



Delegated Report

Approval of Conditions Application

Planning Application No: 20260436

Location: Dalefield Industrial Park Dalefield Way Gravesend Kent

Description: Application for the approval of condition 10 (Remedial Action Plan and Watching Brief Report) attached to planning reference number 20240199.

Applicant: Mr Aaron McConnell, Keady Construction Ltd

Submitted Documents/Plans

Email with application details
Remedial Action Plan and Watching Brief Report

Relevant Planning History

Reference	Description	Decision	Decision Date
20240199	Erection of a new three storey office building, for use Class E and installation of solar panels to roof. Erection of a single storey storage building with integral roof lights, for use Class B8 and associated parking and landscaping.	Permitted	30.08.24

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS04 – Gravesend Riverside East and North-East Gravesend Opportunity Area
- CS07 – Economy, Employment and Skills
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Design and Development Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on Highway Network

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 6 – Building a strong, competitive economy
- Section 9 – Promoting Sustainable Transport
- Section 11 – Making Effective Use of Land
- Section 12 – Achieving Well-Designed Places

Supplementary Planning Guidance

- SPG 4 – KCC Parking Standards (2006)
- Design for Gravesham – Design Code (2024)

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

Consultees

GBC Environmental Protection

The submitted documentation is acceptable and there is no objection to Condition 10 being discharged.



Environment Agency

Thank you for consulting us on the above application which we received on 16 June 2026. As part of this consultation, we have reviewed the following documents:

- Groundworks Contractor Written Statement, dated 27 April 2026, by O'Halloran & O'Brien Ltd

Environment Agency position

We have no objection to the discharge of condition 10 from a site contamination protection perspective.

We are generally not in a position to visit the site and verify any works undertaken; therefore, the above comments are based solely on the submitted documents and reported actions, and no responsibility can be taken for the accuracy of any information submitted.

Please note that our comments are based on the details available to us at the time of writing. If any subsequent changes are made to the application, please reconsult us.

Officer's Analysis

Condition 10 of 20240199 is as follows:

10. *Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.*

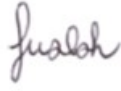
Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete in accordance with paragraph 180 of the National Planning Policy Framework.

The strategy submitted details that the works were carried out in accordance with the approved contamination strategy and watching brief. During the works no visual, olfactory, or other evidence of unexpected contamination was identified. As such, no contamination related remedial action was required or undertaken. Both Environmental Protection and the Environment Agency.

Conclusion & Recommendation

The details submitted comply with the requirements of condition 10. As such, condition 10 should be approved.

(See draft Decision)

Case Officer:	Mrs Lisa Fisher	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	16th July 2026	Dated:	17 July 2026