waste

- 8.120 The scoping report indicates that the development has the potential to generate substantial quantities of operational waste particularly food waste and recyclable waste. It is noted that as part of the baseline data assessment the applicants will examine replicable developments and it is suggested that this should include comparable leisure resorts in Europe.

### *Sustainable Practices and Setting Targets*

- 8.121 It is anticipated that the project will seek to minimise waste and encourage sustainable practices as an exemplar scheme. The ES should detail the types of and scale of waste likely to be generated and outline the strategy for waste minimisation, re-use and recycling – including on-site composting etc. as appropriate. If the operator intends to set a target for re-use/recycling of waste, this should be clearly set out in the ES.
- 8.122 It is also assumed that advantage will be taken to link waste management with renewable energy generation on or adjacent to the site, commensurate with the need to maintain or improve air quality.

### *Use of River for Waste Movement*

- 8.123 Consideration should be given to the significant use of water transport to service the site both during the construction and operational phases – including for the removal of waste.

### Construction Impacts

- 8.124 The scoping report does not consider construction as a separate topic but the report does consider the impact that the construction phases will have in relation to other EIA topics. Apart from providing a broad idea of the time period of the construction phase and the overall number of construction workers employed, there is very little detail on construction other than such issues would be dealt with via a Construction Environmental Management Plan (CEMP) or Code of Construction Practice (CoCP).
- 8.125 A phasing plan for the construction phase (detailing what key operations will be undertaken when); details of the demand for labour over that phasing plan; and how opportunities for local employment will be facilitated should be provided as part of the assessment. If there is a need for construction camps/temporary accommodation during this period, details should be provided and the broad location of such facilities agreed. Similarly, if the approach toward construction requires off-site assembly/fabrication of built elements or attractions, this should be clearly set out with the locations of such sites and means/routes for transferring to site agreed.
- 8.126 Whilst the review of environmental impacts likely to arise in terms of noise, dust, vibration, and air quality and how they could be mitigated or controlled is appreciated, without some basic facts on the scale of the construction works and how they would be facilitated, it is difficult to assess whether the suggested measures will be adequate or to scope possible alternatives for consideration.
- 8.127 For example, whilst it is appreciated that traffic movements are likely to be lower during the construction phase compared to the operational phase (albeit the proportion of HGVs etc. will also differ) it is unlikely that the proposed new dedicated access from the A2 will be in

place early enough to keep these movements off the local road network. The use of waterborne transport or rail (via the Lafarge site) should therefore be considered as alternatives to reduce impact on local communities and the need for any temporary haul roads etc. agreed (for example to avoid placing unacceptable loadings on the A226 Galley Hill Road). The cumulative impact with other construction activities in and around the Ebbsfleet Valley/Northfleet Embankment occurring at the same time will also have to be taken into account.

### Renewable Energy etc.

- 8.128 The development clearly has the potential to provide renewable energy and be at the cutting edge of new technology in energy provision.
- 8.129 Apart from mention of the development including a renewable energy centre, there appears to be little said about this aspect in the scoping report and the need/desirability of reducing the carbon footprint of the development. Presumably there will be further discussions on this as the project progresses, including a possible renewable energy target for the site and the types of technology likely to be employed (such as wind energy sources). The potential to develop a renewable energy centre that can expand to act as a hub for a wider CHP/district heating system serving adjoining development would also be worth considering at an early stage. If such provision is to be made then this needs to be properly assessed in terms of potential environmental impacts.
- 8.130 Consideration should also be given to the sustainable procurement of materials/products/services at an early stage that would also benefit the wider local economy. This could include a commitment to procure a stated percentage of foodstuffs for consumption within the resort from local producers (i.e. within a set distance of the resort or a particular geographical area) to reduce food miles and support local agriculture.

## **9. Conclusion**

- 9.1 There is clear support from the Borough Council 'in principle' for the development project by London Paramount on the basis of the significant regeneration benefits and substantial employment benefits that the entertainment resort can bring to the local area.
- 9.2 However whilst it is acknowledged that the proposal is still in development, there is a need to ensure that potential environmental impacts and environmental constraints are fully considered and addressed through the planning process and from the formulation of the proposed EIA.
- 9.3 The intention in making these comments is therefore to assist the applicants by raising issues at the earliest possible opportunity in order that work commissioned to inform the EIA and its scope is adequate to support the subsequent NSIP application.
- 9.4 Although the scoping report provides a good basis and framework for assessing the overall environmental effects of the development there are some areas and some topics, notably in relation to transport and socio-economic effects, that additional information is absolutely necessary to ensure that the environmental effects can be fully considered and that the Borough Council will have the confidence to prepare its Local Impact Report (LIR) in due course.
- 9.5 The Secretary of State is advised that the additional information referred to in section 8 of this Council's report should be provided by the applicants in the environmental statement to accompany the Development Consent Order application that will be submitted to PINS.

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**Recommendation:**

**That the Secretary of State be advised of the Council's response to the EIA scoping report and of the additional information that should be provided in the preparation of the Environmental Statement to accompany the application by London Paramount for a Development Consent Order.**

**Case Officer: Peter Price**

**Date: 8 December 2014**

File Location: F: Plan/Typing/General/Peter/Delegated Reports/Uniform - 20141075- Delegated Report - London Paramount - EIA scoping report consultation







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**SENT BY EMAIL**

5<sup>th</sup> December 2014

Dear Peter

**Re: London Paramount Entertainment Resort: Environmental Impact  
Assessment Scoping Report**

Further to our discussion regarding the above, my comments on the report and suggestions for information which should be included in the Environmental Statement are set out below.

**Ch 4 Proposed scope and structure of the Environmental Statement**

The Environmental Statement should include a description of the cultural heritage resource in all its elements including Pleistocene geology, Holocene palaeoenvironmental evidence, historic landscapes and industrial heritage, together with an assessment of its significance.

In the matrices describing the sensitivity of receptors, sites of 'Very High' sensitivity should include archaeological sites of known international significance not just World Heritage Sites, as there is no European level system of international designation for cultural heritage sites, and the designation of WH sites is restricted by political factors.

**Ch 5 Landscape and Visual effects**

I welcome the inclusion of the historic landscape dimension in the Landscape and visual effects chapter. Landscape features created by former and current industrial activities such as the dramatic landforms left by quarrying or the landmarks relating to cement production and power generation (such as the 'superpylon' on the northern edge of the peninsula) contribute greatly to the landscape character of the area and form lasting reminders of a period in history where Britain probably had its greatest impact on a world scale. Assessment of the industrial heritage of the area should not be reduced to categorising the area as a wasteland or of automatic low environmental quality but should objectively assess the cultural and social aspects of the landscape rather than assuming that the immediate pre-industrial landscape had

any higher value than any of the other now invisible landscapes which were once present within the development site.

The Thames Gateway Historic Environment Characterisation project is listed as a baseline study but this study is inadequate in its assessment of archaeological character and is also now very out of date. It should not be used to inform any assessment of archaeological character for the site or wider area.

The Kent Historic Landscape Character assessment should be included in the baseline studies but more detailed historic landscape character assessment should be carried out for the site level of description and assessment as the Kent study is intended to be very broad brush. Useful information may also be found in the recent Kent Farmsteads Guidance baseline study.

Swanscombe Heritage Park and SS Peter and Paul, Swanscombe should be taken forward as viewpoints. The Heritage Park should also be considered as a heritage site rather than just as a public open space. The contemporary landscape would have been radically different to the present day but views to the River Thames and Ebbsfleet Valley from adjacent high ground are important aspects to understanding its former landscape setting. The Palaeolithic sites such as the Bakers Hole scheduled monument, in the Ebbsfleet Valley should also be assessed in terms of landscape legibility.

### **Ch 6 Ecology**

The Bakers Hole SSSI is considered under ecology but should be considered as earth heritage and also under cultural heritage as it is designated for its archaeological and geological value.

### **Ch 7 Water Resource management and Ch10 Air Quality**

The assessment of these aspects should include cultural heritage receptors in terms of the effect of water quality on organic remains, microfossils and other environmental indicators within buried archaeological deposits and the effect of air quality on built heritage receptors.

### **Ch 12 Cultural Heritage**

The site is located in an area which is one of the most important areas for Palaeolithic archaeology in the country, with several sites of international significance. There are also nationally important sites, some of which are not protected by designation, from several other archaeological periods within the valley. 12.6 Best practice guidance - documents in this section should include the EIA guidance prepared during the Planarch project, Kent Farmsteads guidance and the emerging South East Historic Environment Research Framework.

12.7 Relevant designations – the correct spelling of the Latin name for the Roman town of Springhead is 'Vagniacis' and the text is incorrect in stating that the designation was designed to protect the outer edges of the settlement; at the time of scheduling the main focus was thought to be within the area designated as the main Roman road was wrongly thought to pass through the area south of the A2.

12.11 Baseline data – there are many more archaeological reports and studies which will be relevant to the Environmental Statement; in particular desk-based assessments and archaeological evaluation has been carried out in the Ebbsfleet Valley and a desk-based assessment has been carried out for the Swanscombe peninsula applications. The North Kent Coast Rapid Coastal Zone Assessment Survey and the Thames Estuary Aggregates Survey should be included. A full list of recent reports can be obtained from the Kent Historic Environment Record.

12.12 A study area of 500m from the edge of the site will be inadequate to understand the archaeological potential of the area. I would expect that at least a 1km study area would be needed.

12.19-12.20 The Saxon to Modern section of the scoping report is very superficial and will need to be considerably expanded for the ES. The post-medieval evidence considered should include water management of the earlier courses of the Ebbsfleet river including the later Northfleet mill known from documentary evidence, use of the southern part of the valley for watercress cultivation (the first time watercress was cultivated in the UK), the earlier cement industry which at the Swanscombe Works included the first commercially viable production of Portland cement, and the later focus of the area for power generation and transmission.

12.32-12.33 Identification of baseline conditions – the desk-based assessment for the site will need to include specialist input on Palaeolithic archaeology, palaeoenvironmental evidence and industrial heritage in particular. The IFA guidelines are likely to be inadequate in these areas and I would suggest that the desk-based assessment follows recent best practice for work undertaken on other major development sites in the area. I would be happy to provide examples of what would be expected. As stated above I would expect that at least a 1km study area rather than a 500m area would be appropriate and would help reduce the risk of unexpected discoveries during later phases of the development.

12.35 – Many relevant sources and studies have not been mentioned – I would be happy to provide a full list of recent relevant work.

12.36 – the assessment of the baseline resource should follow a staged approach including desk-based assessment of geotechnical and archaeological studies to produce a preliminary deposit model, geophysical survey including electrical sectioning and limited boreholes to refine and enhance the deposit model, the preparation of archaeological character areas, targeted archaeological field evaluation, and further refining of the archaeological character areas. It is important that this work starts as soon as possible as at least some archaeological field evaluation is likely to be needed for inclusion within the ES. I would be happy to provide examples of previous assessments which have prepared archaeological character areas which have been extremely useful in aiding the decision-making process and allowing the development to proceed efficiently and speedily.

Table 12.1 - the category of Very High should include archaeological sites of accepted international importance not just World Heritage sites.

**Residual effects** – the ES should also include consideration of the potential positive effects of the development both in terms of site management and heritage interpretation, together with educational and skills development opportunities. The development site includes the scheduled monument of Bakers Hole Palaeolithic site which is on the Heritage at Risk register – there is clearly an opportunity with the new development to improve the condition of the monument and allow it to be

removed from the list. The development should also take on the responsibilities of the previous planning permission within the Ebbsfleet Valley to prepare and carry out a management plan for significant heritage assets within the site.

The ES should also consider the positive opportunities which the development may provide for interpretation of heritage and display of archaeological archives created as a result of the work. The NPPF (para 141) states that archaeological evidence and the archives generated should be made publicly accessible. There are also opportunities for the creation of heritage features as part of the proposals e.g. a reconstruction of the Ebbsfleet Anglo-Saxon watermill which was excavated as part of the Channel Tunnel Rail Link work. The developer should expect to make a financial payment for the long term storage and public access to the archaeological archives generated by the project.

The ES should consider the environmental impacts in an integrated way so the Cultural Heritage section should include an assessment of the impacts of e.g. mitigation measures required for flood risk management or ecological mitigation.

I would be happy to discuss any of the above in more detail.

Yours sincerely

**Lis Dyson**  
Heritage Conservation Manager

**From:** [Margaret.Ketteridge@gtc-uk.co.uk](mailto:Margaret.Ketteridge@gtc-uk.co.uk)  
**To:** [Environmental Services](#)  
**Subject:** BC080001  
**Date:** 20 November 2014 15:18:38

---

Dear Sirs

With reference to the above I can confirm that the following have no comments to make at this moment in time.

GTC Pipelines Limited  
Quadrant Pipelines Limited  
Independent Power Networks Limited  
The Electricity Network Company Limited  
Independent Pipelines Limited

Kind Regards

Maggie

Maggie Ketteridge  
*Engineering Support Officer*  
GTC  
Energy House  
Woolpit Business Park  
Woolpit  
Bury St Edmunds  
Suffolk, IP30 9UP  
Tel: 01359 245406  
Fax: 01359 243377  
E-mail: [margaret.ketteridge@gtc-uk.co.uk](mailto:margaret.ketteridge@gtc-uk.co.uk)  
Web: [www.gtc-uk.co.uk](http://www.gtc-uk.co.uk)

**NOTE:**

This E-Mail originates from GTC, Energy House, Woolpit Business Park, Woolpit, Bury St Edmunds, Suffolk, IP30 9UP  
VAT Number: GB688 8971 40. Registered No: 029431.

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PINS RECEIVED

09 DEC 2014

HID Policy - Land Use Planning  
NSIP Consultations  
Building 5.S.2, Redgrave Court  
Merton Road, Bootle  
Merseyside, L20 7HS

Your ref: BC080001  
Our ref: 4.2.1.4370

HSE email: [NSIP.applications@hse.gsi.gov.uk](mailto:NSIP.applications@hse.gsi.gov.uk)

FAO Will Spencer  
The Planning Inspectorate  
3/18 Eagle Wing,  
Temple Quay House  
2 The Square, Bristol  
BS1 6PN

Dear Mr Spencer,

5 December 2014

**PROPOSED LONDON PARAMOUNT ENTERTAINMENT RESORT (the project)**  
**LONDON RESORT COMPANY HOLDINGS (the applicant)**  
**INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 (as amended) – Regulations 8 and 9**

Thank you for your letter of 11 November 2014 regarding the information to be provided in an environmental statement relating to the above project. HSE does not comment on EIA Scoping Reports but the following information is likely to be useful to the applicant.

### **HSE's Land Use Planning Advice**

#### Major Hazard Installations

The proposal does not fall within the Consultation Zones of any Major Hazard sites. Furthermore, based on information available to HSE on the location of Major Accident Hazard Pipelines (MAHPs), the project will not include development or construction activities within the Consultation Zones of any such pipelines. You are advised not to rely solely on the information contained in this representation as reflecting the current status of MAHPs that could affect your proposal. Please refer to other sources of information, e.g. local authority pipeline records, as pipeline operators have a duty to supply information on pipelines including location to local authorities for emergency planning purposes. Nevertheless, based on our records, the HSE would not expect to advise against any planning application arising from this proposal.

#### Would Hazardous Substances Consent be needed?

The presence on, over or above land of certain hazardous substances, at or above set threshold quantities (Controlled Quantities), may require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended. The substances, alone or when aggregated with others, for which HSC is required, and the associated Controlled Quantities, are set out in The Planning (Hazardous Substances) Regulations 1992 as amended by The Planning (Hazardous Substances) (Amendment) (England) Regulations 2009 and 2010.

Hazardous Substances Consent would be required if the site is intending to store or use any of the Named Hazardous Substances or Categories of Substances and Preparations at or above the controlled quantities set out in schedule 1 of these Regulations.

Further information on HSC should be sought from the relevant Hazardous Substances Authority.

#### Explosives sites

The proposed London Paramount Entertainment Resort development poses no issues provided that there are no vulnerable buildings on the border of the development. At the moment there are no defined plans but there could be issues with vulnerable buildings at a later stage.

#### Waste

In respect of waste management the applicant should take account of and adhere to relevant health and safety requirements. More details can be found on HSE's website at:

<http://www.hse.gov.uk/waste/index.htm>

#### **Electrical Safety**

The project involves connections to electrical power distribution systems and has an impact on the existing generation, transmission and distribution assets on the UK mainland. In the light of that, HSE offers the following comments:

As well as satisfying general health and safety legislation (ie the Health and Safety at Work etc Act 1974 and supporting regulations), the proposed design and future operations must comply with the Electricity at Work Regulations 1989 and the Electricity, Safety, Continuity and Quality Regulations 2002 as amended. Generators, distributors, their contractors and others have defined duties in order to protect members of the public from the dangers posed by the electrical equipment used. HSE enforces the safety aspects of these regulations. If you have any doubts about the particular application of these regulations in terms of either the operation or construction of generators, substations, overhead lines or underground cables please contact Mr J C Steed, Principle Specialist Electrical Inspector, either at [john.steed@hse.gsi.gov.uk](mailto:john.steed@hse.gsi.gov.uk) or Rose Court GSW, 2 Southwark Bridge Road, London, SE1 9HS.

Please send any further electronic communication on this project directly to the HSE's designated e-mail account for NSIP applications. Alternatively, any hard copy correspondence should be sent to:

Miss Laura Evans  
NSIP Consultations  
5.S.2 Redgrave Court  
Merton Road  
Bootle  
Merseyside  
L20 7HS

Yours sincerely,



Laura Evans  
HID Policy - Land Use Planning



**From:** [Musa, Muhammad](#)  
**To:** [Will Spencer](#)  
**Subject:** FW: London Paramount Entertainment Resort (ref: BC080001)  
**Date:** 14 November 2014 18:12:02

---

Dear Mr Will Spencer,

In line with the following, may I know the project details in relation to the disused railway bridge Station Road Southfleet with OS Ref as TQ614720. The Engineering Line Reference for this bridge is END/709 carries the road B262 Station Road. Actually Highways Agency is responsible for the maintenance of this structure and would be interested to know if the proposed scheme would have any potential impact on this structure.

Please let me know should you require any further information.

Regards

Musa

**Historical Railways Estate Team**  
**Highways Agency**  
Hudson House | Toft Green | YORK | YO1 6HP  
Web: <http://www.highways.gov.uk>  
Tel: +44 (0) 1904 524866 | Mobile: + 44 (0) 7714 999339

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Highways Agency, an executive agency of the Department for Transport.

---

**From:** Davies, Robert  
**Sent:** 14 November 2014 11:55  
**To:** Musa, Muhammad  
**Subject:** FW: London Paramount Entertainment Resort (ref: BC080001)

Musa

The attached email relates to a proposed planning application. I have taken a look at the documents and Bridge No. END/709 seems to be located at the southern boundary of the site boundary. Perhaps it would be a good idea if you took a look at the links and decide whether or not you should comment re the structure at this stage of the planning process.

Regards

Rob

**Robert Davies**

**Historical Railways Estate**

Highways Agency | Hudson House | Toft Green | York | YO1 1HP

Tel : 01904 524869

Web: <http://www.highways.gov.uk>

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---

**From:** Environmental Services [<mailto:EnvironmentalServices@infrastructure.gsi.gov.uk>]  
**Sent:** 11 November 2014 13:35  
**To:** hreenquiries  
**Subject:** London Paramount Entertainment Resort (ref: BC080001)

Dear Sir/Madam,

Please see the link below in respect of the EIA scoping consultation for the above project:

<http://infrastructure.planningportal.gov.uk/wp-content/uploads/2014/11/141111-Letter-stat-cons-ScopingAND-Reg9Notification.pdf>

Will Spencer  
EIA & Land Rights Advisor  
Major Applications and Plans, The Planning Inspectorate, Temple Quay House, Temple Quay, Bristol, BS1 6PN

Direct Line: 0303 444 5048

Helpline: 0303 444 5000

Email: [will.spencer@pins.gsi.gov.uk](mailto:will.spencer@pins.gsi.gov.uk)

Web: [www.planningportal.gov.uk/planninginspectorate](http://www.planningportal.gov.uk/planninginspectorate) (Planning Inspectorate casework and appeals)

Web: [www.planningportal.gov.uk/infrastructure](http://www.planningportal.gov.uk/infrastructure) (Planning Inspectorate's National Infrastructure Planning portal)

Twitter: [@PINSgov](https://twitter.com/PINSgov)

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**From:** [Bown, Kevin](#)  
**To:** [Environmental Services](#)  
**Cc:** "[Kevin Doyle](#)"; [Adrian.Pigott@kent.gov.uk](mailto:Adrian.Pigott@kent.gov.uk); "[Sonia Bunn](#)"; "[Chadwick, Tony](#)"  
**Subject:** Highways Agency response re PINS EIA Scoping Report consultation on proposed London Paramount Entertainment Resort  
**Date:** 24 November 2014 16:40:28

---

Dear Sirs

Thank you for consulting the HA regarding the above.

We have been working with Paramount Park and their consultants for some months regarding the transport impacts of the proposed development, including its connections to the strategic road network (SRN).

