



Planning Committee

Tuesday, 30 April 2024

Dear Councillor

You are advised that the attached documents form part of the main agenda papers for this meeting.

Please ensure you bring them with you to the meeting.

Yours faithfully

A handwritten signature in black ink, appearing to read 'S Walsh', written in a cursive style.

S Walsh
Assistant Director
(Organisational Development & Democratic Support)

List of documents attached

- a) 20221064 - Northfleet Harbourside - Land Surrounding Ebbsfleet (Pages 3 - 78)
United Football Club, Stonebridge Road, Northfleet

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SUPPLEMENTARY REPORT

Application Ref:	20221064
Site Address:	Northfleet Harbourside - Land Surrounding Ebbsfleet United Football Club, Stonebridge Road, Northfleet
Application Description:	<p>Outline planning application with all matters reserved, except for the primary means of access and road layout, for a phased mixed-use redevelopment involving the demolition of existing buildings and structures including site preparation / remediation works, and the development of residential units (Use Class C3), Class E uses including floorspace for retail Class E(a)), food/beverage and drinking establishments (Use Class E(b)), local services (Use Class E(c)), indoor sport/recreation/fitness (use Class E(d)), healthcare space (Use Class E(e)), creche/nursery uses (Use Class E(f)), office floorspace (Use Class E(g)(i)), a new multi-use stadium with associated business and leisure facilities (sui generis), hotel (Use Class C1), community uses floorspace (Use Class F2). The phased redevelopment will include other sui generis uses, delivery of open space and significant realignment of the road network including the A226 Galley Hill Road / Stonebridge Road / Lower Road with hard / soft landscaping, car and cycle parking provisions, infrastructure works, ancillary and associated works.</p>
Applicant:	Northfleet Central 1 Limited
Agent:	Mr Jon Bradburn, Montagu Evans LLP
Ward:	Northfleet North
Parish:	Non-Parish Area
Decision due date:	31 May 2024 (Agreed extension of time)
Publicity expiry date:	29 March 2024
Decision Level:	Planning Committee
Reason for referral:	Head of Planning
Recommendation:	<p>That the Head of Planning in consultation with the Chair and Vice Chair is given delegated authority to issue the planning permission and impose conditions and informatives, subject to:</p> <ul style="list-style-type: none">• The finalisation of the Shadow Habitats Regulations Assessment (in accordance with the requirements of Regulation 63 the Conservation of Habitats and Species Regulations 2017 (as amended)) by the Borough Council in its role as the competent authority and planning permission only be granted if the outcome of that assessment concludes that there is no adverse effect on the integrity of applicable European Sites (i.e. Special Areas of Conservation (SACs), Special Protection Areas (SPAs), proposed SACs, potential SPAs, Ramsar sites - wetlands of international importance (both listed and proposed), and areas secured as sites compensating for damage to a European site).• National Grid removing their holding objection;• Completion of a legal agreement under s106 of the Town and Country Planning Act 1990;

- Referral of the application to the Secretary of State as a departure from the adopted Development Plan.

That the Head of Planning is given delegated authority to make changes to the wording of the Committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the Committee nor that such change(s) could reasonably have led to a different decision having been reached by the Committee.

However, in the event that the Shadow Habitats Regulation Assessment cannot be finalised or it concludes that the proposal will result in adverse effects on the integrity of any of the sites in question the application is to be reported back to Planning Committee for review and redetermination.

In the event that National Grid do not remove their holding objection, the application is to be reported back to Planning Committee for review and redetermination.

In the event that the Section 106 Legal Agreement remains unsigned six months after this resolution, the application is to be reviewed by the Head of Planning, in consultation with the Chair of the Committee, and if no progress is being made, delegated authority is to be given to the Head of Planning to refuse the application in the absence of an agreed S106 Agreement.

Summary of Reasons for Recommendations

The outline proposals for the application have been assessed in relation to key planning issues and key concerns have been considered, including those raised by statutory and non-statutory consultees. Initial issues relating to the means of access and road layout, the safeguarded Robins Wharf, loss of employment, protected sites including the Swanscombe Peninsular Site of Special Scientific Interest (SSSI), European Sites and nationally designated sites and flooding issues in relation to the deculverted River Ebbsfleet have been addressed through the submission of additional information.

In relation to the only matter to be considered in detail at this stage, namely primary means of access and road layout, detailed revisions to the proposals as a result of initial consultee comments have addressed all highway related matters. The parking provision for the site and the impact on the highway network on completion of the scheme is unlikely to have significant impact on the highway network, subject to conditions and appropriate S.106 and S.278 contributions/delivery being secured.

It is acknowledged that the proposal will result in adverse impacts in the form of a safeguarded operational wharf known as Robins Wharf, and the loss of existing employment floorspace and open storage. However, on balance, it is considered that with the substantial uplift in housing and other economic, social and environmental benefits that the scheme will offer in making the most efficient use of this brownfield urban site, the proposals are considered to be consistent with overarching planning policy objectives to achieve a sustainable regeneration development in the urban area of Gravesham, meeting the requirements of the National Planning Policy Framework (NPPF) 2023 where the adverse impacts of the proposal do not significantly and demonstrably

outweigh the benefits, when assessed against the policies in the NPPF 2023 when taken as a whole. The outline proposals are therefore acceptable in principle, and the application is recommended for planning permission.

On-going matters of discussion and negotiation, with regards to National Grid's infrastructure, and a finalised shadow Habitats Regulations Assessment to determine significant effects on European Sites must be resolved by the Council as the competent authority prior to planning permission being formally issued. It is therefore recommended that delegated authority be given to the Head of Planning in consultation with the Chair and Vice Chair of Planning Committee to resolve these matters, as well as to finalise planning conditions and to complete a s.106 agreement prior to the final determination of the application.

SUPPLEMENTARY REPORT

1. Introduction

- 1.1. In the main report to this Committee, it was indicated that a Supplementary Report would be issued covering the following aspects:
- Biodiversity and Ecology
 - Planning Obligations – Including Viability
 - Conclusion and Overall Balancing Exercise
 - Update on engagement with National Grid
 - Recommendation
- 1.2. In addition to the above, the following aspects are also covered:
- Consultation responses received since publication of the main report to this Committee

2. Consultations and Publicity Responses

Neighbours

- 2.1. Since the publication of the main report, no further representations have been received.

External and Internal Consultees

Dartford Borough Council 25 April 2024

- 2.2. DBC commented previously on this application in 2023 and the issues raised previously with regard to the unplanned nature of the development, traffic generation and air quality impacts remain. DBC consider that Gravesham should satisfy themselves that both the local and strategic impacts of this unplanned development can be mitigated both in terms of traffic and air quality. DBC note that KCC Highways have suggested a number of measures to mitigate the potential traffic impacts and DBC consider that should the scheme go ahead, that these are important mitigation measures and the scheme should only be granted if these are secured.

If the application is approved, DBC request to be consulted on the Construction Transport Management Plan and any other details submitted in relation to the construction process. DBC also consider that it may be necessary for the CTMP to consider two scenarios - with

Galley Hill Drive open and closed. It is likely that Galley Hill Drive will re-open before completion of this development and it will be important to ensure that this is not used as a route for construction traffic. Use of this route would have a significant adverse impact on the amenities of residents, both in terms of disturbance but also air quality and therefore measures to ensure that it is not used should be incorporated into the CTMP at the outset.

Dartford Borough Council 4 August 2023

2.3 The Borough Council wish to raise objection to the proposal subject to the reasons specified hereunder:

The application proposes a very large and regional scale development which is not identified in the Gravesham Local Plan. The current site is in mixed uses although largely commercial/industrial and leisure uses. The application has been accompanied by an ES.

The scale and location of the development close to the border with Dartford and adjacent to the area currently within the EDC's jurisdiction clearly could result in significant impacts within Dartford Borough.

The main impacts of concern to Dartford relate to traffic impacts and related air quality issues.

Dartford Borough Council (DBC) do not object to the provision of a mixed use development but there are significant concerns with regard to the details submitted with the application, principally with regard to the lack of information in relation to highway issues.

The site is located off the A226 which is an important route along the Thames corridor adjacent to the Thames and until the recent cliff collapses was used by many as an alternative to the main A2. The proximity to the Borough boundary and the scale of development mean that the scheme will result in significant new traffic on this road, adjacent roads and also the Strategic Road Network. Many of the affected roads will be within Dartford Borough.

In relation to these traffic impacts DBC notes that both National Highways and Kent County Council have advised that they currently object to the application raising a number of issues. KCC Highways have provided a detailed response and this includes significant concerns and sets out the further information that is required.

DBC also note that EDC have commented on traffic impacts and the potential for impacts in relation to the A2 at Ebbsfleet and associated junctions.

It is concerning that no Transport Strategy has been prepared to summarise how measures and mitigation would be implemented. This is a significant omission from the application.

Given the amount of outstanding information that has been highlighted DBC do not consider it not possible to comment accurately on the expected traffic impacts. DBC consider that the application should not be approved without further detail of the traffic impacts and mitigation being provided.

Linked to the traffic impacts are the Air Quality impacts and these are an important issue for DBC given current traffic levels in the northern part of the Borough. Dartford has designated Air Quality Management Areas, including along the A226, and the impact of the proposals on these areas should be assessed - in particular additional traffic generation in and around Dartford Town Centre, the A226 and also on the A282/M25 corridor. As issues have been raised by the highways authorities regarding the transport assessment and mitigation, DBC would request that if the transport assessment is updated the air quality impact assessment

should also be updated.

However, DBC are concerned to note that the assessment results in a scheme which has 5% worsening in pollution levels at sensitive receptors. The application advises that this is considered 'not significant' and therefore there is no requirement for mitigation. DBC would strongly dispute this conclusion. Given existing air quality issues in the area, any adverse impact on air quality should be mitigated rather than dismissed as not significant.

DBC note that EDC have commented on the application and have commented on Housing Provision, Retail Impact and Public Open Space and DBC agrees with and supports these comments.

With regard to retail impacts, the amount of retail and leisure floorspace appears to significantly exceed that required to serve the development itself. DBC would request that the scheme is amended to meet the identified needs of the development only and to ensure that the retail and leisure element of this scheme does not provide a new 'destination' drawing in visitors from outside of the scheme, thus having potential to impact on existing retail centres and traffic congestion in the area. It is noted that GBC have not planned for new retail/leisure in this location and DBC consider strongly that development such as this should be brought forward in a planned way.

Dartford Borough Council therefore objects to the application.

In addition to the above comments, Swanscombe & Greenhithe Town Council have written to Dartford and objected to the application for the following reasons:-

"The Town Council objects to this application as the proposal would constitute an over intensive development of the site and would result in an undesirable intensification of use to the detriment of the amenities of the surrounding area, whilst adding an unnecessary burden on local infrastructure/services.

The proposal would also add to the overcrowding of the local roads which already suffer severe issues with traffic movements/congestion and parking, and it would also increase the air and light pollution.

The proposal would require construction traffic to use the local roads, and this would increase the noise and traffic pollution with a huge detrimental effect/impact to the local community which already suffers from these issues. We would ask that should the application be granted that conditions be set regarding the hours of construction and movement of vehicles to mitigate the impact.

The Town Council are also concerned for the future of the existing 87 small businesses that this proposal will affect and would seek assurances that they have been considered and contacted directly regarding this application.

The Town Council strongly urge that the applicant must take into account, and include mitigating provisions regarding the environmental impact on, and the needs of, the community for their development and, where possible, include the provision of Electric Vehicle Charging Points."

National Grid (25 April 2024)

- 2.4 National Grid exercises its right to place a Holding Objection to the above proposal which is in close proximity to a High Voltage Transmission Overhead Line.

National Grid's Overhead Lines are protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect our asset.

REASON FOR OBJECTION: NGET require an Asset Protection Agreement with the developer to ensure our assets (ZR overhead lines including towers ZR006 and ZR007) are adequately protected including our current deeds of easement.

National Grid (26 April 2024)

2.5 Following discussions with NGET's legal department NGET's preference would be to enter into an Asset Protection Agreement with the developer in relation to this site, in order to ensure the protection of our operational assets both during any construction phase as well as in the longer term, and therefore I have attached a temporary holding objection response. As discussed on our call earlier this week we have concerns with the following points and think an Asset Protection Agreement would best protect us on these aspects;

1. The statutory clearances from our overhead lines set out on the attached profile drawings must be maintained at all times (including during construction). NGET will not be able to support construction works with any outages.
2. Require sufficient space around our towers (preferably a 15m stand-off) from any buildings or structures to provide sufficient room for future maintenance activities.
3. Access arrangements need to be formalised with NGET to ensure future access to the tower is not restricted for future maintenance and emergency works.
4. Further engagement required with the applicant around the road layout near the north of the site and our ZR007 tower and approval required by NGET ahead of detailed planning.

Additionally, the NGET legal team is reviewing our existing legal rights covering the site as we also need to ensure these are not adversely impacted by the proposed development.

Planning Analysis and Head of Planning Comments

Biodiversity and Ecology

- 2.3. The NPPF (2023) in paragraph 180 states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Paragraph 186(a) asserts if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort compensated for, then planning permission should be refused. Development on land outside a Site of Special Scientific Interest (SSSI) which is likely to have an adverse effect on it should not normally be permitted. Paragraph 188 states that the presumption in favour of sustainable development does not apply where the project is likely to have a significant impact on a habitats site, unless an appropriate assessment has concluded that the project will not adversely affect the integrity of the habitats site.
- 2.4. Policy CS12 of the Core Strategy 2014 conforms to the NPPF (2023) stance and states that sites designated for their biodiversity value will be protected, with the highest level of protection given to internationally designated Special Protection Areas, Special Areas of Conservation and Ramsar sites, followed by nationally designated Sites of Special Scientific Interest, followed by Local Wildlife Sites and then by other areas of more local importance for biodiversity. There will be no net loss of biodiversity in the Borough, and opportunities to enhance, restore, re-create and maintain habitats will be sought, in particular within the Biodiversity Opportunity Areas shown on the Strategic Green Infrastructure Network map and within new development.

- 2.5. The development site itself has minimal biodiversity opportunities and is not subject to any nature conservation designations in itself, but it lies directly adjacent the Swanscombe Peninsular SSSI and Botany Marshes Local Wildlife Site, which are both located to the north-western boundary (Plots 18 and 19 border this boundary). The SSSI was designated in 2021 in recognition of its national importance for plants, geology, birds and invertebrates – including one of the rarest spiders in the country. In addition, along the river to the north-eastern site boundary is the Thames Estuary Marine Conservation Zone. Further to the east of the Borough lies the Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar site. Parts of the application site are within the 6km Zone of Influence for this site, identified by the Bird Wise North Kent Mitigation Strategy for the Thames Estuary and Marshes SPA and Ramsar site, which also includes the North Kent Marshes.
- 2.6. A Preliminary Ecological Appraisal (PEA) was initially submitted with the application, alongside a chapter (14) in the Environmental Statement (ES) relating to ecology and biodiversity that included the assessment of the likely significant impacts and resultant effects of the proposed development on important ecological features, such as the designated sites. The Design Code also touched on managing and mitigating pedestrian access to the SSSI and set out that a number of mitigation measures needed to be incorporated into the proposal. These mitigation measures include bird and bat boxes, SuDS, green walls and hedgerow and tree planting.
- 2.7. The ES set out that the risk of damage and pollution to habitats and species during demolition and construction will be managed through a Construction Environmental Management Plan (CEMP), further bird surveys, visual and noise barriers and the use of low impact machinery to limit noise and vibration. The ES concluded that the implementation of such measures during demolition and construction would limit the potential effects on all ecological receptors to ‘not significant’.
- 2.8. In terms of the completed development, the ES set out mitigation measures to be embedded in the design of the development to manage footfall and reduce impacts from recreational pressure on the SSSI. These included on-site open space, controlled pedestrian access and SSSI sensitivity signposting, and a tree boundary to the SSSI. An audit to monitor recreational usage from the development was also proposed to identify the threshold where wildlife begins to be disturbed by recreational activities, which was to be used to inform future phases on mitigation measures. Overall, the ES concluded that no likely significant effects on ecological receptors were identified, both during demolition and construction and once the proposed development is completed and occupied.
- 2.9. It was initially considered by both KCC Biodiversity and Natural England that there was insufficient information within the information supporting the application to assess the impact of the proposal both during construction and operational phases, upon the designated sites and species within them, as well as the Thames Estuary and Marshes SPA and Ramsar site further to the east. As such a significant amount of additional information was subsequently required, including sufficient information for the Council to undertake a Habitats Regulation assessment (HRA). Buglife, Kent Wildlife Trust and the RSPB also objected in relation to the impact of the proposal on the SSSI and the species and habitats it supports. Additional information required included breeding and wintering bird surveys and adequate mitigation measures (including for light intrusion, overshadowing and recreational pressures).
- 2.10. Natural England also raised concerns about the re-alignment of the England Coast Path (ECP). This matter has been covered in the main report under the Transport section, and would be secured through either a planning condition or via a S.106 Agreement. In either instance, the applicant would need to submit a separate application to KCC to divert the

Public Right of Way, in consultation with KCC Public Rights of Way and England Coast Path Officers, as well as Natural England.

