

Application: 20250251

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

NOTIFICATION OF GRANT OF PERMISSION TO DEVELOP LAND

To: **HYRO Energy Ltd.
Beaufort Court
Egg Farm Lane
Kings Langley
Hertfordshire
WD4 8LR**

TAKE NOTICE that the **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **GRANTED PERMISSION** for development of land situate at:

**Kimberly Clark Ltd
Northfleet Mill
Crete Hall Road
Northfleet
Gravesend
Kent
DA11 9AD**

and being **Construction and operation of a Green Hydrogen Electrolyser and associated infrastructure**. Your application dated 17th March 2025 is permitted subject to the following:-

1. The development hereby approved shall be begun not later than 3 years following the date of this decision.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following schedule of approved plans:

Application Form

05135-RES-LAY-DR-PT-001 - Site Location Plan
05135-RES-ACC-DR-PE-001 - Access Route and Construction Support Areas
05135-RES-HYD-DR-PT-011 - Feed Water Tank - Elevation and Floor Plan
05135-RES-SDP-DR-PT-001 - Support Frame and Pipe Rack - Sections and Elevations
05135-RES-SDP-DR-PT-002 - Support Frame and Pipe Bridge - Elevations and Sections
05135-RES-HYD-DR-PT-017 - Waste Water Tank - Elevation and Floor Plan
3d View of Hydrogen Electrolysers
05135-RES-UTI-DR-XX-001 - Utilities Layout

05135-RES-SUB-DR-PT-002 - Hydrogen Facility Substation Buildings - Elevations and Floor Plans
05135-RES-PRO-DR-PT-005 - Infrastructure Layout - East Elevation
05135-RES-PRO-DR-PT-001 - Block Plan - Proposed
05135-RES-SUB-DR-PT-001 - DNO Substation Building - Elevations and Floor Plan
05135-RES-SUB-DR-PT-006 - Control Room - Elevations and Floor Plan
05135-RES-SUB-DR-PT-006 - DNO Substation In GRP Enclosure - Elevations and Floor Plan
5135-RES-HYD-DR-PT-001 - Hydrogen Electrolysers - Elevations and Floor Plan
05135-RES-HYD-DR-PT-002 - Hydrogen Storage Tank - Elevations and Floor Plan
05135-RES-HYD-DR-PT-004 - Emergency Vent Stack - Elevations A and B
05135-RES-SEC-DR-PT-001 - Security Fence Detail - Elevations and Cross Section
05135-RES-SEC-DR-PT-002 - Typical Lighting and CCTV Column - Elevation
05135-RES-SEC-DR-PT-003 - Typical Vehicle Barrier - Elevations Details and Sections
05135-RES-PRO-DR-PT-004 - Infrastructure Layout - South Elevation
05135-RES-PRO-DR-PT-002 - Infrastructure Layout - North Elevations
05135-RES-HYD-DR-PT-005 - Nitrogen and Compressed Air Storage Tank – Elevations and Floor Plan
05135-RES-PRO-DR-PT-003 - Infrastructure Layout - West Elevation View
05135-RES-HYD-DR-PT-016 - Maintenance Storage - Floor Plans and Elevations
05135-RES-HYD-DR-PT-008 - PCV 3 - Elevations and Floor Plans
05135-RES-SUB-DR-PT-003 - Auxiliary Transformer - Elevations and Floor Plans
8856_UNDERGROUND_R1 - Underground Utility Survey (Sheets 1 to 5)
05135-RES0-ACC-DR-PE-001 - Proposed Access Route and Construction Support Areas

Preliminary Ecological Assessment
Operational Environment Management Plan
Construction Environment Management Plan
BNG Metric
Cover Letter
Preliminary Ecological Appraisal
KC Northfleet Desktop Survey
Transport Statement
Screening Direction Decision Letter
Acoustic Assessment
Consent to the Discharge of Trade Effluent
Phase 1 Geoenvironmental Desk Study Report
Planning Design and Access Statement
Southern Water Supply Quote
Flood Risk Assessment
Phase 2 Ground Investigation Report

Response to PLA
Response to Kent Fire and Rescue Service

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the Local Planning Authority should be informed as soon as practical and the work shall not continue until written agreement is provided by the Local Planning Authority as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of pollution from previously unidentified contamination sources at the development site in line with paragraph 187 of the National Planning Policy Framework (NPPF), pursuant to Gravesham Local Plan Core Strategy Policy CS19: Development and Design Principles.

4. Notwithstanding the details shown on the approved plans, submitted documents and application form:

- (i) before any works commence, a UXO Operational Risk Management plan for unexploded ordnance (UXO) as detailed in Appendix D of the Phase 1 Geo-environmental Desk Study dated 09/06/20123 (G-22-049 Rev 2) by GVR Geoservices Ltd shall be implemented in full or implemented in full as to other necessary mitigation
- (ii) before bringing into use the Electrolyser herein approved a mitigation completion verification report must be submitted to and approved in writing by the Local Planning Authority, confirming that that all risks to existing and proposed premises have been satisfactorily mitigated.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of pollution from previously unidentified contamination sources at the development site or safety concerns from land instability in line with paragraph 187 of the National Planning Policy Framework (NPPF) pursuant to Gravesham Local Plan Core Strategy Policy CS19: Development and Design Principles.