The Scoping Report identifies most of the key issues and matters that need to be covered from the HAs perspective subject to the following comments:

- 1) The EIA will also need to take due account of the HAs own proposals for the A2 Bean and Ebbsfleet junctions. The improvements, announced as part of Spending Review 13, are currently being worked up. The procedures to be followed (Planning/Highways Act or DCO) and timings of consultations/ submission/ examination/ implementation if permitted are yet to be agreed but should be in the relative near future. I am due to attend a meeting with PINS/Paramount on 11 December and would be pleased to discuss any issues arising from this matter.
- 2) We are working with Paramount but have yet to agree the details of their proposed methodology and modelling and hence likely required mitigation. We do not anticipate this giving rise to any insurmountable issues; rather it is a matter of needing to carry out the necessary work to an agreed timetable. In the meantime, we are content for the "envelope" approach to be used in the EIA to take account of all likely eventualities.
- 3) Re para 9.4: It should be noted that the old 2007 Guidance on Transport Assessment has recently been archived and replaced by guidance in the NPPG.
- 4) Re para 9.6: Due account should be taken of the HAs Route Strategy approach to future investment, operation and maintenance of the SRN, with particular account to be taken of any relevant announcements in the forthcoming 2014 Autumn Statement.

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

Regards

**Kevin Bown, Asset Manager, Area 4 (Kent)**

Highways Agency | Federated House | London Road | Dorking | RH4 1SZ

**Tel:** +44 (0) 1306 878621

**Web:** <http://www.highways.gov.uk>

**GTN:** 3904 8621

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Will Spencer  
National Infrastructure Directorate  
The Planning Inspectorate  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

**Environment Planning and Enforcement**  
Invicta House  
County Hall  
Maidstone  
ME14 1XX

Phone: 01622 221505  
Ask for: Liz Shier  
Email: [liz.shier@kent.gov.uk](mailto:liz.shier@kent.gov.uk)

9<sup>th</sup> December 2014

Dear Mr Spencer,

### **London Paramount Entertainment Resort – Environmental Impact Assessment Scoping Report**

The County Council welcomes the opportunity to comment on the above consultation document. KCC are supportive in principle of the Paramount Entertainment Resort and recognise the considerable economic benefits the proposal will bring to the County. This is a major development in Kent Thameside and KCC are keen to ensure that all potential impacts are properly considered and addressed through the planning process.

This letter sets out a number of points which the County Council would wish to see addressed in the Environmental Statement (ES). A table is appended which provides further detailed points that need to be considered by the applicant. KCC have been involved in initial discussions with the applicant but are keen to be fully involved in helping to take the scheme forward.

### **General Comments**

The County Council understand that the project is at an early stage and the content of the development will be subject to evolution and the development boundary is expected to retract, but it is difficult at this stage to have a real understanding of the proposal and the extent of the development. It would be helpful to have greater clarity of the development parameters in order to confirm the EIA requirements e.g. the extent of land raising, the size, height and distribution of uses across the site.

Greater reference should be made to the National Planning Policy Framework (NPPF) and to other major regeneration and investment programmes including Garden City, Homes and Road, South East Local Enterprise Partnership and Kent Growth Strategy. A clear phasing and delivery strategy would also assist in understanding overall benefits and opportunities.



This is available in larger print on request

## Landscape

For an application of this scale and national significance, the Landscape & Visual Impact Assessment (LVIA) and the iterative consideration of landscape through the scheme's design should be of the very highest quality.

The comments given below and in the attached table are based upon published landscape references, the LVIA Guidelines (2013) and the National Planning Policy Framework (NPPF) guidance as well as best practice in understanding and applying landscape knowledge through the planning system from the professional body, the Landscape Institute.

In line with the NPPF an integrated approach to all development is sought. The European Landscape Convention (ELC) definition of landscape aligns with the NPPF (9) pursuit of Sustainable Development. "... seeking positive improvements in the quality of the built, natural and historic environment as well as people's quality of life." The built, natural and historic environment together, produces the character of our landscapes.

Landscape should be considered alongside ecology, heritage etc, it is a framework, the result of how people and these elements have interacted over time. Considering landscape separately risks missing the identification of impacts, and is against the intention of the EIA process. Cross references should be made between the disciplines. GLVIA (Para 3.17) "The EIA co-ordinator will usually play an important part in facilitating such integration across the topic areas."

Given the complexity and national significance of the proposal the scoping document should utilise the professional guidance available. The GLVIA provides this and it is the role of the landscape professional to determine the elements of the Guidance required for their proposal and to explain how these elements will be applied. It is expected that the majority of this guidance will be needed and should be followed and its intention understood and reflected. In our view the identified 'key matters' for scoping included in the GLVIA are imperative to the scoping element of this scheme.

The terms used in LVIA have a specific and clearly defined meaning. The LVIA is designed to be a rigorous, repeatable methodology, for a topic that has a high degree of subjectivity. Some terms appear to have been misinterpreted in the Scoping Report.

The applicant has acknowledged the ELC, but its principles have not been applied in the Scoping Report. For example: the broad definition of landscape is quoted, yet the Baseline research proposed is narrow and minimal, without referencing the breadth of information needed to understand a landscape. The ELC and indeed all of these references should be *applied* based upon their intention and not just re-iterated.

The ELC applies to degraded, as well as protected landscapes, therefore this LVIA should be as robust as one for a proposal within an AONB or National Park.

It is recommended that, given the ELC and LCA definitions of landscape and landscape character respectively, that the applicant adhere to these and whilst taking the broadest meaning of landscape, consider other paragraphs of the NPPF. Including (but not limited to):

- Core principles. These reference character and function, both relevant to and referenced in best practise guidance for LVIA.



- The whole thread of sustainable development runs through the NPPF – therefore we will be seeking environmental gains, along with gains for society and the economy. Landscape should provide the framework within which these gains fit.

KCC are keen to meet with the applicant and their landscape advisers to provide advice on the type and degree of expectations we would have for the LVIA and landscape.

### *Historic Landscape*

The inclusion of the historic landscape dimension in the Landscape and Visual Effects chapter is welcomed. Landscape features created by former and current industrial activities such as the dramatic landforms left by quarrying or the landmarks relating to cement production and power generation (such as the 'superpylon' on the northern edge of the peninsula) contribute greatly to the landscape character of the area and form lasting reminders of a period in history where Britain probably had its greatest impact on a world scale. Assessment of the industrial heritage of the area should not be reduced to categorising the area as a wasteland or of automatic low environmental quality but should objectively assess the cultural and social aspects of the landscape rather than assuming that the immediate pre-industrial landscape had any higher value than any of the other now invisible landscapes which were once present within the development site.

The Thames Gateway Historic Environment Characterisation project is listed as a baseline study but this study is inadequate in its assessment of archaeological character and is also now very out of date. It should not be used to inform any assessment of archaeological character for the site or wider area.

The Kent Historic Landscape Character assessment should be included in the baseline studies but more detailed historic landscape character assessment should be carried out for the site level of description and assessment as the Kent study is intended to be very broad brush. Useful information may also be found in the recent Kent Farmsteads Guidance baseline study.

Swanscombe Heritage Park and SS Peter and Paul, Swanscombe should be taken forward as viewpoints. The Heritage Park should also be considered as a heritage site rather than just as a public open space. The contemporary landscape would have been radically different to the present day but views to the River Thames and Ebbsfleet Valley from adjacent high ground are important aspects to understanding its former landscape setting. The Palaeolithic sites such as the Bakers Hole scheduled monument, in the Ebbsfleet Valley should also be assessed in terms of landscape legibility.

### **Ecology**

KCC have reviewed the Ecology chapter of the *EIA Scoping Report* and are satisfied with the proposed assessment methodology and advise that the identification of potential ecological impacts in accordance with the stated method should ensure that appropriate consideration can be given to those impacts and to the measures proposed to avoid, mitigate and/or compensate for the identified impacts.

The Ecology chapter of the *EIA Scoping Report* provides a broad summary of the results of the ecological surveys undertaken to date and states that as yet, no ecology topics have been scoped out of the EIA. There is insufficient detail at this

stage to appraise the standards and quality of the survey work but our expectation is that all ecological surveys will be carried out in accordance with good practice guidance, with any deviations from good practice detailed and justified within the planning submission. It is expected that the main EIA report will be accompanied by the technical reports detailing the full survey methodology, results and conclusions.

It is also recommended that the ecological surveys and the planning submission (as it relates to ecology) are undertaken in accordance with the British Standard Biodiversity – Code of practice for planning and development (BS 42020:2013) and with Natural England’s Standing Advice. The suite of ecological surveys undertaken to date were restricted to the Swanscombe Peninsula area. Several habitats and species of particular conservation interest have been identified. Table 6.1 details additional ecological survey work that is proposed for:

- the species groups that have not yet been subject to specific surveys;
- the Ebbsfleet Valley area that has not yet been surveyed;
- species groups that require additional survey effort to verify, confirm and/or re-evaluate the previous results.

KCC welcome the intention to undertake these further ecological surveys but have some concern regarding the survey timings in relation to the proposed timetable for submission. While we acknowledge that Table 6.1 only provides ‘optimal survey timings’, it is important that external forces do not result in limitations to the ecological survey results, for example with surveys carried out during sub-optimal weather conditions due to time constraints. In such a case the survey results may not present a sufficiently accurate representation of species presence, distribution and/or abundance.

It is advised that robust ecological survey data in relation to all potential ecological impacts will be needed to inform the assessment of impacts within the EIA and to provide evidence on which to base proposals for any necessary mitigation and/or compensation measures. It is not clearly stated within the EIA Scoping Report that all the ecological surveys will be carried out in advance of the EIA being finalised.

It is noted that in para 6.47 the statement that “the existing and proposed baseline studies...will provide the reference point against which the nature, extent and significance of potential ecological effects can be assessed”. However, para 6.59 goes on to state that “the initial survey work has provided a suitable basis for identifying the potential ecological effects associated with the construction and operation of the proposed scheme” and Table 6.3 presents these, alongside ‘potential ecological mitigation measures’.

While KCC support the early consideration of potential ecological impacts, we would like to reiterate that within the EIA we expect that the identification and assessment of effects, and the development of mitigation and compensation measures, will be based on sufficient, adequate ecological survey data.

The ecological mitigation measures necessary to make the scheme acceptable (in terms of ecological impacts) are likely to follow the principles of the ‘potential ecological mitigation measures’ provided in Table 6.3, but we await the detail of the EIA, incorporating all necessary survey data to inform conclusions on the potential extent of ecological impacts and to reach evidence-based decisions on the required scope of the mitigation. Given this stance, we consider the identification of ‘residual ecological effects’ that are “*not considered to be significant*” to be somewhat premature.

The intention to consider the wider potential effects on the North Kent European sites within a Habitats Regulations Assessment is welcomed.

The EIA also needs to include the identification of and assessment of impacts to coastal, intertidal and marine habitats, plus the potential for indirect effect on other coastal areas if there are changes to the hydrology at this location. There should also be consideration of the impacts in the context of climate change and rising sea levels.

KCC would be happy to provide further advice and input to this, the ecological survey requirements and to the development of acceptable mitigation measure

### **Water Resource Management**

KCC would expect a SUDS scheme on the site that meets the requirements of the NPPF and 'Water, People, Places: A guide for master planning sustainable drainage into developments'. It should also reflect the marshy nature of the landscape. KCC would be happy to discuss a drainage strategy with the applicant.

The assessment of water resource management should include cultural heritage receptors in terms of the effect of water quality on organic remains, microfossils and other environmental indicators within buried archaeological deposits.

Para 7.26 refers to Water Resource Management and the adoption of demand reduction measures to minimise water demands such as low flow taps and toilets. It also states that it may include consideration of rainwater harvesting, grey and black water recycling and may include irrigation, cooling and non-leisure water bodies. The water demands of a development this size which includes a water park, will be considerable and KCC would wish to see greater commitment to water efficiency measures being put in place across the development.

### **Transport and Access**

The EIA report will have to be considered alongside key transport documents including the formal Transport Assessment (TA) and accompanying Transport Plan, KCC have had initial discussions with the developer but are yet to commence detailed discussions on the latter two documents.

The development is well located in terms of the strategic national/international transport network. It is also located in a busy and congested urban environment. Previous and planned developments in Kent Thameside (Bluewater and Prologis) have recognised this and have made a significant and ongoing contribution to sustainable transport measures, both to mitigate the impact of journeys generated and to contribute to local initiatives (such as Fastrack and Green Grid) to ease traffic congestion and ensure the sites remain as accessible as possible. Given the joint interest of the developers, the site operators and the local authorities in achieving this it is crucial that the Paramount development adopts the same ongoing sustainable access standards as other sites in the area.

It is noted that visitor travel demand is anticipated to average 41,000 visitors per day and that is proposed to form the basis of the assessment to be agreed with the Highways Authorities, KCC and the Highways Agency (Para 9.2). Whilst this can form a part of the assessment, the importance of detailed modelling and assessment of "special event days" should not be ignored, it is understood that this might involve

a four-fold increase in visitor numbers within the Park, upwards of 150,000 visitors, coupled with 17,000 local employees, which would have an enormous impact on the local area.

The Institute of Environmental Assessment's (IoEA) "Guidelines for the Environmental Assessment of Road Traffic" states "In preparing an Environmental Statement, it is considered that the documentation should enable significantly affected people, parties or interests to be able to identify the "worst" environmental impact that might be reasonably expected, in addition to how they might be affected by the average or typical condition. This issue is returned to in paragraph 3.10 of the IoEA's Guidelines. "Worst" environmental impacts are likely to include the effects of "greatest change" as well as "highest impact".

Clarification is sought on the issue of average and 'special event' days, as there is no mention of special event days within the EIA Scoping Report. KCC would expect to see thorough assessment of "worst case scenarios" reflecting the upper projected visitor figures.

KCC have concerns with Table 1 (Page 113) does not include 'peak hour demand' and the need for a three hour peak to reflect earlier arrival times by staff and visitors wishing to 'beat the crowd'. Further clarification is sought on some of the other figures provided in Table 1, these are included in Appendix A.

In terms of the Outline Assessment Methodology, reference is made to the "wider study area", (Para 9.16). The cordon of this study area needs to be established and KCC would wish to be involved in future discussions. It is also noted that some local transport links may be assessed in greater detail to consider seasonal or daily changes during specific periods or hours such as summer months, night time noise or the development peak hours (typically 7-9pm). KCC would like clarification on what is meant by this and whether this refers to a 2 hour peak associated with traffic departing the site.

It is noted that determination of the cumulative assessment will be agreed with PINS and the planning authorities as part of the Transport Assessment Scope based on the "London Thames Crossing" (should be Lower Thames Crossing) Transport Model (Para 9.38).

KCC would wish to reiterate the concern that has already been raised with the applicant that this is not a multi-modal model and does not model anything other than the 58% of destination traffic projected to arrive via "private vehicles". A multi-modal approach is required if the strategic modelling is going to be an exercise which can properly inform the trip generation and associated environmental impact posed by the entertainment resort, encompassing public transport use such as local bus services, Fastrack and local and international rail travel.

The scoping report makes a number of references to the Guidelines for the Environmental Assessment of Road Traffic. KCC would draw attention to para. 1.15 which presents how the Environmental Assessment process should be a continuous activity running through the planning and design stages of a project and it emphasises the need for continuous dialogue within and between a project team and outside agencies.

The Guidance is underpinned by a requirement not to overcomplicate matters and prepare simple measures such as check-lists of potential impacts arising from a proposal. In terms of transport, items which should be considered in detail by the EIA include:

- i) Night time noise
- ii) Vibration
- iii) Driver severance and delay
- iv) Pedestrian severance and delay
- v) Pedestrian amenity
- vi) Accidents and safety
- vii) Hazardous and dangerous loads
- viii) Dust and dirt

KCC would also draw attention to para. 2.5 which suggests..."At an early stage, it is useful to identify particular groups or locations which may be sensitive in traffic conditions. The following check-list identified groups and special interests that should be considered, but others could be added if the assessor considered it appropriate". Affected groups and special interests include people at home, people in work places, sensitive groups including children, elderly and the disabled, sensitive locations including hospitals, churches, schools and historic buildings, people walking, cycling and open spaces, recreational sites and shopping centres.

The Institute of Environmental Assessment's suggestion to plot the locations of these key groups on a map is something KCC would wish to see as part of the EIA as this would then facilitate early discussions as to mitigation measures on the local network linked to employment and localised logistics traffic generated by the Entertainment Resort. The Guidance suggests this is the best way to present a large amount of information succinctly and clearly and we would like to see this approach adopted going forward.

It is noted that the scoping document acknowledges that there is insufficient forecast information to inform the extent of baseline assessment thus it is not possible to scope out sections of the road and rail network but that this will be achieved via the two rules listed, which is a rational and logical approach to take.

### **Air Quality**

There are four Air Quality Management Areas within the development site, so it is surprising there have been no discussions with the Environment Health Officers at the Borough Councils. This is an important issue with the introduction of significant numbers of additional trips in an area of already poor air quality which regularly exceeds the standards set in the National Air Quality Strategy. Careful consideration of the impacts and the potential mitigation measure is needed.

Reference is made to an Energy Centre (para 10.4) however no further details are provided at this stage. It is important that the emissions from this facility are modelled cumulatively with the additional traffic expected and existing background levels and the impact on existing and future receptors assessed.

### **Cultural Heritage**

The site is located in an area which is one of the most important areas for Palaeolithic archaeology in the country, with several sites of international significance. There are also nationally important sites, some of which are not protected by designation, from several other archaeological periods within the valley.

In terms of baseline data there are many more archaeological reports and studies which will be relevant to the ES; in particular desk-based assessments and archaeological evaluation has been carried out in the Ebbsfleet Valley and a desk-based assessment has been carried out for the Swanscombe peninsula applications. The North Kent Coast Rapid Coastal Zone Assessment Survey and the Thames Estuary Aggregates Survey should be included. A full list of recent reports can be obtained from the Kent Historic Environment Record.

A study area of 500m from the edge of the site will be inadequate to understand the archaeological potential of the area. It would be expected that at least a 1km study area would be needed (Para 12.12).

The Saxon to Modern section of the scoping report (Para 12.19-12.20) is very superficial and will need to be considerably expanded for the ES. The post-medieval evidence considered should include water management of the earlier courses of the Ebbsfleet river including the later Northfleet mill known from documentary evidence, use of the southern part of the valley for watercress cultivation (the first time watercress was cultivated in the UK), the earlier cement industry which at the Swanscombe Works included the first commercially viable production of Portland cement, and the later focus of the area for power generation and transmission.

Identification of baseline conditions – the desk-based assessment for the site will need to include specialist input on Palaeolithic archaeology, palaeoenvironmental evidence and industrial heritage in particular. The IFA guidelines are likely to be inadequate in these areas and it is suggested that the desk-based assessment follows recent best practice for work undertaken on other major development sites in the area. KCC are happy to provide examples of what would be expected. As stated above at least a 1km study area rather than a 500m area would be appropriate and would help reduce the risk of unexpected discoveries during later phases of the development (Para 12.32-12.33).

The assessment of the baseline resource should follow a staged approach including desk-based assessment of geotechnical and archaeological studies to produce a preliminary deposit model, geophysical survey including electrical sectioning and limited boreholes to refine and enhance the deposit model, the preparation of archaeological character areas, targeted archaeological field evaluation, and further refining of the archaeological character areas. It is important that this work starts as soon as possible as at least some archaeological field evaluation is likely to be needed for inclusion within the ES. KCC would be happy to provide examples of previous assessments which have prepared archaeological character areas which have been extremely useful in aiding the decision-making process and allowing the development to proceed efficiently and speedily (Para 12.36).

In terms of the section of residual effects, the ES should also include consideration of the potential positive effects of the development both in terms of site management and heritage interpretation, together with educational and skills development opportunities. The development site includes the scheduled monument of Bakers Hole Palaeolithic site which is on the Heritage at Risk register. There is clearly an opportunity with the new development to improve the condition of the monument and allow it to be removed from the list. The development should also take on the responsibilities of the previous planning permission within the Ebbsfleet Valley to prepare and carry out a management plan for significant heritage assets within the site.

The ES should also consider the positive opportunities which the development may provide for interpretation of heritage and display of archaeological archives created as a result of the work. The NPPF (para 141) states that archaeological evidence and the archives generated should be made publicly accessible. There are also opportunities for the creation of heritage features as part of the proposals e.g. a reconstruction of the Ebbsfleet Anglo-Saxon watermill which was excavated as part of the Channel Tunnel Rail Link work. The developer should expect to make a financial payment for the long term storage and public access to the archaeological archives generated by the project.

The ES should consider the environmental impacts in an integrated way so the Cultural Heritage section should include an assessment of the impacts of e.g. mitigation measures required for flood risk management or ecological mitigation.

The Bakers Hole SSSI is considered under the section on ecology but should be considered as earth heritage and also under cultural heritage as it is designated for its archaeological and geological value.

KCC Heritage team have met with Wessex Archaeology and are keen to continue discussions with them.

### **Minerals and Waste**

The emerging Kent Minerals and Waste Local Plan 2013-30 Mineral safeguarding Map for the area shows that the potential application area has pockets of River Terrace Deposits (accepted as sharp sand and gravels that are an increasingly scarce resource) and a significant area in the Swanscombe Peninsula where there is Sub-Alluvial River Terrace Deposits (all based on the British Geological Survey data for the area). These may have economically important sands and gravels as well as silts and mud and organic matter that generally comprise alluvial deposits. The ES and the proposal's accompanying planning application should address this matter, and follow the principle of avoidance of sterilisation of economically important minerals, this is central to the presumption of sustainable development in the NPPF.

