



Delegated Report

Discharge of Conditions Application

Planning Application No: 20260144

Location: Northfleet School For Girls Hall Road Northfleet Gravesend

Description: Application for the approval of condition 8 (Habitat Management and Monitoring Plan) attached to planning reference number 20240438.

Applicant: Northfleet School For Girls

Site Visit Date: Desktop assessment

Submitted Documents/Plans

Application form for approval of details reserved by condition;
Letter from the agent dated 30 January 2026; and
Letter from Lloydbore dated 28 November 2026.

Relevant Planning History

Reference	Description	Decision	Decision Date
20240438	Erection of a single storey modular teaching and drama block.	Permitted	28.02.2025

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

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 15 – Conserving and enhancing the natural environment

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

A report has been provided which shows the features within the HMMP have been implemented and photographic evidence has been provided. Some of the grassland has been implemented with turf rather than seeding, as prescribed in the HMMP, but we are satisfied that the grassland can achieve the required habitat type and target conditions within the specified standard target times.

We are satisfied that condition 8 can be discharged.

Officer's Analysis

Planning permission reference 20240438 was granted for the erection of a single storey modular teaching and drama block at the application site. This application seeks to discharge condition 8 of that permission.

Condition 8 reads as follows;

8. Notice in writing and photographic evidence shall be provided to the Local Planning Authority when the habitat creation and enhancement works as set out in the HMMP have been completed.

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

The KCC Biodiversity Officer has set out that the submitted report provides sufficient information to satisfy the requirements of condition 8. As such, this condition has been addressed in its entirety and can be discharged.

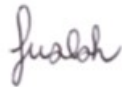
Conclusion

The submitted report is acceptable.

Recommendation

Condition 8 of planning permission reference 20240438 can be discharged.

(For details and informatives, see draft Decision)

Case Officer:	Mrs Kelly Joyce	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	28th April 2026	Dated:	28 April 2026