5. The construction of the development herein approved shall be carried out in accordance with the submitted Construction Environment Management Plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of pollution from previously unidentified contamination sources at the development site in line with paragraph 196 of the National Planning Policy Framework (NPPF), pursuant to Gravesham Local Plan Core Strategy Policy CS19: Development and Design Principles.

6. The precautionary mitigation detailed in section 6.4 (further recommendations) of the submitted Preliminary Ecological Appraisal shall be adhered to during the construction stage of development.

Reason: This has not been included in the Construction Environment Management Plan and therefore has been added as a condition to safeguard ecology and biodiversity in accordance with paragraph 193 of the National Planning Policy Framework 2024.

7. Notwithstanding the details shown on the approved plans, submitted documents and application form, before any works commence, a topographical site survey and/or a CCTV survey showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed flow will be no greater than the existing contributing flows, and full details of foul sewerage and surface water disposal, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details before the development hereby permitted is first brought into use and thereafter maintained.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 181-183 of the National Planning Policy Framework 2024.

8. The development herein approved shall be carried out in accordance with the submitted Operational Environment Management Plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of pollution from previously

unidentified contamination sources at the development site in line with paragraph 196 of the National Planning Policy Framework (NPPF), pursuant to Gravesham Local Plan Core Strategy Policy CS19: Development and Design Principles.

INFORMATIVES:-

1 WORKS OF CONSTRUCTION

Hours of work of construction site plant, equipment and machinery, should be restricted to not earlier than 7.00 a.m. and not later than 6.00 p.m. weekdays and Saturday working should be restricted to not earlier than 8.00a.m. and not later than 1.00 p.m. No work shall be carried out on Sundays, Bank or Public Holidays.

- i. Suitable sound attenuation shall be used at all times in respect of all plant, machinery and equipment in operation on site in order to aid prevention of noise nuisance. Compliance with BS 5228: Part 1: 1984 and subsequent amendments regarding the use of equipment on site will be required in appropriate cases.
- ii. A suitable method of control shall be used in order to aid prevention of dust nuisance arising from work activities on site.
- iii. Burning of waste materials shall not be carried out on site. Such materials are to be stored in a suitable receptacle, as far from residential accommodation as reasonably practicable, pending disposal off site.
- iv. Adequate arrangements shall be made to remove all waste material from the site on a regular basis and to dispose of it at a suitably licensed waste disposal site.

2 DEVIATION FROM APPROVED PLANS

It is possible that any proposed deviation from the approved plans could be classed as a 'material' change requiring a further application/permission. In the event that any change is proposed, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

3 BUILDING REGULATIONS CONSENT

The granting of planning permission is independent from the granting of Building Regulations consent (which may, or may not, be required). In the event of a change to the scheme granted planning permission being required to satisfy the Building Regulations, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission]. Please contact <https://www.stgbc.org.uk/> for further information and to make an application.

4 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 39 of the National Planning Policy Framework (NPPF) 2024, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

5 SOUTHERN WATER

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

6 HAZARDOUS SUBSTANCE CONSENT LEGISLATION

The presence on land of a hazardous substance in a quantity exceeding the controlled quantity specified in the Planning (Hazardous Substances) Regulations 2015 requires the consent of the hazardous substances authority (usually the local planning authority). For hydrogen the controlled quantity listed in Schedule 1 of the 2015 Regulations is 2 tonnes. If a hazardous substance consent is required, requests from hazardous substance authorities for HSE consultation should be sent to HSE's Hazardous Substance Consents team at HazSubCon.CEMHD5@hse.gov.uk

7 KENT POLICE DESIGNING OUT CRIME TEAM

The Kent Police Designing Out Team have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

Please note their comments provided in their letter dated 26 March 2025 and included in the Officer's Delegated Report.

8 AGREEMENT FOR IMPOSITION OF PRE-COMMENCEMENT CONDITION(S)

In accordance with The Town and Country Planning (Pre Commencement Conditions) Regulations 2018 and paragraph 36 of the Planning Practice Guidance the Local Planning Authority has agreed in writing with the applicant on 06/08/2024 to the inclusion of the following pre-commencement conditions:

Condition 4(i) - UXO Operational Risk Management Plan;
Condition 7 - Foul and Surface Water Drainage.

9 RIVER WORKS LICENCE

Any proposals for BNG relating to River Thames, or any potential new or amended use of the river for extraction or outfall will require a River Works Licence with the PLA and the PLA's Statutory Consents and Compliance team should be contacted at lic.app@pla.co.uk to discuss further.

10 BIODIVERSITY NET GAIN

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Gravesham Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan).

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or

(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

i) the application for planning permission was made before 2 April 2024;

ii) planning permission is granted which has effect before 2 April 2024; or

iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

i) consists of no more than 9 dwellings;

ii) is carried out on a site which has an area no larger than 0.5 hectares; and

iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:
i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and

ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Dated: 25 September 2025

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Shazad Ghani
MPhil, MA, BA (Hons)
Head of Planning
Planning Service

NOTIFICATION TO APPLICANT

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If this is a **householder application*** which has been refused and you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks of the date of this notice**.
- For all other applications, refused or permitted, if you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- **For further information regarding Appeals and to make an application please click the relevant link:**
<https://www.gov.uk/appeal-householder-planning-decision>
<https://www.gov.uk/appeal-planning-decision>
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

***Householder applications**

These are:

- (a) applications for planning permission for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or
- (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development

but does **not** include –

- (i) an application for change of use;
- (ii) an application to change the number of dwellings in a building.

PURCHASE NOTICES

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.