- 2.11. Following the concerns raised about the impact on the adjacent protected sites, the applicant submitted further information in September 2023 to address the points raised, which generally sought to reinforce the robustness of the assessments undertaken and recommended further assessments and surveys to be carried out as part of the reserved matters process. Further information was also drawn out of the 2019 and 2020 surveys undertaken for the London Resort National Infrastructure Project, and a December 2022-January 2023 wintering bird survey was undertaken, as well as a Shadow Habitat Regulations Assessment (August 2023).
- 2.12. The London Resort surveys considered the use of the Swanscombe Peninsular and surrounding intertidal habitat by birds associated with the Thames Estuary and Marshes SPA and Ramsar site. The ES for the London Resort indicated that, given the number of birds associated with the SPA and Ramsar site, the area was functionally linked to the SPA and Ramsar site and as such mitigation measures were required.
- 2.13. The submitted Wintering Bird Survey Report (August 2023) found that no Annex 1 species that use the Thames Estuary and Marshes SPA in internationally important populations were found to be using the mudflats or Robin's Creek, confirming the effects established in the ES. Therefore, no new or additional effects were identified, and no new or additional mitigation measures were required, over and above what had been outlined above.
- 2.14. Following on from this additional information, Natural England and KCC Biodiversity continued to raise concerns about the potential significant effects on the SSSI and SPA and Ramsar sites, requiring further information on impacts from changes in microclimate cause by overshadowing, impacts on breeding and winter birds assemblages, impacts from an increase in recreational pressure and impacts on water quality/quantity. The submitted Shadow HRA was also not considered to be sufficiently rigorous or robust to ensure the proposal would not result in adverse effects on the integrity of the protected sites.
- 2.15. Further to these comments, the applicant engaged Natural England in separate discussions through Natural England's discretionary advice service (DAS). Upon completion of the DAS process, a final updated response to Natural England's and KCC Biodiversity's responses was then submitted in February 2024.
- 2.16. A Design Code Addendum was also submitted specifically in relation to ecological measures, and this focuses on additional mitigation to manage the impacts on the SSSI to be included in the detailed design of the proposed development, which expanded on the mitigation proposed in the initial submission. The mitigation includes:
 - Signposting displaying the sensitivity of Swanscombe Peninsula SSSI to human disturbance, for example highlighting the potential detrimental impacts of dogs off leads upon nesting birds during the relevant ecological season;
 - Ensuring access directly from the site into the SSSI is not possible, especially for dog walking;
 - The use of thick and tall-shrub, such as hawthorn and blackthorn, to make the planting difficult to penetrate and reduce access to the fence. With this planting being completed very early in the construction process to enable the vegetation to be fully established prior to occupation;
 - The greatest width mitigation buffer zone being delivered to allow for the delivery of the required mitigation, without impacting the scheme;

- Completion of cat proof fencing across the boundary of the SSSI prior to occupation. The recommended specification for this fencing being a wire or chain link fence with mesh size no more than 2.5cm, of at least 1.8m height and with a 0.6m overhang into the site; and
- The provision of an information centre/cafe within the Power Park, next to the play areas, to encourage walks around the site as opposed to within the SSSI, and to provide information regarding notable species and habitats including relevant protection measures within the local area and the SSSI in particular.

Illustrative proposed position of mitigation measures (Source: Design Code)



2.17. The revised Design Code states that a minimum of 20% biodiversity net gain will be delivered on the site. Sustainable Drainage Systems (SuDS) are included in the

Masterplan and will be part of the proposed green infrastructure. These will provide opportunities for plant and habitat colonisation. Soft landscaping proposals including parks, gardens, natural and semi-natural green space, allotments, and amenity spaces will also provide the opportunity for creating habitats and biodiversity gains. The ES includes embedded mitigation, to include a Biodiversity Enhancement and Management Plan, which will set out timings for all proposed habitat management activities and outline the location and types of wildlife boxes to be installed, as well as other landscaping design measures to be included (as set out in the Illustrative Landscape Masterplan) such as:

- Native and locally characteristic tree, shrub and hedge planting;
- Provision brown roofs to the north-eastern extent of the site (within the Riverside Neighbourhood Character Area) to allow for suitable habitat for black redstart and other bird species;
- Bug hotels and purpose made bug boxes;
- Wildlife links hibernacula and refugia suitable for smaller fauna including reptiles and amphibians;
- The use of nectar-rich and berry producing plants to attract a wider range of insects, birds and mammals and continue to accommodate those already utilising the site; and
- A wildlife sensitive lighting strategy.

2.18. The Design Code addendum seeks to incorporate 'mitigation by design' into the proposed scheme as it evolves through the outline stage to reserved matters. It requires confirmation that future design solutions address monitoring and maintenance of the following:

- Provision for continuous wet fences around the south-western/southern side of the development. These are wet ditches or swales of sufficient proportions to create a barrier for cats.
- Provision for continued fencing and shrub planting around the south-western/southern side of the development (where appropriate) given consideration to the SSSI boundary.
- Specific technical-design information submitted as part of the Reserved Matters must specify the spacing between the shrub planting areas and fencing to ensure proposals offer an appropriate design to deter Cats from easily travelling into the adjacent SSSI. Engagement with both the LPA and Natural England must be sought to agree such proposals.
- Detailed information must be presented through Reserved Matters on how the wet fences including water levels, fencing and dense shrub planting will be monitored in perpetuity to ensure: (a) their integrity is maintained and (b) that they effectively mitigate impacts of cat-predation on the SSSI breeding bird assemblage. This should include details of the body responsible for ensuring the monitoring is undertaken, the frequency of monitoring, reporting requirements, and the funding to secure the monitoring in perpetuity.

2.19. An Environmental Impact Assessment Update letter (dated 11 April 2024), to be read in conjunction with the original ES, has also been submitted following changes and clarifications about the proposed development (including the highways amendments and the inclusion of a deculverting zone to the River Ebbsfleet). This letter includes additional mitigation measures such as wet ditches and other cat predation mitigation measures that have been explored in discussion with Natural England. It confirms the deculverting could provide an improvement to the ecology of the watercourse, but this is not considered to be significant given the minor extent of the deculverting in relation to the remainder of the watercourse, which is outside of the site area for this application. With regards to the changes to the plots around the deculverted river and highways layout changes, given the maximum parameters and numbers of units across the site will not change, the ES

assessments remain valid, and the letter states that the ES conclusions remain unchanged.

- 2.20. The Council's commissioned review of the ES following on from the submission of additional information, including the winter bird surveys, found it to be acceptable, and noted condition requirements (as recommended in the ES) relating to the undertaking of further pre-construction bird surveys, a Biodiversity Enhancement and Management Plan (setting out timings for habitat management activities, and the location and types of wildlife boxes), a CEMP and a Landscape and Ecological Management Plan (providing long-term commitments to manage the planting, protection and enhancement of biodiversity in and around the site).
- 2.21. Natural England has provided an updated response on the proposals based on the DAS engagement and applicant's response to its further information requests. Their main points and the applicant's proposals are summarised as follows:

Recreational Disturbance

- 2.22. Recreational disturbance from new residents associated with the proposed development is likely to have an adverse impact on the designated features of the Swanscombe Peninsular SSSI if not robustly mitigated. The SSSI is not currently designed to manage visitors, who can freely access the area. The proposed audit to assess the residual effects of increased recreational pressure on the SSSI prior to commencement (and prior to occupation on later phases/reserved matters) is considered acceptable. The results of this will be used to develop mitigation measures (e.g. improvements of existing public rights of way and paths) to be implemented within the detailed design or committed to via other mechanisms (S.106), through the formation of a strategic access management plan in consultation with Gravesham, Natural England and other stakeholders/partners. The plan should be in place before occupation. Conditions are therefore recommended on this basis.

Breeding Bird Assemblages

- 2.23. It is recognised that the submitted ecological assessments adopt a worst-case scenario and assume the presence of any species for which the habitat is suitable. The proposed mitigation measures allow a significant effect on breeding birds to be excluded. However, additional breeding bird surveys should be carried out during 2024 in order to update the data referred to from the London Resort scheme and further inform mitigation matters at reserved matters stage prior to commencement. Conditions are therefore recommended on this basis.

Noise

- 2.24. It is noted that the context of the site is in a noisy industrial location that already generates noise disturbances to wildlife. The ES concluded that any notable increases in noise levels at the border with the SSSI will be during construction. The operational noise impacts generally show a reduction or no increase in noise levels at the SSSI boundary. The inclusion of mitigation measures to address noise impacts on the breeding bird assemblage during the construction phase through a CEMP will prevent a significant effect on the features of the SSSI. Beneficial measures would include:

- Stricter time restrictions on the noisy activities at plots 18 and 19;
- Not completing simultaneous noisy activities at plots 18 and 19;
- Limiting the number of noisy activities on each plot (e.g. 1 piling rig instead of 2); and

- Positioning stationary activities (e.g. concrete crushing) as far away from the SSSI as feasible;
- Screening/site hoarding (this would reduce ground level noise).

2.25. Conditions are therefore recommended on this basis, with the CEMP should be conditioned as part of any planning approval.

Lighting

2.26. The plans show the Plot 18 and Plot 19 buildings would be between 10 and 20m from the site boundary, and boundary planting would provide a buffer zone between the final buildings and SSSI habitat. Mitigation for lighting impacts should be included by condition and best practice standards, such as the Institute of Lighting Professionals (ILP's) Guidance Note 8 in relation to bats and artificial lighting, shall be adhered to in order to keep lighting impacts from the residential blocks and public realm adjacent to the SSSI boundary within acceptable levels with regards to the breeding bird and invertebrate assemblages of the SSSI. A wildlife sensitive lighting strategy is proposed within the ES, on this basis, lighting will not have a significant effect on the features of the SSSI. Conditions are therefore recommended on this basis.

Cat Predation

2.27. Further information came to light from Natural England about the presence of nightingales within Botany Marshes, which is the area of Swanscombe Peninsular closest to the proposed development. Nightingales are particularly vulnerable to predation by cats. The initial 'cat fencing' and shrub planting mitigation proposed and agreed by Natural England has therefore been expanded to include the provision of 'wet fences'; wet ditches or swales of sufficient proportions to create a barrier for cats. The EIA update letter, final response to Natural England and KCC, and revised Design Code incorporate these mitigation measures. Conditions are therefore recommended on this basis, to ensure this mitigation is delivered together with ongoing monitoring and maintenance and addressed under reserved matters applications.

Habitats Regulations Assessment (HRA)

2.28. The UK is bound by the terms of the Habitats Directive (92/43/EEC). Under Article 6(3) of the Habitats Directive, an appropriate assessment is required where a plan or project is likely to have a significant effect upon a European Site, either individually or in combination with other projects in view of the European Site's conservation objectives. The Directive is implemented in the UK by the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations).

2.29. All planning applications which are not directly connected with, or necessary for, the conservation management of a habitat site, require consideration of whether the proposed development is likely to have significant effects on that site. This consideration – typically referred to as the 'Habitats Regulations Assessment screening' – should take into account the potential effects both of the development itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, a competent authority, in this planning case the Borough Council, must make an appropriate assessment of the implications of the development for that site, in view of the site's conservation objectives. The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.

- 2.30. As the application site lies within the 6km Zone of Influence of the Thames Estuary and Marshes SPA and Ramsar site, there is a requirement under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) for a competent authority to determine whether a proposed development will have a significant effect on a European site, whether alone or in combination with other plans or projects) in view of that site's conservation objectives. In this case, as the Local Planning Authority, Gravesham is the competent authority.
- 2.31. The Habitat Regulation Assessment (HRA) process involves several stages:
- Stage 1: Likely Significant Effect Test
 - Stage 2: Appropriate Assessment
 - Stages 3 and 4: Assessment of Alternative Solutions and Imperative Reasons of Overriding Public Interest Test.
- 2.32. Stage 1: This is essentially a risk assessment utilising existing data, records and specialist knowledge. This stage identifies the likely impacts of a project upon a European Site and considers whether the impacts are likely to be significant. The purpose of the test is to screen in or screen out whether a full Appropriate Assessment is required. Where likely significant effects cannot be excluded, assessing them in more detail through an appropriate assessment is required to reach a conclusion as to whether an adverse effect on the integrity of the site can be ruled out.
- 2.33. Stage 2: This is the appropriate assessment and this involves consideration of the impacts on the integrity of the European Site with regard to the conservation site's structure and function and its conservation objectives. Where there are adverse effects an assessment of mitigation options is carried out. If the mitigation cannot avoid any adverse effect or cannot mitigate it to the extent that it is no longer significant, then development consent can only be given if an assessment of alternative solutions is successfully carried out or the Imperative Reasons of Overriding Public Interest (IROPI) test is satisfied.
- 2.34. Stage 3 and 4: If a project will have a significant adverse effect and this cannot be either avoided or mitigated, the project cannot go ahead unless it passes the IROPI test. In order to pass the test, it must be objectively concluded that no alternative solutions exist. The project must be referred to the Secretary of State on the grounds that there are Imperative Reasons of Overriding Public Interest as to why the project must proceed. Potential compensatory measures needed to maintain the overall coherence of the site or integrity of the European Site network must also be considered.
- 2.35. If, following advice from Natural England, it is possible to screen out the requirement for appropriate assessment at Stage 1 then the development could proceed. If this is not possible then the development must be subject to appropriate assessment as set out above. Where the mitigation proposed cannot avoid or mitigate effects and Stages 3 and 4 are invoked, these matters are not solely within the remit of the Borough Council to determine. Stages 3 and 4 have to be interpreted strictly and developments that may result in an adverse effect on the integrity of a European Site can only be authorised once the above tests have been met. In such instances the competent authority decides whether a derogation under article 6(4) is appropriate.
- 2.36. The competent authority must ensure each of the tests have been met and clearly set out how it has reached its decision. Before it grants permission on the basis of a derogation under article 6(4) the competent authority must also inform the Secretary of State for Defra (appropriate authority) and may not grant permission for 21 days. In that period, the appropriate authority may direct the competent authority not to agree to the plan or project

either indefinitely or a specific period of time period. If no direction is received the competent authority may grant permission on the basis of an article 6(4) derogation.

- 2.37. On receipt of a notice from a competent authority that it intends to use an article 6(4) derogation, the appropriate authority may within 21 days, or such longer period as stated, direct the competent authority not to agree to the plan or project. If the appropriate authority is content with the competent authority's decision it must ensure compensatory measures are secured and sufficient to maintain the coherence of the network of European sites.
- 2.38. In terms of this application, the stages to be considered are 1 and 2, as the Local Planning Authority would not support an application that fell within article 6(4) and adversely effected the integrity of a European Site. With respect of planning applications, developers/ applicants usually provide the competent authority with information to inform the HRA in the form of a Shadow HRA Report. It is usual for an applicant to appoint a specialist ecologist to undertake this work; in this instance the applicant appointed Assystem Energy & Infrastructure Ltd (Assystem) to produce a Shadow HRA Report., with Assystem utilising professionals who are members of CIEEM, a professional membership body for ecologists.
- 2.39. A shadow HRA has been submitted as part of the application documents to provide the information necessary for Gravesham to assess the proposed development as the competent authority. This Shadow HRA has been reviewed by Natural England, who concluded, *"Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.*
- 2.40. *Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.*
- 2.41. *Natural England notes from the Shadow HRA within the Northfleet Harbourside Response to Avison Young Independent Environmental Statement Review Report (August 2023, pages 20-21) that the Applicant has stated any impact arising due to an increase in recreational disturbance on the SPA and Ramsar Sites can be addressed through an appropriate contribution to the provision of strategic access management measures. Due to the location of the proposed development, we are minded to agree with this approach.*
- 2.42. *We continue to advise that it is the Council's responsibility to ensure that the proposals fully adhere to the agreed approach within the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMMS), to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation."*
- 2.43. The Shadow HRA concludes that, with mitigation, the proposed development would have no significant effects on the Thames Estuary and Marshes SPA and Ramsar site. Any mitigation required will be secured via planning conditions and/or a s.106 agreement. As the competent authority responsible for producing an HRA and being accountable for its conclusions, the Council has engaged its own specialist ecologist to review the shadow HRA, in the form of Thomson Environmental Consultants.

- 2.44. The review undertaken by Thomson Environmental Consultants (Thomson's), has resulted in additional iterations of the shadow HRA being produced, as Assystem have responded to comments made by Thomson's. Thomson's have generally reached the conclusion that as per Natural England's comments, that the proposal will not result in adverse effects on the integrity of any of the sites in question. However, further clarification has been sought, before this generalised view is formalised and the Shadow HRA concluded, so that the Borough Council can fulfil its role as the competent authority. As the Shadow HRA is not concluded at this stage, the recommendation encompasses the need for this to be finalised prior to any positive decision being issued.