Waste elements in both construction and operation have been identified. Though the matching of arisings to the wider locality's waste management capacity to sustainably reuse, recycle, recover and finally dispose of wastes according to the established waste hierarchy and the National Waste Strategy is not made clear in the scoping report and the proposal's accompanying planning application should address this matter.

It is expected that the emerging Kent Minerals and Waste Local Plan 2013-30 will be adopted in 2015 and prior to the submission of the Paramount application, the Plan's policies will therefore be material to the determination of the application.

### **Socio Economic Impacts**

KCC recognise that the economic and tourism benefits of the Paramount development will be a significant benefit to the County. The socio-economic impacts of the development both during the construction and operation stage needs to be assessed in terms of impact on the labour market, jobs, housing, community infrastructure, impact on town centres and local businesses.

KCC would expect to see consideration of the following

- Training and skills strategy – addressing the skills gap
- Employment impacts and opportunities across Kent
- Supporting Construction phase
- Supply chain issues/opportunities
- Investment opportunities and requirements
- Impact and opportunities at nearby town centres – Retail Impact Assessment
- Broadband
- Maximising wider tourism and cultural benefits
- Mitigation proposals for any adverse impacts (on and off site)
- Cumulative impacts of planned economic development in the area.
- Staff accommodation
- Need for additional social infrastructure

KCC would wish to discuss this further with the applicant and we would expect key economic development stakeholders to be involved including: Business Innovation and Skills, Produced in Kent, Visit Kent, Locate in Kent, Kent and Medway Enterprise Partnership, South East Local Enterprise Partnership, Thames Gateway Kent Partnership, Kent Developers Group, Kent County Council, Dartford Borough Council, Gravesham Borough Council.

### **Impact on the Green Belt**

Part of the application sites lies within the Metropolitan Green Belt, this includes an area intended to facilitate the highway improvements at the Bean and Ebbsfleet junctions along the A2. This does not appear to have been recognised in the scoping report. Proposals for development within the Green Belt would be subject to policies in the NPPF. The ES may need to consider alternatives to the junction to mitigate the impact on the Green Belt.

### **Climate Change – Water and Energy Efficiency, Renewable Energy**

There is very little reference to the need for sustainable management of energy and water in the scoping report. It states that a comprehensive strategy for service infrastructure with an emphasis on resilience and sustainability will be incorporated into the development (Para 3.52), however no further detail is provided.

It is expected that a development of this size would have significant energy demand. There is reference to an energy centre being included in the development (para 10.4) this could have significant associated infrastructure and the impacts of this would need to be considered.

A development of this scale should take every opportunity to deliver carbon, reduction, renewable energy and water efficiency measures.

Every effort should be made to reduce the carbon footprint of the development and consideration should be given to including a CHP/district heating system on site. Other energy efficient measures should be included and renewable energy technologies explored including photovoltaic panels and wind turbines.



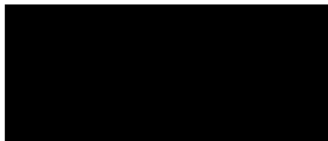
## Way Forward

As previously stated KCC are supportive 'in principle' of the development and are keen to assist LRCH with the submission of their NSIP. The County Council want to ensure that there is appropriate engagement going forward and have met with the consultants working on behalf of the applicant and are keen to continue to discuss the key issues in more depth. KCC Heritage has also had the opportunity to discuss in more detail with Wessex Archaeology some of the issues related to the site. It is hoped that early in the New Year further thematic workshops can be set up to support the preparation of the EIA, including the following topics:

- Transport (all modes inc *fastrack*, A2 junctions, High Speed Trains and visitors/staff access)
- Environment, Heritage, landscape and ecology, air and noise
- Economic
- Community – health, police, KCC (education, social care etc), housing
- Flood risk and waste

I trust you will find these comments useful and if you have any queries regarding our comments, please contact us.

Yours sincerely,



**Liz Shier**  
**Principal Planning Officer**

## Appendix A Further Detailed Comments

Page/Para	Further Detailed Comments
<b>Chapter 2 Regulatory and Policy Context</b>	
Page 24 Para 2.31	The para states that the development Plan for the London Paramount site comprises of the saved policies of the Gravesham Local Plan (1994). Gravesham adopted their Local Plan in September 2014.
Page 25 Para 2.36	The para states that LRCH will work closely with DBC and GBC, reference should also be made to KCC.
<b>Chapter 4 Proposed scope and structure of the Environmental Statement</b>	
<b>Chapter 5 Landscape and Visual Effects</b>	
Sources of information agreed (LCAs, SPDs, Policies, BOA targets...)	Not sufficient or crosscutting enough. It should reflect the breadth of the definition of landscape.
Baseline: Extent and appropriate detail scoped	<p>Not explained and not sufficient:</p> <ul style="list-style-type: none"> <li>• No visual Baseline.</li> <li>• A high quality baseline is the most important element of LVIA. If it is insufficient, not all impacts will be identified.</li> </ul>



This is available in  
larger print on request

	<ul style="list-style-type: none"> <li>• The scope should be telling us the extent of information intended to be included. It describes the site and lists some strategies but what detail (scope) is intended?</li> <li>• Existing evidence should be <u>critically</u> evaluated rather than included word for word.</li> <li>• No evidence of any of the experiential qualities of landscape – see definition of landscape character. Yet experiential effects are included in the assessment of effects: – this is fundamental, an impact cannot be assessed without it first being part of the Baseline.</li> <li>• Given the heritage assets close by, a historic assessment of the landscape noting time-depth will be needed – HLC and historic maps should be used.</li> <li>• The Baseline should identify elements and features AND key character and characteristics.</li> <li>• We are pleased to see the Thames riverscape will be considered as part of the Baseline – could the applicant explain how will this be surveyed and recorded?</li> <li>• Will the applicant be carrying out their own LCA of the study area? Consider the age and/or disparity between existing LCAs.</li> </ul> <p>Table 5.2: how would the applicant deal with a poor condition landscape whose character is strong and coherent? The categorisation doesn't appear to account for this.</p>
Main receptors identified (landscape & visual)	<p>Landscape receptors have not been provided; both landscape and visual receptors must be included in both the scoping and the final LVIA.</p> <p>Visual receptors have been provided but demonstrate a lack of understanding of the term 'visual receptor'. Given the importance of clarity and use of language in LVIA and the provision of working term definitions in the Guidance glossary, this must be revisited and corrected across the document.</p>
Agree Study Area & viewpoints	<p>No commentary is provided about how the Study Area or Viewpoints were chosen. Often study areas are a combination of LCA boundaries and ZTV information so it seems unusual that it's a rectangle – this needs to be justified at scoping stage. No ZTV method has been provided.</p>
Possible effects identified	<p>This is included but is not detailed enough. More than 2 significant impacts on landscape would be expected so consider making this clearer so that more specific (and appropriate) mitigation can be identified at this early stage. The evidence of the mitigation hierarchy (in line with GLVIA and EIA regulations) should be provided.</p>
Overall Method	<p>The methodology is accurate but there's not enough detail provided about all the steps involved and separate decision points have been grouped together, making the overall method unclear. What is the method suggested for determining Value, for example? A consultation is needed to inform any Value judgements. Many of these have neither been scoped in or out.</p>

Methods used to assess significance	This has been included but is insufficient. A table of significance criteria has been provided, but there are many steps involved in determining significance and a number of different approaches that could be taken. Judgements form a key element of this – how will these judgements be combined for example? What approach is proposed? Communicating how significance was determined will be important in light of the EIA Directive and the need for significance to be comparable across the entire EIA.
Encourage enhancement to help us achieve SD.	This is not provided, a scheme of this scale should be considering enhancement opportunities from the outset, to help achieve sustainable development. See 4.35 onwards of GLVIA – plus NPPF.
The approach to presentation and illustration.	This is not provided it would be helpful to have a dialogue about illustration provision, especially in terms of photomontage and present visual impact information
Agreement on how cumulative effects will be covered.	This has not been provided. As part of an EIA, cumulative impacts must be scoped into the LVIA. Other topic areas may need to be considered alongside landscape and visual amenity. A study area for cumulative effects should also be provided. Partnership working set up to enable mitigation of cumulative impacts should already be under consideration.
The ES should reflect the relationship between cultural, nature and landscape topics.	Not supplied. There's little demonstration of the LVIA integrating topics together to reflect all impacts that relate to landscape and visual amenity
Consultation evidence or suggestions.	This is provided but is insufficient. Consultation with 3 individuals is not sufficient for such a complex scheme. KCC heritage have been consulted, but the landscape officer was not consulted on visual impact assessment.
<b>Chapter 6 Ecology</b>	
Page 77 Para 6.7.	In addition to the identification of Policy CS12 of the Gravesham Local Plan Core Strategy, Strategic Objectives SO15 and SO16 also include relevant references to biodiversity and the natural environment.
Para 78 Para 6.17	The heading to this section should be Local Wildlife Site
Page 79 Para 6.22 and Page 81 Para 6.29	Para 6.22 suggests that a number of protected species of importance have been recorded including great crested newts, however Para 6.29 suggests that great crested newts are not present, clarification is needed and survey work should demonstrate that they are not present on the site.
<b>Chapter 7 Water Resource Management</b>	

Page 97 Para 7.2	<p>Other relevant documents to be considered:</p> <ul style="list-style-type: none"> <li>• The Thameside Stage 1 Surface Water Management Plan  <a href="https://shareweb.kent.gov.uk/Documents/environment-and-planning/flooding/Thameside%20Stage%201%20SWMP%20-%20Report.pdf">https://shareweb.kent.gov.uk/Documents/environment-and-planning/flooding/Thameside%20Stage%201%20SWMP%20-%20Report.pdf</a></li> <li>• KCC SUDS masterplanning guide, Water. People. Places  <a href="http://www.kent.gov.uk/waste-planning-and-land/flooding-and-drainage/sustainable-drainage-systems">http://www.kent.gov.uk/waste-planning-and-land/flooding-and-drainage/sustainable-drainage-systems</a></li> </ul> <p>Water Resource Management Plans produced by Southern Water and Thames Water.</p>
<b>Chapter 8 Soil and Ground Conditions</b>	
Page 105 Para 8.5	Reference to Gravesham Borough Council Local Plan (1994). Local Plan was adopted in Sept 2014.
<b>Chapter 9 Transport</b>	
Page 113 Table 1	<p>Table 1 fails to reflect the “peak hour demand”. KCC raised concern in the response on the Strategic Modelling Document in November 2014. A three hour peak is required, which will reflect earlier times of arrival by the 17,000 staff plus the large volume of visitors that will be attempting to “beat the crowd” and arrive long before 10-11am, as with any entertainment resort. 8am-11am would therefore be more appropriate in terms of “peak hours demand”.</p> <p>In terms of Visitor Travel Demand, Table 1 presents some figures we seek clarification on. For example, a “Design Day” indicates that only 7,837 “persons” will be arriving in some 2,449 “private vehicles”, forming a total of 13,511 “persons”.</p> <p>Meanwhile, for a “High Day” (Special Event Day?) some 13,943 “persons” will arrive by 4,357 “private vehicles”, forming a total of 24,040 “persons”? Please clarify what these figures mean in terms of a total</p>

	<p>anticipated visitor number of 41,000 on a “Design Day” and (upwards of) 150,000 on a “Special Event Day”. If these figures refer simply to the “peak hour” (i.e. – 10-11am) then it demonstrates the need to assess an earlier peak, for which it is assumed tens of thousands of other visitors (comprising a 40,000 visitor “Design Day”) will be arriving.</p> <p>A similar table needs to be prepared for each of employee and logistical movements, for both a standard Design Day and a High Day. It is assumed that significantly higher staffing levels will be required on a Design Day to cater for the increased Park patronage, and that this will impact significantly on the local (non-Strategic) road network as many local people will be modestly paid, part-time employees and therefore not commuting in from many miles away and arriving via the Strategic Road Network? KCC would wish to see clarification on this.</p>
Para 114 Para 9.3	There is no reference to the Dartford or Gravesham Local Plans
Page 116 Para 9.10	A 2025 Assessment Scenario is welcomed, but a 15 years (after opening) – 2035 – scenario must also be submitted, as per our response to the Assessment Scenario considered in line with the Strategic Modelling Methodology Technical Notes, November 2014.
Page 120 Para 9.26	Reference is made to Table 2 but this appears to be Table 4 (receptors).
Page 121 Para 9.27	Table 3 appears to be missing, although reference is made to Table 3 in 9.27, this ought to be referring to Table 5 (Severity of Different Magnitudes of Effect).
General comment	If street lighting is to be installed and adopted, any street lighting designs should be approved by the KCC street lighting team. The design should comply with the most current approved KCC street lighting specification. This can be obtained from the KCC street lighting team.
<b>Chapter 10 Air Quality</b>	
Page 125 Para 10.5	Welcome reference to the Kent and Medway Air Quality Partnership document – Air Quality and Planning Technical Guidance.
Page 126 Para 10.7	All air quality data for the County can be found on the Kent and Medway Air Quality Partnership website <a href="http://www.kentair.org.uk">www.kentair.org.uk</a>
Page 128 Para 10.12	Modelling will need to be undertaken for the year the park opens and for a couple of years after the site has

	been in operation as visitor numbers are expected to increase as further attractions are added.
<i>General point</i>	The effect of air quality on built heritage receptors should also be included.
<b>Chapter 12 Cultural Heritage</b>	
Page 146 Para 12.4	Local Planning Policy – States that the Gravesham Local Plan has not been adopted, however it was adopted in September 2014.
Page 147 Para 12.6	Best practice guidance - documents in this section should include the EIA guidance prepared during the Planarch project, Kent Farmsteads guidance and the emerging South East Historic Environment Research Framework.
Page 147 Para 12.7	Relevant designations – the correct spelling of the Latin name for the Roman town of Springhead is ‘Vagniacis’ and the text is incorrect in stating that the designation was designed to protect the outer edges of the settlement; at the time of scheduling the main focus was thought to be within the area designated as the main Roman road was wrongly thought to pass through the area south of the A2.
Page 148 Para 12.11	Baseline data – there are many more archaeological reports and studies which will be relevant to the Environmental Statement; in particular desk-based assessments and archaeological evaluation has been carried out in the Ebbsfleet Valley and a desk-based assessment has been carried out for the Swanscombe peninsula applications. The North Kent Coast Rapid Coastal Zone Assessment Survey and the Thames Estuary Aggregates Survey should be included. A full list of recent reports can be obtained from the Kent Historic Environment Record.
Page 153 Para 12.35	Many relevant sources and studies have not been mentioned - KCC would be happy to provide a full list of recent relevant work.
Page 154 Table 12.1	The category of Very High should include archaeological sites of accepted international importance not just World Heritage sites, as there is no European level system of international designation for cultural heritage sites, and the designation of World Heritage sites is restricted by political factors.
General	The Environmental Statement should include a description of the cultural heritage resource in all its elements including Pleistocene geology, Holocene palaeoenvironmental evidence, historic landscapes and industrial heritage, together with an assessment of its significance.
<b>Chapter 13 Land Use and Socio Economic Effects</b>	

Page 165 Para 13.8

Further source document - Unlocking the Potential: Going for Growth Kent and Medway's Growth Plan: Opportunities challenges and solutions 2013.





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Our reference:  
DCO/2014/0002644  
Your reference:  
[BCE080001N030002](#)

## London Paramount Entertainment Resort

### Comments on the Environmental Scoping Report, dated November 2014

#### 1. The proposal

- 1.1. London Resort Company Holdings proposes to construct and operate London Paramount Entertainment Resort (the "Project") within a meander of the River Thames on land Swanscombe Peninsula, Kent (the "site").
- 1.2. We understand that the Project will be a nationally significant visitor attraction and leisure resource and will include:
  - an entertainment street;
  - water park;
  - theme park;
  - events space;
  - sporting facilities;
  - events and conference facilities;
  - creative spaces;
  - service buildings;
  - staff training academy;
  - 5,000 hotel rooms;
  - flood prevention works; and
  - landscaping, including habitat creation.
- 1.3. The landscape strategy for the development will incorporate new habitats, quiet zones for visitors, enhanced river frontages and the extensive restoration of land used in the past for mineral extraction and industrial activities.
- 1.4. Improvements to infrastructure will include:
  - a transport link Ebbsfleet International Station within the resort;
  - a new direct road connection from the A2;
  - a coach station; and
  - river bus facilities.
- 1.5. The site comprises approximately 537 hectares of land located on the Swanscombe Peninsula and has frontage on to the River Thames.

1.6. Associated development may also be undertaken outside of the main site which may include but are not necessarily limited to:

- jetties
- compensatory habitat schemes;
- diversion of watercourses; and
- flood defence works / mitigation measures.

1.7. An Environmental Scoping Report dated November 2014 (the “Report”) has been prepared by Savills as part of the Environmental Impact Assessment (“EIA”) process.

## **2. The MMO’s role in Nationally Significant Infrastructure Projects**

2.1. The Marine Management Organisation (the “MMO”) was established by the Marine and Coastal Access Act 2009 (the “2009 Act”) to make a contribution to sustainable development in the marine area (which includes tidal rivers, estuaries and tributaries) and to promote clean, healthy, safe, productive and biologically diverse oceans and seas.

2.2. The responsibilities of the MMO include the licensing of construction works, deposits and removals in the marine area by way of a marine licence<sup>1</sup>. Marine licences are required for deposits or removals of articles or substances below the level of mean high water springs (“MHWS”), unless a relevant exemption applies.

2.3. In the case of Nationally Significant Infrastructure Projects (“NSIPs”), the Planning Act 2008 (the “2008 Act”) enables Development Consent Order’s (“DCO”) for projects which affect the marine environment to include provisions which deem marine licences<sup>2</sup>. Alternatively, applicants may wish to separately seek consent for a marine licence directly from the MMO rather than having it deemed by a DCO.

2.4. For NSIPs where applicants choose to have a marine licence deemed by a DCO, during pre-application the MMO will advise developers on the aspects of a project that may have an impact on the marine area or those who use it. In addition to considering the impacts of any construction within the marine area, this would also include assessing any risks to human health, other legitimate uses of the sea and any potential impacts on the marine environment from terrestrial works.

2.5. Whether a marine licence is deemed within a DCO or consented independently by the MMO, the MMO is the delivery body responsible for post-consent monitoring, variation, enforcement and revocation of provisions relating to the marine environment. As such, the MMO has a keen interest in ensuring that provisions drafted in a deemed marine licence enable the MMO to fulfil these obligations. This includes ensuring that there has been a thorough assessment of the impact of the works on the marine environment (both direct and indirect), that it is clear within the DCO which works are consented within the deemed marine licence, that conditions or provisions imposed are proportionate, robust and enforceable and that there is clear and sufficient detail to allow for monitoring and enforcement. To achieve this,

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<sup>1</sup> Under Part 4 of the 2009 Act

<sup>2</sup> Section 149A of the 2008 Act

the MMO would seek to agree the deemed marine licence with the developer for inclusion with their application to the Planning Inspectorate (“PINS”).

- 2.6. Further information on licensable activities can be found on the MMOs website<sup>3</sup>. Further information on the interaction between PINS and the MMO can be found in our joint advice note<sup>4</sup>.
- 2.7. The MMO recognises there is some overlap between the geographical jurisdiction of the MMO and the local planning authorities (i.e. between MHWS and mean low water springs).
- 2.8. The MMO has considered this and is of the view that matters which fall within the scope of the marine licensing provisions of the 2009 Act (i.e. anything below MHWS) are generally best regulated by conditions on marine licences. This should minimize the risk of inconsistency between different schemes of regulation, or of a duplication of controls.
- 2.9. In considering applications for marine licences to be consented independently by the MMO, the MMO regularly consults with bodies including, but not limited, to:
  - the Environment Agency
  - Natural England
  - Natural Resources Wales (for works in or affecting Wales)
  - the Maritime and Coastguard Agency
  - English Heritage
  - local planning authorities
  - local harbour authorities
  - local inshore fisheries and conservation authorities
  - the Royal Yachting Association
  - the Royal Society for the Protection of Birds
  - the corporation of the Trinity House of Deptford Strond.
- 2.10. Where a marine licence is to be deemed within a DCO, the MMO would expect that comments provided by the above list of bodies and any other relevant bodies are taken into consideration.

### **3. Activities for this project which would be licensable under the 2009 Act**

- 3.1. No pre-application consultation has been undertaken between the developer and the MMO and the details of the project contained within the report are considered to be too high level to enable identification of all potential licensable activities. However, based upon the information available to date the following potentially licensable activities may be undertaken as part of the development:
  - dredging;
  - disposal of dredged material;
  - construction and maintenance of jetties and water taxi facilities;

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<sup>3</sup> <http://www.marinemangement.org.uk/licensing/marine.htm>

<sup>4</sup> <http://infrastructure.planningportal.gov.uk/wp-content/uploads/2013/04/Advice-note-11-v2.pdf>

- construction and maintenance of flood defences;
- habitat creation; and
- construction / maintenance of outfalls.

- 3.2. Any works in tidal waters and below MHWS to proposed and existing infrastructure, such as repair, modification or upgrades, would require a marine licence.
- 3.3. As stated previously, the information held in the Report is very limited in nature and includes little detail regarding the construction of the Project. Discussion with the MMO is strongly recommended at the earliest opportunity to identify potentially licensable works and ensure that the impacts of such works considered in the EIA process.

