



Delegated Report

Application No: 20250048

Location: Cheney's Farm Barns, Thong Lane, Shorne

Description: Application for approval of condition 3 and 4 attached to planning permission reference number 20240700 relating to a Habitat Management and Monitoring Plan and a comprehensive Construction Environmental Management Plan (CEMP).

Applicant: Mr M Brown, BB Contacts Ltd

Submitted Documents/Plans

Application form
Construction Environment Management Plan (updated)
Habitat Management and Monitoring Plan

Relevant Planning History

20240700 Demolition of the southern barn and erection of a new steel frame barn with mezzanine floor used for an office space, pedestrian access doors to the east and vehicle access doors to the west. Landscaping to include hedges and tree to the front of the buildings with alterations to parking and hardstanding.

Approved 8 November 2024

Consultations, Publicity and Representations

Environmental Protection

Due to the proximity of the development to the adjacent house and also the quiet background noise levels in this area, the 7am start is considered to be too early. In this respect in reference to part (a) of the condition, it is advised that part of noise management measures, no work should commence on site until 08:00 Monday to Saturday. This should also include deliveries to the site.

As there is no reference to piling works as required by part (b), it is assumed that no piling is to take place?

All other parts of the condition relevant to Environmental Protection are acceptable.

Providing the reference to the work hours can be amended as advised above, there is no objection to the condition being discharged.

The applicant has responded and changed the start time for works to 8am within the CEMP and has confirmed no piling works will be undertaken.

KCC Biodiversity

I have reviewed the submitted documents in relation to conditions 3 and 4 of application 20240700 and advise that sufficient ecological information has been provided to discharge the conditions.

This is not an application for discharge of the pre-commencement general condition of planning permission relating to biodiversity gain as per Schedule 7A 13(1) of the Town and Country Planning Act 1990. The condition is that the development may not be begun unless—

- (a) a biodiversity gain plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

As such, a separate application will need to be made to discharge this condition. This is noted in informative 1 of the decision notice for application 20240700.

FULL COMMENTS

Condition 3: The development shall not commence until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved biodiversity gain plan has been submitted to and approved in writing by the Local Planning Authority. This strategy shall include the following components:

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (d) the management strategy and measures to maintain the habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (e) Details of the monitoring methodology (including frequency of submitting reports to the Local Planning Authority) in respect to the created or enhanced habitat; and

The development shall be carried out in accordance with the approved details.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

The submitted Habitat Management and Monitoring Plan (KB Ecology, January 2025) follows Natural England's HMMP template and is suitable to discharge condition 3 as it contains all of the required details.

We advise Gravesham Borough Council to secure a monitoring fee¹ as they are the organisation receiving and responsible for reviewing monitoring reports. Reviews of these monitoring reports will otherwise be done at GBC's own cost for 30 years.

Condition 4: No development shall take place until a comprehensive Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The document shall cover all environmental impacts from the clearance and construction phases of this development including details of the following, as well as any other measures deemed reasonably necessary:

- (a) Noise management measures;
- (b) Details of vibration monitoring and mitigation during piling works;
- (c) Details of emergency access during any road closure;
- (d) Type and location of wheel washing facilities;
- (e) Measures to avoid adverse impacts on ecology and biodiversity; and

(f) Details of temporary construction lighting;

Development shall be carried out in accordance with the approved document.

Reason: To ensure that a suitable programme of all works is set out from the commencement of development, to demonstrate that the free flow of traffic on the highway and to minimise the impact on local residents and businesses, in accordance with Local Plan Core Strategy Policies CS11, CS12 and CS19.

The submitted CEMP covers all of the required details and is sufficient for discharge of condition 3. We note condition 6 requires adherence to the recommended avoidance/mitigation details of the Preliminary Ecological Appraisal associated with the planning application (KB Ecology, April 2024) and the CEMP states that the “main contractor will be provided with a copy of the KB Ecology Preliminary Ecological Appraisal with a requirement that the measures contained to protect nesting birds and hedgehogs are put in place before work starts.” The recommendations in condition 6 are the key points for them to consider.

1 See: Free tool: How to calculate Biodiversity Net Gain monitoring charges – Verna

Analysis

Condition 3 of 20240700 states:

The development shall not commence until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved biodiversity gain plan has been submitted to and approved in writing by the Local Planning Authority. This strategy shall include the following components:

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (d) the management strategy and measures to maintain the habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (e) Details of the monitoring methodology (including frequency of submitting reports to the Local Planning Authority) in respect to the created or enhanced habitat; and

The development shall be carried out in accordance with the approved details.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

The details contained within the submitted Habitat Management and Monitoring Plan are acceptable and therefore this condition can be discharged.

Condition 4 of 20240700 states:

No development shall take place until a comprehensive Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The document shall cover all environmental impacts from the clearance and construction phases of this development including details of the following, as well as any other measures deemed

reasonably necessary:

- (a) Noise management measures;
- (b) Details of vibration monitoring and mitigation during piling works;
- (c) Details of emergency access during any road closure;
- (d) Type and location of wheel washing facilities;
- (e) Measures to avoid adverse impacts on ecology and biodiversity; and
- (f) Details of temporary construction lighting;

Development shall be carried out in accordance with the approved document.

Reason: To ensure that a suitable programme of all works is set out from the commencement of development, to demonstrate that the free flow of traffic on the highway and to minimise the impact on local residents and businesses, in accordance with Local Plan Core Strategy Policies CS11, CS12 and CS19

The amended CEMP now proposes a later start time for work at 8am. The applicant has also confirmed that there will be no piling works undertaken. This is acceptable and this condition can be discharged.

Recommendation:

Discharge conditions 3 and 4 of 20240700.

See draft Decision

Case Officer: Alision Webster	Team Leader: Richard Hart
Signed: 	Signed: <i>R Hart</i>
Dated: 17 March 2025	Dated: 19th March 2025