



# Delegated Report

## Approval of Details Application

**Planning Application No:** 20260677

**Location:** Cyclopark The Tollgate Watling Street Gravesend

**Description:** Application for the approval of condition 4 (Biodiversity Enhancement Plan (BEP) attached to planning reference number 20251142.

**Applicant:** J Hamp, Cyclopark Charity

**Site Visit Date:** Desktop Assessment

### Submitted Documents/Plans

Planning Application Form;  
Biodiversity Enhancement Plan (BEP); and  
Drawing No. BEP-01 - Biodiversity Enhancement Plan.

### Relevant Planning History

| Reference | Description                                                                                                                             | Decision  | Decision Date |
|-----------|-----------------------------------------------------------------------------------------------------------------------------------------|-----------|---------------|
| 20251142  | Construction of a new fitness studio and nine containers to create a bike hire facility next to the existing building hub at Cyclopark. | Permitted | 27.01.2026    |

### 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

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

#### Supplementary Planning Guidance

- Design for Gravesham – Design Code (2024)
- Gravesham Landscape Character Assessment (2009)

#### **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

##### *External*

##### KCC Biodiversity

No comments received.

#### **Officer's Analysis**

Condition 4 is as follows:

4. *Within 2 months from the date of commencement of 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 biodiversity enhancements. Details shall also include (as appropriate) provision of durable and suitably placed bat/bird boxes, the provision of bee bricks and/or the provision of log piles/artificial refugia for reptiles and amphibians.*

*Reason: In order to ensure the survival and protection of important species and those protected by legislation that could be affected by the development, in accordance with Local Plan: Core Strategy Policy CS12 and Paragraph 192 of the National Planning Policy Framework, which seeks the protection of priority species.*

The following details were submitted in address the condition:

Planning Application Form;  
Biodiversity Enhancement Plan (BEP); and  
Drawing No. BEP-01 - Biodiversity Enhancement Plan.

The following enhancements and planting are proposed on site as detailed within the Biodiversity Enhancement Plan:

- 3no. Swift Nest Boxes
- 3no. Starling Nest Boxes
- 2no. House Sparrow Terraces
- 3no. Bee Bricks / Solitary Bee Habitat
- 3no. Hedgehog Boxes
- 1no. Hibernaculum (for amphibians and reptiles)
- 1no. Log Pile (Deadwood Habitat)

The Enhancement Plan and drawing include the location and schedule of implementation and ongoing maintenance.

These features will provide additional nesting, roosting, refuge and foraging opportunities for a range of species including birds, pollinating insects, hedgehogs, amphibians and reptiles, thereby enhancing the ecological value of the site and increasing habitat diversity.

It is considered that the submitted details address the wording of the condition and as such condition 4 can be discharged.

## **Conclusion**

The details submitted with this application are considered to be submitted to meet the requirements and purposes of condition 4 of 20251142.

## **Recommendation**

The recommendation is to approve the application and discharge these conditions.

(see draft Decision)

|                      |                              |                     |                              |
|----------------------|------------------------------|---------------------|------------------------------|
| <b>Case Officer:</b> | Ms Amanda Cue                | <b>Team Leader:</b> | Richard Hart                 |
| <b>Signed:</b>       | A Cue                        | <b>Signed:</b>      | R Hart                       |
| <b>Dated:</b>        | 11 <sup>th</sup> August 2026 | <b>Dated:</b>       | 11 <sup>th</sup> August 2026 |