Biodiversity and Ecology Conclusions

- 2.45. Overall, the proposals will result in an opportunity to increase the biodiversity of the site, which will enhance the natural and local environment in accordance with the requirements of paragraph 180 of the NPPF 2023 and Policy CS12 of the Core Strategy 2014. It has been concluded through the submitted and updated ES, further surveys, the draft Shadow HRA and the revised Design Code, that with appropriate and conditioned mitigation and financial contributions, the proposals will not have a significant effect on the habitats and wildlife within the Swanscombe Peninsular SSSI, Thames Estuary Marine Conservation Zone, or Thames Estuary and Marshes SPA and Ramsar site. However, the proposal cannot be considered to be acceptable in relation to the impact on the biodiversity and ecology of the site and European Sites, until such a time as the draft Shadow HRA has been finalised and the competent authority reaches a formal conclusion that the proposal will the proposal will not result in adverse effects on the integrity of any of the sites in question.

Planning Obligations – Including Viability

Procedural Issues

- 2.46. Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism that the Local Planning Authority, often use to secure financial contributions or other forms of mitigation such as affordable housing from developers, to make a development proposal acceptable in planning terms.
- 2.47. In order for the Local Planning Authority to request financial contributions on behalf of third parties any contributions will need to meet all of the test set out in paragraph 57 of the NPPF (2023) as listed below:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 2.48. It is important to ensure that sufficient infrastructure is provided to meet the needs of new residents, employees and businesses in the Borough. As recognised in the NPPF (2023), the provision of new infrastructure is an important part of new development, and the Council has worked with local service providers to identify their infrastructure needs over the plan period. Policy CS10 (LPCS) states that where new development generates a need for new infrastructure, developers will have to provide or contribute towards such provision, subject to viability consideration.
- 2.49. In requesting obligations as part of this application, the Local Planning Authority is satisfied that they meet these tests. A high-level schedule of the Heads of Terms for incorporation

into a s.106 Agreement are included in **Appendix 1** albeit the clauses are liable to refinement through the process of refining negotiations and through the legal drafting process.

- 2.50. The following paragraphs provide some commentary of the obligations not already discussed in item 5a.

Education

- 2.51. In order to assess the potential effect of the development on local schools it is necessary to predict the pupil yield generated by the development. The outline nature of this application means at this stage there is no fixed schedule of unit mix for this development. As such using the standard assumptions for Kent. For considering the below requests.

Primary Education

- 2.52. The development is predicated to generate 111 primary school places. To mitigate the impact of this demand on primary school provision, a financial contribution of £2,81,3006.70 towards primary school provision within Gravesham.

Secondary Education & Land

- 2.53. With regard to secondary education the proposal is projected to give rise to additional 79 secondary school places when the development is completed. In order to mitigate the impact of this development a contribution towards a new secondary school and associated land for a new secondary school within Gravesham is required. The requests total £2,219,512.20 towards a new school and £1,601,033.12 towards land for a new secondary school within Gravesham.

Special Education Needs & Disabilities (SEND) School and Land

- 2.54. Children with more complex needs are supported through KCC'S SEND Strategy and it sets out the vision and priorities for support in this area. For this development a request of £222,396.44 is requested towards a SEND school provision within Gravesham to help towards facilities such as therapy rooms, hygiene rooms, sensory areas, and soft play zones. In addition there is an identified need for a SEND school within Gravesham and a request of £142,420.47 towards purchasing land for a SEND school is requested.

Community Learning and skills development

- 2.55. There is currently physical capacity within adult education hubs for specialist courses but this development will lead to increased enrolments which will place additional demands on IT, learning technology and other equipment. To address this additional demand a request of £119,735 is requested to provide additional equipment and resources for adult education within the borough of Gravesham.

Community Infrastructure

Services to support parents, carers, children and young people

- 2.56. With the proposed development there will be an increased demand on services to support to support parents, carers, children and young people. In order to address this impact a request of £117,665.45 is sought to provide the relevant support within the borough of Gravesham.

Libraries

- 2.57. Library Services has a high demand on current services and this development will lead to additional impact on borrowers using surrounding libraries within the borough (The Hive and Northfleet for example). To offset the impact a contribution of £219,205.00 is required towards improvements to libraries in Northfleet, including the provision of additional resourcing to serve the demand generated as a result of this development.

Adult Social Care (M4(2) – Accessible and Adaptive Dwellings & M4(3) Wheelchair User Dwellings

- 2.58. With an aging population there is an impact on Adult Social Care and KCC initially requested a contribution of £633,080.00 towards Specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and Changing Places within the Borough. In this instance it has been agreed by the applicant to provide a number of dwellings to be constructed to meet the requirements of (M4(2) – Accessible and Adaptive Dwellings and constructed to meet the requirements of M4(3) Wheelchair User Dwellings equivalent to the value of £633,080.00. This will ensure that a number of the dwellings will be available to address Adult Social Care issues and provide Accessible and Adaptive Dwellings to wider members of the existing community.

Waste

- 2.59. KCC is the statutory 'Waste Disposal Authority' for Kent and responsible for the safe disposal of all household waste. With regard to Waste Policy CS06 (LPCS) states 'facilities will be provided to support development of the Springhead Quarter and Northfleet Rise Quarter Key Sites and will be accessible to both existing and future communities. These will include the provision of recycling and waste transfer facilities. For this development a contribution of £679,455.00 is requested towards the delivery of Ebbsfleet Waste Transfer Station and Householder Waste Recycling Centre.

Community Initiatives

- 2.60. The proposed development needs to integrate with the surrounding community and offset its impact on heritage, employment, whilst allowing for provision to be made for the residents of the proposed development. This is to be addressed through heritage, community and employment initiatives. For the historic initiatives a contribution of £200,000 has been to be used towards historical elements within Northfleet such as the regeneration of Northfleet Harbour. A financial contribution towards the provision of a facility within the Borough of Gravesham to deliver community, historical and employment related initiatives is also sought, with the figure yet to be agreed, however, this will be commensurate with the daytime and resident population of the development, whilst taking into consideration the need of present occupiers of the site.

GBC Waste Management

- 2.61. The development will result in the and increase in refuse collections and bins for serving the 3500 dwellings. In order to address this issue the applicant will be required to provide Operational Waste Management Plan which will include providing the provision of waste and recycling containers and contribution towards the provision of refuse vehicles which will serve the development.

Burial Space

- 2.62. Gravesham has 15 cemeteries and churchyards: over 14 hectares of provision with a private cemetery open along with Thames View Crematorium and Cemetery which is situated to the east of Gravesend. With the Council sites approaching capacity there is a requirement to acquire additional burial space. The population of this development in the long term will impact on burial space and to address this the applicant will be required to provide a financial contribution is sought (to be agreed) for land acquisition, laying out, and future management and maintenance of a cemetery.

Kent Highways Services (KHS)

- 2.63. Since the publication of Item 5a KHS have requested two additional Fastrack bus stops are proposed resulting in a total of 4 Fastrack bus stops to serve the development which is deemed acceptable by both the LPA. As such the financial contribution has risen to £84,000.

Port of London Authority

- 2.64. The proposed development is in close proximity to the PLA's licensed radio communications links and there is the potential for this link to be affected by the proposed development. Therefore, if there is any loss or detriment to the link during construction of the development or on its completion then the applicant will need to fund mitigation measures in order to maintain the safety of vessels navigating on the Thames. To ensure the PLA river operations are not compromised the S.106 will require Overarching Navigational Services Report and Phased Navigational Services for Reports to be provided and mitigation measures within those reports implemented.

Network Rail

- 2.65. The submitted transport statement which has been agreed by Kent Highways Services, National Highways and Gravesham Highways Officer is the development would generate an additional 94 am and 114 Pm passengers during peak times. However, network rail disagree with this approach and state they would envisage the trips to be higher but without providing any detailed evidence. Network Rail are requesting the following:
- Northfleet Train Station
Refurbishment of existing assets, including the station building.
 - Shelters on platforms.
 - Investment into pedestrian and cycle routes and facilities.
 - Contribution towards an Access-for-All (AfA) style bridge and lifts.
 - Booking hall with provision for staff quarters.
 - New Ticket Vending Machines (TVM's).
 - Swanscombe Station
 - AfA access to platform 2
 - Platform shelters
 - New TVMs
 - Booking hall with provision for staff quarters.
- 2.66. It is considered whilst Network Rail requests have good intentions of improving two local train stations which will improve the stations for future residents and also the wider existing residents, these costs do are not directly related to the development. As such the requests are not necessary to make the development acceptable in planning terms, and this request cannot be accepted. It should be noted that Network Rail have been advised of this, and have not provided a revised request to date.

Affordable Housing

- 2.67. Policy CS16 (Affordable Housing) of the Gravesham Local Plan Core Strategy indicates that the provision of affordable housing will be required on all new housing developments of 15 dwellings or more or on sites of 0.5 hectares or more in the urban area and the amount of affordable housing to be provided will be 30% in the urban area (and with a mix of 70% affordable rented and social rented accommodation and 30% intermediate housing). Paragraph 5.12.12 indicates:

Development will be subject to site viability and a tenure mix necessary to meet local needs and achieve a successful sustainable and socially inclusive development.

- 2.68. At a national level Paragraph 64 of the NPPF indicates that:
Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required³⁰, and expect it to be met on-site unless:
a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
b) the agreed approach contributes to the objective of creating mixed and balanced communities.

- 2.69. Paragraph 66 of the NPPF indicates that:
Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:
a) provides solely for Build to Rent homes;
b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
c) is proposed to be developed by people who wish to build or commission their own homes; or
d) is exclusively for affordable housing, a community-led development exception site or a rural exception site.

- 2.70. The application is accompanied by Financial Viability Statement. This states:

We conclude that the proposed scheme including 100% private housing does not achieve what we consider to be a market profit hurdle for a scheme of this type. This shows that, in strict viability terms, the proposals cannot support any affordable housing. The key drivers for this conclusion are the significant upfront costs required to deliver a regeneration scheme of this scale and nature, coupled the relatively modest end sales values in this location.

Despite our viability conclusion, the Applicant is conscious of the local need and desire for affordable housing. Consequently, they are committed to delivering the scheme with the inclusion of 350 intermediate homes, reflecting an affordable housing provision of 10%.

Viability

- 2.71. The difficulties of meeting policy requirement affordable housing provision on this site are acknowledged in the light of the significant costs involved with the redevelopment of the site, including costs related to decontamination, flood improvements and infrastructure provision.

2.72. The applicant's Financial Viability Statement, sets out that:

The results summarised in the above table show that, as a 100% private scheme, and adopting a fixed land value of £76,722,800 in line with the Benchmark Land Value, the proposals generate a total profit amount of £113,145,628. This reflects a profit on GDV of 6.14% and profit on cost of 6.64%. This is significantly below our opinion of a market profit margin for this scheme, being 17.01% on GDV.

The viability modelling therefore demonstrates that the proposals are technically unable to viably support any affordable housing, when measured against market-normal profit margins. The key drivers for this conclusion are the Site's strong Existing Use Value in its current predominantly industrial and open storage land use, significant upfront costs required to deliver the scheme of this scale and nature and overall low value uses generated for the proposed scheme compared to the cost of delivering the scheme.

2.73. Despite the scheme only generating a profit of some 6% as currently modelled, the applicant has agreed to meet the NPPF (2023) requirement to deliver 10% of the total number of homes to be available for affordable home ownership (i.e. 350 intermediate homes), whilst agreeing to meet all other planning obligation requests that meet the requirements of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010, as set out at Para. 57 of the NPPF (2023).

2.74. An independent review of the applicant's Financial Viability Statement, commissioned by the Borough Council has identified that in comparison to the applicant's findings, the scheme may generate a profit equating to around 7%, but this still would be well below the profit target of around 17% which is considered to be a reasonable expectation in this instance. This review has therefore identified a profit deficit of around £183 million. The independent review undertaken by BPS Chartered Surveyors therefore recommends that this scheme is subject to furthermore detailed viability reviews as the proposal comes forward on individual sites/plots. This will allow for a more detailed interrogation of the scheme viability, and the delivery of additional affordable housing if the latter is financially viable. Such reviews would not remove or reduce the need for the applicant to deliver all the remaining planning obligations sought.

Planning obligations and Viability Conclusion

2.75. In summary it is concluded that viability issues with the site mean the full 30% affordable cannot be delivered, but what is being offered will help provide much needed on site affordable housing whilst allowing the development to come forward, this accords with the requirements of the NPPF (2023) and Policy CS16 (LPCS). It is important to ensure that sufficient infrastructure is provided to meet the needs of new residents, employees and businesses in the Borough. As recognised in the NPPF (2023) and Policy CS10 (LPCS). The states that where new development generates a need for new infrastructure, developers will have to provide or contribute towards such provision, subject to viability consideration, as such the proposal accords with the NPPF (2023) and Policy CS10 (LPCS).

Update in relation to National Grid

2.76. As set out in the main Committee report, National Grid have formally placed a holding objection to this application, due to the potential adverse impacts the proposal may have National Grid's infrastructure. The site encompasses two electricity pylons, with supporting electrical cables that transmit high-voltage electricity. This critical infrastructure remains operational 24/7 and National Grid need to ensure that this infrastructure remains

operational, is not damaged and does not pose any safety risks to users occupying the areas the infrastructure traverses.

- 2.77. Having reviewed the information supporting the planning application, on 26 April National Grid advised that, "*National Grid Electricity transmission require an Asset Protection Agreement with the developer to ensure our assets (ZR overhead lines including towers ZR006 and ZR007) are adequately protected including our current deeds of easement.*"
- 2.78. National Grid are currently consulting with their legal team to ascertain if this agreement can be secured by the way of a Grampian planning condition (these derive from the case of Grampian Regional Council v City of Aberdeen (1984). In essence Grampian conditions are negative conditions which preclude the implementation of development permitted by a planning permission until some step required by the condition has been undertaken) or if the agreement needs to be signed prior to a positive being issued. Which would allow for National Grid's objection to be formally removed.

3. Conclusion and Overall Balancing Exercise

- 3.1. This application for a mixed-use redevelopment of the site, including up to 3,500 new homes, a multi-use stadium and complementary commercial, community, health, recreation and leisure uses and spaces, seeks outline planning permission with all matters reserved, except for the primary means of access and road layout. The detailed element of the proposals for access involves a significant realignment of the road network, including the A226 Galley Hill Road / Stonebridge Road / Lower Road.
- 3.2. As an outline application, it is necessary to determine whether the proposals are acceptable in principle through the consideration of the submitted documents, including the proposed parameter plans, Design and Access Statement including the Masterplan for the site, and Design Code. The application is also supported by an Environmental Statement that has assessed the likely significant effects of the development.
- 3.3. This Committee report has examined and assessed the outline application proposals in relation to key planning issues and has considered key concerns alongside this, including those raised by statutory and non-statutory consultees.
- 3.4. Some of these concerns have resulted in the submission of additional information, particularly including issues relating to the means of access and road layout, the safeguarded Robins Wharf, adjacent protected sites including the Swanscombe Peninsular Site of Special Scientific Interest (SSSI) and flooding issues in relation to the deculverted River Ebbsfleet.
- 3.5. The application site is located in the allocated Northfleet Embankment and Swanscombe Peninsula East Opportunity Area within the Gravesham Local Plan Core Strategy 2014, to which Policy CS03 relates. The allocated key sites in this area (e.g. Northfleet Embankment West, now known as Harbour Village) offer a substantial opportunity for major riverside regeneration to bring significant benefits to existing adjoining residential communities and the wider Borough through the delivery of new housing and jobs whilst achieving environmental improvement and a high standard of design.
- 3.6. Planning policy at all levels seeks the delivery of sustainable development in accessible locations and seeks to make the best use of brownfield land. As such, the redevelopment of this site for a sustainable mixed-use development is therefore supported in principle by both local and national policy.

- 3.7. In relation to the only matter to be considered in detail at this stage, namely primary means of access and road layout, detailed revisions to the proposals as a result of initial consultee concerns have addressed all highway related matters. The supporting Transport Assessment demonstrates that the parking provision for the site and the impact on the highway network during the full occupation of the scheme is unlikely to have significant impact on the highway network, subject to conditions and appropriate S.106 and S.278 contributions/delivery being secured.
- 3.8. It is acknowledged that there are matters of concern that the development raises. Most notably, the out-of-centre location of the site in relation to the office and retail provision; the loss of existing employment on the site; and the loss of the safeguarded Robins Wharf, all of which represent a departure from Local Plan policy. As does the major mixed use development proposed for this unallocated site in the Borough.
- 3.9. However, it is considered that the current outline proposal is acceptable in principle following the thorough consideration of its impacts and the fundamental alignment of the scheme with planning policy in relation to the need to optimise the use of previously developed land within the urban area. This is also cognisant of the current position in respect of the lack of a 5 year housing land supply in Gravesham, which means that the presumption in favour of sustainable development applies, as set out in paragraph 11 of the National Planning Policy Framework 2023, which requires Local Planning Authorities where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date to grant permission unless:
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed¹; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 3.10. The proposals offer a substantial opportunity to bring forward the regeneration of this brownfield riverside site, whilst meeting the requirements of footnote 7 of the NPPF (2023) and the adverse impacts of the proposal do not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF (2023) when taken as a whole.
- 3.11. The development as proposed will bring forward significant economic benefits in the form of local jobs, skills and revenue, social benefits including new homes, public open space and sports facilities, and environmental benefits including biodiversity net gains and air quality and noise improvements. However, it is acknowledged that the proposal will result in adverse impacts in the form of a safeguarded operational wharf known as Robins Wharf, and the loss of employment floorspace and open storage, which meets the day to day needs of a number of employers, their workers and residents.
- 3.12. The proposed development will be a clear contrast to what is existing on the site, with landmark buildings that from a visual perspective will differ significantly from the local context, but this has been well considered through the design process that has resulted in the current proposals, and with the emerging development as a result of permissions given elsewhere in the area, and the other material benefits of the scheme, it has the potential to improve the character, distinctiveness and identity of the area.