#### **4. Comments on the Report**

##### Section 2 – Regulatory and Policy Context

- 4.1. This chapter details European, national and local policy statements relevant for the Project and explains the decision making context for the London Paramount project. It begins with consideration of relevant European Union directives and then sets out how development consent applications are made under the Planning Act 2008. The implications of this for EIA are reviewed. Unfortunately, this section fails to reflect the waterside location and no mention is made of Council Directive 2008/56/EC of the European Parliament which establishes a framework for marine environmental policy, and is otherwise known as the Marine Strategy Framework Directive. This directive was adopted on 17 June 2008, and was transcribed into UK law by the Marine and Coastal Access Act 2009.
- 4.2. In determining the DCO application, PINS is required to have regard to the Marine Policy Statement and any relevant marine plan. The proposed location of the project is within the South East Inshore future plan area.
- 4.3. The MMO is the marine plan authority for the English inshore and offshore regions. At the time of writing, there is no marine plan in place for the South East Inshore area. Preliminary works are underway regarding all future marine plan areas, however, there is currently no date as to when the South East Inshore plan will be produced. In the absence of a marine plan, the EIA must make reference to the Marine Policy Statement.
- 4.4. The regulatory and legislative sections of all following chapters will need to be updated to include marine related legislation and guidance.

##### Section 3 – Project Description

- 4.5. A summary of the proposed project is given in section 1 of this response. Development plans are currently high level, and detailed descriptions of the works especially those to be undertaken within the marine environment have not been made available to the MMO.
- 4.6. The core entertainment area will be located over approximately 45 hectares of land with the remaining land used for the hotel, car parking, exhibition facilities and

country park. Landscape and habitat improvement works have been proposed for the northern Broadness Saltmarsh site.

- 4.7. No information has been provided regarding the proposed project / construction programming, phasing and duration.

#### Section 4 - Proposed Scope and Structure of the Environmental Statement

- 4.8. This section details consultation undertaken to date. Unfortunately, with the exception of the Environment Agency and Natural England, no consultation appears to have been undertaken with those bodies involved in regulation of the marine environment.
- 4.9. The EIA needs to consider the Project as a whole and will therefore need to fully assess the potential direct and indirect impacts of each activity, including associated development on all receptors including the marine environment.
- 4.10. It should be noted that, if a deemed marine licence/marine licence is required, all related mitigation measures will need to be captured, where appropriate, as conditions within the deemed marine licence/marine licence.
- 4.11. It is the prerogative of the developer to decide how exactly the Environmental Statement is structured. However, if Marine aspects are not assessed in a standalone chapter we would expect the following issues to be addressed elsewhere in the report:
- Marine ecology (including fisheries);
  - Underwater noise and vibration (e.g. Percussive piling);
  - Coastal processes (including scour and accretion);
  - Navigational risk;
  - Dredging and disposal of dredged materials;
  - Impacts upon other legitimate users of the marine environment
- 4.12. It is important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications. Consideration of the implications of the whole scheme including associated development should be included in the Environmental Statement.

#### Section 5 – Landscape and Visual Effects

- 4.13. Seascape should be included within this section or in a standalone marine chapter.

#### Section 6 – Ecology

Details of European designated sites as well as sites of regional and local importance are contained within the report. In addition, The Thames has been recommended for designation as a marine conservation zone (rMCZ) and developers should be aware that the Department for Environment, Food and Rural Affairs (Defra) may wish to designate this site in future tranches of MCZ

designations. Consideration should therefore be given to potential direct and indirect impacts of the development upon the Thames rMCZ.

As the development is not directly connected with, or necessary to, the management of a European site, it is likely that the development could have a significant effect on internationally designated sites and will therefore require assessment under the Habitats Regulations. As such we recommend that a separate section of the Environmental Statement is included entitled 'Information to support a Habitats Regulations Assessment'.

Depending upon the proposed works baseline studies are likely to be required in order to assess the impacts of the proposed development upon the marine environment. The studies should reflect the key species identified in the designated areas (including the proposed interest features of the cMCZ). As such surveys may be required for a range of organisms ranging from benthic organisms, to marine mammals and sea birds.

- 4.14. The details of such studies including the methodology, effort, timing and area will need to be agreed and need to be designed holistically to cover the site and surrounding area.
- 4.15. Once the baseline has been established the assessment will need to cover the construction period as well as the operational period.
- 4.16. The EIA must include an assessment of the environmental effects of those species and habitats on the OSPAR List of Threatened and Declining Species and Habitats.
- 4.17. Table 6.3 suggests that dredging will be undertaken as part of the construction works and also refers to increased traffic from a marina, and increased erosion as a result of increased river traffic. The impacts of such activities on the ecology of the project site and designated sites will need to be considered during both the construction and operational phase.
- 4.18. Table 6.3 also refers to potential loss of habitat. Such areas may be used as feeding and/or roosting areas.
- 4.19. Consideration of commercial fisheries, nurseries and spawning areas should also be undertaken.
- 4.20. Impacts on the marine environment must be considered in order to be able to justify whether they should or should not be scoped out of the EIA process.

#### Section 7 - Water Resource Management

- 4.21. If dredging is to be undertaken, sampling of sediment by an MMO approved laboratory and in line with a sampling plan devised by Cefas will need to be undertaken in order to assess the potential impacts upon water quality and to assess the suitability of the material for disposal at sea.
- 4.22. Any dredge and dredged material disposal activities (capital and maintenance) will also need to be described (including methods, contractors, vessels, dredge depth,

disposal site) and potential impacts assessed in the EIA. These details will be needed to inform the drafting of the marine licence.

- 4.23. The dredging methodology will also need to be considered in order to identify appropriate mitigation measures.

#### Section 8 – Soil and Ground Conditions

- 4.24. Consideration of soil and groundwater quality is outwith the remit of the MMO for this project, and we would expect good environmental management practices to be implemented to prevent entry of contaminants into the marine environment via contaminated runoff.

#### Section 9 – Transport and Access

- 4.25. No information is available to suggest that construction materials will be brought to the site via the sea. Should this change assessment will be required.
- 4.26. Sea based water traffic has been scoped out of the assessment,

#### Section 10 – Air Quality

- 4.27. Consideration of air quality is outwith the remit of the MMO for this project.

#### Section 11 – Noise and Vibration

- 4.28. Baseline noise and vibration survey locations should include noise sensitive locations such as seal haul out areas, and should include underwater noise and vibration.
- 4.29. Assessment of underwater noise during construction and operation should be undertaken to enable the identification and design of appropriate mitigation measures such as soft start procedures and noise bunds.

#### Section 12 – Cultural Heritage

- 4.30. Cultural heritage is outwith the remit of the MMO for this project. Liaison should be undertaken with the marine specialists at English Heritage to agree an appropriate methodology.

#### Section 13 - Land Use and Socio-economic Effects

- 4.31. This section should include consideration of legitimate use of the marine environment.

#### Section 14 – Waste

- 4.32. Should dredged material be suitable for disposal to sea, other options should be explored in line with the waste framework hierarchy.

## 5. Consultation process and next steps

- 5.1. The items highlighted in this response should be considered in the EIA process, and evidenced in the ES. However, this should not be seen as a definitive list of all EIA/ES requirements and other work may prove necessary, particularly as it is made clear what works will be undertaken in, or have an impact on, the marine area.
- 5.2. The MMO welcome consultation and recommends that the developer discuss the licensing requirements under the 2009 Act with the MMO at the earliest opportunity.





Maritime &  
Coastguard  
Agency

Navigation Safety Branch  
Bay 2/04  
Spring Place  
105 Commercial Road  
Southampton  
SO15 1EG

The Planning Inspectorate  
3/18 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Tel: +44 (0)23 8032 9448  
Fax: +44 (0)23 8032 9204  
E-mail: [navigationsafety@mcga.gov.uk](mailto:navigationsafety@mcga.gov.uk)

Your ref: **BC080001**  
Our ref:

08 December 2014

By email to:

[environmentalservices@infrastructure.gsi.gov.uk](mailto:environmentalservices@infrastructure.gsi.gov.uk)

Dear Sir/Madam

## **Application by for an Order Granting Development Consent for the London Paramount Entertainment Resort**

Thank you for your letter dated 11<sup>th</sup> November 2014 inviting MCA to comment on the application for the proposed London Paramount Entertainment Resort.

At this stage MCA can only generalise and point the developers in the direction of the Port Marine Safety Code (PMSC). They will need to liaise and consult with the local Harbour Authority, in this case the Port of London Authority, to develop a robust Safety Management System (SMS) for the project under this code.

The sections that we feel cover navigational safety under the PMSC and its Guide to Good Practice are as follows:

From the Guide to Good Practice, section 6 Conservancy, a Harbour Authority has a duty to conserve the harbour so that it is fit for use as a port, and a duty of reasonable care to see that the harbour is in a fit condition for a vessel to use it. Section 6.7 Regulating harbour works covers this in more detail and have copied the extract below from the Guide to Good Practice.

### 6.7 Regulating harbour works

6.7.1 Some harbour authorities have the powers to license works where they extend below the high watermark, and are thus liable to have an effect on navigation. Such powers do not, however, usually extend to developments on the foreshore.

6.7.2 Some harbour authorities are statutory consultees for planning applications, as a function of owning the seabed, and thus being the adjacent landowner. Where this

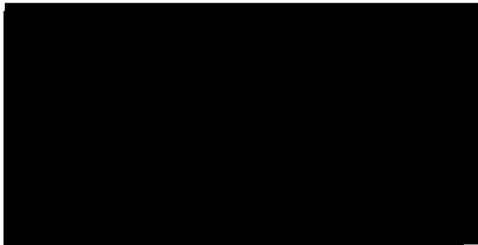


is not the case, harbour authorities should be alert to developments on shore that could adversely affect the safety of navigation. Where necessary, consideration should be given to requiring the planning applicants to conduct a risk assessment in order to establish that the safety of navigation is not about to be put at risk. Examples of where navigation could be so affected include:

- high constructions, which inhibit line of sight of microwave transmissions, or the performance of port radar, or interfere with the line of sight of aids to navigation;
- high constructions, which potentially affect wind patterns; and
- lighting of a shore development in such a manner that the night vision of mariners is impeded, or that navigation lights, either ashore and onboard vessels are masked, or made less conspicuous.

There is a British Standards Institution publication on Road Lighting, BS5489. Part 8 relates to a code of practice for lighting which may affect the safe use of aerodromes, railways, harbours and navigable Inland waterways.

Yours faithfully



Nick Salter  
Navigation Safety Branch

cc. Port of London Authority

Please ask for: Mark Pullin  
Our Ref: MC/14/3355  
Date: 13 November, 2014



***Serving You***

Planning Service  
Housing and Regeneration  
Regeneration, Community and Culture  
Civic Headquarters  
Gun Wharf  
Dock Road  
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Kent ME4 4TR  
Telephone: 01634 331700  
Facsimile: 01634 331195  
Minicom: 01634 331300

The Planning Inspectorate  
3/26 Wing  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Dear Sir/Madam

**APPLICATION NUMBER: MC/14/3355**

**LOCATION: SWANSCOMBE, DARTFORD, KENT**

**PROPOSAL: Scoping consultation under The Infrastructure Planning  
(Environmental Impact Assessment) Regulations 2009 - for a scoping opinion for  
the construction of Paramount Entertainment Resort**

Thank you for your consultation letter which was received on 12 November, 2014. I will endeavour to ensure that you receive this Council's comments as soon as is practicable. If for any reason a formal response cannot be made within 21 days of receipt of details, the Case Officer, as advised above, will contact you within that period.

If you wish to enquire about the progress of your application please visit our website

<http://publicaccess.medway.gov.uk/online-applications/>

. All documents and plans relating to this application will be published on the above website. You can also phone the Planning Customer Contact Team on 01634 331700

Yours faithfully

Mark Pullin  
Planning Officer

**This letter is available in larger print size if required. For details please contact  
Lisa Maryott on 01634 331102**

## **Decision Notice**

MC/14/3355



The Planning Inspectorate  
3/26 Wing  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Planning Service  
Housing and Regeneration  
Regeneration, Community and Culture  
Civic Headquarters  
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Telephone: 01634 331700  
Facsimile: 01634 331195  
Minicom: 01634 331300

App's Name Emer McDonnell

### **TOWN & COUNTRY PLANNING ACT 1990**

#### **Town & Country Planning (Development Management Procedure) (England) Order 2010**

---

Proposal: Scoping consultation under The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 - for a scoping opinion for the construction of Paramount Entertainment Resort

Location: SWANSCOMBE, DARTFORD, KENT

---

### **TOWN & COUNTRY PLANNING ACT 1990**

#### **Town & Country Planning (Development Management Procedure) (England) Order 2010**

I refer to your letter of consultation regarding the above and would inform you that the Council **RAISES NO OBJECTION** to it.

- 1 Medway Council confirms that it does not have any comments to make on the scope of the environmental statement relating to the project.

#### **Your attention is drawn to the following informative(s):-**

This planning decision relates to the Environmental Impact Assessment Scoping Report dated November 2014.

Signed



David Harris  
Head of Planning  
Date Of Notice 9 December, 2014



## Land and Development Group

Vicky Stirling  
DCO Liaison Officer  
Network Engineering  
vicky.stirling@nationalgrid.com  
Direct tel: +44 (0)1926 653746

www.nationalgrid.com

SUBMITTED VIA EMAIL TO:

[environmentalservices@infrastructure.gsi.gov.uk](mailto:environmentalservices@infrastructure.gsi.gov.uk)

09 December 2014

Our Ref:

Your Ref:

Dear Sir/Madam,

### **Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) – Regulations 8 and 9**

### **Application by for an Order Granting Development Consent for the London Paramount Entertainment Resort**

This is a joint response by National Grid Electricity Transmission plc (NGET) and National Grid Gas plc (NGG)

I refer to your letter dated 11<sup>th</sup> November 2014 regarding the above proposed application. Having reviewed the Scoping Report documents, I would like to make the following comments:

#### **National Grid Infrastructure within or in close proximity to the Proposed Order Limits**

##### **National Grid Electricity Transmission**

National Grid Electricity Transmission has a number of high voltage electricity overhead transmission lines which lie within and in close proximity to the proposed order limits. These lines form an essential part of the electricity transmission network in England and Wales and include the following:

- ZR 400kV Overhead Transmission Line – Barking – Northfleet East – West Thurrock
- YN 400kV Overhead Transmission Line – Barking – Northfleet East – West Thurrock
- 4TP 400kV Overhead Transmission Line – Kemsley – Littlebrook – Rowdown
- YL 400kV Overhead Transmission Line – Kemsley – Littlebrook - Rowdown

The following substation and associated equipment is also located within close proximity to the proposed order limits:

- Northfleet East 400kV Substation
- Pilot Cables

National Grid Property Limited also owns land previously known as Northfleet West Substation located to the West of Northfleet East Substation. For further information relating to this site National Grid Property should be contacted at the following address: National Grid Property (Northfleet) Limited 1-3 Strand, London WC2N 5EH

I enclose plans showing the routes of our overhead lines and the location of our substation within the area shown in the consultation documents.

The following points should be taken into consideration:

- National Grid's Overhead Line/s is protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect our asset
- Statutory electrical safety clearances must be maintained at all times. Any proposed buildings must not be closer than 5.3m to the lowest conductor. National Grid recommends that no permanent structures are built directly beneath overhead lines. These distances are set out in EN 43 – 8 Technical Specification for “overhead line clearances Issue 3 (2004) available at:  
[http://www.nationalgrid.com/uk/LandandDevelopment/DDC/devnearohl\\_final/appendixIII/applIII-part2](http://www.nationalgrid.com/uk/LandandDevelopment/DDC/devnearohl_final/appendixIII/applIII-part2)
- If any changes in ground levels are proposed either beneath or in close proximity to our existing overhead lines then this would serve to reduce the safety clearances for such overhead lines. Safe clearances for existing overhead lines must be maintained in all circumstances.
- Further guidance on development near electricity transmission overhead lines is available here: <http://www.nationalgrid.com/NR/rdonlyres/1E990EE5-D068-4DD6-8C9A-4D0B06A1BA79/31436/Developmentnearoverheadlines1.pdf>
- The relevant guidance in relation to working safely near to existing overhead lines is contained within the Health and Safety Executive's ([www.hse.gov.uk](http://www.hse.gov.uk)) Guidance Note GS 6 “Avoidance of Danger from Overhead Electric Lines” and all relevant site staff should make sure that they are both aware of and understand this guidance.
- Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors when those conductors are under their worse conditions of maximum “sag” and “swing” and overhead line profile (maximum “sag” and “swing”) drawings should be obtained using the contact details above.
- If a landscaping scheme is proposed as part of the proposal, we request that only slow and low growing species of trees and shrubs are planted beneath and adjacent to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances.
- Drilling or excavation works should not be undertaken if they have the potential to disturb or adversely affect the foundations or “pillars of support” of any existing tower. These



foundations always extend beyond the base area of the existing tower and foundation (“pillar of support”) drawings can be obtained using the contact details above

## **National Grid Gas Transmission**

National Grid has no high pressure gas transmission pipelines located within or in close proximity to the proposed order limits.

## **National Grid Gas Distribution**

National Grid has no gas distribution assets located within or in close proximity to the proposed order limits.

## **Further Advice**

**We would request that the potential impact of the proposed scheme on National Grid’s existing assets including potential diversions of apparatus as set out above is considered in any subsequent reports, including in the Environmental Statement, and as part of any subsequent application.**

**Where any diversion of apparatus may be required to facilitate a scheme, National Grid is unable to give any certainty with the regard to diversions until such time as adequate conceptual design studies have been undertaken by National Grid. Further information relating to this can be obtained by contacting the email address below.**

**Where the promoter intends to acquire land, extinguish rights, or interfere with any of National Grid apparatus protective provisions will be required in a form acceptable to it to be included within the DCO.**

**National Grid requests to be consulted at the earliest stages to ensure that the most appropriate protective provisions are included within the DCO application to safeguard the integrity of our apparatus and to remove the requirement for objection. All consultations should be sent to the following: [DCOConsultations@nationalgrid.com](mailto:DCOConsultations@nationalgrid.com) as well as by post to the following address:**

**The Company Secretary**  
**1-3 The Strand**  
**London**  
**WC2N 5EH**

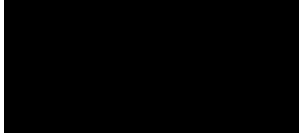
In order to respond at the earliest opportunity National Grid will require the following:

- Draft DCO including the Book of Reference and relevant Land Plans
- Shape Files or CAD Files for the order limits

I hope the above information is useful. If you require any further information please do not hesitate to contact me.

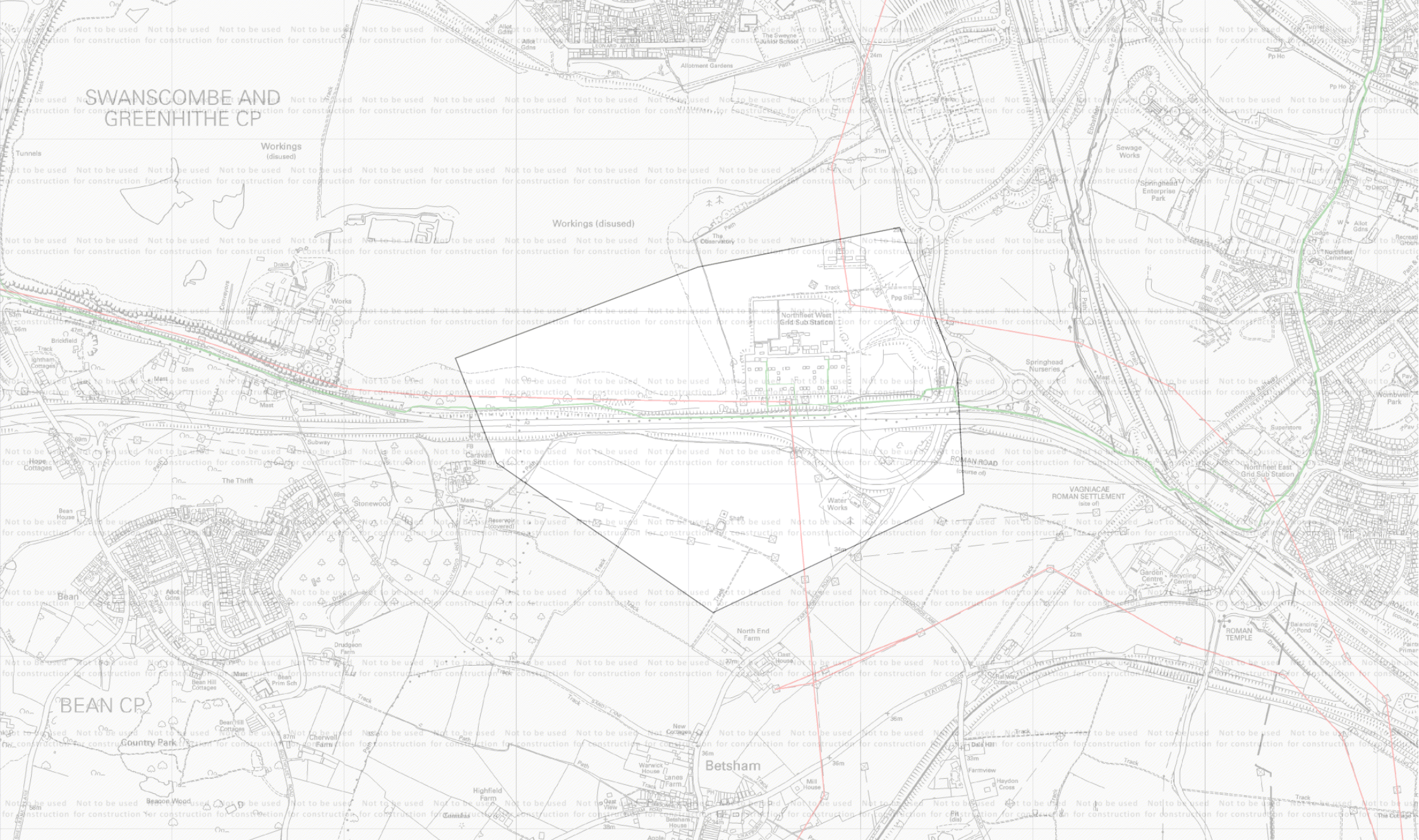
The information in this letter is provided not withstanding any discussions taking place in relation to connections with electricity or gas customer services.

