



Delegated Report

Discharge of Conditions

Planning Application No: 20260628

Location: St Andrews Gardens Royal Pier Road Gravesend Kent

Description: Application for approval of condition 3, 4, 6 and 7 and informative 4 and 5 attached to planning permission reference number 20260163 relating to a Habitat Management and Monitoring Plan (the HMMP) (3), a Landscape and Ecological Management Plan (LEMP) (4), a Biodiversity Enhancement Plan (BEP) (6), details and a plan(s) showing how the development will provide appropriate riparian lifesaving infrastructure (7), Biodiversity Net Gain Plan and Submission of Biodiversity Plan

Applicant: Angela Warwick

Site Visit Date: None (desktop assessment)

Submitted Documents/Plans

Application form for approval of details reserved by condition;
Drawing no. ML2564_MLOC_DR_L_1001 Revision 06 Proposed layout;
Biodiversity Net Gain (BNG) metric;
Biodiversity Gain Plan;
Biodiversity Enhancement Plan 15 June 2026;
Biodiversity Net Gain Assessment 30 January 2026;
Habitat Management and Monitoring Plan 15 June 2026;
Landscape & Environmental Management Plan June 2026; and
Riparian lifesaving infrastructure details.

Relevant Planning History

Reference	Description	Decision	Decision Date
20260163	Groundworks to provide tiered seating, an extended level hardstanding area adjacent to the river and improved access; hard landscaping including areas of hard surfacing and seating, relocated and new steps and ramp; soft landscaping including terrace, ornamental, shrub, tree and hedge planting; and installation of lighting.	Permitted	12.06.2026

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles

- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- TC2 – Policy for Listed Buildings
- TC3 – Development Affecting Conservation Areas

Paragraph 34 of the NPPF (2024) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving Well-Designed Places
- Section 14 – Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- High Street & Queen Street Conservation Area Character Appraisal (2009)
- Riverside Conservation Area Character Appraisal (2009)
- Gravesend Town Centre Conservation Areas Management Plan (2009)
- Design for Gravesham – Design Code (2024)

Other material considerations

Section 72(1) of the Planning Listed Building and Conservation Areas Act 1990 (as amended) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) the Council has a statutory duty, in considering whether to grant planning permission for development which affects listed buildings or their settings, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Emerging Local Plan as a Material Consideration

Paragraph 48 of the Framework makes it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise. An emerging Local Plan, does not form part of the Development. The Framework, at Paragraph 49 allows local planning authorities to give weight to relevant policies in emerging Local Plans, according to:

- The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the Framework, the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given to those policies.

West Oxfordshire District Council v Secretary of State for Housing, Communities and Local Government & Rosconn Strategic Land Ltd [2018] EWHC 3065 (Admin) is a High Court judgement that deals with the weight to be given to a Regulation 19 Local Plan. In this judgement the Court found that the weight to be given to an emerging Local Plan, was a matter of planning judgement, which had to be reached having fully considered the relevant part (Paragraph 49) of the Framework.

The Council's emerging Local Plan, is in the process of being consulted upon (it has reached Regulation 19 stage), the Council is not yet aware of whether third parties will support or object to specific policies within the Plan, or whether they will consider the policies with the emerging Local Plan to be broadly sound and consistent with the NPPF (2024). Taking this into consideration, one can only conclude that at this stage of the process, limited (i.e. minimal) weight should be afforded to the emerging Regulation 19 Local Plan. This position would only change once the emerging Local Plan has progressed towards submission and examination, with the Council being fully aware of policies that are subject to unresolved objections and with knowledge of policies that have had their soundness and conformity against the Framework challenged.

This approach accords with the approach taken in a separate High Court case, Gladman Developments Ltd v SSHCLG & Corby Borough Council; & Uttlesford DC [2020] EWHC 518 (Admin) and Court of Appeal [2021] EWCA Civ 104, which was also the subject of a Court of Appeal Ruling [2021] EWCA Civ 104.

Consultations, Publicity and Representations

KCC Biodiversity Officer

Summary:

Condition 3 (HMMP) – sufficient information

Condition 4 (LEMP) - sufficient information

Condition 6 (BEP) - sufficient information

Informative 4 & 5 (BGP) - sufficient information

It appears that condition 7 regarding this discharge application does not refer to ecology in the wording or the reasons. Therefore, we are unable to provide comments for this condition.

Condition 3 (HMMP):

We are satisfied that the HMMP has included all the relevant measures required by the condition.

Monitoring will take place in years 1, 5, 10, 20, 25 and 30 of the retained modified grassland, urban trees and ornamental planting and created modified grassland, ornamental planting, urban trees and a native species hedgerow.

The measures detailed in the submitted report must be implemented as approved. We advise that sufficient information has been submitted in relation to condition 3, which can now be discharged.

Condition 4 (LEMP):

We are satisfied that the LEMP has included all the relevant measures required by the condition. The management and monitoring set out in the LEMP match up with those in the HMMP.