¹ Subject to the policies in the NPPF (2023) (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 72); and areas at risk of flooding or coastal change.

- 3.13. Due to the outline nature of the proposed application, the design elements of the scheme are deemed to be acceptable in relation to the principles and concepts set out in the submitted design documents. It is considered that these aspects, as well as others relating to such matters as residential amenity can be further assessed and developed to inform and achieve an exemplary scheme through the submission of Reserved Matters applications at a later stage.
- 3.14. On balance, it is considered that with such a substantial uplift in housing and other benefits making the most efficient use of this brownfield urban site, the proposals are considered to be consistent with the overarching planning policy objectives to achieve a sustainable regeneration development in the urban area of Gravesham and are therefore acceptable in principle.
- 3.15. There are still matters that are subject to on-going discussions and negotiations, with regards to National Grid's holding objection in relation to the protection of their pylons and associated infrastructure that runs through the development site, and the lack of a finalised shadow Habitats Regulations Assessment to determine significant effects on the Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar site to the east of the site, which must be resolved by the Council as the competent authority. It is recommended that delegated authority be given to resolve these matters prior to the final determination of the application.
- 3.16. Overall, the proposals will result in a positive opportunity for sustainable regenerative riverside development in Gravesham, in accordance with the requirements of the relevant sections of the National Planning Policy Framework 2023 and the Policies of the Gravesham Local Plan Core Strategy 2014. The outline application is accordingly recommended for planning permission subject to the resolution of a number of outstanding matters as set out in detail below.

Recommendation (including conditions if appropriate)

The Recommendations are that the Head of Planning in consultation with the Chair and Vice Chair is given delegated authority to issue the planning permission and impose conditions and informatives, subject to:

- The finalisation of the Shadow Habitats Regulations Assessment (in accordance with the requirements of Regulation 63 the Conservation of Habitats and Species Regulations 2017 (as amended)) by the Borough Council in its role as the competent authority and planning permission only be granted if the outcome of that assessment concludes that there is no adverse effect on the integrity of applicable European Sites (i.e. Special Areas of Conservation (SACs), Special Protection Areas (SPAs), proposed SACs, potential SPAs, Ramsar sites - wetlands of international importance (both listed and proposed), and areas secured as sites compensating for damage to a European site).
- National Grid removing their holding objection;
- Completion of a legal agreement under s106 of the Town and Country Planning Act 1990;
- Referral of the application to the Secretary of State as a departure from the adopted Development Plan.

That the Head of Planning is given delegated authority to make changes to the wording of the Committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is

satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the Committee nor that such change(s) could reasonably have led to a different decision having been reached by the Committee.

However, in the event that the Shadow Habitats Regulation Assessment cannot be finalised or it concludes that the proposal will result in adverse effects on the integrity of any of the sites in question the application is to be reported back to Planning Committee for review and redetermination.

In the event that National Grid do not remove their holding objection, the application is to be reported back to Planning Committee for review and redetermination.

In the event that the Section 106 Legal Agreement remains unsigned six months after this resolution, the application is to be reviewed by the Head of Planning, in consultation with the Chair of the Committee, and if no progress is being made, delegated authority is to be given to the Head of Planning to refuse the application in the absence of an agreed S106 Agreement.

Suggested Conditions can be found in **Appendix 2**

Appendix 1: Heads of Terms

Please note these are draft heads of terms and are to be finalised post Planning Committee

	Obligation	Summary of Obligation	Value	Indicative Trigger
1	Air Quality Monitoring (Passive)	Air Quality Monitoring (Passive) to support four sites within the vicinity of the development for a period of five years.	£2700	Payable to GBC prior to commencement
2	Air Quality Monitoring (Continuous)	Towards Air Quality Monitoring (Continuous) within the Borough of Gravesham.	£1000	Payable to GBC prior to commencement
3	Air Quality Action Plan	Towards the implementation of the Council's Air Quality Action Plans.	£3000	Payable to GBC prior to commencement
4	Primary Education	Towards primary school provision in the Borough of Gravesham to support the new population of the development.	£2,813,006.70	Payable to GBC on a phased basis – 50% before first occupation of each phase and balance on 50% occupation of each phase
5	Secondary Education	Towards secondary school provision in the Borough of Gravesham to support the new population of the development.	£2,219,515.20	Payable to GBC on a phased basis – 50% before first occupation of each phase and balance on 50% occupation of each phase
6	Secondary Land	Towards the purchase of land for the provision of a secondary school within Gravesham.	£1,601,033.12	Payable to GBC on a phased basis – 50% before first occupation of each phase and balance on 50% occupation of each phase

	Obligation	Summary of Obligation	Value	Indicative Trigger
7	Special Education Needs & Disabilities (SEND - Land	Towards the purchase of land for the provision of a SEND school within Gravesham, unless agreed otherwise in writing with the Borough Council.	£142,420.47	Payable to GBC on a phased basis – 50% before first occupation of each phase and balance on 50% occupation of each phase.
8	Special Education Needs & Disabilities (SEND)	Towards SEND school provision (provision of a new school/and or provision of facilities e.g. therapy rooms, hygiene rooms, sensory areas, and soft play zones within existing schools to deliver SEND services) within the Borough of Gravesham, unless agreed otherwise in writing with the Borough Council.	£222,396.44	Payable to GBC on a phased basis – 50% before first occupation of each phase and balance on 50% occupation of each phase.
9	Community Learning and Skills	Additional space, equipment and resources for adult education provision.	£119,735	Payable to KCC via GBC on a phased basis – 50% before first occupation of each phase and balance on 50% occupation of each phase.
10	Services to support parents, carers, children and young people	Towards the provision of facilities and equipment for the delivery of services to support children centres, youth hubs and/or the provision of family services	£117,665.45	Payable to GBC on a phased basis – 50% before first occupation of each phase and balance on 50% occupation of each phase.

	Obligation	Summary of Obligation	Value	Indicative Trigger
11	Libraries	Towards improvements to libraries in Northfleet, including the provision of additional resourcing to serve the Northfleet local community.	£219,205.00	Payable to KCC via GBC on a phased basis – 50% before first occupation of each phase and balance on 50% occupation of each phase, unless provision for a community library is made on site and it's future secured through a long-term fund.
12	Adult Social Care M4(2) – Accessible and Adaptive Dwellings + M4(3) Wheelchair User Dwellings	A number of dwellings shall be constructed to meet the requirements of (M4(2) – Accessible and Adaptive Dwellings and constructed to meet the requirements of M4(3) Wheelchair User Dwellings	Equivalent to the value of £633,080.00 (total difference of uplift from M4(1) requirement build cost to M4(2) and/or M4(3) per number of units)	In accordance with phasing and implementation Plan to be approved through planning condition.
13	Waste	Towards the delivery of Ebbsfleet Waste Transfer Station and Householder Waste Recycling Centre	£679,455.00	Payable to KCC via GBC on a phased basis – 50% before first occupation of each phase and balance on 50% occupation of each phase.
14	Leisure Services	Towards improvements to leisure provision to meet the day to day needs of the resident and working populations of the development e.g. through improvements/ new provision at Cascades or Cygnet leisure centre(s)	£432,934.00	Payable to GBC on a phased basis – 50% before first occupation of each phase and balance on 50%

	Obligation	Summary of Obligation	Value	Indicative Trigger
				occupation of each phase.
15	Community Initiatives	Financial contribution towards the provision of historical initiatives (such as Northfleet Harbour Regeneration) within the Ward of Northfleet & Springhead	£200,000	Payable on a phased basis – 50% before first occupation of each phase and balance on 50% occupation of each phase.
		Financial contribution towards the provision of a facility within the Borough of Gravesham to deliver community, historical and employment related initiatives secured via the 106.	[to be agreed]	Payable on a phased basis – 50% before first occupation of each phase and balance on 50% occupation of each phase.
16	Community Bike Hire and equipment	The delivery of a cycling hub, including bicycles, cycle equipment and Community Bike Hire infrastructure	N/A	In accordance with phasing and implementation Plan to be approved through planning condition.
17	4 X Bus Shelters	4x Fastrack bus shelters within the site	£84,000.00, unless agreed otherwise in writing for the bus shelters to be delivered by the developer	In accordance with phasing and implementation Plan to be approved through planning condition.
18	ANPR Cameras (dedicated bus route)	ANPR bus lane enforcement of the dedicated bus route.	£214,000	In accordance with phasing and implementation Plan to be approved through

	Obligation	Summary of Obligation	Value	Indicative Trigger
				planning condition.
<u>19</u>	Travel Plan	<ul style="list-style-type: none"> Site Wide Travel Plan document (life of the Travel Plan to be first occupation of any use to five years post full build out) 		Prior to first occupation
		<ul style="list-style-type: none"> Annual travel plan surveys from the first monitoring period (to include Stadium), to 5 years post full build out. Should there be a pause of more than two years of construction, monitoring can also be paused. Monitoring to resume as and when construction resumes and continue for two years post completion. Methodology to be agreed by the TRG but should include 7 day ATC vehicle count at all vehicular access points, use of the car clubs, and passenger numbers on the Fastrack service. 		
		<ul style="list-style-type: none"> Travel Plan Coordinator Duties: <ul style="list-style-type: none"> -Be the single point of contact for travel issues at the site -Produce the Site Wide Travel Plan and implement this on site. -Regularly liaise and engage with sustainable travel operators e.g. bus operators, MaaS operators to keep abreast of updates, influence decisions and discuss issues -Regularly liaise and engage with individual Travel Plan Coordinators on the site and adjacent sites -Produce a Travel Information Pack to the satisfaction of the TRG and provide this to all new households upon occupation. TIP to be updated at the request of the TRG but not more than once per year. 		

	Obligation	Summary of Obligation	Value	Indicative Trigger
		<p>-Produce a methodology for the travel plan surveys and obtain agreement of the TRG</p> <p>-Commission the travel plan surveys and review the results</p> <p>-Produce a Travel Plan Monitoring review report stating (amongst other things) whether the targets have been achieved and if not, what the proposed approach is, and distribute the report to the TRG.</p> <p>-Organise and chair a TRG meeting to discuss the results and any remedial actions needed</p> <p>-prepare minutes from each TRG meeting and distribute to the TRG</p> <p>-Manage and implement any remedial measures agreed with the TRG</p>		
		<ul style="list-style-type: none"> Estimated cost assumes survey cost of £5,000 per year for circa 10 years (owing to phased approach and 5 years period post-final phase). Actual costs to be paid for by applicant, with survey methodology to be agreed by TRG 		
		<ul style="list-style-type: none"> Travel Plan Coordinators to be paid directly by the applicant 		
		<ul style="list-style-type: none"> Travel Plan Contingency Fund - Transport Toolkit fund to be £50,000, plus £300 per occupied unit at the end of each annual monitoring period. Money held by GBC , unless otherwise agreed and only used if targets are breached. to be released to fund additional projects identified by the Transport Review Group 		<p>£50,000 upon first occupation, £300 per occupied unit at the end of each annual monitoring period.</p>
		<ul style="list-style-type: none"> Monitoring Fee - £1,422 for each five year period 		<p>£1422 prior to the first monitoring period and thereafter every five</p>

	Obligation	Summary of Obligation	Value	Indicative Trigger
				years on the anniversary of the first payment until the monitoring ceases and the TRG disbands.
		<ul style="list-style-type: none"> Marketing / App Contribution 	[to be agreed]	
		<ul style="list-style-type: none"> Establishment of Transport Review Group (TRG) by the Travel Plan Coordinator. Key points: <ul style="list-style-type: none"> -The group will meet on an annual basis, ceasing five years post full occupation -Will consist of a member from a) the Applicant team, b) KCC and c) Gravesham Borough Council -Will be chaired by the TPC. Duties to include: <ul style="list-style-type: none"> -update on progress at the site of terms of build out -update on any transport related issues including any complaints received -provide the proposed methodology for the Travel plan surveys, for the TRG members to review and agree -prepare the Travel Plan, monitoring report and distribute to the TRG -agree the implementation of additional remedial measures, should the targets be exceeded. 		Prior to the first monitoring period and continued until monitoring ceases.
		<ul style="list-style-type: none"> Appointment of a Travel Plan Coordinator (see above) 		Prior to first occupation.
		<ul style="list-style-type: none"> Events Management Plan for the Football Stadium 		Prior to first occupation of the stadium
		<ul style="list-style-type: none"> Individual Occupier Travel Plans 		Prior to occupation of their associated use

	Obligation	Summary of Obligation	Value	Indicative Trigger
				and should be based on the Site Wide Travel Plan
20	Annual Thameside (Fastrack) bus ticket for each resident	An annual Thameside (Fastrack) bus ticket to be offered to each resident upon first occupation of each dwelling only, and each member of staff employed at the non-residential uses upon offer and acceptance of employment. In instances where the residential occupier(s) or worker(s) no longer reside at the site or are employed at the site, they will be required to return their bus ticket.	As per the value of each Thameside ticket upon occupation of the dwelling / employment (or the equivalent value in MaaS credits subject to availability of a Mobility as a Service (MaaS)).	Offered to each resident upon first occupation of each dwelling, and each member of staff employed at the non-residential uses upon offer and acceptance of employment.
21	SAMMS	Strategic Access Management and Monitoring Strategy (SAMMS) mitigation contribution would be required to offset any potential recreational impacts	£1,148,945.00	Prior to commencement of the Development.
<u>22</u>	<u>Viability Review</u>	<ul style="list-style-type: none"> Affordable housing and s106 contributions shall be all subject to upwards only viability reviews subject to caps Viability reviews to be undertaken on an open book basis in accordance with RICS Red Book valuation requirement and to be based on actual data (if available) at the relevant date. <p>Developer to pay Council's costs in respect of each viability review</p>		n/a
<u>23</u>	<u>Development programmes</u>	Development programmes		Developer to provide a build out strategy, which shall include indicative timescales and phasing

	Obligation	Summary of Obligation	Value	Indicative Trigger
<u>24</u>	<u>Affordable Housing</u>	<p>10% (351) on site affordable homes to be provided with the final mix to be agreed.</p> <p>A review shall be carried out prior to commencement of each reserved matters phase, with an agreed % of surplus profit to be used to deliver additional affordable homes as part of the development.</p> <p>The Overarching and any Phased Affordable housing Scheme shall be updated to reflect any uplift in on-site affordable housing</p>		
<u>25</u>	<u>Phased reviews</u>			Prior to commencement of each reserved matters phase
<u>26</u>	<u>Primary Healthcare</u>	1,500m2 (GEA) of Use Class E(e) floorspace – with a minimum of 1,350m2 (GEA) being used for GP Surgery and additional floor space to be provided for pharmacy or dentist or a financial contribution to improvements to surrounding surgeries with the Northfleet and Springhead Ward.		In accordance with phasing and implementation Plan to be approved through planning condition.
<u>27</u>	<u>Overarching Local Employment & Skills Plan</u>	<p>The Owner shall submit an Overarching Local Employment & Skills Plan which shall, amongst other requirements (during both the construction phases):</p> <ul style="list-style-type: none"> i) Confirm the predicted number of jobs; ii) Set a target number of jobs for local people; 		To be agreed prior to implementation

	Obligation	Summary of Obligation	Value	Indicative Trigger
		<p>iii) Set a target number of apprenticeships at 10% of the forecast jobs for each phase subject to a maximum of 10;</p> <p>iv) Secure provision of training for employees and work placements; and</p> <p>v) Secure engagement with the Council's economic development team, including notification of job opportunities and monitoring compliance.</p> <p>Contractors/sub-contractors must also comply with the approved Overarching Employment & Skills Plan.</p> <p>In addition to the above – a sum of for the delivery of Employment training and details of how the contractor will utilise local companies for supply chains/materials.</p>		
<u>28</u>	<u>Management Company</u>	<ul style="list-style-type: none"> • A Management Company is to be established to manage and maintain the Open Space. Information relating to the company (directors, certificate of incorporation, memorandum of association, insurance policy to a minimum value to be agreed etc) to be supplied to the Council. • The Management Company is to be funded through service charges and a maintenance contribution is to be transferred from the owner to the Management Company to cover the Open 		<p>To be established prior to first occupation</p> <p>Maintenance contribution shall be paid prior to first occupation of each phase.</p>