Yours sincerely



**Vicky Stirling**





(Submitted Electronically)



ID: XX_TE_Z5_3NWP_003346	View extent: 4120m, 2440m	<b>Do not proceed without further consultation</b>	Map 1 of 1 (ELECTRIC)
USER: Jodie.Hunter	Underground cables Overhead lines	<p>This plan shows those cables owned by National Grid Electricity Transmission plc in its role as a Licensed Electricity Transporter (ET). Electricity cables owned by other ETs, or otherwise privately owned, may be present in this area. Information with regard to such cables should be obtained from the relevant owners. The information shown on this plan is given without warranty, the accuracy thereof cannot be guaranteed. Ancillary equipment such as cooling systems and communication cables are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by National Grid Electricity Transmission plc or their agents, servants or contractors for any error or omission. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of cables and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near electricity apparatus. The information included on this plan should not be referred to beyond a period of 28 days from the date of issue.</p>	MAPS Plot Server Version 1.8.0
DATE: 05/12/2014			
DATA DATE: 04/07/2014			Requested by: National Grid
REF: London Paramount Entertainment			This plan is reproduced from or based on the OS map by National Grid Electricity Transmission plc, with the sanction of the controller of HM Stationery Office. Crown Copyright Reserved. Ordnance Survey Licence number 100024241
MAP REF: TQ6072	0m  200m Approximate scale 1:10000 on A3 Colour Landscape		
CENTRE: 560561, 172686			



ID: XX\_TE\_Z5\_3NWP\_003345 View extent: 4120m, 2440m **Do not proceed without further consultation** Map 1 of 1 (ELECTRIC)

<p><b>USER:</b> Jodie.Hunter  <b>DATE:</b> 05/12/2014  <b>DATA DATE:</b> 04/07/2014          REF: London Paramount Entertainment  <b>MAP REF:</b> TQ6172  <b>CENTRE:</b> 561959, 172250</p>	<p>Underground cables           Overhead lines </p> <p>0m  200m          Approximate scale 1:10000          on A3 Colour Landscape</p>	<p>This plan shows those cables owned by National Grid Electricity Transmission plc in its role as a Licensed Electricity Transporter (ET). Electricity cables owned by other ETs, or otherwise privately owned, may be present in this area. Information with regard to such cables should be obtained from the relevant owners. The information shown on this plan is given without warranty, the accuracy thereof cannot be guaranteed. Ancillary equipment such as cooling systems and communication cables are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by National Grid Electricity Transmission plc or their agents, servants or contractors for any error or omission. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of cables and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near electricity apparatus. The information included on this plan should not be referred to beyond a period of 28 days from the date of issue.</p>	<p>MAPS Plot Server Version 1.8.0</p> <p></p> <p>Requested by: National Grid</p> <p>This plan is reproduced from or based on the OS map by National Grid Electricity Transmission plc, with the sanction of the controller of HM Stationery Office. Crown Copyright Reserved. Ordnance Survey Licence number 100024241</p>
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ID: XX\_TE\_Z5\_3NWP\_003344 View extent: 2890m, 3670m

USER: Jodie.Hunter

DATE: 05/12/2014

DATA DATE: 04/07/2014

REF: London Paramount Entertainment

MAP REF: TQ6174

CENTRE: 561159, 174313

Underground cables  
Overhead lines

0m 200m  
Approximate scale 1:10000  
on A3 Colour Portrait

**Do not proceed without further consultation**

This plan shows those cables owned by National Grid Electricity Transmission plc in its role as a Licensed Electricity Transporter (ET). Electricity cables owned by other ETs, or otherwise privately owned, may be present in this area. Information with regard to such cables should be obtained from the relevant owners. The information shown on this plan is given without warranty, the accuracy thereof cannot be guaranteed. Ancillary equipment such as cooling systems and communication cables are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by National Grid Electricity Transmission plc or their agents, servants or contractors for any error or omission. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of cables and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you or near electricity apparatus. The information included on this plan should not be relied to beyond a period of 28 days from the date of issue.

Map 1 of 1 (ELECTRIC)

MAPS Plot Server Version 1.8.0

**nationalgrid**

Requested by: National Grid  
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**From:** [ROSSI, Sacha](#)  
**To:** [Environmental Services](#)  
**Cc:** [NATS Safeguarding](#)  
**Subject:** RE: London Paramount Entertainment Resort (ref: BC080001)  
**Date:** 25 November 2014 17:46:38

---

Dear Sir/Madam,

NATS does not anticipate an impact from the proposal and has no comments to make.

Regards  
S. Rossi  
NATS Safeguarding Office

**Mr Sacha Rossi**  
ATC Systems Safeguarding Engineer

☎: 01489 444 205  
✉: [sacha.rossi@nats.co.uk](mailto:sacha.rossi@nats.co.uk)

NATS Safeguarding  
4000 Parkway,  
Whiteley, PO15 7FL

<http://www.nats.co.uk/windfarms>

---

**From:** Environmental Services [<mailto:EnvironmentalServices@infrastructure.gsi.gov.uk>]  
**Sent:** 11 November 2014 13:35  
**To:** NATS Safeguarding  
**Subject:** London Paramount Entertainment Resort (ref: BC080001)

Dear Sir/Madam,

Please see the link below in respect of the EIA scoping consultation for the above project:

<http://infrastructure.planningportal.gov.uk/wp-content/uploads/2014/11/141111-Letter-stat-cons-ScopingAND-Reg9Notification.pdf>

Will Spencer  
EIA & Land Rights Advisor  
Major Applications and Plans, The Planning Inspectorate, Temple Quay House, Temple Quay, Bristol, BS1 6PN

Direct Line: 0303 444 5048  
Helpline: 0303 444 5000  
Email: [will.spencer@pins.gsi.gov.uk](mailto:will.spencer@pins.gsi.gov.uk)

Web: [www.planningportal.gov.uk/planninginspectorate](http://www.planningportal.gov.uk/planninginspectorate) (Planning Inspectorate casework and appeals)

Web: [www.planningportal.gov.uk/infrastructure](http://www.planningportal.gov.uk/infrastructure) (Planning Inspectorate's National Infrastructure Planning portal)

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Inspectorate.

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Date: 04 December 2014  
Our ref: 137264  
Your ref: BC080001



Will Spencer  
Major Applications and Plans  
The Planning Inspectorate  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

**By email only, no hard copy to follow**

Dear Mr Spencer

**Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) – Regulations 8 and 9**

**Application by for an Order Granting Development Consent for the London Paramount Entertainment Resort**

**Scoping consultation and notification of the applicant's contact details and duty to make available information to the applicant if requested**

Thank you for seeking our advice on the scope of the environmental statement (ES) in your consultation dated 11 November 2014 which we received on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Case law<sup>1</sup> and guidance<sup>2</sup> has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for this development.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Sean Hanna on 0300 060 4792 or by email to [sean.hanna@naturalengland.org.uk](mailto:sean.hanna@naturalengland.org.uk). For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

<sup>1</sup> Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)

<sup>2</sup> *Note on Environmental Impact Assessment Directive for Local Planning Authorities* Office of the Deputy Prime Minister (April 2004) available from

<http://webarchive.nationalarchives.gov.uk/+http://www.communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/noteenvironmental/>



Yours sincerely

*Sean Hanna*

Sean Hanna  
Lead Adviser  
Sussex and Kent Team

cc Jo Beck, Environment Agency  
Jayne Griffiths, Marine Management Organisation  
Steve Swain, Environment Agency

## Annex A – Natural England’s advice related to EIA Scoping Requirements for London Paramount Entertainment Resort

### 1. General Principles

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the ‘in combination’ effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

### 2. Biodiversity and Geology

#### 2.1 Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework sets out guidance in S.118 on how to take account of biodiversity interests in planning decisions and the framework that decision makers should provide to assist developers.

#### 2.2 Internationally and Nationally Designated Sites

The environmental statement should thoroughly assess the potential for the proposal to affect

designated sites. European sites, for example designated Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) fall within the scope of the Conservation of Habitats and Species Regulations 2010. In addition paragraph 118 of the National Planning Policy Framework requires that potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Wetlands of International Importance under the Ramsar Convention (Ramsar sites), and any site identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites.

Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority (in this case The Planning Inspectorate) may need to prepare an appropriate assessment, in addition to consideration of impacts through the EIA process.

### **Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar sites)**

The development consent order (DCO) boundary encompasses the following designated nature conservation site:

- Bakers Hole Site of Special Scientific Interest (SSSI)

The proposed development also has the potential to impact indirectly the following designated sites

- Darenth Woods SSSI
- Medway Estuary and Marshes SSSI, SPA and Ramsar Site
- Rainham Marshes SSSI
- South Thames Estuary and Marshes SSSI
- Thames Estuary and Marshes Special Protection Area and Ramsar Site
- Swanscombe Skull Site SSSI and National Nature Reserve
- West Thurrock Lagoon and Marshes SSSI

Further information on the SSSIs and their special interest features can be found at [www.magic.gov.uk](http://www.magic.gov.uk).

The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within these designated sites and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.

Based upon the information currently provided by the applicant, possible direct effects to designated sites which will need to be considered within the environmental statement are provided below.

- Details of measures which will be provided to ensure that Bakers Hole SSSI is not subject to direct or indirect impacts (such as from damage caused by visitors) which could occur as a result of the proposal.

Based upon the information currently provided by the applicant, possible indirect impacts which may need to be considered within the environmental statement are provided below, although it should be noted that this list is not exhaustive.

- Loss of land within the DCO boundary which may be used as feeding and/or roosting areas by birds associated with the coastal/freshwater grazing marsh designated sites. This will require wintering bird surveys to be undertaken of the DCO site and the adjacent estuarine habitat.

- Disturbance to birds associated with the coastal/freshwater grazing marsh designated sites that may be using land within the DCO boundary during both the construction and operational phases of the development.
- Disturbance that may occur to birds associated with the coastal/freshwater grazing marsh designated sites that may occur through increased boat traffic within the Thames Estuary as a result of this proposal.
- Increased recreational disturbance to birds associated with the coastal designated sites as a result of an increased number of visitors to the wider area of north Kent resulting from the proposal. The work commissioned by the North Kent Environmental Planning Group which is referenced within the scoping report will be helpful in assessing this.

In addition, The Thames has been recommended for designation as a marine conservation zone (rMCZ) and developers should be aware that the Department for Environment, Food and Rural Affairs (Defra) may wish to designate this site in future tranches of MCZ designations. Further information on this can be found within the Defra consultation web pages here:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/285304/pb14141-mcz-update-201402.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/285304/pb14141-mcz-update-201402.pdf). Consequently, Natural England recommends that the environmental statement should give consideration to the potential direct and indirect impacts to The Thames rMCZ.

In this case the proposal is not directly connected with, or necessary to, the management of a European site. Based upon the current information, in our view it is likely that the proposal will have a significant effect on internationally designated sites and therefore will require assessment under the Habitats Regulations. We recommend that there should be a separate section of the Environmental Statement to address impacts upon European and Ramsar sites entitled 'Information for Habitats Regulations Assessment'. The Natura 2000 network site conservation objectives are available on our internet site at <http://publications.naturalengland.org.uk/category/6490068894089216> which should be of help when preparing this information.

### 2.3 Regionally and Locally Important Sites

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. The Kent Wildlife Trust (<http://www.kentwildlifetrust.org.uk/>) will be able to provide detailed information on local wildlife sites and the Kent and Medway Biological Records Centre ([www.kmbrc.org.uk](http://www.kmbrc.org.uk)) will be able to provide details of any regionally important geological sites within close proximity to the DCO boundary.

### 2.4 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010

The environmental statement should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact*

*within the Planning System.* The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the environmental statement.

In order to provide this information there may be a requirement for a survey at a particular time of year and the surveys should be recent (normally no more than two or three years old). Surveys should always be carried out in optimal survey time periods and should comply with the current good practice guidance for the species concerned. The surveys should be undertaken by suitably qualified and where necessary, licensed, consultants. Natural England has adopted [standing advice](#) for protected species which includes links to guidance on survey and mitigation. This details the minimum level of survey effort that should be undertaken for protected species. We have not been provided with details of the survey methodology, survey effort, timing or survey area for the surveys undertaken to date and as such are not able to provide comment on their appropriateness.

From the suite of surveys already undertaken or proposed, we note the absence of any surveys of the marine environment. Given the potential for impacts to occur to the estuary as a result of this proposal ecological surveys covering the estuary are likely to be required. We would recommend advice from the Environment Agency and the Marine Management Organisation is sought in relation to the scope of these surveys.

We note that the survey period for terrestrial invertebrates is due to be undertaken between April and September 2015 whilst the aquatic invertebrate survey period is proposed to run from April through to June or July (for the Swanscombe Peninsula and Ebbsfleet Valley respectively). It is recommended that aquatic invertebrate surveys are undertaken across the survey season to ensure that early and late species are recorded to provide a robust baseline against which the impacts of the proposal can be assessed.

## **2.5 Habitats and Species of Principal Importance**

The environmental statement should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities to conserve and enhance biodiversity. Further information on this duty is available in the Defra publication '[Guidance for Local Authorities on Implementing the Biodiversity Duty](#)'.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (eg from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (eg whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should seek if possible to avoid adverse impact on sensitive areas for wildlife

within the site, and if possible provide opportunities for overall wildlife gain.

The Kent and Medway Biological Records Centre should be able to provide the relevant information on the location and type of priority habitat for the area under consideration.

### 3. Landscapes and Landscape Character

#### Landscape and visual impacts

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography. The European Landscape Convention places a duty on decision makers to consider the impacts of landscape when exercising their functions.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using landscape assessment methodologies. We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant [National Character Areas](#) which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

#### Heritage Landscapes

You should consider whether there is land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific or historic interest. An up-to-date list may be obtained at [www.hmrc.gov.uk/heritage/lbsearch.htm](http://www.hmrc.gov.uk/heritage/lbsearch.htm) and further information can be found on Natural England's landscape pages [here](#).

### 4. Access and Recreation

Natural England encourages any proposal to incorporate measures to help encourage people to

access the countryside for quiet enjoyment where these are compatible with other designations. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local green infrastructure strategies should be incorporated where appropriate.

The EIA should consider potential impacts to (and opportunities to enhance) open access land, public open land, rights of way and the proposed coastal access route (as part of the England Coast Path) in the vicinity of the development. We also recommend reference is made to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

## 5. Soil and Agricultural Land Quality

Impacts from the development should be considered in light of the Government's policy for the protection of the best and most versatile (BMV) agricultural land as set out in paragraph 112 of the NPPF. We also recommend that soils should be considered under a more general heading of sustainable use of land and the ecosystem services they provide as a natural resource in line with paragraph 109 of the NPPF.

Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for example as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably.

The applicant should consider the following issues as part of the Environmental Statement:

- The degree to which soils are going to be disturbed/harmed as part of this development and whether 'best and most versatile' agricultural land is involved.
- This may require a detailed survey if one is not already available. For further information on the availability of existing agricultural land classification (ALC) information see [www.magic.gov.uk](http://www.magic.gov.uk). Natural England Technical Information Note 049 - [Agricultural Land Classification: protecting the best and most versatile agricultural land](#) also contains useful background information.
- If required, an agricultural land classification and soil survey of the land should be undertaken. This should normally be at a detailed level, eg one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, ie 1.2 metres.
- The Environmental Statement should provided details of how any adverse impacts on soils can be minimised. Further guidance is contained in the [Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites](#).

As identified in the NPPF new sites or extensions to new sites for peat extraction should not be granted permission by Local Planning Authorities or proposed in development plans.

## 6. Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition ([England Biodiversity Strategy](#), Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should



take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System ([www.apis.ac.uk](http://www.apis.ac.uk)). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

## 7. Climate Change Adaptation

The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The environmental statement should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' ([NPPF](#) Para 109), which should be demonstrated through the ES.

## 8. Cumulative and in-combination effects

A full consideration of the implications of the whole scheme should be included in the environmental statement. All supporting infrastructure should be included within the assessment.

The environmental statement should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, ie projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.



Will Spencer  
The Planning Inspectorate  
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Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

5 December 2014

Dear Sir,

### **Scoping Consultation – London Paramount Entertainment Resort**

Thank you for consulting the PLA on the Scoping Opinion that has been submitted for London Paramount Entertainment Resort. The PLA considers this to be an exciting opportunity to regenerate Swanscombe Peninsula, encouraging visitors to engage with the River and the riverside. Having reviewed the Scoping Report it is considered that the DCO application needs to address a number of issues, some of which are essential to the continued safety of navigation on the River Thames. The PLA would have welcomed the opportunity to discuss these issues prior to the submission of the scoping opinion. It is important as this application progresses that the applicant and its consultants engage with the PLA. It is recommended that a meeting is set up to discuss the contents of this letter as soon as possible.

### **Red Line Boundary**

At this stage, the red line boundary is necessarily broad, extending out into the river from the upstream end of Robins Wharf to the site of the former Ingress Park Jetty. It is expected that, in line with paragraph 1.6 of the Scoping report, as the detailed proposals are worked up the red line boundary will be refined and may be reduced in size.

The list of 'associated development' set out at paragraph 1.8 includes jetties. Paragraph 1.7 identifies that associated development might be located outside the red line boundary. The PLA would wish to be involved in early discussions on any associated development in or over the River Thames.

The applicant is reminded of the need to serve notice on the PLA as landowner of the riverbed and foreshore (up to Mean High Water) when the DCO application is submitted.

## Navigational Equipment

The Scoping Report refers to a "PLA radar beacon" however, this is not strictly correct. The applicant needs to understand the complex navigational equipment, microwave links and radar site lines that operate across the Peninsula along with the physical lines of sight that the pilots rely on when navigating around the Peninsula. These include:

- (1) A radar and data communications facility on Broadness Peninsula - this consists of a dual redundant radar transceiver and antenna (including telecommunication links), a back up generator, UKPN electrical service and BT telecom ISDN and telephone landline. Additional equipment on site includes the Met Office official weathering monitoring station for Gravesend. The site is also identified by the PLA to include CCTV for vessel tracking, as a future navigation aid.
- (2) A navigation light (beacon) on Broadness Peninsula which is a fixed reference point relied upon by mariners when they are navigating around the point.
- (3) Microwave Links from Broadness to Northfleet and Gravesend to Erith
- (4) Radar sight lines around the Peninsula
- (5) Pilot lines of sight across the Peninsula

All of the above are critical in maintaining the safety of vessels navigating on the River Thames.

Whilst it is proposed that the northern part of the site would be a country park it is not yet clear how the PLA's radar and data communications facility would fit in with the wider development. The applicant may be aware that when the Millennium Dome was built at Greenwich Peninsula, this resulted in the PLA's Charlton Radar being re-built (at the applicant's expense) providing a new facility that complements the new surrounding within which it is now located. Has the applicant given any consideration to this? How will uninterrupted access to this facility and to the navigation light be provided for the PLA by cars, lorries and occasionally large cranes to ensure that emergency repairs and routine maintenance can be undertaken? Is there any scope through the application to get a potable main water supply and connection to a mains foul sewer to the PLA's facilities?

It is not clear whether any temporary or permanent buildings are proposed in the park and what the extent of the earth shaping would be (it is of note that previous piles of excavated materials stockpiled on the site have caused detrimental impacts on the PLA's navigational equipment). It needs to be ensured that the earth shaping does not slope toward the radar site and any associated access routes.

Additionally, in the absence of detailed information, the PLA cannot be certain at this stage that the provision of a number of tall structures, as proposed in the Scoping Opinion, will not detrimentally affect the microwave links and require the relocation of the radar to a higher point, so that navigation along the river is not affected. The PLA would welcome a discussion with the applicant at an early stage to discuss this further.

Pilots coming from the lower reaches of the River benefit from having clear sightlines across the peninsula (as shown on the attached sightlines drawing). The DCO application should plot these sightlines over the proposed development to demonstrate how they will remain unaffected by the proposal. This is important

given the heights of some of the development involved (buildings +32.0), structures (+50-60m), rides/roller coasters (+40m) and hotels inside the park (+40m) hotels outside the park (+50m).