The measures detailed in the submitted report must be implemented as approved. We advise that sufficient information has been submitted in relation to condition 4, which can now be discharged.

Condition 6 (BEP):

The following enhancements and planting have been proposed on site:

- Suitable native and pollinator-friendly species planting
- Two bat boxes (suitable for house sparrows)
- Two bird boxes
- Two bee bricks to be integrated into the new step structure and one bug hotel within the ornamental planting.

We are satisfied that these are appropriate enhancements for the site and that the location and facing of these enhancements is suitable. The measures detailed in the submitted reports must be implemented as approved. We advise that sufficient information has been submitted in relation to condition 6, which can now be discharged.

Informatives 4 & 5 (BGP):

This development requires a 10% mandatory biodiversity net gain under legislation.

The general biodiversity gain condition as per Schedule 7A, Section 13(1) of the Town and Country Planning Act 1990 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.

We have reviewed the submitted documents (Biodiversity Gain Plan and Statutory metric) in relation to the general biodiversity gain condition of permission 20260163 and advise that sufficient information has been provided to discharge the deemed condition. An onsite BNG can be achieved through the creation of modified grassland, ornamental planting and urban trees and creation of a native species hedgerow.

Table 1 shows a summary of the information as submitted.

Table 1: To show a summary of our review of submitted information

Percentage Net Gain Required	Percentage Net Gain Reported for Area Habitats	Percentage Gain Reported for Habitats	Net Reported Linear	Net Proposed:	Gain	On-site 'significant' Net Gains Proposed
10%	15.29%	60.83%		All on site		Yes

Table 2 is not shown here but in summary, all relevant information has been provided and is considered acceptable by the KCC Biodiversity Officer.

KCC Flood & Water Management

Kent County Council as Lead Local Flood Authority have reviewed the application and regard the development as low risk.

Environment Agency

We have no objection to the discharge of conditions 3, 4, 6 and 7. The applicant has provided sufficient information to satisfy these conditions as well as informatives 4 and 5.

However, please note that the biodiversity net gain metric documentation was overly long due to a formatting error, this may need to be rectified for future reference.

Moreover, we strongly advise when managing weeds within the gardens that chemical means is last resort. Polluted run-off may wash into the Thames and additionally may provide a health hazard to park users.

Port of London Authority

No objection to the discharge of conditions 3, 4, 6 and 7.

No response has been received from the GBC Conservation Officer, GBC Horticulture or the Marine Management Organisation.

Officer's Analysis

Planning permission reference 20260163 was granted for groundworks to provide tiered seating, an extended level hardstanding area adjacent to the river and improved access; hard landscaping including

areas of hard surfacing and seating, relocated and new steps and ramp; soft landscaping including terrace, ornamental, shrub, tree and hedge planting; and the installation of lighting at the application site. This application seeks to discharge conditions 3, 4, 6 and 7 and informatives 4 and 5 of that permission.

Condition 3 reads as follows;

3. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan (submitted as part of the deemed condition discharge application), and based on the most up-to-date and/or relevant ecology surveys as determined by a suitably qualified ecologist, has been submitted to, and approved in writing by, the Local Planning Authority. The Plan shall include:

- a) a non-technical summary;*
- b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;*
- c) the planned habitat retention, creation and enhancement works (including detailed landscaping plan(s) and planting schedule(s)) to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;*
- d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and*
- e) the monitoring methodology and frequency in respect of the retained, created or enhanced habitat;*
- f) details of the decommissioning process to be followed, and measures to be taken, to mitigate impacts to protected and priority species and habitats, including reference to an up-to-date ecological impact assessment carried out in line with current professional guidelines.*

The retained, created and/or enhanced habitat specified in the approved HMMP shall be implemented, managed, maintained and monitored in accordance with the approved HMMP.

Reason: To ensure that the future management and monitoring of the planned habitat retention, creation and enhancement works, in accordance with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (2014).

The submitted details show that modified grassland, ornamental planting and urban trees will be retained and that modified grassland, ornamental planting, a native species hedgerow and urban trees will be created. Monitoring will take place in years 1, 5, 10, 20, 25 and 30. No objections have been raised by the KCC Biodiversity Officer, the Environment Agency or the Port of London Authority.

The Environment Agency strongly advises that when managing weeds, chemical means is a last resort because polluted run-off may wash into the Thames and additionally may provide a health hazard to park users. This advice can be brought to the attention of the applicant in an informative attached to any decision.

The proposed Habitat Management and Monitoring Plan would ensure the future management and monitoring of the retained and created habitats and be in line with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (2014). Therefore, the submitted details are acceptable and provide sufficient information to satisfy the requirements of condition 3.