	Obligation	Summary of Obligation	Value	Indicative Trigger
		<p>Space estimated maintenance costs for the first 20-year period.</p> <p>The Open Space within each phase shall be transferred to the Management Company .</p>		
<u>29</u>	<u>River wall maintenance Including defences associated with Grove Road</u>	<ul style="list-style-type: none"> • A bond to be provided for 20 years' maintenance of the river wall. • In the event of the EA no longer being responsible for the wall, the Management Company shall be responsible for its maintenance and repair. • The Management Company can call upon the bond to carry out repair and maintenance. • The Management Company must also have the ability to use service charge receipts to pay for repair and maintenance 		Bond to be provided to EA prior to commencement
<u>30</u>	<u>River Wall Works Bond</u>	<ul style="list-style-type: none"> • To secure a bond to the value of estimated river wall works (plus 10%) to be delivered pursuant to conditions [to be added] • The Management Company /Council to be able to call on the bond if works are not fully carried out to the Environment Agency's satisfaction or if any damage is caused to the wall during the construction 		Bond to be provided to EA prior to commencement

	Obligation	Summary of Obligation	Value	Indicative Trigger
		<ul style="list-style-type: none"> Bond to be released following completion of the works pursuant to conditions [to be added] 		
31	<p><u>Definition of Open Space</u> Open Space shall include all areas or spaces between buildings in accordance with the Planning Permission and all Reserved Matters Approvals (save for those intended for exclusive occupation and use by an Occupier of the Development), including:</p> <p>(a) the areas identified for the provision of open space;</p> <p>(b) play spaces;</p> <p>(c) all public realm, lighting and landscaped areas within the Application Site;</p> <p>(d) all areas to be open for use by</p>	<p>An Overarching Open Space Plan shall be submitted by the owner which shall, amongst other requirements:</p> <ul style="list-style-type: none"> confirm approximate location of all open space including those parts which the public shall have access; Secure public use to the relevant parts; Confirm planting and lighting strategy; Confirm maintenance and management arrangements; Estimated cost of delivering and maintaining the Open Space; and Security provision including CCTV and onsite security. <p>Include the form of transfer to the Management Company.</p>		To be agreed prior to commencement

	Obligation	Summary of Obligation	Value	Indicative Trigger
	<p>the general public at large;</p> <p>(e) all internal roads and paths;</p> <p>(f) all Biodiversity Measures; and</p> <p>(g) SuDS.</p>			
<u>32</u>	<u>Parking Restrictions</u>	Traffic Regulation Orders to restrict and amend on street parking for adopted and private roads and a review of TRO on surrounding road network.		To be agreed prior to commencement
<u>33</u>	<u>Dedicated Bus Road</u>	To construct a dedicated bus route between Junctions J5 and Junction 11 within the development.		In accordance with phasing and implementation Plan to be approved through planning condition.
<u>34</u>	<u>Mobility Hub</u>	A Mobility Hub to be provided at a central location within the site, prior to first occupation or the opening first non-residential use, or in line with an agreed Phasing and Implementation Plan. The hub should contain such things as: electric car club vehicle with plug in charge point; electric bike hub with plug in charge point, bike hire, bicycle stands and lockers, bicycle repair stand, bicycle pump, an information terminal, cargo bike share and secure parcel lockers.		Prior to first occupation or the opening first non-residential use, or in line with an agreed Phasing and Implementation Plan
<u>35</u>	<u>Car Club</u>	Establishment of a car club to deliver at least three cars over the development with each resident offered one year's free membership to the car club and £50 driving credit and details how the car club will be accessible to existing residents.		In accordance with phasing and implementation Plan to be approved through planning condition.

	Obligation	Summary of Obligation	Value	Indicative Trigger
<u>36</u>	<u>Bus stops</u>	Existing bus stops on the A226 Galley Hill Road (north of Taunton Road), to be re-provided in line with the future junction layout of the existing Galley Hill Road / Lower Road junction.		In accordance with phasing and implementation Plan to be approved through planning condition.
<u>37</u>	<u>GBC Waste management</u>	Submission of an Operational Waste Management Plan, and the provision of the waste and recycling containers and contribution towards the provision of refuse vehicles	[to be agreed]	In accordance with phasing and implementation Plan + to be approved through planning condition + operational waste management plan
<u>38</u>	<u>Burial Space</u>	Financial contribution sought for land acquisition, laying out, and future management and maintenance of a cemetery	[to be agreed]	In accordance with phasing and implementation Plan
<u>39</u>	<u>Overarching Navigational Services Report (Port of London Authority)</u>	To submit an Overarching Navigational Services Report detailing, amongst other requirements: 1. Possible risks and impacts on navigational equipment (including impacts during the construction of buildings such as crane heights and movements); and Identifies mitigation measures		To be agreed prior to commencement
<u>40</u>	<u>Phased Navigational Services for Reports (Port of London Authority)</u>	To submit phased Navigational Services Reports for each phase confirming the impacts and mitigation for each phase in accordance with the principles agreed in the Overarching Navigational Services Report.		To be agreed and any mitigation measures implemented prior to commencement of each phase

To be secured via a s.106 and/or s.278 agreement

Obligation		Summary of Obligation	Value	Indicative Trigger
1	<u>Highway Improvements</u>	Scheme to secure the design and delivery of the on and offsite improvements.	Works agreed with KCC Highways and National Highways and set out in the Transport Assessment and responses from the relevant Highway Authority.	To be agreed prior to commencement
2	Audit to consider improvements to the wider public realm and surrounding walking and cycling links and delivery of such improvements	Improvements could include such things as enhancements to local amenity and public spaces, access to rail services or other transport interchanges, rest areas with shelters, planting and street furniture, signage/ way finding, street lighting and CCTV.	£100,000 + costs associated with outcome of audit (up to figure to be agreed).	£100k Prior to first occupation of the Development, works as agreed as part of phasing plan.

Further obligations may need to be added in due course to reflect the Flood Risk Assessment and Shadow Habitats Regulations Assessment

Appendix 2: Conditions and Informatives

Please note these are draft conditions and are to be finalised post Planning Committee

CONDITIONS

Submission of Reserved Matters

1. Details of the layout, scale, landscaping and appearance of the buildings to be erected (hereinafter called 'the Reserved Matters') shall be submitted to and approved in writing by the Local Planning Authority before development on land to which the reserved matters relate commences. Development thereafter shall be carried out in accordance with the approved details.

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

2. The development to which this permission relates must be begun not later than whichever is the later of the following dates:
 - (a) the expiration of three years from the date of the grant of outline planning permission.
 - (b) the expiration of two years from the final approval of the Reserved Matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

Approved Plans

3. The details to be submitted in accordance with Condition 1 of this permission shall, in respect of building layouts, scale, appearance, internal site access, and landscaping of the site, fall within the scope of the following plans and shall accord with the principles and concepts set out in the approved Design and Access Statement Rev. A (April 2024), Design Code Rev. E (10 April 2024) and the following approved plans and documents:

Planning Statement
Environmental Statement Volumes 1, 2 and 3
Environmental Statement Non-Technical Summary
Environmental Statement addendum
Design and Access Statement Rev. A (Updated April 2024)
Design Code (Rev. E dated 10 April 2024)
Retail and Leisure Statement
Framework Sustainability and Energy Statement (Rev. 01 dated 29 September 2022)
Statement of Community Involvement (dated September 2022)
Arboricultural Impact Assessment (ref. JBA 22/175 AR01 dated 19 August 2022)
Financial Viability Assessment (Executive Summary)
Financial Viability Assessment (dated 30 September 2022)
Minerals Infrastructure Assessment (September 2022)
Daylight and Sunlight Design Guide (dated 21 September 2022)

Application Drawings (including parameter plans)

Drawing no. NFH-UNS-MAST-DR-1001 (Existing Block Plan)

Drawing no. NFH-UNS-MAST-DR-1002 (Demolition Plan)
Drawing no. NFH-UNS-MAST-DR-1003 (Location Plan)
Drawing no. NFH-CGL- MAST-DR-1003 R02 (Flood Risk Vulnerability)
Drawing no. NFH-CGL-MAST-DR-1004 R01 (Plots Plan)
Drawing no. NFH-CGL-MAST-DR-1005 R01 (Land Use Zones LV00)
Drawing no. NFH-CGL-MAST-DR-1006 R01 (Land Use Zones LV01)
Drawing no. NFH-CGL-MAST-DR-1007 R01 (Land Use Zones LV02)
Drawing no. NFH-CGL-MAST-DR-1008 R01 (Land Use Zones LV03 and above)
Drawing no. NFH-CGL-MAST-DR-1009 R01 (Land Use Zones top floor level (variable))
Drawing no. NFH-CGL-MAST-DR-1010 R02 (Built edge deviation plan Ground Floor – Podium levels)
Drawing no. NFH-CGL-MAST-DR-1011 R02 (Built edge deviation plan Upper Floors – Tower Levels)
Drawing no. NFH-CGL-MAST-DR-1012 R02 (Public Realm)
Drawing no. NFH-CGL- MAST-DR-1013 R02 (Maximum Building Heights)
Drawing no. NFH-CGL-MAST-DR-1014 R02 (Highway Access)
Drawing no. NFH-CGL-MAST-DR-1016 R02 (Indicative Phasing)
Drawing no. NFH-CGL-MAST-DR-1018 R02 (Neighbourhood Plan)
Drawing no. NFH-CGL-MAST-DR-1019 R02 (Maximum Building Levels)
Drawing no. NFH-CGL-MAST-DR-1020 R01 (Highways Proposals Overview)
Drawing no. 226728/PD100 Rev. F (Site Access Plans – Keyplan)
Drawing no. 226728/PD101 Rev. B (Site Access Plans – Junction 1)
Drawing no. 226728/PD102 Rev. A (Site Access Plans – Junction 1)
Drawing no. 226728/PD103 Rev. C (Site Access Plans – Junction 2)
Drawing no. 226728/PD104 Rev. B (Site Access Plans – Junctions 3 & 4)
Drawing no. 226728/PD105 Rev. B (Site Access Plans – Junctions 5 & 6)
Drawing no. 226728/PD106 Rev. F (Site Access Plans – Junctions 7, 8 & 9)
Drawing no. 226728/PD107 Rev. C (Site Access Plans – Junctions 10 & 11)

Prior to First Reserved Matters

Phasing and Implementation

4. Notwithstanding the indicative phasing details set out in the approved Environmental Statement, Design and Access Statement Rev. A (April 2024) and on drawing no. NFH-CGL-MAST-DR-1016 Rev. R01, prior to the submission of the first Reserved Matters application (including in a particular geographical phase or sub-phase), a Phasing and Implementation Plan(s) covering all the elements listed below as a minimum and as relevant, including locations and timings, shall be submitted to and approved in writing by the Local Planning Authority. The approved phasing and implementation details shall then be implemented.
 - i. A demolition programme to include existing employment floorspace and football stadium (incorporating details for temporary re-provision for Ebbsfleet United);
 - ii. Proposals for land raising/lowering on the site and any necessary remediation;
 - iii. Geographical phases that will form the basis of each later phasing plan to include:
 - Construction of the highway network and provision of associated infrastructure for all modes (including the mobility hub), ensuring pedestrian, cycle and public transport facilities to/from buildings / phases are open for use upon occupation of their associated use;
 - Details of emergency and / or secondary vehicle access points to be delivered in line with the Kent Design Guide (emergency access prior to the occupation of the 50th dwelling and secondary access prior to the occupation of the 300th dwelling);

- Confirmation that access to existing uses that are to remain is available at all times (unless otherwise agreed with KCC and the landowner of the exiting use);
- Construction of the football stadium and surrounding commercial uses;
- Construction of residential development, including a schedule identifying the indicative percentage of affordable dwellings to be provided in each geographical phase;
- Supporting infrastructure and facilities, including SuDS and the deculverting of the River Ebbsfleet, including associated bridges;
- Landscaping, open space and public realm;
- Affordable housing delivery for each geographical phase or sub-phase;
- Timescales for delivery of each geographical phase or sub-phase; and
- Any other enabling works or any other component of the development.

All phasing plans (both detailed and indicative) shall be in compliance with the approved Parameter Plans and the principles and concepts contained in the approved Design and Access Statement Rev. A (April 2024), Design Code Rev. E (10 April 2024) and Flood Risk Assessment (11 April 2024). The timing of provision of infrastructure and facilities within the Phasing Plans shall comply with any triggers set out elsewhere in either conditions or Section 106 Agreement.

Reason: In the interests of the proper planning of the area and the delivery of comprehensive regeneration on a logically phased basis.

Submission of Design Codes

5. Prior to the submission of the first Reserved Matters application in a geographical phase, as identified in the approved phasing plan pursuant to Condition 4, a Design Code for that geographical phase shall be submitted to and approved in writing by the Local Planning Authority. The phased Design Code(s) shall be in accordance with and facilitate the principles and parameters set out in the approved Parameter Plans, Design and Access Statement Rev. A (April 2024) and Design Code Rev. E (10 April 2024). It shall include:
 - A Regulating Plan at a scale no less than 1:1,000 (to be based on an accurate site survey), which also illustrates the urban structure and form of the immediate context
 - A plan setting out the subdivision of the geographical phase in question into parcels to provide the basis for Reserved Matters applications;
 - Specification of the extent and nature of any character areas and the key elements of urban form within them, including mix of uses and consideration of co-locating uses to mitigate adjacent environmental impacts;
 - Details of street types and junctions, block principles including further consideration of varied building typologies, edge conditions (avoiding walls of development), frontage treatments, and landscape, open space and public realm treatments;
 - Research into the industrial history of the site and historic materials used within the site and surrounding context to inform and justify the choice of materials;
 - Information relating to architectural detail and identity, energy efficiency, renewable energy generation and sustainable construction, street furniture, electric vehicle charging points, public art and signage including heritage references and Heritage Interpretation Panels;
 - Details of measures to address Crime Prevention through Environmental Design and Secure by Design, in accordance with Kent Police response dated 22 September 2022 and in consultation with Designing Out Crime Officers.
 - The mechanism for and timing of a review of the Code to test its effectiveness.

The approved details shall then be implemented.

Reason: To ensure the highest standards of urban design and comprehensively planned development in accordance with Policies CS03 and CS19 of the Gravesham Local Plan Core Strategy 2014.

Tall building(s)

6. Any Design Code pursuant to a geographical phase, as identified in the approved Phasing Plan pursuant to Condition 4, containing buildings over 6 storeys and/or up to 20 storeys shall contain (as well as information required by Condition 5 above) specific instructions for:
 - the siting, orientation, height, form and massing of building(s), individually and where relevant within the surrounding townscape,
 - any hard and soft landscaping associated with the building(s),
 - how the proposed mix of uses within the building(s) will have a positive relationship with the surrounding public realm and any other buildings in the immediate area, including the location and frequency of access/egress points,
 - sustainable design and construction of the building(s) having reference to the approved Framework Sustainability and Energy Statement to be updated and approved with each phase or sub-phase (in accordance with relevant Condition(s))

Any Reserved Matters application for a building or buildings over 6 storeys and/or up to 20 storeys shall include the following supporting information:

- details of scale, proportion and silhouette, facing materials and detailed surface design, including night-time appearance,
- details of hard and soft landscaping,
- details of the proposed mix of uses within the building(s) and their relationship with the surrounding public realm,
- details of their impact on identified views within the approved Environmental Statement and impact on proposed townscape and public realm, including accurate and realistic representations of the proposal,
- consideration of their impact on the settings of identified heritage assets,
- details of environmental performance including microclimate (particularly street level wind environment and pedestrian experience), overshadowing and light pollution
- any necessary vehicle movements to support/service the proposed uses,
- details of how the proposals have been the subject of independent design review, and how the outcomes of the design review have been incorporated into the proposed design.

Reason: To ensure the highest standards of urban design and comprehensively planned development in accordance with Policies CS03 and CS19 of the Gravesham Local Plan Core Strategy 2014.

Compliance Statement and Exemplary Standard of Design

7. Applications for the approval of the Reserved Matters shall be in accordance with the approved Parameter Plans, and the principles and concepts set out in the approved Design and Access Statement Rev. A (April 2024) and Design Code Rev. E (10 April 2024), and subsequent Design Codes for the relevant geographical phase or sub-phase to which the Reserved Matters application relates.

A Compliance Statement shall be submitted with each Reserved Matters application that demonstrates the proposals are in compliance with these documents or (in exceptional circumstances and where relevant) explaining why they are not.

In relation to any building(s) within the area defined on the approved 'Maximum Building Heights' Parameter Plan (drawing ref: NFH-CGL-MAST-DR-1013 Rev. R02) as being appropriate for buildings over 6 storeys and up to 20 storeys, the Compliance Statement must also demonstrate how the proposal will result in an exemplary standard of design.

Reason: To ensure the highest standards of urban design and comprehensively planned development in accordance with Policies CS03 and CS19 of the Gravesham Local Plan Core Strategy 2014.