### **Juxtaposition**

It is stated at 3.11 of the Scoping Report that both banks of the estuary feature wharves, jetties and port related uses, some of which are inactive. It will be essential to ensure that the development is designed; taking into account the activities that currently take place on the wharves, jetties etc and those that could reasonably be expected to take place in the future. This is important to ensure the long term security of the wharves and is an approach that is advocated in the Gravesham Local Plan (see policies CS7 and CS11) and the emerging Kent County Council Minerals and Waste Local plan (see policy CSM11). In particular the noise, air quality, transport and lighting chapters of the ES should consider the juxtaposition issues associated with placing new development in close proximity to operational wharves.

#### *Air Quality*

It is recommended that the air quality assessment considers the air quality impacts from the wharves on the application site. For example, open space would be located in very close proximity to an aggregates wharf. What air quality effects would be experienced by users of that open space as a result of the operations that take place at the wharf? The air quality assessment should consider the operations that currently take place at the wharves and those that could reasonably be expected to take place on them in the future. Any necessary mitigation should be identified.

#### *Noise and Vibration*

It is recommended that the noise assessment considers the noise impacts from the wharves on the application site. What noise levels would be experienced by users of the proposed development, including the open space, as a result of the operation of the wharves. The assessment should consider the operations that currently take place at the wharves and those that could reasonably be expected to take place on them in the future. Any necessary mitigation should be identified. It needs to be remembered that many wharves operate 24 hours a day 7 days a week to fit in with the tides and this should be reflected in the noise monitoring that it is undertaken. It should be ensured that any noise monitoring that takes place is representative and the most appropriate way to ensure this is through engagement with the wharf operators.

#### *Highways Access*

It is essential that appropriate highways access is maintained to the wharves which are located on the peninsula. This should be demonstrated in any subsequent DCO application with the production of swept path drawings if necessary.

#### *Lighting*

Given the proximity of the site to operational wharves, which have the potential to operate 24 hours a day it is important for the lighting chapter of the ES to consider the lighting impacts from the wharves on the

application site. What lighting levels would be experienced by users of the proposed development, including the open space as a result of the operation of the wharves. The assessment should consider the operations that currently take place at the wharves and those that could reasonably be expected to take place on them in the future. Any necessary mitigation should be identified.

There are references throughout the Scoping Report to lighting and “nocturnal visual effects” during construction and operation. These will need to be assessed to ensure that they do not cause a hazard to navigation and any impact to the river environment is minimised.

### **Use of the River for the Transport of Bulk Materials**

The Scoping Opinion sets out within the transport section that the volume of construction and demolition traffic will depend heavily on the rate of delivery and the triggers for delivering part of the community infrastructure. No further details have been provided by the applicant on the methods of transporting construction and demolition materials. The NPPF sets out that proposals should utilise sustainable transport modes for the movement of goods or people. As such, the PLA would like to see further consideration given to the movement of freight by water in the Environmental Statement. This should include the potential to remove waste by river during the operational phases of the development as well as the use of the river for the transport of construction materials to and waste materials from the development site during the construction phase.

### **Use of the River for the Transport of Passengers**

Given the close proximity of the site to the River Thames, consideration should also be given to the use of the river for public transport once the development is operational. The Scoping Opinion sets out expected visitor travel demands and outlines a number of different passenger options, including water taxis. The PLA strongly supports the Mayor’s River Action Plan (2013), which seeks to increase river passenger number to 12 million people per year by 2020. The PLA would like the applicant to address river services as an option for passengers arriving and leaving the entertainment resort and this should be reflected within any future Transport Assessment. The PLA also recommends that any future Travel Plan sets robust targets for river transport. It should also set out measures that will be taken in order to encourage the use of the river services, such as the provision of timetables.

The scope of the river bus facilities needs to be fully defined in any DCO application. They are referred to in the singular and in the plural in the Scoping Opinion. It is of note that whilst the overview of the development refers to river bus access from the Thames, paragraph 3.48 (Access and Parking facilities) only refers to considering the opportunities to create landing stations to facilitate visitor access via the River Thames. It is disappointing that not even an indicative water taxi berth is shown on the plans appended to the report.

The transport mode share for water taxi is given in the scoping opinion as 2%, this differs from the last consultation that the applicant undertook in Autumn 2014 which identified that water taxi would account for 5% of visitors to the site. Without further details on this aspect of the development it is difficult to advise how the applicant should assess the impact of water travel. Is the river transport from London to Swanscombe

and / or from Gravesend and / or Tilbury? Table 1 refers to 2 vessels per day (design day) and 3 vessels per day (high day). This would equate to 4 movements and 6 movements respectively.

It is recommended that a navigation safety risk assessment is undertaken for the vessel movements on and off the river bus facility. It will also be necessary for the river bus facility to have radar surveillance to ensure safety management is maintained.

It is of note that the noise chapter seems to be envisaging much more river transport than the transport chapter does with the noise chapter stating *"the development will generate a lot of traffic by car and by river transport."*

### **Ecology**

The River bus facilities are not identified in paragraph 6.57 as being likely to have potential ecological effects. It is not clear yet whether an existing jetty is to be utilised or a new jetty is proposed. However table 6.3 does identify disturbance and silt mobilization resulting from dredging and jetty construction works as a potential ecological effect and it also identifies *"long term changes to accretion and erosion of saltmarsh and mudflat habitats resulting from the existence of the jetty and increased wash arising from boat traffic"*. Interestingly reference is made to the *"operation of a marina and boat mooring facilities"* and this is the first reference to this in the document. No further details appear to have been provided.

### **Water Resources Management**

Reference is made to the London Plan for drainage, although the application site is not located within the London Plan area. The DCO application should clearly identify whether the drainage proposals would result in any new outfalls discharging into the River Thames.

### **Riparian Life Saving Equipment**

Given the location of the development, consideration should be given to the provision of riparian life saving equipment.

### **Other Consents**

Depending on the boundary of the DCO application and the powers sought within it, it may be necessary for the applicant to obtain a River Works Licence from the PLA for the works over Mean High Water. This would include the permanent works such as a jetty or outfalls and the temporary works such as crane oversails. A dredging licence may also be required from the PLA for any dredging that is proposed.

The applicant may also wish to make early contact with the Marine Management Organisation to ensure that any Environmental Impact Assessment that is to be undertaken meets not only the requirements of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) but also the Marine Works Environmental Impact Assessment Regulations.

I hope the above is of assistance to you.

Yours Faithfully,



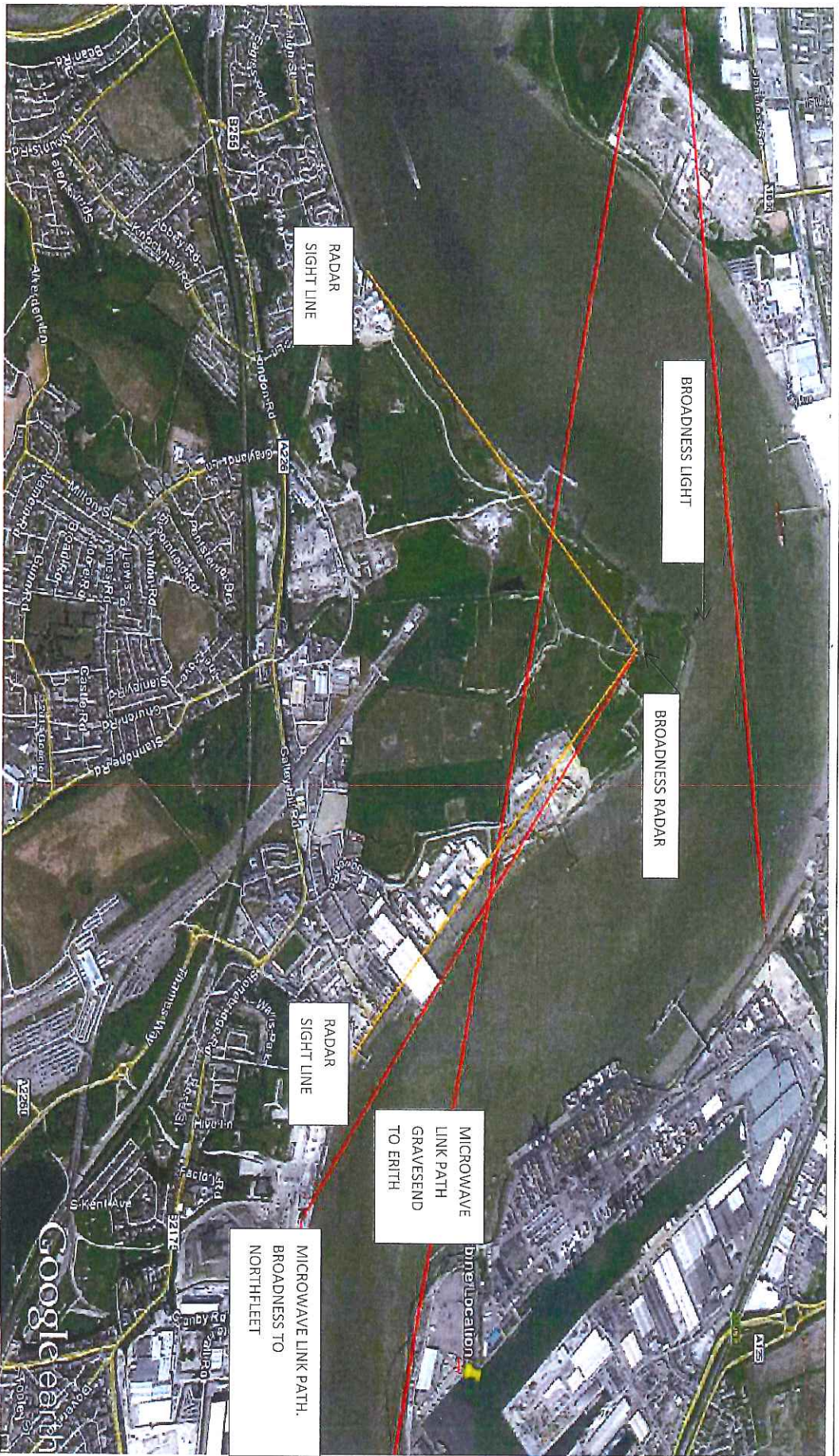
Lucy Owen

Deputy Director of Planning and Environment

Tel: +44 (0)1474 562384

Email: [lucy.owen@pla.co.uk](mailto:lucy.owen@pla.co.uk)





Google earth

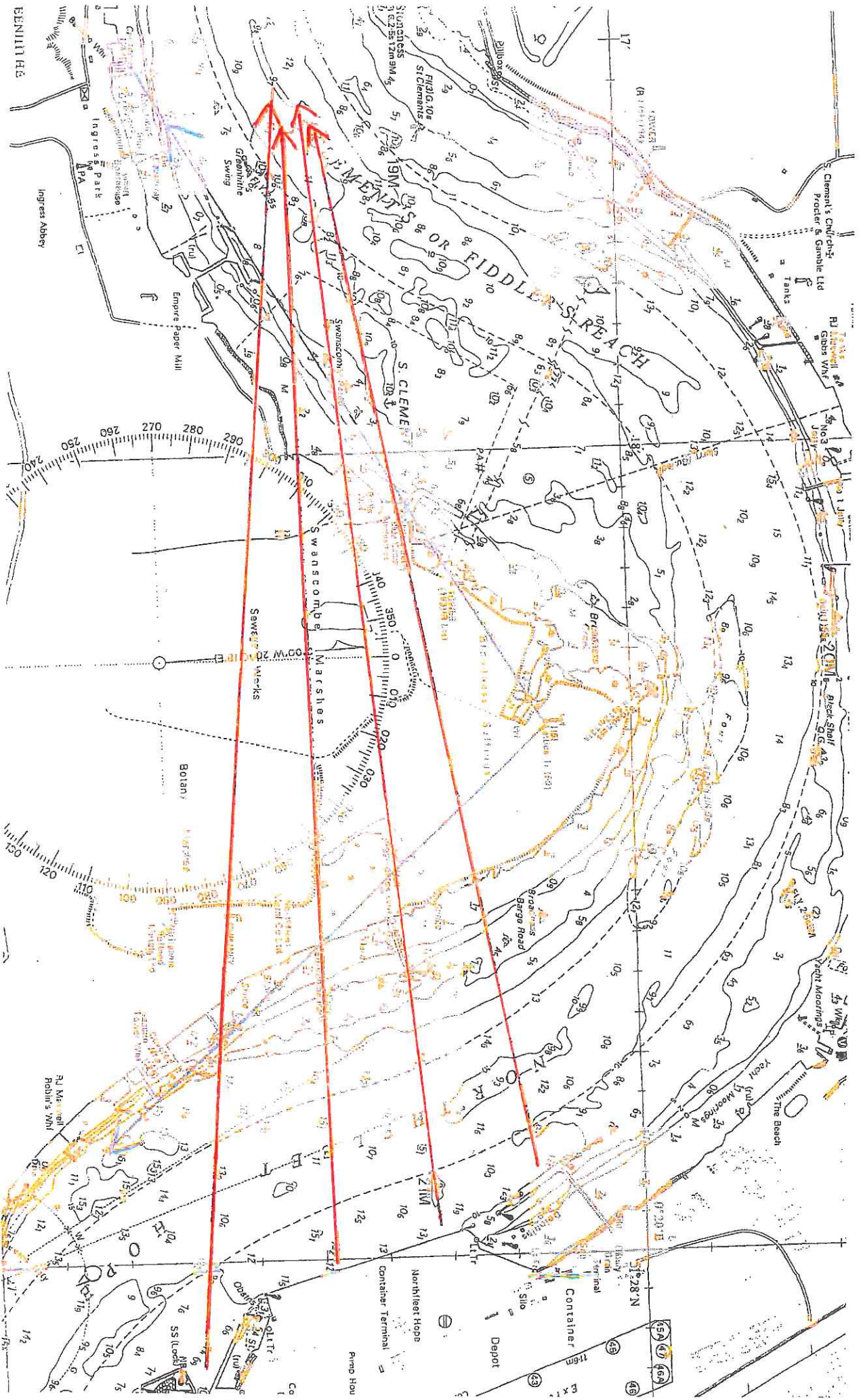
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→ PILOT SIGHTLINE



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Your Ref : EN010071

Our Ref : COM 141111 367

FAO: Will Spence

09/12/2014

Dear Mr Spence,

**Re: Scoping Consultation  
Application for an Order Granting Development Consent for the  
proposed London Paramount Entertainment Resort**

Thank you for including Public Health England (PHE) in the scoping consultation phase of the above application. Our response focuses on health protection issues relating to chemicals and radiation. Advice offered by PHE is impartial and independent.

In order to ensure that health is fully and comprehensively considered the Environmental Statement (ES) should provide sufficient information to allow the potential impact of the development on public health to be fully assessed.

We understand that the promoter will wish to avoid unnecessary duplication and that many issues including air quality, emissions to water, waste, contaminated land etc. will be covered elsewhere in the ES. PHE however believes the summation of relevant issues into a specific section of the report provides a focus which ensures that public health is given adequate consideration. The section should summarise key information, risk assessments, proposed mitigation measures, conclusions and residual impacts, relating to human health. Compliance with the requirements of National Policy Statements and relevant guidance and standards should also be highlighted.

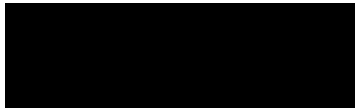
In terms of the level of detail to be included in an ES, we recognise that the differing nature of projects is such that their impacts will vary. Any assessments undertaken to inform the ES should be proportionate to the potential impacts of the proposal,

therefore we accept that, in some circumstances particular assessments may not be relevant to an application, or that an assessment may be adequately completed using a qualitative rather than quantitative methodology. In cases where this decision is made the promoters should fully explain and justify their rationale in the submitted documentation.

It is noted that the current proposals do not appear to consider possible health impacts of Electric and Magnetic Fields (EMF). The proposer should confirm either that the proposed development does include or impact upon any potential sources of EMF; or ensure that an adequate assessment of the possible impacts is undertaken and included in the ES.

The attached appendix outlines generic areas that should be addressed by all promoters when preparing ES for inclusion with an NSIP submission. We are happy to assist and discuss proposals further in the light of this advice.

Yours sincerely,



Dr Gary Lau  
Health Protection Scientist

[nsipconsultations@phe.gov.uk](mailto:nsipconsultations@phe.gov.uk)

*Please mark any correspondence for the attention of National Infrastructure Planning Administration.*

## **Appendix: PHE recommendations regarding the scoping document**

### **General approach**

The EIA should give consideration to best practice guidance such as the Government's Good Practice Guide for EIA<sup>1</sup>. It is important that the EIA identifies and assesses the potential public health impacts of the activities at, and emissions from, the installation. Assessment should consider the development, operational, and decommissioning phases.

It is not PHE's role to undertake these assessments on behalf of promoters as this would conflict with PHE's role as an impartial and independent body.

We note that the information provided states that there will be three associated development projects, but that these will be the subject of separate planning consent applications. We recommend that the EIA includes consideration of the impacts of associated development and that cumulative impacts are fully accounted for.

Consideration of alternatives (including alternative sites, choice of process, and the phasing of construction) is widely regarded as good practice. Ideally, EIA should start at the stage of site and process selection, so that the environmental merits of practicable alternatives can be properly considered. Where this is undertaken, the main alternatives considered should be outlined in the ES<sup>2</sup>.

The following text covers a range of issues that PHE would expect to be addressed by the promoter. However this list is not exhaustive and the onus is on the promoter to ensure that the relevant public health issues are identified and addressed. PHE's advice and recommendations carry no statutory weight and constitute non-binding guidance.

### **Receptors**

The ES should clearly identify the development's location and the location and distance from the development of off-site human receptors that may be affected by emissions from, or activities at, the development. Off-site human receptors may include people living in residential premises; people working in commercial, and industrial premises and people using transport infrastructure (such as roads and railways), recreational areas, and publicly-accessible land. Consideration should also be given to environmental receptors such as the surrounding land, watercourses, surface and groundwater, and drinking water supplies such as wells, boreholes and water abstraction points.

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<sup>1</sup> Environmental Impact Assessment: A guide to good practice and procedures - A consultation paper; 2006; Department for Communities and Local Government. Available from:

<http://www.communities.gov.uk/archived/publications/planningandbuilding/environmentalimpactassessment>

<sup>2</sup> DCLG guidance, 1999 <http://www.communities.gov.uk/documents/planningandbuilding/pdf/155958.pdf>

## **Impacts arising from construction and decommissioning**

Any assessment of impacts arising from emissions due to construction and decommissioning should consider potential impacts on all receptors and describe monitoring and mitigation during these phases. Construction and decommissioning will be associated with vehicle movements and cumulative impacts should be accounted for.

We would expect the promoter to follow best practice guidance during all phases from construction to decommissioning to ensure appropriate measures are in place to mitigate any potential impact on health from emissions (point source, fugitive and traffic-related). An effective Construction Environmental Management Plan (CEMP) (and Decommissioning Environmental Management Plan (DEMP)) will help provide reassurance that activities are well managed. The promoter should ensure that there are robust mechanisms in place to respond to any complaints of traffic-related pollution, during construction, operation, and decommissioning of the facility.

## **Emissions to air and water**

Significant impacts are unlikely to arise from installations which employ Best Available Techniques (BAT) and which meet regulatory requirements concerning emission limits and design parameters. However, PHE has a number of comments regarding emissions in order that the EIA provides a comprehensive assessment of potential impacts.

When considering a baseline (of existing environmental quality) and in the assessment and future monitoring of impacts these:

- should include appropriate screening assessments and detailed dispersion modelling where this is screened as necessary
- should encompass all pollutants which may be emitted by the installation in combination with all pollutants arising from associated development and transport, ideally these should be considered in a single holistic assessment
- should consider the construction, operational, and decommissioning phases
- should consider the typical operational emissions and emissions from start-up, shut-down, abnormal operation and accidents when assessing potential impacts and include an assessment of worst-case impacts

- should fully account for fugitive emissions
- should include appropriate estimates of background levels
- should identify cumulative and incremental impacts (i.e. assess cumulative impacts from multiple sources), including those arising from associated development, other existing and proposed development in the local area, and new vehicle movements associated with the proposed development; associated transport emissions should include consideration of non-road impacts (i.e. rail, sea, and air)
- should include consideration of local authority, Environment Agency, Defra national network, and any other local site-specific sources of monitoring data
- should compare predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as UK Air Quality Standards and Objectives and Environmental Assessment Levels)
  - If no standard or guideline value exists, the predicted exposure to humans should be estimated and compared to an appropriate health-based value (a Tolerable Daily Intake or equivalent). Further guidance is provided in Annex 1
  - This should consider all applicable routes of exposure e.g. include consideration of aspects such as the deposition of chemicals emitted to air and their uptake via ingestion
- should identify and consider impacts on residential areas and sensitive receptors (such as schools, nursing homes and healthcare facilities) in the area(s) which may be affected by emissions, this should include consideration of any new receptors arising from future development

Whilst screening of impacts using qualitative methodologies is common practice (e.g. for impacts arising from fugitive emissions such as dust), where it is possible to undertake a quantitative assessment of impacts then this should be undertaken.

PHE's view is that the EIA should appraise and describe the measures that will be used to control both point source and fugitive emissions and demonstrate that standards, guideline values or health-based values will not be exceeded due to emissions from the installation, as described above. This should include consideration of any emitted pollutants for which there are no set emission limits. When assessing the potential impact of a proposed installation on environmental quality, predicted environmental concentrations should be compared to the permitted concentrations in the affected media; this should include both standards for short and long-term exposure.

