



Application: 20220575

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

NOTIFICATION OF GRANT OF PERMISSION TO DEVELOP LAND
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To: **Mr Will Tofts, RSPB
RSPB Northward Hill, Bromhey Farm
Cooling
Rochester
ME3 8DS
Kent**

TAKE NOTICE that the **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **GRANTED PERMISSION** for development of land situate at:

**Higham Marshes
Church Street
Higham
Rochester
Kent
ME3 7LS**

and being **Wetland habitat restoration/enhancement comprising of engineering works to enhance the in-field topography**. Your application dated 1st June 2022 is permitted subject to the following:-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following schedule of approved plans and particulars:

Application form
Site Location Map 1
Site Location Map 1a
Bird Count
Water Vole Study
Detailed Unexploded Ordnance (UXO) Risk Assessment
The South Thames Estuary and Marshes SSSI Citation
The Thames Estuary and Marshes SPA Citation
The Thames Estuary and Marshes RAMSAR Citation
Planning Statement
Services and Line Search
Design Specification
Design and Access Statement

Higham Marshes Conservation Concern Species Inventory
Higham Marshes Breeding Birds
Kent Birds Records Summary
Kent Bat Group Bat Roost Locations Map
Kent Bat Group Higham Marshes Bat Record
Higham Marshes Abstraction License
Higham Marshes Protected Species Inventory
Higham Marshes Kent Rare & Scarce Species Inventory
Archaeology Reply (Groundworks impacts)
Construction Environmental Management Plan (Biodiversity)
Ecological Site Assessment: Report to inform an Assessment Under the Habitats Regulations
Historic Environment Record Map
Archaeology Gazetteer (received 10/10/2022)
Archaeological Watching Brief Written Scheme of Investigation (dated November 2022)

And pursuant to any conditions contained herein after and there shall be no deviation there from, save with the prior written consent of the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The recommendations set out in the Construction Environmental Management Plan (Biodiversity) Higham Marshes shall be carried out as hereby approved.

Reason: In the interests of biodiversity and in accordance with Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

4. The development hereby permitted shall be subject to archaeological watching briefs, to be undertaken in accordance with the approved Written Schemes of Investigation by Canterbury Archaeological Trust (1) Habitat Enhancement Project, Cooling and Cow Marsh, North of Cliffe Marshes, Hoo Peninsula, Kent (WB CM 22) and (2) Habitat Enhancement Project, Higham Marshes, North of Higham Village, Hoo Peninsula, Kent (WB HM 22). If there are any variations required to the approved Written Schemes of Investigation, these should first be submitted to and approved in writing by the Local Planning Authority and undertaken as approved thereafter.

Reason: To ensure that features of archaeological interest are properly examined and recorded and in accordance with Policy CS20 of the Gravesham Local Plan Core Strategy 2014.

INFORMATIVES:-

1 DEVIATION FROM APPROVED PLANS

It is possible that any proposed deviation from the approved plans could be classed as a 'material' change requiring a further application/permission. In the event that any change is proposed, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

2 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

Dated: 30 November 2022

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Wendy Lane MRTPI
Assistant Director (Planning)
Planning Service

NOTIFICATION TO APPLICANT

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If this is a **householder application*** which has been refused and you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks of the date of this notice**.
- For all other applications, refused or permitted, if you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- **Appeals must be made using a form which you can obtain from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN; telephone: 0303 444 5000; email: enquiries@pins.gsi.gov.uk or online at www.planningportal.gov.uk/pcs.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

***Householder applications**

These are:

- (a) applications for planning permission for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or
- (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development

but does **not** include –

- (i) an application for change of use;
- (ii) an application to change the number of dwellings in a building.

PURCHASE NOTICES

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Gravesham Borough Council