Mixed Uses and Quantum of Development

8. Subject to the approval of all applications for detailed Reserved Matters pursuant to Condition 1, the maximum amount of floorspace (Gross External Area (GEA)) and development hereby permitted shall be:
 - i. 315,000sqm GEA residential (Use Class C3) / 3,500 residential units
 - ii. 18,000sqm GEA multi-use stadium with associated facilities (sui generis use)
 - iii. 22,500sqm GEA of retail uses (Use Class E)
 - iv. 9,500sqm GEA food and beverage/drinking establishment uses (Use Class E(b)/sui generis)
 - v. 1,100sqm GEA local services uses (E(c)/sui generis)
 - vi. 1,200sqm GEA indoor sport, recreation and fitness uses (Use Class E(d))
 - vii. 1,500sqm GEA of healthcare space (Use Class E(e))
 - viii. 1,500sqm GEA of creche or nursery uses (Use Class E(f))
 - ix. 18,000sqm GEA of office use (Use Class E(g))
 - x. 4,000sqm GEA of local community use (Use Class F2)
 - xi. 20,000sqm GEA of hotel use (Use Class C1)

The broad distribution of such uses across the site shall generally accord with the approved Parameter Plans and the principles and concepts set out in the approved Design and Access Statement Rev. A (April 2024) and Design Code Rev. E (10 April 2024).

Reason: The development of the site is the subject of an Environmental Impact Assessment and Transport Assessment, and any alteration to the scale or balance of the development may have an impact that has not been assessed by that process.

Limit on Quantum of Retail Development

9. Notwithstanding the submitted details, the extent of retail uses within Class E shall not exceed the following:
 - i. No single convenience goods unit within Class E(a) may exceed 280 sq. m (GIA) in size, unless first agreed in writing by the Local Planning Authority.
 - ii. No single comparison goods unit within Class E(a) may exceed 500 sq. m (GIA) in size, unless first agreed in writing by the Local Planning Authority.
 - iii. No single food and beverage unit within Class E(d) may exceed 500 sq. m (GIA) in size, unless first agreed in writing by the Local Planning Authority.
 - iv. No additional floorspace can be created within the units at mezzanine level, unless first agreed in writing by the Local Planning Authority.

- v. No retail or food and beverage unit can come into use in advance of the occupation of the residential and other commercial offers.

Reason: To safeguard the existing hierarchy of retail centres in accordance with Policy CS08 of the Gravesham Local Plan Core Strategy 2014.

Quantum of Public Open Space

- 10. Subject to the approval of all applications for detailed Reserved Matters pursuant to Condition 1, the minimum amount of public open space that is to be provided within the scheme as a whole shall be 9.5 acres.

Reason: To ensure a satisfactory standard of open space for future occupants of the development and satisfactory levels of amenity pursuant to Policies CS12, CS13 and CS19 of the Gravesham Local Plan Core Strategy 2014

Residential Size, Mix and Affordable Dwellings

- 11. A minimum of 351 of the total number of homes to be provided across the whole site shall be delivered as affordable homes. A review of the size, mix and tenure of residential units, including affordable housing provision, in any geographical phase or sub-phase shall be submitted with each Reserved Matters application as relevant. All homes shall be designed to comply with the minimum requirements of the Technical Housing Standards - Nationally Described Space Standard.

If there are discrepancies between the affordable housing targets established in the Phasing Plan for the geographical phase in question and the relevant Reserved Matters application, subsequent Reserved Matters and Phasing Plans will be amended to ensure that the overall provision and required proportions are maintained as closely as possible. The size, mix and tenure for each Reserved Matters application will be informed by the principles in the approved Parameter Plans, Phasing Plan(s) and Design Code(s), including any amendments to the schedule as may be reasonably agreed.

Reason: To ensure a balanced community incorporating a satisfactory residential size, mix and tenure across the completed development and to achieve satisfactory levels of amenity pursuant to Policies CS16 and CS19 of the Gravesham Local Plan Core Strategy 2014.

Landscape Details

- 12. Each Reserved Matters application to be submitted in accordance with Condition 1 shall include full details of both hard and soft landscaping works and these works shall be carried out as approved. Such details shall accord with the principles of the approved Landscape Masterplan, and the principles and concepts contained in the approved Design and Access Statement Rev. A (April 2024) and Design Code Rev. E (10 April 2024).

These details shall include: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines, manholes); retained historic landscape features and proposals for restoration where relevant.

Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme. Detailed planting plans shall detail size, type and specification, mixes and quantities of all proposed planting. Where appropriate, construction details of ground retention/acoustic bund along the railway boundary, boundary and surfacing treatments; edge of building treatments; construction details of all SUDS elements and maintenance proposals shall be submitted and approved.

Reason: To protect and enhance the character and appearance of the area and the amenities of future occupiers in accordance with Policy CS19 of the Gravesham Core Strategy 2014.

13. All hard and soft landscape works shall be carried out in accordance with the approved implementation programme(s) submitted under Condition 12 on land to which the Reserved Matter relates prior to the occupation of the development.

Reason: To protect and enhance the character and appearance of the area and the amenities of future occupiers in accordance with policies CS19 of the Gravesham Core Strategy 2014.

14. The plans and particulars for each Reserved Matters application to be submitted in accordance with Condition 1 shall include a schedule of landscape maintenance for a minimum period of 5 years. The schedule shall include details of individual plot ownership, areas of amenity space and the arrangements for its implementation. Development shall be carried out in accordance with the approved scheme.

Reason: To protect and enhance the character and appearance of the area and the amenities of future occupiers in accordance with Policy CS19 of the Gravesham Core Strategy 2014.

15. Each Reserved Matters application to be submitted in accordance with Condition 1 shall include a Landscape and Ecological Management Plan in alignment with the commitments set out in Chapter 14 of the Environmental Statement: Biodiversity and Ecology, which will provide site specific details for immediate and long-term commitments to manage the planting, protection and enhancement of biodiversity in and around the site, including setting out timings for habitat management activities and detailing the management of the SuDs.

Reason: To ensure no loss of biodiversity in accordance with Policy CS12 of the Gravesham Core Strategy 2014.

Biodiversity Enhancement and Management Plan

16. Each Reserved Matters application to be submitted in accordance with Condition 1 shall include a Biodiversity Enhancement and Management Plan in alignment with the commitments set out in Chapter 14 of the Environmental Statement: Biodiversity and Ecology, and the Design Code Rev. E (10 April 2024), together with further updates to the Design Code under each Reserved Matters application, which will set out the following:

- i. Appropriate timings for all proposed habitat management activities;
- ii. Location and type of wildlife boxes, ensuring key features are created in appropriate locations;
- iii. Native and locally characteristic tree, shrub and hedge planting;

- iv. Provision brown roofs to the north-eastern extent of the site (within the Riverside Neighbourhood Character Area) to allow for suitable habitat for black redstart and other bird species;
- v. Bug hotels and purpose made bug boxes;
- vi. Wildlife links hibernacula and refugia suitable for smaller fauna including reptiles and amphibians;
- vii. The use of nectar-rich and berry producing plants to attract a wider range of insects, birds and mammals and continue to accommodate those already utilising the site;
- viii. A wildlife sensitive lighting strategy; and
- ix. Cat predation measures to include details of continuous wet fencing and tree/shrub planting to the Swanscombe Peninsular Site of Special Scientific Interest boundary and details of their monitoring and management in perpetuity, including details of the body responsible, frequency of monitoring/maintenance, timescales for rectifying any breaches of integrity, reporting requirements and funding.

Reason: To ensure no loss of biodiversity in accordance with Policy CS12 of the Gravesham Core Strategy 2014 and Section 15 of the National Planning Policy Framework 2023.

Surveys on Recreational Impacts

17. Each Reserved Matters application for each geographical phase or sub-phase of the development to be submitted in accordance with Condition 1 shall include surveys to quantitatively assess the recreational impacts from the proposed development of that phase or sub-phase on the Swanscombe Peninsular Site of Special Scientific Interest, and use the findings from those surveys to work collaboratively with the Local Planning Authority, Natural England and other stakeholders/partners to develop mitigation measures to be included in a Strategic Access Management Plan for the Swanscombe Peninsular Site of Special Scientific Interest. The Management Plan shall be completed and put in place prior to the occupation of the final phase.

Reason: To ensure no loss of biodiversity in accordance with Policy CS12 of the Gravesham Core Strategy 2014 and Section 15 of the National Planning Policy Framework 2023.

Breeding Birds Surveys

18. Prior to the submission of the first Reserved Matters application, additional breeding birds surveys will be carried out during the first breeding season (April to July) following the granting of permission. The results of these surveys will be used to update the approved shadow Habitats Regulations Assessment and further inform appropriate mitigation measures, which should be submitted to and approved in writing by the Local Planning Authority, in consultation with Natural England, prior to the submission of any Reserved Matters application.

Reason: To ensure no loss of biodiversity in accordance with Policy CS12 of the Gravesham Core Strategy 2014.

Wind and Microclimate

19. Prior to the submission of Reserved Matters applications in any geographical phase or sub-phase, wind microclimate assessments shall be undertaken to inform the detailed design of each phase. The results of the assessments, along with design justification and sufficient mitigation measures as appropriate shall be submitted alongside Reserved Matters applications for each phase and shall be implemented as approved.

Reason: In order to protect the amenity of future occupiers in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

Solar Glare Assessment

20. Prior to the submission of Reserved Matters applications in any geographical phase or sub-phase, solar glare assessments shall be undertaken to inform the detailed design of each phase. The results of the assessments, along with design justification and sufficient mitigation measures as appropriate shall be submitted alongside Reserved Matters applications for each phase and shall be implemented as approved.

Reason: In order to protect the amenity of future occupiers and neighbouring properties in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

Piling

21. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the approval in writing by the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a Piling Risk Assessment that there is no resultant unacceptable risk to groundwater. Such details should be submitted to and approved in writing prior to the submission of each relevant Reserved Matters application in any geographical phase or sub-phase. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 180 of the National Planning Policy Framework 2023 and Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

Noise

22. Prior to the submission of Reserved Matters applications in any geographical phase or sub-phase of the development hereby permitted, a noise assessment shall be submitted to and approved in writing by the Local Planning Authority. This shall include demonstration that, through design, noise from the following sources will not have an adverse impact on existing and future sensitive receptors:

- River traffic;
- Port of Tilbury operations;
- Mechanical and electrical (M&E) plant operation associated with new commercial (retail/hotel) units (demonstration of compliance with proposed noise limits (ES Table 9.28));
- Live/amplified music events at the new stadium; and
- Crowds departing the new stadium at the end of evening events.

The recommendations in the Noise Assessment(s) shall be carried out as approved and maintained thereafter.

Reason: To ensure the development mitigates its impact on sensitive receptors in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

Health and Safety Executive

23. A Fire Statement including a fire statement form should be submitted to and approved in writing by the Local Planning Authority in consultation with the HSE with each Reserved Matters application in any geographical phase or sub-phase. The development shall be carried out in accordance with the approved details and maintained thereafter.

Reason: To ensure suitability for fire appliances across the development in accordance with Policies CS11 and CS19 of the Gravesham Local Plan Core Strategy 2014.

Pre-Commencement Conditions

Britannia Refined Metals

24. No development shall commence until details for the re-provision of the parking area on Lower Road for Britannia Refined Metals Ltd have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of any part of the development.

Reason: To ensure that the development hereby permitted does not prejudice the operation of an existing business in accordance with paragraph 193 of the National Planning Policy Framework 2023.

National Grid (Pylons)

25. No development shall commence in any geographical phase or sub-phase, until full details of how the development takes into account the electricity pylons, their associated infrastructure and access arrangements for maintenance, have been submitted to and approved in writing by the Local Planning Authority. This shall include an Asset Protection Agreement being entered into with National Grid, to include statutory clearances from overhead lines, sufficient space around the towers from any buildings or structures, access agreements and agreement around the road layout near the north of the site and the ZR007 tower. The agreement shall be adhered to throughout the construction of the development herein approved and maintained thereafter.

Reason: To ensure the development hereby permitted does not prejudice the operation of surrounding infrastructure in accordance with Policies CS01 and CS19 of the Gravesham Core Strategy 2014.

National Grid (Infrastructure)

26. A construction method statement for working in proximity to National Grid's infrastructure shall be submitted to and approved in writing by the Local Planning Authority in consultation with National Grid prior to any excavations, piling, building or erections within 10m of the National Grid's infrastructure taking place. The agreed method statement shall thereafter be followed in implementing such works.

Reason: In the interests of maintaining the safety and operational integrity of National Grid's infrastructure and in accordance with Policies CS01 and CS19 of the Gravesham Core Strategy 2014.

Construction Environment Management Plan

27. A Construction Environmental Management Plan (CEMP), in accordance with relevant matters raised in the Environmental Statement to address potential environmental impacts from the clearance/construction of each phase of this development, shall be

submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development of each phase or sub-phase. Given the timescale of the build out, the CEMP should be updated at the request of the Local Planning Authority but no more than once per year. The development hereby permitted shall thereafter be carried out in accordance with the approved CEMP(s). For the avoidance of doubt the CEMP(s) shall include but not be limited to the following:

- A plan showing the typical site layout including holding areas, adequate visibility, adequate space for loading / unloading, routing of construction and delivery vehicles to/from the site, parking and turning areas
- Construction programme including demolition and building phases
- Trip generation for each phase
- Details of any abnormal loads
- On-site facilities for construction workers such as WC, café
- Confirmation as to whether there is planned use of the river and subsequent details
- Delivery scheduling/ timing of deliveries
- Monitoring methodology for all construction related vehicles to/from the site
- Provision of wheel washing facilities
- Any temporary traffic management/ signage
- Site operating hours
- Reference to any behavioural and organisational measures being implemented (reduce, rethink, retime, reroute, remodel)
- Provision of measures to prevent the discharge of surface water onto the highway
- consideration of other major development sites that may be under construction at the same time including Ebbsfleet Central, Lower Thames Crossing, Eastern Quarry and Northfleet West
- A Construction Worker Travel Plan
- A Waste Management Plan
- External lighting and mitigation measures
- Measures to limit noise disturbances.
- Site security measures, incorporating plant, machinery, supplies, tools and other vehicles, and being site specific to geography and site requirements
- Ecological management and pollution control measures to include:
 - Details on the location of appropriate fencing, agreed in conjunction with a suitably qualified ecologist, to protect off-site habitats (such as the adjacent Priority Habitat) where appropriate to prevent effects associated with the encroachment of construction vehicles and plant;
 - Pollution prevention measures including procedures for oils, chemicals and other potentially contaminative construction material storage designed to prevent the release of any accidental spillages and effects associated with contaminated surface run-off;
 - Supervision of delivery of fuel and oils with pipelines and fuelling points protected from vandalism and unauthorised interference;
 - Use of drip trays when filling smaller containers from tanks or drums to avoid drips and spills from entering the ground or drainage systems and watercourses to prevent effects associated with contaminated surface run-off;
 - Controlling works with concrete and washing out ready-mix concrete wagons in 'safe areas' away from waterbodies and retained habitats to prevent effects associated with contaminated surface run-off;
 - Procedures for emergency environmental incidents such as pollution events; and
 - Measures to minimise vibration and dust arisings, including, when necessary, regular damping down of the site by spraying with water and covering stockpiled material within a contained area, where required, to enable run-off to be treated.

- Measures relating to Schedule 1 birds including a Precautionary Working Method Statement (PWMS) to capture all specific working methods and the following:
- Clearance of site prior to bird nesting season (March-September inclusive), or if in nesting season then a check for nesting black redstart will be carried out prior to demolition by a suitably qualified ecologist;
- Appropriate management of construction lighting to avoid light spill to adjoining habitats;
- If black redstart are confirmed to be breeding on site then a 300m buffer zone must be implemented around each nest until the nest is confirmed as inactive by a suitably qualified ecologist. If black redstart are confirmed to be breeding on site then black redstart surveys must be undertaken at the start of each breeding season of each year of construction where black redstart breeding habitat remains on site;
- Noisy or disturbing works to avoid sensitive periods of the year where possible through phasing. Sensitive areas include:
 - o Around Robin's Creek during the key Cetti's warbler breeding season
 - o April to July;
 - o Around the shingle beach area on the mudflats in key little ringed plover nesting season May- July; and
 - o Around any areas on site where black redstart are confirmed to be breeding in further surveys in the key breeding season – March to August.
- Toolbox talks and training to be given to the site teams by a suitably qualified ecologist to provide the site teams with key information on the mitigation measures detailed in the PWMS.
- An Invasive Species Management Plan, prepared by a suitably qualified ecologist, to include invasive plant species surveys in advance of site works, measures to ensure all materials imported or exported from the site are not contaminated, and details of monitoring post-construction to ensure invasive species do not colonise the site.

Reason: To ensure the free flow of traffic on the highway and to minimise the impact on residential amenity and biodiversity, in accordance with Policies CS11, CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014.

Programme of Archaeological Work

28. No demolition/development shall commence until the applicant, or their agents or successor in title, has secured the implementation of a programme of archaeological work (including further archaeological characterisation and field evaluation as a first stage). The programme of archaeological works will comprise:

- (a) Prior to any development works the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological characterisation and field evaluation works, in accordance with a specification and written timetable which has been submitted to and approved by the local planning authority.
- (b) Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the local planning authority.
- (c) The archaeological safeguarding measures, investigation and recording shall be carried out in accordance with the agreed specification and timetable.