*Additional points specific to emissions to air*

When considering a baseline (of existing air quality) and in the assessment and future monitoring of impacts these:

- should include consideration of impacts on existing areas of poor air quality e.g. existing or proposed local authority Air Quality Management Areas (AQMAs)
- should include modelling using appropriate meteorological data (i.e. come from the nearest suitable meteorological station and include a range of years and worst case conditions)
- should include modelling taking into account local topography

*Additional points specific to emissions to water*

When considering a baseline (of existing water quality) and in the assessment and future monitoring of impacts these:

- should include assessment of potential impacts on human health and not focus solely on ecological impacts
- should identify and consider all routes by which emissions may lead to population exposure (e.g. surface watercourses; recreational waters; sewers; geological routes etc.)
- should assess the potential off-site effects of emissions to groundwater (e.g. on aquifers used for drinking water) and surface water (used for drinking water abstraction) in terms of the potential for population exposure
- should include consideration of potential impacts on recreational users (e.g. from fishing, canoeing etc) alongside assessment of potential exposure via drinking water

## **Land quality**

We would expect the promoter to provide details of any hazardous contamination present on site (including ground gas) as part of the site condition report.

Emissions to and from the ground should be considered in terms of the previous history of the site and the potential of the site, once operational, to give rise to issues. Public health impacts associated with ground contamination and/or the migration of material off-site should be assessed<sup>3</sup> and the potential impact on nearby receptors and control and mitigation measures should be outlined.

Relevant areas outlined in the Government's Good Practice Guide for EIA include:

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<sup>3</sup> Following the approach outlined in the section above dealing with emissions to air and water i.e. comparing predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as Soil Guideline Values)



- effects associated with ground contamination that may already exist
- effects associated with the potential for polluting substances that are used (during construction / operation) to cause new ground contamination issues on a site, for example introducing / changing the source of contamination
- impacts associated with re-use of soils and waste soils, for example, re-use of site-sourced materials on-site or offsite, disposal of site-sourced materials offsite, importation of materials to the site, etc.

## **Waste**

The EIA should demonstrate compliance with the waste hierarchy (e.g. with respect to re-use, recycling or recovery and disposal).

For wastes arising from the installation the EIA should consider:

- the implications and wider environmental and public health impacts of different waste disposal options
- disposal route(s) and transport method(s) and how potential impacts on public health will be mitigated

## **Other aspects**

Within the EIA PHE would expect to see information about how the promoter would respond to accidents with potential off-site emissions e.g. flooding or fires, spills, leaks or releases off-site. Assessment of accidents should: identify all potential hazards in relation to construction, operation and decommissioning; include an assessment of the risks posed; and identify risk management measures and contingency actions that will be employed in the event of an accident in order to mitigate off-site effects.

The EIA should include consideration of the COMAH Regulations (Control of Major Accident Hazards) and the Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009: both in terms of their applicability to the installation itself, and the installation's potential to impact on, or be impacted by, any nearby installations themselves subject to the these Regulations.

There is evidence that, in some cases, perception of risk may have a greater impact on health than the hazard itself. A 2009 report<sup>4</sup>, jointly published by Liverpool John Moores University and the HPA, examined health risk perception and environmental problems using a number of case studies. As a point to consider, the report suggested: "Estimation of community anxiety and stress should be included as part of every risk or impact assessment of proposed plans that involve a potential

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<sup>4</sup> Available from: <http://www.cph.org.uk/showPublication.aspx?pubid=538>

environmental hazard. This is true even when the physical health risks may be negligible.” PHE supports the inclusion of this information within EIAs as good practice.

### **Electromagnetic fields (EMF) [include for installations with associated substations and/or power lines]**

There is a potential health impact associated with the electric and magnetic fields around substations and the connecting cables or lines. The following information provides a framework for considering the potential health impact.

In March 2004, the National Radiological Protection Board, NRPB (now part of PHE), published advice on limiting public exposure to electromagnetic fields. The advice was based on an extensive review of the science and a public consultation on its website, and recommended the adoption in the UK of the EMF exposure guidelines published by the International Commission on Non-ionizing Radiation Protection (ICNIRP):-

<http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/NPRBArchive/DocumentsOfTheNRPB/Absd1502/>

The ICNIRP guidelines are based on the avoidance of known adverse effects of exposure to electromagnetic fields (EMF) at frequencies up to 300 GHz (gigahertz), which includes static magnetic fields and 50 Hz electric and magnetic fields associated with electricity transmission.

PHE notes the current Government policy is that the ICNIRP guidelines are implemented in line with the terms of the EU Council Recommendation on limiting exposure of the general public (1999/519/EC):

[http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/PublicHealth/HealthProtection/DH\\_4089500](http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/PublicHealth/HealthProtection/DH_4089500)

For static magnetic fields, the latest ICNIRP guidelines (2009) recommend that acute exposure of the general public should not exceed 400 mT (millitesla), for any part of the body, although the previously recommended value of 40 mT is the value used in the Council Recommendation. However, because of potential indirect adverse effects, ICNIRP recognises that practical policies need to be implemented to prevent inadvertent harmful exposure of people with implanted electronic medical devices and implants containing ferromagnetic materials, and injuries due to flying ferromagnetic objects, and these considerations can lead to much lower restrictions, such as 0.5 mT as advised by the International Electrotechnical Commission.

At 50 Hz, the known direct effects include those of induced currents in the body on the central nervous system (CNS) and indirect effects include the risk of painful spark discharge on contact with metal objects exposed to the field. The ICNIRP guidelines give reference levels for public exposure to 50 Hz electric and magnetic fields, and these are respectively 5 kV m<sup>-1</sup> (kilovolts per metre) and 100 µT (microtesla). If people are not exposed to field strengths above these levels, direct

effects on the CNS should be avoided and indirect effects such as the risk of painful spark discharge will be small. The reference levels are not in themselves limits but provide guidance for assessing compliance with the basic restrictions and reducing the risk of indirect effects. Further clarification on advice on exposure guidelines for 50 Hz electric and magnetic fields is provided in the following note on the HPA website:

[http://webarchive.nationalarchives.gov.uk/20140714084352/http://www.hpa.org.uk/Topics/Radiation/UnderstandingRadiation/InformationSheets/info\\_IcnirpExpGuidelines/](http://webarchive.nationalarchives.gov.uk/20140714084352/http://www.hpa.org.uk/Topics/Radiation/UnderstandingRadiation/InformationSheets/info_IcnirpExpGuidelines/)

The Department of Energy and Climate Change has also published voluntary code of practices which set out key principles for complying with the ICNIRP guidelines for the industry.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/37447/1256-code-practice-emf-public-exp-guidelines.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/37447/1256-code-practice-emf-public-exp-guidelines.pdf)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/48309/1255-code-practice-optimum-phasing-power-lines.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/48309/1255-code-practice-optimum-phasing-power-lines.pdf)

There is concern about the possible effects of long-term exposure to electromagnetic fields, including possible carcinogenic effects at levels much lower than those given in the ICNIRP guidelines. In the NRPB advice issued in 2004, it was concluded that the studies that suggest health effects, including those concerning childhood leukaemia, could not be used to derive quantitative guidance on restricting exposure. However, the results of these studies represented uncertainty in the underlying evidence base, and taken together with people's concerns, provided a basis for providing an additional recommendation for Government to consider the need for further precautionary measures, particularly with respect to the exposure of children to power frequency magnetic fields.

The Stakeholder Advisory Group on ELF EMFs (SAGE) was then set up to take this recommendation forward, explore the implications for a precautionary approach to extremely low frequency electric and magnetic fields (ELF EMFs), and to make practical recommendations to Government. In the First Interim Assessment of the Group, consideration was given to mitigation options such as the 'corridor option' near power lines, and optimal phasing to reduce electric and magnetic fields. A Second Interim Assessment addresses electricity distribution systems up to 66 kV. The SAGE reports can be found at the following link:

<http://sagedialogue.org.uk/> (go to "Document Index" and Scroll to SAGE/Formal reports with recommendations)

The Agency has given advice to Health Ministers on the First Interim Assessment of SAGE regarding precautionary approaches to ELF EMFs and specifically regarding power lines and property, wiring and electrical equipment in homes:

[http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/HPAResponseStatementsOnRadiationTopics/rpdadvice\\_sage/](http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/HPAResponseStatementsOnRadiationTopics/rpdadvice_sage/)

The evidence to date suggests that in general there are no adverse effects on the health of the population of the UK caused by exposure to ELF EMFs below the guideline levels. The scientific evidence, as reviewed by PHE, supports the view that precautionary measures should address solely the possible association with childhood leukaemia and not other more speculative health effects. The measures should be proportionate in that overall benefits outweigh the fiscal and social costs, have a convincing evidence base to show that they will be successful in reducing exposure, and be effective in providing reassurance to the public.

The Government response to the First SAGE Interim Assessment is given in the written Ministerial Statement by Gillian Merron, then Minister of State, Department of Health, published on 16<sup>th</sup> October 2009:

<http://www.publications.parliament.uk/pa/cm200809/cmhansrd/cm091016/wmstext/91016m0001.htm>

[http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_107124](http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_107124)

HPA and Government responses to the Second Interim Assessment of SAGE are available at the following links:

[http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/HPAResponseStatementsOnRadiationTopics/rpdadvice\\_sage2/](http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/HPAResponseStatementsOnRadiationTopics/rpdadvice_sage2/)

[http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_130703](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_130703)

The above information provides a framework for considering the health impact associated with the proposed development, including the direct and indirect effects of the electric and magnetic fields as indicated above.

**Liaison with other stakeholders, comments should be sought from:**

- the local authority for matters relating to noise, odour, vermin and dust nuisance
- the local authority regarding any site investigation and subsequent construction (and remediation) proposals to ensure that the site could not be determined as 'contaminated land' under Part 2A of the Environmental Protection Act
- the local authority regarding any impacts on existing or proposed Air Quality Management Areas

- the Food Standards Agency for matters relating to the impact on human health of pollutants deposited on land used for growing food/ crops
- the Environment Agency for matters relating to flood risk and releases with the potential to impact on surface and groundwaters
- the Environment Agency for matters relating to waste characterisation and acceptance
- the Clinical Commissioning Groups, NHS commissioning Boards and Local Planning Authority for matters relating to wider public health

### **Environmental Permitting**

Amongst other permits and consents, the development will require an environmental permit from the Environment Agency to operate (under the Environmental Permitting (England and Wales) Regulations 2010). Therefore the installation will need to comply with the requirements of best available techniques (BAT). PHE is a consultee for bespoke environmental permit applications and will respond separately to any such consultation.

## Annex 1

### Human health risk assessment (chemical pollutants)

The points below are cross-cutting and should be considered when undertaking a human health risk assessment:

- The promoter should consider including Chemical Abstract Service (CAS) numbers alongside chemical names, where referenced in the ES
- Where available, the most recent United Kingdom standards for the appropriate media (e.g. air, water, and/or soil) and health-based guideline values should be used when quantifying the risk to human health from chemical pollutants. Where UK standards or guideline values are not available, those recommended by the European Union or World Health Organisation can be used
- When assessing the human health risk of a chemical emitted from a facility or operation, the background exposure to the chemical from other sources should be taken into account
- When quantitatively assessing the health risk of genotoxic and carcinogenic chemical pollutants PHE does not favour the use of mathematical models to extrapolate from high dose levels used in animal carcinogenicity studies to well below the observed region of a dose-response relationship. When only animal data are available, we recommend that the 'Margin of Exposure' (MOE) approach<sup>5</sup> is used

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<sup>5</sup> Benford D et al. 2010. Application of the margin of exposure approach to substances in food that are genotoxic and carcinogenic. Food Chem Toxicol 48 Suppl 1: S2-24

**Additional Consultation Response  
from High Speed 1**

## HS1 Ltd: Response to Scoping Consultation London Paramount Entertainment Resort

HS1 holds the concession from the Government to operate, manage and maintain the High Speed 1 railway infrastructure until December 2040. The High Speed 1 railway operates between St Pancras in London and the Channel Tunnel and forms the United Kingdom part of the international high speed passenger railway routes between London and Paris and London and Brussels and beyond. The railway is also used by freight traffic with Europe (for which there are connections with the national rail network at Camden, Barking and Dollands Moor) and high speed domestic trains serving Kent – notably at Ebbsfleet International. It includes a Eurostar maintenance depot at Temple Mills and a NRHS depot at Singlewell. The railway infrastructure and its stations are held by HS1 on a lease for the concession period from the Secretary of State for Transport.

HS1 recognises that this Resort Development, incorporating the largest aquatic centre in Europe is of European significance and will attract large volumes of visitors from a wide area. In view of this European significance and status, this development should set out to be an exemplar of how development can achieve high levels of economic, environmental and social benefits.

We welcome this opportunity to comment on the scoping report. We support the development, however, we request that the design and assessment process should take the stance of not merely seeking to comply with legislation (which is in any event incompletely set out in the scoping report) but should set out a vision of how the Resort can achieve the highest levels of sustainable design in terms of structures, layout and transport development. These design objectives should be set out at the outset to ensure that the design itself avoids adverse effects, rather than building in mitigation features at the end of an incomplete /unsatisfactory design process.

HS1 is acutely aware that in the case of St Pancras, a high quality transport service and destination station can change the image of an area and promote high quality development. If the full potential of the Resort is to be achieved at the European as well as local levels and it is to be a catalyst for future development and improvements to the economic, environmental and social well-being of the area, it must adopt an approach across the board which has this aspiration at its core. It can then be an award winning and long term successful development..

We believe that maximum benefit and opportunity can be gained from close working of the design teams and HS1. HS1 would welcome this opportunity to work with the developer in order to achieve the best synergy between the railway and the development.

In terms of HS1 specifically, the development does represent a major change in the nature and level of activity in the area and changes the risk profile of the railway. We would expect the developer to incorporate all necessary measures as part of the design and mitigation proposals.

HS1 is Nationally Significant Infrastructure. At Ebbsfleet there are the following features:

- Ebbsfleet Station, 2 international and 2 domestic platforms in the low level station and 2 domestic platforms at the high level station connecting to the



North Kent Line. It is an important parkway station for Kent and East Sussex into London;

- 2 single bore railway tunnels which pass under the River Thames from the Swanscombe peninsula;
- A Tunnel Portal, including ventilation, safety systems, plant and equipment, emergency muster areas and access. Also a surface water pumping facility linked to drainage channels in the marshes;
- Surface route southward from the peninsula through Ebbsfleet valley;
- Interface and connection between the HS1 rail network and NRIL network in North Kent;
- A new public road network built to serve the station with new junctions onto the A2;
- Extensive Car parks serving the station which are subject to lift and shift arrangements to facilitate development in the Ebbsfleet Valley;
- “A “Plaza Deck,” an advance bridge deck crossing HS1 south of the station to facilitate future development. An integral major future services culvert passes under the railway at the same location;
- Turnback Sidings for domestic highspeed train services at Church Path Pit for HS1 alongside a national rail network connection for Lafarge Tarmac;
- High voltage traction power supply equipment along the entire infrastructure; and
- Substations for domestic power networks to serve tunnel and lineside installations including, Masts, signalling equipment and C&C rooms, trackside lighting, drainage pumps, points heating and ventilation.

The area is therefore complex and sensitive and HS1 should be recognised as a major receptor in terms of impacts upon physical infrastructure, transport services, passengers and staff in respect of the assessment of the effects of the Resort Development. The current scope barely addresses this. The status of HS1, together with Eurostar and Southeast trains needs to be recognised at the outset and so that the highest quality of information, design parameters and constraints are available and used in the development of the design and its assessment. We welcome consultation by the specialist teams during the preparation of the ES and design development of the project.

### **Safeguarded Area**

The area shown on attached Plan shows the area which continues to be safeguarded where local authorities would normally consult with HS1 prior to determining any planning application. We assume that the same requirement falls onto the Secretary of State before an Order granting Development Consent will be made on his behalf by the National Infrastructure Directorate.

We welcome the opportunity to comment on the scoping report so that our concerns can be addressed at the outset.

**Lease area-** The attached plan also shows the lease area for HS1. The main HS1 rail infrastructure (all tracks, tunnels, major highway crossing structures, station buildings and electricity substations are sited on land owned by the Secretary of State and leased to HS1 Limited. At Ebbsfleet, the extensive car parking areas and access roads into the car parks

off the public road network are retained by the landowner and leased to the Secretary of State and HS1. This leasing arrangement enables the landowner to develop these areas subject to maintaining full access to the station and provision of replacement car parking.

### **Scope of Landscape and visual impact**

HS1 emerges from the Thames Tunnel at Swanscombe and continues on the surface through the Ebbsfleet Valley. The development should ensure that the overall passenger experience should be enhanced, with existing views protected and new aspects presented. The development also impacts on the HS1 mitigation planting and landscape.

The assessment should consider:

- The view from the train, the development should consider the impact on the quality of the journey by international and national rail passengers (this could also be an important element in the promotion of the resort);
- The setting of Ebbsfleet Station which has a prominent location in the Ebbsfleet Valley now and within a future new development area and as such helps promote rail travel;
- Passengers arriving by car and bus to the station; and
- Impact on HS1 landscape planting, seeding and landscape.

### **Scope of Water Resource Management**

The water resources of the area should be listed in order that the impacts on the development can be assessed and potential mitigation identified. The ecology section lists this in some detail, however this section avoids any detailed consideration and therefore the level of information provided here is low.

The HS1 tunnel, and other HS1 plant and equipment and structures are vulnerable to changes in ground water levels and changes to local discharges, drainage in the area, including pollution. The tunnel portal is sensitive to tidal and fluvial flooding as well as from surface and groundwater.

The Flood Risk and drainage assessments should consider:

- Design standards in respect of flood protection for the tunnel portal and associated features;
- The surface route;
- Station and subways.

Effects on HS1 during operation and construction need to be considered.

There are also ponds, rivers, a groundwater abstraction licence in the area and impacts on these resources should be assessed as part of the drainage and water resource assessment.

## Scope of soil and ground conditions

HS1 runs through the centre of the development so our concerns lie with both infrastructure and effects on passengers and staff. Infrastructure is vulnerable to local pollutants dust and airborne contaminants and gasses for which the proposed development could create pathways. Construction activity and/or removal of landfill material and other contaminated areas will be of particular concern as airborne, subsurface and other releases could occur. This study should consider:

- The potential effects of dust, contaminants and gasses on human health of station staff and passengers;
- The potential effects of contaminants and gasses on HS1 structures, cabling and other signalling equipment;
- How the verification reports of the design and built works can be reviewed by HS1.

## Scope of transport and access

We note that one of the site selection criteria was the proximity public transport links. Despite high quality, high capacity links by train with the potential connection from Ebbsfleet station directly into the Resort, we are concerned that, it is proposed that 58% of visitors will arrive by private vehicle. It is not clear what is the basis and reason for this assumption. This is not consistent with the NPPF which states *“encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion, ... local plans should support a pattern of development which facilitates the use of sustainable modes of transport.*

During the Olympic period, the javelin domestic service provided a transport hub for peak waves of arrivals and departures. There is clearly the capacity and flexibility to meet a larger proportion of transport need for the resort. It is also noted that the development will create 16 additional flights.

NPPF set out some principles for *Achieving Sustainable Development Core Planning Principles*

*17 •actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;*

*Promoting sustainable transport*

*34 Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.*

*35 Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people.*

*32 Plans and decisions should take account of whether:*

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- *the opportunities for sustainable transport modes have been taken up*
- *Safe and suitable access to the site can be achieved for all people*
- *Improvements can be undertaken within the transport network.*

There appears to be no assessment of existing and potential rail capacity. During the 2012 Olympic Games, the plan that the majority of movements would be by public transport was a successful major shift in thinking about access for major events. The example of Euro Disney which has direct train connections and services should be noted. Here as well as Eurostar services, the resort is served by French TGV services, Thalys and RER.

Despite high quality, high capacity links by train with the existing and potential national and European networks, rail travel appears to be rejected as a major mode of arrival. The fact that the International station is here represents a major opportunity for sustainable travel, with consequent benefits in terms of traffic impacts, congestion air quality, noise, land use, access and landscape.

There is no reason given for the assumption that the largest proportion of visitors will arrive by car. The alternative of a greater use of the rail network should be considered. Based on the modal split set out in the report new roads are proposed in close proximity to HS1. This creates concern in terms of their construction, vehicle movements and increase in activity close to surface route. The number of additional vehicle movements along this proposed access road through the heart of the new Ebbsfleet Garden City has the potential to compromise environmental health conditions.

There is also the potential to provide a direct link from Ebbsfleet Station into the Resort which would reduce journey time and walking distances compared with more distant car parking. In order to achieve transport access which is consistent with NPPF, a strategy to achieve this need to be adopted at the outset. HS1, together with SouthEast Trains and Eurostar, would welcome the opportunity to assess how such a direct connection can be achieved and the maximum benefit from such high quality rail services derived.

HS1 also has concern about the risks of disruption from the development upon access to the Ebbsfleet station by private car, coaches, taxis and buses for other users. It is unclear what aspects of transport whether road or rail have been or will be scoped out of the assessment. We question assumptions about the capacity of the local and regional road network to accommodate increased traffic in line with normal IEMA guidelines. Similarly, no assessment of the ability of the rail passenger network to accommodate increased passenger numbers and what steps might be required to increase the capacity is proposed.