Condition 4 reads as follows;

4. No development shall take place until a Landscape and Ecological Management Plan (LEMP), including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), has been submitted to, and approved in writing by, the Local Planning Authority. The LEMP shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

The scheme shall include the following elements:

- details of maintenance regimes
- details of Bat and Fish friendly lighting (informed by the Bat conservation Trust)
- details of any new habitat created on or off-site
- details of treatment of site boundaries and/or buffers around water bodies
- details of management responsibilities

Reason: To ensure the protection of wildlife and supporting habitat. Also, to secure opportunities for enhancing the site's nature conservation value in line with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (2014), national planning policy and the Gravesham Biodiversity Strategy 2025-2030.

The submitted details outline the proposed landscape and ecological objectives and management strategies for the proposal and state that all newly created habitats and planting areas will be maintained for a minimum of 30 years, with management reviews being undertaken every five years. No objections have been raised by the Environment Agency, the KCC Biodiversity Officer or the Port of London Authority.

The KCC Biodiversity Officer has advised that the management and monitoring set out in the Landscape and Ecological Management Plan would match up with the details set out in the Habitat Management and Monitoring Plan.

The proposed Landscape and Ecological Management Plan would ensure the future management and maintenance of the application site and would be in line with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (2014). Therefore, the submitted details are acceptable and provide sufficient information to satisfy the requirements of condition 4.

Condition 6 reads as follows;

6. Prior to any above ground level works, a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include full details of the biodiversity enhancements to be implemented on-site. The Plan shall include:

- *Provision of suitably placed bat and/or bird boxes, with the exact locations, make and model and height from ground level shown on scaled plans suitable for construction. Boxes for breeding birds shall be targeted at S41 priority species and/or red/amber listed species as listed within the latest British Trust for Ornithology Birds of Conservation Concern report. Boxes shall be building integrated and/or constructed of woodcrete to ensure durability;*
- *The provision of bee bricks and/or the provision of log piles/artificial refugia for wildlife. The exact locations, make and model, height from ground level, size and construction materials shall be shown on scaled plans suitable for construction.*

The Plan shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To protect and enhance biodiversity in accordance with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (2014), paragraphs 187 and 193 of the National Planning Policy Framework (December 2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

The submitted details show the provision of native and pollinator-friendly species planting, two bat boxes, two bird boxes, two bee bricks and one bug hotel. The KCC Biodiversity Officer is satisfied that these are appropriate enhancements for the application site and that the location and facing of the proposed enhancements is suitable. No objections have been raised by the KCC Biodiversity Officer, the Environment Agency or the Port of London Authority.

The proposed Biodiversity Enhancement Plan would improve biodiversity at the application site and would be in line with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (2014). Therefore, the

submitted details are acceptable and provide sufficient information to satisfy the requirements of condition 6.

Condition 7 reads as follows;

7. Prior to any above ground level works, details and a plan(s) showing how the development will provide appropriate riparian lifesaving infrastructure, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented before the development is first brought into use and thereafter shall be maintained in accordance with the approved details.

Reason: To ensure that the details of the proposal are satisfactory and in accordance with Policies CS18 and CS19 of the Gravesham Local Plan Core Strategy (2014).

The submitted details show the provision of a Guardian 600 Lifebuoy fixed to the wall at the western end of the application site. It is noted that two similar lifebuoys are already located on site and that no objections have been raised by the Port of London Authority, the Environment Agency or KCC Flood & Water Management.

The proposed lifebuoy would improve river safety, the design would match with those existing and it would be located discretely. As such, it would have no adverse visual impacts on the surrounding area and would be in line with Policies CS18, CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014). Therefore, the submitted details are acceptable and provide sufficient information to satisfy the requirements of condition 7.

Informatives 4 and 5 relate to the requirement for the submission and approval of a Biodiversity Net Gain Plan under paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 (as amended).

The submitted details include a Biodiversity Gain Plan and Biodiversity Net Gain (BNG) metric and show that an onsite BNG can be achieved through the creation of modified grassland, ornamental planting, urban trees and a native species hedgerow. The percentage of net gain for area habitats would be 15.29% and for linear habitats would be 60.83%. No objections have been raised by the KCC Biodiversity Officer or the Environment Agency.

The proposed Biodiversity Gain Plan would improve biodiversity at the application site and would be in line with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (2014). Therefore, the submitted details are acceptable and provide sufficient information to satisfy the requirements of informatives 4 and 5.

Conclusion

The submitted details provide sufficient information to satisfy the requirements of conditions 3, 4, 6 and 7 and informatives 4 and 5 of planning permission 20260163. Therefore, these conditions and informatives have been addressed in their entirety and can be discharged.

The Environment Agency advice regarding weed management can be brought to the attention of the applicant in an informative attached to any decision.

Recommendation

Conditions 3, 4, 6 and 7 and informatives 4 and 5 of planning permission 20260163 can be discharged.

(For details, see draft Decision)

Case Officer:	Mrs Kelly Joyce	Team Leader:	Mrs Faye Walsh
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Signed:	K Joyce	Signed:	Jusaboh
Dated:	11th August 2026	Dated:	12 August 2026