(d) Within 6 months of the completion of archaeological works a Post-Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:

- i. a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;
- ii. an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;
- iii. a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.

(e) The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record in accordance with Policy CS20 of the Gravesham Local Plan Core Strategy 2014.

Archaeological Written Specification

29. Prior to the submission of any Reserved Matters application the applicant, or their agents or successors in title will submit for approval in writing by the Local Planning Authority a Written Specification and timetable for the preservation in situ of important archaeological remains and/or for further archaeological investigation.

Reason: To ensure that adverse impacts to features of archaeological interest are appropriately mitigated according to their significance and so that the archaeological heritage of the site can fully inform design in accordance with Policy CS20 of the Gravesham Local Plan Core Strategy 2014.

Archaeological Site Investigation

30. No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post-investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation, post-investigation assessment, final publication and archive deposition will be undertaken in accordance with the programme set out in the written scheme of investigation approved under Condition 29.

Reason: To ensure appropriate assessment, analysis, reporting and dissemination of the results of the programme of archaeological work and the deposition of the project archive, in accordance with Policy CS20 of the Gravesham Local Plan Core Strategy 2014.

Parameter Plans

31. Future Reserved Matters applications will be in accordance with the parameter plans, except where any changes are required to address or incorporate findings of the archaeological investigations, including those undertaken under Condition 28 or 29.

Reason: In order that the detailed design has full regard to archaeology that might be found post-outline approval, in accordance with Policy CS20 of the Gravesham Local Plan Core Strategy 2014.

Heritage Management Plan

32. No demolition/development shall commence until the applicant, or their agents or successors in title has submitted and had approved in writing by the Local Planning Authority an updated Heritage Management Plan which will include a commitment to the principle that future archaeological site investigations will inform the detailed design and layout of the scheme and measures to ensure preservation of important archaeological remains.

Future Reserved Matters Applications will be accompanied by an updated Heritage Management Plan to explain how site archaeological conditions and further field evaluation has informed the final scheme design, including preservation, mitigation and interpretation.

Reason: To ensure that adverse impacts to features of archaeological interest are appropriately mitigated according to their significance and so that the archaeological heritage of the site can fully inform design, in accordance with Policy CS20 of the Gravesham Local Plan Core Strategy 2014.

Remediation Strategy

33. No development approved shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to and approved in writing by the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of the NPPF and Policy CS19 of the Gravesham Local Plan Core Strategy 2014. The Phase I Desk Study provided by RMA Environmental

(Ref:RMA-C2402, dated 28th September 2022) is considered to satisfy part 1 of this condition.

Floor Use Plan

34. Before implementing each phase of development approved by this planning permission, no development shall commence until such time as a detailed floor use plan has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with the Environment Agency.

The floor use plan should include, but not be limited to:

- Finished Floor Levels stated in metres above ordnance datum (mAOD)
- Identification of the Flood Risk vulnerability classification of each use, as classified by Annex 3 of the NPPF (2023).
- Identification of where sleeping accommodation will be located.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

Reason: The applicant will need to provide further information to ensure the proposed development can go ahead without posing an unacceptable flood risk to future occupants and to comply with Policy CS18 of the Gravesham Local Plan Core Strategy 2014.

Foul Drainage

35. No development shall commence until a foul drainage strategy, detailing how the developer intends to ensure that appropriate foul drainage is implemented with a connection to foul sewer, has been submitted to and approved in writing by the Local Planning Authority in consultation with the water undertaker and the Environment Agency. The development shall be constructed in line with the agreed detailed design and recommendations of the strategy.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution, in accordance with Policy CS18 of the Gravesham Local Plan Core Strategy 2014.

Surface Water Drainage

36. No development shall commence until the details required by Condition 1 shall demonstrate that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within the proposed development layout.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and that they are incorporated into the proposed layouts, in accordance with Policy CS18 of the Gravesham Local Plan Core Strategy 2014.

Surface Water Drainage Scheme

37. No development shall commence until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall demonstrate that due consideration has first been given to the possibility of utilising infiltration techniques and that the surface

water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. Should the use of infiltration prove to be beyond being reasonably practical then any surface water leaving site shall be managed appropriately, as outlined in the Flood Risk Assessment and Surface Water Drainage Strategy prepared by RMA Environmental (28/09/22). The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The development herein approved shall be built in accordance with these details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding, in accordance with Policy CS18 of the Gravesham Local Plan Core Strategy 2014. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

Surface Water Drainage Verification Report

38. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed. The development herein approved shall be built in accordance with these details.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained, in accordance with Policy CS18 of the Gravesham Local Plan Core Strategy 2014.

Surface Water Drainage for all Rainfall Durations

39. No development shall commence until the details required by Condition 1 have demonstrated that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within the proposed development layout. The development herein approved shall be built in accordance with these details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and that they are incorporated into the proposed layouts, in accordance with Policy CS18 of the Gravesham Local Plan Core Strategy 2014.

Sustainable Surface Water Drainage Scheme

40. No development shall commence until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning

Authority. The detailed drainage scheme shall demonstrate that due consideration has first been given to the possibility of utilising infiltration techniques and that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. Should the use of infiltration prove to be beyond reasonably practical then any surface water leaving site shall be managed appropriately, as outlined in the Flood Risk Assessment and Surface Water Drainage Strategy prepared by RMA Environmental (11 April 2024). The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The development herein approved shall be built in accordance with these details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding, in accordance with Policy CS18 of the Gravesham Local Plan Core Strategy 2014.

Sewer and Water Supply Protection

41. No development shall commence until details of the measures that will be undertaken to protect the public sewers and water supply mains have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 180 of the National Planning Policy Framework 2023 and Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

Tidal Defences

42. No development shall commence until such time as a scheme for a detailed design for the proposed upgraded Thames tidal defence has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency.

The scheme shall be in line with principles outlined in the submitted Flood Risk Assessment (Flood Risk Assessment and Surface Water Drainage Strategy, Issue 9, dated 11 April 2024, project ref: RMA-C2402), in particular paragraphs 3.18, 3.22, and Appendix G.

The scheme should include, but not be limited to:

- As built drawings of the upgraded defence, including demonstration that the design life of all new and residual elements is a minimum 100 years.
- A schedule of works, including a tracking plan.
- Details of terracing, including a terrace which functions as an intertidal habitat, designed in line with Environment Agency Estuary Edges guidance.
- A plan for long-term management, maintenance and monitoring of proposed intertidal zone ecological enhancements, carried out in line with Environment Agency Estuary Edges guidance
- Details of all any proposed landscaping, footpaths, lighting, street furniture and planting within the 16m area adjacent to the tidal defence identified in Figure 9 of Appendix G.

Demonstration that these features will not adversely impact the structural integrity of the defence, or access to the defence for maintenance and emergency works.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

Reason: The applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk to future users and to enhance intertidal ecology and provide net gains to biodiversity in the Thames Estuary, to comply with paragraphs 165, 170, 180 and 186 of the National Planning Policy Framework 2023, Policies CS12 and CS18 of the Gravesham Local Plan Core Strategy 2014, the Thames River Basin Management Plan and the Thames Estuary 2100 plan.

Daylighting the culverted River Ebbsfleet

43. No development shall commence until a final detailed design for the daylighting of the culverted River Ebbsfleet has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency.

The design will be in line with the principles set out in the outline design in Appendix J of the submitted Flood Risk Assessment and Surface Water Drainage Strategy (11 April 2024, project ref: RMA-C2402) and shall include, but not be limited to:

- Final detailed design for the daylighted river Ebbsfleet, including plans showing the extent and layout of the river buffer zone.
- A schedule of works (including a tracking plan).
- A management and maintenance plan for the daylighted culvert, bridges and remaining culverted sections of the River Ebbsfleet on site, demonstrating how flow through the channel will be maintained throughout the 100 year lifetime of the development.
- Details of any proposed footpaths and street furniture within the river buffer zone.
- Details of external artificial lighting into the watercourse and adjacent river corridor habitat. The location and direction of external artificial lights should be such that the lighting levels within 8 metres of the top of bank of the watercourse are maintained at background levels (Lux 0-2).
- Details of any proposed landscape planting scheme and watercourse enhancements (for example, native species suited to the catchment character).
- Details of any substrates used in the river channels (for example, gravel type, size, and origin).
- A long-term management plan for the management and maintenance of the buffer zone, including adequate financial provision and named body responsible for management plus production of detailed management plan.

The development herein approved shall be built in accordance with these details.

Reason: The applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk to the proposed development and future users and to comply with Paragraph 4.4.7 of the Gravesham Local Plan Core Strategy 2014, which states that development in this area will be expected to "improve and enhance Robin's Creek and the Ebbsfleet stream", to comply with paragraphs 165, 170, 180 and 186 of the National Planning Policy Framework 2023, and Policies CS12 and C318 of the Gravesham Local Plan

Core Strategy 2014. This condition is also supported by legislation set out in the Natural Environment and Rural Communities Act 2006 and Article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.

Detailed Bridge Design

44. No development shall commence until such time as a scheme for a detailed design for the two bridges spanning the daylighted River Ebbsfleet has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency and Kent Highways Services.

The proposed bridges must both be clear span and have soffit levels that are greater than the bank elevations, in line with section 3.41 of the submitted Flood Risk Assessment (Flood Risk Assessment and Surface Water Drainage Strategy, Issue 9, dated 11 April 2024, project ref: RMA-C2402).

To minimise overshadowing of the River Ebbsfleet, the bridges should be no wider than is necessary for highways purposes.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently

Reason: To ensure any river crossing does not increase flood risk to the proposed development or elsewhere, and to ensure negative impacts on ecology are minimised, in accordance with paragraphs 165, 170 and 180 of the National Planning Policy Framework 2023 and Policies CS18 and CS19 of the Gravesham Local Plan Core Strategy 2014.

Air Quality

45. No development shall commence until an updated Air Quality Assessment is undertaken by a competent person in accordance with current guidelines and best practice and has been submitted and approved in writing by the Local Planning Authority. The report shall contain and address the following:

- i. An assessment of air quality on the application site, including for the proposed vehicular 'tunnel' through the development, and of any scheme necessary for the monitoring and mitigation of poor air quality affecting the residential amenity of occupiers of this development.
- ii. An assessment of the effect that the development will have on the air quality of the surrounding area and any scheme necessary for the mitigation of poor air quality arising from the development.

Any scheme of mitigation set out in the subsequently approved report shall be implemented in accordance with the agreed timescale. The mitigation measures shall be maintained thereafter.

Reason: To ensure the protection of residential amenity in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

Damage Cost Assessment

46. No development shall commence until a Damage Cost Assessment (DCA) has been undertaken, using the most recent DEFRA Emissions Factor Toolkit and the latest DEFRA IGCB Air Quality Damage Costs for the pollutants considered, to calculate the resultant damage cost of pollutant emissions (for both PM10 and NO2) associated with the development. A report, to include the DCA and a list of offsite air quality mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The offsite air quality mitigation list shall include the details of the mitigation measures, costs of the measures and delivery timescales, and should amount to the full sum to the value calculated in the DCA. The Developer should deliver each agreed mitigation measure in full within the agreed timescale. The measures must reduce the transport related air pollution of the development during construction and when in occupation.

Reason: To ensure the protection of residential amenity in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

Demolition of Football Stadium

47. The existing football ground shall not be demolished until full details of suitable interim accommodation arrangements for both the men and women's teams for the full period during which they will be displaced, have been submitted to and approved in writing by the Local Planning Authority in consultation with Sport England, and that accommodation has been made available.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with Policy CS13 of the Gravesham Local Plan Core Strategy Policy 2014.

Design and Layout of Football Stadium

48. No development shall commence until details of the design and layout of the proposed football stadium have been submitted to and approved in writing by the Local Planning Authority, in consultation with Sport England. The football stadium shall not be constructed other than in accordance with the approved details and shall be occupied prior to the first occupation of any of the commercial units within the 'Marketplace' neighbourhood, and shall be maintained thereafter.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

Artificial Grass Pitch

49. In the case of the inclusion of an Artificial Grass Pitch within the development hereby permitted, no development on the football stadium shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:

- a) certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf – FIFA Quality or equivalent International Artificial Turf Standard (IMS) and,
- b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches.

The development herein approved shall be built in accordance with these details.

Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Policy CS13 of the Gravesham Local Plan Core Strategy Policy 2014.

Community Use Agreement

50. No development shall commence until a Community Use Agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the Ebbsfleet United Football Stadium and shall include details of pricing policy, hours of use, access by non-[educational establishment] users [/non-members], management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well-managed safe community access to the sports facility to ensure sufficient benefit to the development of sport and to accord with Policy CS13 of the Gravesham Local Plan Core Strategy Policy 2014.

Cycle Parking

51. No development shall commence to any geographical phase or sub-phase of the development hereby permitted until full details of the provision and permanent retention of one cycle parking space per bedroom for the residential use and provision for the non-residential uses and visitor parking are provided in line with relevant standards at the time of the associated Reserved Matters Application. This should include provision for adapted bikes. Showers, lockers and changing facilities must be provided for larger non-residential uses. The approved cycle parking shall be implemented prior to the occupation of the relevant phase or sub-phase and shall be retained thereafter.

Reason: To ensure appropriate cycle provision for the development, in accordance with Policy CS11 of the Gravesham Local Plan Core Strategy 2014.

Prior to above ground works

Submission of External Materials

52. Notwithstanding the details in the approved Design and Access Statement (April 2024) and Design Code (10 April 2024), and including any Design Code submissions for subsequent phases, no development above ground level, excluding any earthworks or land raising, shall take place within any relevant phase or sub-phase of the development until full details of all external materials, including sample panels where requested by the Local Planning Authority, for all proposed buildings on the site for that phase have been submitted to and approved in writing by the Local Planning Authority. The details shall include details of weathering properties of any cladding and infill panels, full details of rainwater goods, and the design and detailing of windows, doors, balconies, balustrades, and entrance canopies, and the external appearance of any biodiverse green, brown or blue roofs. The development shall be carried out in full accordance with the approved details before the first occupation of the relevant phases or sub-phase of the development.

Reason: In order to ensure an acceptable standard of development upon completion, in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and Section 12 of the National Planning Policy Framework 2023.

Plant and equipment relating to residential and commercial use buildings

53. No development above ground level, excluding any earthworks or land raising, shall take place on the relevant phase or subphase of the development until full details of the installation of any external plant and servicing equipment on any buildings, including roof top plant, lift overruns, solar PV or solar thermal equipment, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the siting, external appearance and any proposed screening. Those works shall thereafter be carried out in accordance with the approved details, to be completed prior to first occupation of the building to which it relates and retained thereafter.

Reason: In the interest of the amenities of residential properties and the area generally in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

Submission of Signage and Way Finding Strategy

54. Notwithstanding the details in the approved Design and Access Statement (April 2024) and Design Code (10 April 2024), including any subsequent Design Code submissions, no development above ground level, excluding any earthworks or land raising, shall take place within the relevant phase or sub-phase of the development until full details of all public realm and wayfinding strategies and signage have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details before the first occupation of the relevant phase or sub-phase of the development and shall be maintained thereafter.

Reason: To avoid a cluttered visual appearance of the site and in order to ensure an acceptable standard of development upon completion, in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

Lighting

55. No development above ground level shall take place in any geographical phase or sub-phase until a sensitive lighting scheme and assessment, including floodlighting, security lighting and the illumination of the buildings at night, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include:

- i. Details of adherence to best practice lighting standards, including plant for sports grounds and wildlife;
- ii. Functions of proposed lighting and the uses it supports e.g. for recreation facilities;
- iii. A lux plan showing proposed light sources;
- iv. Details of time limits on lighting and hours of operation;
- v. Details of how the lighting scheme will mitigate any potential biodiversity impacts arising from the installation or operation of the proposed lighting with regard to sensitive species identified around the development site, including low intensity lighting;
- vi. Details on colour temperature of the lighting and the associated public realm surfaces including reflectivity and glare;
- vii. An assessment of solar glare.

The geographical phase or sub-phase shall not be occupied/used until the approved lighting scheme has been carried out in accordance with the approved details. The development shall thereafter be retained as such.

Reason: To ensure satisfactory protection for residential amenity and biodiversity, in accordance with the requirements of Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy Policy 2014.

Bus Stops

56. No development above ground shall commence until full details of the existing bus stops on the A226 Stonebridge Road, outside the existing stadium, to be re-provided along the diverted route and the existing bus stops on the A226 Galley Hill Road (north of Taunton Road), to be re-provided in line with the future junction layout of the existing Galley Hill Road / Lower Road junction, and Road Safety Audit have been submitted to and approved in writing by the Local Planning Authority. The bus stops shall be provided in accordance with the approved details and maintained thereafter.

Reason: To ensure the development mitigates its impact on the highway and public transport networks as required in accordance with Policy CS11 of the Gravesham Local Plan Core Strategy 2014.