This study should consider:

- Alternative modes of travel with a greater % of visitors to arriving by public transport;
- Provision of travel demand that can be fed into the Kent Rail Utilisation Study proposed by Network Rail for next year so that capacity planning can be robust;
- Feasibility of the provision of a link from Ebbsfleet station and the resort;
- The impact of construction and vehicle movements along the proposed access roads;

- Opportunities to transfer from air travel to high speed train;
- Specific sensitivity testing of transport model for vehicle flows accessing the station, in terms of driver delay, and driver stress, looking at the wider highway network as well as access points from the A2; and
- Transport provision for staff working at the Resort, including Green Transport Plans..

### **Scope of air quality**

As the report recognises that poor air quality adversely affects human health the development should support mechanisms for minimising the effects of the development on air quality. It is recognised that Dartford and Gravesham have existing poor air quality, and therefore the development should identify mechanisms where it can “contribute to conserving and enhancing the natural environment and reducing pollution”, as required by NPPF. For example, by maximising the opportunities for public transport use and minimising traditional car use. Developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. In terms of the wider area, the effects of poor air quality arising from congestion on the A2 and wider effects such as congestion on the M25 are also of concern.

With other development in the area what are the cumulative effects of this and other developments (which are not listed in this section) which arise from air quality but also the health effects of this? A Health impact assessment should be undertaken.

We have noted the impact of traffic flows on air quality. There are also potential effects arising from construction, remediation and removal of contaminants. Passengers joining, alighting and waiting for trains and staff will be particularly vulnerable. This study should consider:

- Air quality in vicinity of the station and car parks.
- A Health Impact Assessment
- Air quality changes as a result of increased flows and congestion on A2 and M25

The potential mitigation offered here is piecemeal and only addresses specific local issues. It does not address the fundamental increase in predicted emissions from car traffic – which should be addressed at the outset by trying to avoid journeys by car.

### **Dust**

There should be a full assessment of the effects of dust during construction carried out. This might affect station and HS1 users. With significant sites of contamination there is also a potential for hazardous dusts to be created during the movement and handling of this material. This study should consider:

- Dust in the vicinity of the station and car parks affecting users of HS1 and facilities and employees.

## **Scope of Noise and vibration**

Zoning of the development in terms of noise sensitivity would assist in mitigating noise impacts at source.

HS1 infrastructure is sensitive to ground borne vibration which could occur during the construction of the resort and during operation. Rail infrastructure including track, buildings and signalling equipment could be affected. Station announcements and passengers at the station could be disturbed by construction noise. The study should consider:

- Vibration levels as affecting the tunnels, structures and station
- Noise levels at the station.

Considerable increases in the road traffic are predicted as a result of the development which will lead to increased traffic noise. Mitigation at source by avoidance of vehicle traffic should be adopted with preference given to public transport modes. Noise mitigation is provided along HS1 in order to screen pre-existing receptors from train noise.

## **Heritage**

The scope (12.11) acknowledges the HS1 Archaeology work in the area which is extensive. Reference should be made to HS1, Wessex Archaeology Ebbsfleet – Forthcoming.

## **Electro Magnetic Radiation**

There is no reference in the report to EMR. This should be considered along with the potential impacts on HS1 infrastructure and uses.

## **Waste**

There is minimal waste disposal capacity in Kent. Therefore it is important that the waste hierarchy is adopted in order to minimise waste generation. There should be an approach to minimise waste generation, maximise utilisation of spoil within the development for positive use, treat contamination if practicable at source, encapsulate contaminated land on site, and reuse and recycle materials as far as practicable.

Operational waste should be minimised at the outset. Catering outlets should have a commitment to avoid paper cups at the outset in order to minimise the generation of waste during operation.

## **Construction**

HS1 have particular concerns in respect of the construction phase and processes. Some aspect e.g. vibration and noise are covered in the report but the broad approach to foundation design and arrangement of uses/structures on the site overall impacts, traffic impacts and construction logistics are not covered. As much of the construction wraps around HS1, including close to and over the Thames Tunnels, we expect to see a construction methodology including a Code of Construction Practice to assure ourselves that risks are identified and a strategy for managing them is in place at the outset. This should include: use of cranes; stockpiling and storage of material; lighting which could interfere with driver sighting; dust control; storage and handling of hazardous material; security fencing and site hoarding. Traffic impacts arising from the movement of heavy goods vehicles

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around the site, materials delivery, road cleaning and construction activity are of concern too.





## **APPENDIX 3**

# **Presentation of the Environmental Statement**



## APPENDIX 3

### PRESENTATION OF THE ENVIRONMENTAL STATEMENT

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (SI 2264) (as amended) sets out the information which must be provided for an application for a development consent order (DCO) for nationally significant infrastructure under the Planning Act 2008. Where required, this includes an environmental statement. Applicants may also provide any other documents considered necessary to support the application. Information which is not environmental information need not be replicated or included in the ES.

An environmental statement (ES) is described under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (as amended) (the EIA Regulations) as a statement:

- a) 'that includes such of the information referred to in Part 1 of Schedule 4 as is reasonably required to assess the environmental effects of the development and of any associated development and which the applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile; but
- b) that includes at least the information required in Part 2 of Schedule 4'.

*(EIA Regulations Regulation 2)*

The purpose of an ES is to ensure that the environmental effects of a proposed development are fully considered, together with the economic or social benefits of the development, before the development consent application under the Planning Act 2008 is determined. The ES should be an aid to decision making.

The Secretary of State advises that the ES should be laid out clearly with a minimum amount of technical terms and should provide a clear objective and realistic description of the likely significant impacts of the proposed development. The information should be presented so as to be comprehensible to the specialist and non-specialist alike. The Secretary of State recommends that the ES be concise with technical information placed in appendices.

### ES Indicative Contents

The Secretary of State emphasises that the ES should be a 'stand alone' document in line with best practice and case law. The EIA Regulations Schedule 4, Parts 1 and 2, set out the information for inclusion in environmental statements.

Schedule 4 Part 1 of the EIA Regulations states this information includes:

- '17. *Description of the development, including in particular—*

- (a) *a description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases;*
  - (b) *a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;*
  - (c) *an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc) resulting from the operation of the proposed development.*
18. *An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects.*
19. *A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.*
20. *A description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development, resulting from:*
- (a) *the existence of the development;*
  - (b) *the use of natural resources;*
  - (c) *the emission of pollutants, the creation of nuisances and the elimination of waste,*
- and the description by the applicant of the forecasting methods used to assess the effects on the environment.*
21. *A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.*
22. *A non-technical summary of the information provided under paragraphs 1 to 5 of this Part.*
23. *An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information'.*

*EIA Regulations Schedule 4 Part 1*

The content of the ES must include as a minimum those matters set out in Schedule 4 Part 2 of the EIA Regulations. This includes the consideration of 'the main alternatives studied by the applicant' which the Secretary of State recommends could be addressed as a separate chapter in the ES. Part 2 is included below for reference:

## Schedule 4 Part 2

- A description of the development comprising information on the site, design and size of the development
- A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects
- The data required to identify and assess the main effects which the development is likely to have on the environment
- An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects, and
- A non-technical summary of the information provided [*under the four paragraphs above*].

Traffic and transport is not specified as a topic for assessment under Schedule 4; although in line with good practice the Secretary of State considers it is an important consideration *per se*, as well as being the source of further impacts in terms of air quality and noise and vibration.

## Balance

The Secretary of State recommends that the ES should be balanced, with matters which give rise to a greater number or more significant impacts being given greater prominence. Where few or no impacts are identified, the technical section may be much shorter, with greater use of information in appendices as appropriate.

The Secretary of State considers that the ES should not be a series of disparate reports and stresses the importance of considering inter-relationships between factors and cumulative impacts.

## Scheme Proposals

The scheme parameters will need to be clearly defined in the draft DCO and therefore in the accompanying ES which should support the application as described. The Secretary of State is not able to entertain material changes to a project once an application is submitted. The Secretary of State draws the attention of the applicant to the DCLG and the Planning Inspectorate's published advice on the preparation of a draft DCO and accompanying application documents.

## Flexibility

The Secretary of State acknowledges that the EIA process is iterative, and therefore the proposals may change and evolve. For example, there may be changes to the scheme design in response to consultation. Such changes should be addressed in the ES. However, at the time of the application for a DCO, any proposed scheme parameters should not be so wide ranging as to represent effectively different schemes.

It is a matter for the applicant, in preparing an ES, to consider whether it is possible to assess robustly a range of impacts resulting from a large number of undecided parameters. The description of the proposed development in the ES must not be so wide that it is insufficiently certain to comply with requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations.

The Rochdale Envelope principle (see *R v Rochdale MBC ex parte Tew (1999)* and *R v Rochdale MBC ex parte Milne (2000)*) is an accepted way of dealing with uncertainty in preparing development applications. The applicant's attention is drawn to the Planning Inspectorate's Advice Note 9 'Rochdale Envelope' which is available on the Advice Note's page of the National Infrastructure Planning website.

The applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the scheme have yet to be finalised and provide the reasons. Where some flexibility is sought and the precise details are not known, the applicant should assess the maximum potential adverse impacts the project could have to ensure that the project as it may be constructed has been properly assessed.

The ES should be able to confirm that any changes to the development within any proposed parameters would not result in significant impacts not previously identified and assessed. The maximum and other dimensions of the proposed development should be clearly described in the ES, with appropriate justification. It will also be important to consider choice of materials, colour and the form of the structures and of any buildings. Lighting proposals should also be described.

## Scope

The Secretary of State recommends that the physical scope of the study areas should be identified under all the environmental topics and should be sufficiently robust in order to undertake the assessment. The extent of the study areas should be on the basis of recognised professional guidance, whenever such guidance is available. The study areas should also be agreed with the relevant consultees and local authorities and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given. The scope should also cover the breadth of the topic area and the temporal scope, and these aspects should be described and justified.

### *Physical Scope*

In general the Secretary of State recommends that the physical scope for the EIA should be determined in the light of:

- the nature of the proposal being considered
- the relevance in terms of the specialist topic

- the breadth of the topic
- the physical extent of any surveys or the study area, and
- the potential significant impacts.

The Secretary of State recommends that the physical scope of the study areas should be identified for each of the environmental topics and should be sufficiently robust in order to undertake the assessment. This should include at least the whole of the application site, and include all offsite works. For certain topics, such as landscape and transport, the study area will need to be wider. The extent of the study areas should be on the basis of recognised professional guidance and best practice, whenever this is available, and determined by establishing the physical extent of the likely impacts. The study areas should also be agreed with the relevant consultees and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given.

#### *Breadth of the Topic Area*

The ES should explain the range of matters to be considered under each topic and this may respond partly to the type of project being considered. If the range considered is drawn narrowly then a justification for the approach should be provided.

#### *Temporal Scope*

The assessment should consider:

- environmental impacts during construction works
- environmental impacts on completion/operation of the proposed development
- where appropriate, environmental impacts a suitable number of years after completion of the proposed development (for example, in order to allow for traffic growth or maturing of any landscape proposals), and
- environmental impacts during decommissioning.

In terms of decommissioning, the Secretary of State acknowledges that the further into the future any assessment is made, the less reliance may be placed on the outcome. However, the purpose of such a long term assessment, as well as to enable the decommissioning of the works to be taken into account, is to encourage early consideration as to how structures can be taken down. The purpose of this is to seek to minimise disruption, to re-use materials and to restore the site or put it to a suitable new use. The Secretary of State encourages consideration of such matters in the ES.

The Secretary of State recommends that these matters should be set out clearly in the ES and that the suitable time period for the assessment should be agreed with the relevant statutory consultees.

The Secretary of State recommends that throughout the ES a standard terminology for time periods should be defined, such that for example, 'short term' always refers to the same period of time.



## Baseline

The Secretary of State recommends that the baseline should describe the position from which the impacts of the proposed development are measured. The baseline should be chosen carefully and, whenever possible, be consistent between topics. The identification of a single baseline is to be welcomed in terms of the approach to the assessment, although it is recognised that this may not always be possible.

The Secretary of State recommends that the baseline environment should be clearly explained in the ES, including any dates of surveys, and care should be taken to ensure that all the baseline data remains relevant and up to date.

For each of the environmental topics, the data source(s) for the baseline should be set out together with any survey work undertaken with the dates. The timing and scope of all surveys should be agreed with the relevant statutory bodies and appropriate consultees, wherever possible.

The baseline situation and the proposed development should be described within the context of the site and any other proposals in the vicinity.

## Identification of Impacts and Method Statement

### *Legislation and Guidelines*

In terms of the EIA methodology, the Secretary of State recommends that reference should be made to best practice and any standards, guidelines and legislation that have been used to inform the assessment. This should include guidelines prepared by relevant professional bodies.

In terms of other regulatory regimes, the Secretary of State recommends that relevant legislation and all permit and licences required should be listed in the ES where relevant to each topic. This information should also be submitted with the application in accordance with the APFP Regulations.

In terms of assessing the impacts, the ES should approach all relevant planning and environmental policy – local, regional and national (and where appropriate international) – in a consistent manner.

### *Assessment of Effects and Impact Significance*

The EIA Regulations require the identification of the 'likely significant effects of the development on the environment' (Schedule 4 Part 1 paragraph 20).

As a matter of principle, the Secretary of State applies the precautionary approach to follow the Court's<sup>4</sup> reasoning in judging 'significant effects'. In other words 'likely to affect' will be taken as meaning that there is a probability or risk that the proposed development will have an effect, and not that a development will definitely have an effect.

The Secretary of State considers it is imperative for the ES to define the meaning of 'significant' in the context of each of the specialist topics and for significant impacts to be clearly identified. The Secretary of State recommends that the criteria should be set out fully and that the ES should set out clearly the interpretation of 'significant' in terms of each of the EIA topics. Quantitative criteria should be used where available. The Secretary of State considers that this should also apply to the consideration of cumulative impacts and impact inter-relationships.

The Secretary of State recognises that the way in which each element of the environment may be affected by the proposed development can be approached in a number of ways. However it considers that it would be helpful, in terms of ease of understanding and in terms of clarity of presentation, to consider the impact assessment in a similar manner for each of the specialist topic areas. The Secretary of State recommends that a common format should be applied where possible.

#### *Inter-relationships between environmental factors*

The inter-relationship between aspects of the environments likely to be significantly affected is a requirement of the EIA Regulations (see Schedule 4 Part 1 of the EIA Regulations). These occur where a number of separate impacts, e.g. noise and air quality, affect a single receptor such as fauna.

The Secretary of State considers that the inter-relationships between factors must be assessed in order to address the environmental impacts of the proposal as a whole. This will help to ensure that the ES is not a series of separate reports collated into one document, but rather a comprehensive assessment drawing together the environmental impacts of the proposed development. This is particularly important when considering impacts in terms of any permutations or parameters to the proposed development.

#### *Cumulative Impacts*

The potential cumulative impacts with other major developments will need to be identified, as required by the Directive. The significance of such impacts should be shown to have been assessed against the baseline position (which would include built and operational development). In

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<sup>4</sup> See Landelijke Vereniging tot Behoud van de Waddenzee and Nederlandse Vereniging tot Bescherming van Vogels v Staatssecretaris van Landbouw (Waddenzee Case No C 127/02/2004)

assessing cumulative impacts, other major development should be identified through consultation with the local planning authorities and other relevant authorities on the basis of those that are:

- projects that are under construction
- permitted application(s) not yet implemented
- submitted application(s) not yet determined
- all refusals subject to appeal procedures not yet determined
- projects on the National Infrastructure's programme of projects, and
- projects identified in the relevant development plan (and emerging development plans - with appropriate weight being given as they move closer to adoption) recognising that much information on any relevant proposals will be limited.

Details should be provided in the ES, including the types of development, location and key aspects that may affect the EIA and how these have been taken into account as part of the assessment.

The Secretary of State recommends that offshore wind farms should also take account of any offshore licensed and consented activities in the area, for the purposes of assessing cumulative effects, through consultation with the relevant licensing/consenting bodies.

For the purposes of identifying any cumulative effects with other developments in the area, applicants should also consult consenting bodies in other EU states to assist in identifying those developments (see commentary on Transboundary Effects below).

#### *Related Development*

The ES should give equal prominence to any development which is related with the proposed development to ensure that all the impacts of the proposal are assessed.

The Secretary of State recommends that the applicant should distinguish between the proposed development for which development consent will be sought and any other development. This distinction should be clear in the ES.

#### *Alternatives*

The ES must set out an outline of the main alternatives studied by the applicant and provide an indication of the main reasons for the applicant's choice, taking account of the environmental effect (Schedule 4 Part 1 paragraph 18).

Matters should be included, such as *inter alia* alternative design options and alternative mitigation measures. The justification for the final choice and evolution of the scheme development should be made clear. Where other sites have been considered, the reasons for the final choice should be addressed.

The Secretary of State advises that the ES should give sufficient attention to the alternative forms and locations for the off-site proposals, where appropriate, and justify the needs and choices made in terms of the form of the development proposed and the sites chosen.

### *Mitigation Measures*

Mitigation measures may fall into certain categories namely: avoid; reduce; compensate or enhance (see Schedule 4 Part 1 paragraph 21); and should be identified as such in the specialist topics. Mitigation measures should not be developed in isolation as they may relate to more than one topic area. For each topic, the ES should set out any mitigation measures required to prevent, reduce and where possible offset any significant adverse effects, and to identify any residual effects with mitigation in place. Any proposed mitigation should be discussed and agreed with the relevant consultees.

The effectiveness of mitigation should be apparent. Only mitigation measures which are a firm commitment and can be shown to be deliverable should be taken into account as part of the assessment.

It would be helpful if the mitigation measures proposed could be cross referred to specific provisions and/or requirements proposed within the draft development consent order. This could be achieved by means of describing the mitigation measures proposed either in each of the specialist reports or collating these within a summary section on mitigation.

The Secretary of State advises that it is considered best practice to outline in the ES, the structure of the environmental management and monitoring plan and safety procedures which will be adopted during construction and operation and may be adopted during decommissioning.

### *Cross References and Interactions*

The Secretary of State recommends that all the specialist topics in the ES should cross reference their text to other relevant disciplines. Interactions between the specialist topics is essential to the production of a robust assessment, as the ES should not be a collection of separate specialist topics, but a comprehensive assessment of the environmental impacts of the proposal and how these impacts can be mitigated.

As set out in EIA Regulations Schedule 4 Part 1 paragraph 23, the ES should include an indication of any technical difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

### *Consultation*

The Secretary of State recommends that any changes to the scheme design in response to consultation should be addressed in the ES.

It is recommended that the applicant provides preliminary environmental information (PEI) (this term is defined in the EIA Regulations under regulation 2 'Interpretation') to the local authorities.

Consultation with the local community should be carried out in accordance with the SoCC which will state how the applicant intends to consult on the

preliminary environmental information (PEI). This PEI could include results of detailed surveys and recommended mitigation actions. Where effective consultation is carried out in accordance with Section 47 of the Planning Act, this could usefully assist the applicant in the EIA process – for example the local community may be able to identify possible mitigation measures to address the impacts identified in the PEI. Attention is drawn to the duty upon applicants under Section 50 of the Planning Act to have regard to the guidance on pre-application consultation.

## Transboundary Effects

The Secretary of State notes the Transboundary Screening Matrix presented in Appendix A of the applicant's Scoping Report and the approach described in Chapter 4 of the report. The Secretary of State recommends that consideration should be given in the ES to any likely significant effects on the environment of another Member State of the European Economic Area. In particular, the Secretary of State recommends consideration should be given to discharges to the air and water and to potential impacts on migratory species and to impacts on shipping and fishing areas.

The Applicant's attention is also drawn to the Planning Inspectorate's Advice Note 12 'Development with significant transboundary impacts consultation' which is available on the Advice Notes Page of the National Infrastructure Planning website

## Summary Tables

The Secretary of State recommends that in order to assist the decision making process, the applicant may wish to consider the use of tables:

**Table X** to identify and collate the residual impacts after mitigation on the basis of specialist topics, inter-relationships and cumulative impacts.

**Table XX** to demonstrate how the assessment has taken account of this Opinion and other responses to consultation.

**Table XXX** to set out the mitigation measures proposed, as well as assisting the reader, the Secretary of State considers that this would also enable the applicant to cross refer mitigation to specific provisions proposed to be included within the draft Development Consent Order.

**Table XXXX** to cross reference where details in the HRA (where one is provided) such as descriptions of sites and their locations, together with any mitigation or compensation measures, are to be found in the ES.

## Terminology and Glossary of Technical Terms

The Secretary of State recommends that a common terminology should be adopted. This will help to ensure consistency and ease of understanding for the decision making process. For example, 'the site' should be defined and used only in terms of this definition so as to avoid confusion with, for example, the wider site area or the surrounding site.

A glossary of technical terms should be included in the ES.

## Presentation

The ES should have all of its paragraphs numbered, as this makes referencing easier as well as accurate.

Appendices must be clearly referenced, again with all paragraphs numbered.

All figures and drawings, photographs and photomontages should be clearly referenced. Figures should clearly show the proposed site application boundary.

## Bibliography

A bibliography should be included in the ES. The author, date and publication title should be included for all references. All publications referred to within the technical reports should be included.

## Non Technical Summary

The EIA Regulations require a Non Technical Summary (EIA Regulations Schedule 4 Part 1 paragraph 22). This should be a summary of the assessment in simple language. It should be supported by appropriate figures, photographs and photomontages.