Sustainability and Energy

57. Notwithstanding the details in the submitted Framework Sustainability and Energy Statement, no development above ground level, excluding any earthworks or land raising, shall take place on any relevant geographical phase or sub-phase of the development until full and up-to-date technical details of proposed sustainability, water and energy measures, and low carbon technologies, including air source heat pumps, photovoltaic (PV) arrays and rainwater harvesting, and any necessary electricity sub-station or other energy installations, have been submitted to and approved in writing by the Local Planning Authority. The details shall comply with the principles and concepts set out in the approved Framework Sustainability and Energy Statement. The installations and energy saving measures as may be approved shall be implemented as relevant to each phase or sub-phase of the development and thereafter shall be maintained at all times.

Reason: In pursuit of sustainable development principles and ensuring the development fully incorporates renewable energy and low carbon technologies in accordance with Policies CS18 and CS19 of the Gravesham Local Plan Core Strategy 2014.

Security - Crime Prevention through Environmental Design (CPTED)

58. Notwithstanding the details in the approved documents in Condition 3 including the submitted Design and Access Statement and Design Code, no development above ground level, excluding any earthworks or land raising, shall take place on the relevant geographical phase or sub-phase of the development until full details of Designing Out Crime measures have been submitted to and approved in writing by the Local Planning Authority. Any such security measures shall comply with the recommendations in the Kent Police letter dated 22 September 2022 and shall be implemented prior to occupation of each phase or sub-phase in accordance with the approved details, which shall seek to achieve the 'Secured by Design' accreditation award.

Reason: In pursuance of the Local Planning Authority's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its

planning functions and to improve community safety and crime prevention in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

Noise Mitigation Measures for Residential Units

59. No development above ground level, excluding any earthworks or land raising, shall take place on any relevant geographical phase or sub-phase of the development until full details of the acoustic design for internal and external amenity areas (including private gardens, balconies and public open space) of residential properties shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be maintained for the lifetime of the development.

Reason: In order to safeguard the living conditions of future occupants of residential units in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

Prior to Occupation

Verification report (contamination)

60. 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. This is in line with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

Remediation Strategy

61. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

Surface Water

62. No building on any geographical phase or sub-phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of

an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework 2023.

Highways (off-site Infrastructure)

63. The off-site infrastructure shown on the plans listed below (or amended plans approved by the Local Planning Authority and KCC under future Reserved Matters applications), must be provided prior to occupation of the site, or in line with an approved Phasing and Implementation Plan:

- 226728/PD100 Rev D 'Site Access Plans'
- 226728/PD101 Rev A 'Site Access Plans Junction 1'
- 226728/PD103 Rev B 'Site Access Plans Junction 2'
- 226728/PD104 Rev A 'Site Access Plans Junction 3 & 4'
- 226728/PD105 Rev A 'Site Access Plans Junction 5 & 6'
- 226728/PD106 Rev E 'Site Access Plans Junction 7, 8 & 9'
- 226728/PD107 Rev B 'Site Access Plans Junction 10 & 11'
- 226728/PD102 Rev - 'Site Access Plans Roundabout'

Reason: To ensure the development mitigates its impact on the highway and public transport networks as required in accordance with Policy CS11 of the Gravesham Local Plan Core Strategy 2014.

Parking

64. The particulars submitted as part of Condition 1 for the relevant Reserved Matters shall include details of the provision and permanent retention of 950 vehicle parking spaces for the non-residential uses and 0.5 vehicle parking spaces per residential unit, as a minimum, and shall be brought into use prior to occupation of the associated use. Appropriate parking provision for disabled users, vans, motorbikes and servicing/delivery vehicles should be included.

Reason: To ensure the development mitigates its impact on the highway and public transport networks as required in accordance with Policy CS11 of the Gravesham Local Plan Core Strategy 2014.

Site Wide Travel Plan

65. Prior to the occupation of any part of the development a Site Wide Travel Plan in line with the Framework, shall be submitted and approved in writing by the Local Planning Authority. A Site Wide Travel Plan Coordinator (TPC) must be appointed prior to first occupation. Site Wide Travel Plan monitoring including vehicle monitoring at all vehicle access points, numbers of pedestrians, cyclists and public transport users, to be undertaken annually for the life of the Travel Plan (first occupation to five years post full build out), with the TPC producing the results in an annual Travel Plan monitoring report. Vehicle targets must be based on the predicted traffic generation of the site, as that is what has been assessed. The development shall be undertaken in line with the approved Site Wide Travel Plan.

Reason: To ensure the development mitigates its impact on the highway and public transport networks as required in accordance with Policy CS11 of the Gravesham Local Plan Core Strategy 2014.

Occupier Travel Plans

66. Prior to the occupation of any part of the development Individual Occupier Travel Plans based on the Site Wide Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development mitigates its impact on the highway and public transport networks as required in accordance with Policy CS11 of the Gravesham Local Plan Core Strategy 2014.

Transport Review Group

67. Prior to the first monitoring period the Applicant / TPC must establish a Transport Review Group (TRG), which shall meet on an annual basis, ceasing five years post full occupation, in line with the life of the Travel Plan. The TRG should consist of a member from a) the Applicant team, b) KCC and c) Gravesham Borough Council and will be chaired by the TPC. As a minimum the TRG will discuss / undertake the following duties:

- i. progress at the site of terms of build out;
- ii. transport related issues including any complaints received;
- iii. review and agree the TPC's proposed methodology for, and review the results of the Travel Plan monitoring surveys; and
- iv. agree the implementation of additional remedial measures, should the targets be exceeded.

Reason: To ensure the development mitigates its impact on the highway and public transport networks as required in accordance with Policy CS11 of the Gravesham Local Plan Core Strategy 2014.

Parking Management Plan

68. Prior to the first occupation of any part of the development in any geographical phase or sub-phase, a Parking Management Plan (PMP) which is developed in line with the Framework and as a minimum, includes the below, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved document. Given the timescale of the build out, the PMP should be updated at the request of KCC but no more than once per year.

- (a) parking provision for each land use, including number and location of standard bays, visitor bays, disabled bays, motorcycle bays, car club bays and service & delivery bays
- (b) number, location and type of electric vehicle charging facilities
- (c) details of parking restrictions to be implemented including Traffic Regulation Orders
- (d) details of parking management and enforcement
- (e) details of any barrier controls
- (f) details of provision for each phase
- (g) details of any permit and / or allocated parking system to be implemented
- (h) details of a parking pricing strategy, including to discourage long-stay and overnight parking
- (i) details of football match day parking provision.

Reason: To ensure the development mitigates its impact on the highway and public transport networks as required in accordance with Policy CS11 of the Gravesham Local Plan Core Strategy 2014.

Service and Delivery Plan

69. Prior to the first occupation of any part of the development a Service and Delivery Plan (S&DP which is developed in line with the Framework and as a minimum, includes the below) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved document. Given the timescale of the build out, the S&DP should be updated at the request of KCC but no more than once per year.

- (a) details of routing to/from relevant units
- (b) location of bin stores and loading / delivery bays
- (c) details of any parking or access restrictions
- (d) timing and number of deliveries predicted per day/week
- (e) details of any on site management
- (f) details of any measures implemented to reduce the number of trips e.g consolidation; and
- (g) details of any monitoring and enforcement.

Reason: To ensure the development mitigates its impact on the highway and public transport networks as required in accordance with Policy CS11 of the Gravesham Local Plan Core Strategy 2014.

Mobility Hub

70. Prior to the first occupation of any part of the development full details of a Mobility Hub to be provided at a central location within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved mobility hub shall be provided upon occupation of the 50th dwelling or the opening of the first non-residential use, or in line with an agreed Phasing and Implementation Plan. The hub should contain such things as: electric car club vehicle with plug in charge point; electric bike hub with plug in charge point, bike hire, bicycle stands and lockers, bicycle repair stand with tools, bicycle pump, an information terminal, cargo bike share and secure parcel lockers.

Reason: To ensure the development mitigates its impact on the highway and public transport networks as required in accordance with Policy CS11 of the Gravesham Local Plan Core Strategy 2014.

Details of Extraction Equipment for Retail or Café Developments

71. No commercial unit to be occupied as a retail unit or for the sale of food and drink within Uses Classes E(a) and E(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended), in any of the relevant buildings within the detailed elements of the site, shall be brought into use until full details of any necessary extraction equipment or ventilation systems, including details of fan location, routing, duct discharge positions, noise levels and noise attenuation measures, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details, to be completed prior to first occupation of the relevant commercial unit to which it relates and retained thereafter.

Reason: In the interest of the amenities of residential properties and the area generally in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

Details of Glazing Specification and Mechanical Ventilation

72. Prior to the occupation of the relevant phase or sub-phase of the development hereby permitted, full details of the glazing specification for all buildings within the relevant phase or sub-phase, including mechanical ventilation and heat recovery details, shall be submitted to and approved in writing by the Local Planning Authority. The relevant phase or sub-phase of the development shall thereafter not be occupied until the approved details have been implemented.

Reason: To protect residential amenity in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

Noise Controls over Commercial Uses

73. Prior to the first occupation of commercial units within a building, geographical phase or sub-phase as relevant, a sound insulation assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority. The Assessment shall include details of the assessment methodology and of the substantially enhanced sound insulation performance of the construction that separates the residential and non-residential uses, which shall resist the transmission of airborne sound such that the weighted standardised difference (DnT, W + Ctr) is not less than 53 decibels (i.e., an enhancement of the minimum levels stated in the Building Regulations of 10dB).

Any works identified as being required in order to achieve a weighted standardised difference of not less than 53 decibels as required above shall be implemented and evidence provided (if necessary, by way of a further sound insulation assessment report) for approval by the Local Planning Authority prior to first occupation.

The approved details shall be maintained for the lifetime of the development.

Reason: In order to safeguard the living conditions of the future occupants of residential units in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

Community/Public Realm Management Plan and Maintenance

74. Prior to the occupation of any phase or sub-phase of the development hereby permitted, full details of the management and maintenance of the public realm and other areas with a public amenity function shall be submitted to and approved in writing by the Local Planning Authority. The management and maintenance plan shall include consideration of safety and security measures and contain details of a mechanism to ensure that sufficient resources are made available to provide for the maintenance of the public realm in accordance with the approved strategy for the lifetime of the development. For the avoidance of doubt, the said management plan shall include details of the maintenance regime to be applied in relation to:

- (a) Highways and Footways.
- (b) Street Furniture and Play Equipment.
- (c) Public Art and Heritage Interpretation.
- (d) Façades of key buildings and treatment of commercial frontages including security measures, avoiding solid shutters.
- (e) Boundary walls and enclosures.
- (f) The maintenance of surface water drainage systems.

- (g) Vehicle and other parking areas and external lighting.
- (h) The cleansing of public areas (including the removal of litter and graffiti and measures for dealing with marine litter), and
- (i) All internal and external internal communal spaces.

The approved management plan shall then be implemented in full prior to any part of the public realm of the development being brought into use, and subsequently extended and applied to all other parts of the public realm as they come into operation.

Reason: To secure measures for the long-term management and maintenance of the public areas to ensure the development is of a satisfactorily high design standard during its lifetime and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

Events Management Plan

75. Prior to the first occupation/operation of the stadium, an Events Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Plan should include the following details (as a minimum):

- Site management including staff numbers, staff training, protocols and first aid;
- Safety and security including risk assessment procedures for all events;
- Crowd and Incident Management for use of all areas of scheme including arrival and departure details and routing for crowds;
- Emergency and evacuation procedures; -
- Noise Management Plan, including details of the number of stadium events per year, noise limits at receptors and a Noise Monitoring Plan to demonstrate limits are being adhered to;
- Traffic Management Plan;
- Equality Impact Statement; and
- Details of the event specific wayfinding strategy.

The development shall be carried out in accordance with the approved details and maintained thereafter.

Reason: To ensure the development mitigates its impact on the highway and public transport networks and amenities as required in accordance with Policies CS11 and CS19 of the Gravesham Local Plan Core Strategy 2014.

Public Art and Heritage

76. Full details of public art and a heritage trail for each geographical phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure further opportunities for enhancing the understanding and appreciation of the historic environment as the project progresses. The Heritage Trail shall include public art that references heritage, interpretation boards and online digital information of published recordings found onsite. The trail shall be implemented prior to the first occupation of each relevant phase or sub-phase in accordance with the approved details and shall be maintained thereafter.

Reason: To ensure the past heritage of the site is acknowledged, in accordance with Policy CS20 of the Gravesham Core Strategy 2014.

Refuse Collection

77. The particulars submitted as part of Condition 1 for the relevant Reserved Matters in any geographical phase or sub-phase shall include details of a refuse collection strategy including routing details, bin stores and refuse collection points, together with a management plan for ongoing refuse and servicing arrangements. The approved details shall be implemented prior to the first occupation of each phase as relevant to which the refuse collection strategy and management plans relate and maintained as such thereafter.

Reason: To ensure appropriate refuse storage and management in accordance with the requirements of Policy CS19 of the Gravesham Local Plan 2014.

On-going Conditions/Compliance

Flood

78. The development shall be carried out in line with the principles outlined in the submitted flood risk assessment (Flood Risk Assessment and Surface Water Drainage Strategy, Issue 9, dated 11 April 2024, project ref: RMA-C2402, and associated appendices) and the following mitigation measures detailed:

- Finished floor levels shall be set in line paragraphs 3.62, 3.63, and 3.64 of the submitted Flood Risk Assessment (FRA), with all sleeping accommodation located 600mm above the design tidal breach level.
- The existing flood defences identified in Figure 3 of Appendix G shall be upgraded as outlined in paragraphs 3.18 and 3.22 of the submitted FRA:
- riparian area 16 m from waterfront to be free from development
- top of defence level set at 8.00mAOD
- edges to tie into defences on either end of the wall to ensure continuous defence
- minimum 100-year design life
- existing river wall considered sacrificial from a flood defence perspective
- typically, 6m-8m wide service area behind the new defence line to enable emergency and maintenance works in line with Figure 9 of Appendix G.
- A minimum 175m long stretch of the River Ebbsfleet shall be daylighted in accordance with Appendix J of the submitted FRA and page 106 of the submitted design code (Revision E, dated 10 April 2024):
- A minimum 3.5-metre undeveloped buffer zone from the top of the riverbank on the eastern side of the channel shall be provided in line with section 3.42 of the submitted FRA. No cantilevered elements shall overhang this undeveloped buffer zone.
- A minimum 8-metre undeveloped buffer zone on the western side of the channel shall be provided, in line with section 3.42 of the submitted FRA.
- A maximum of two clear-span bridges shall span the daylighted River Ebbsfleet, in line with section 3.41 of the submitted FRA.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and to comply with paragraphs 165 and 170 of the National Planning Policy Framework 2023 and Policy CS18 of the Gravesham Local Plan Core Strategy 2014.

Drainage

79. No drainage systems infiltration of surface water drainage into the ground is permitted. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 180 of the National Planning Policy Framework 2023 and Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

Sewers

To be added

Waste Water Capacity

80. Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 180 of the National Planning Policy Framework 2023 and Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

Visibility Splays

81. Visibility splays shown on the approved plans in Condition 3 (or amended plans approved by KCC under future Reserved Matters applications), shall be implemented upon first use of the associated new junction layout, kept clear of obstructions over 600mm in height (measured from footway level) and maintained as such at all times.

Reason: To ensure the development mitigates its impact on the highway and public transport networks as required in accordance with Policy CS11 of the Gravesham Local Plan Core Strategy 2014.

Access Corridor

82. Full details of the provision and permanent retention of a 15.25m (minimum) Fastrack, walking and cycling corridor to be provided through the site starting immediately east of the western residential access into the Harbourside Neighbourhood and terminating at a new junction with Grove Road, prior to first occupation or in line with an approved Phasing and Implementation Plan. This will include a 6.75m (minimum) Fastrack only carriageway, a 3.0m shared use footway / cycleway on one side of the carriageway and a 3m cycle route and 2m footway on the other side of the carriageway, plus a 0.5m (minimum) demarcated buffer, although this should ideally be a minimum of 1m to sustain vegetation growth. Fastrack should have priority at junctions.

Reason: To ensure the development mitigates its impact on the highway and public transport networks as required in accordance with Policy CS11 of the Gravesham Local Plan Core Strategy 2014.

Fastrack

83. An annual Thameside (Fastrack) bus ticket shall be offered to each resident upon first occupation of each dwelling, and each member of staff employed at the non-residential uses upon offer and acceptance of employment. The tickets should be well advertised to encourage take-up. Alternatively, the equivalent monetary value of the ticket at the time of offering may be distributed in the form of KCC's Mobility as a Service (MaaS) credits, if this is available at the time.

Reason: To ensure the development mitigates its impact on the highway and public transport networks as required in accordance with Policy CS11 of the Gravesham Local Plan Core Strategy 2014.

Stadium Capacity

84. The Stadium must operate within a maximum capacity of 75% (6,000 spectators) and events as per the extant permission (20150081), until such time, based upon the submission of supplementary evidence and / or assessments, including the provision of any necessary mitigation, that occupation of the full capacity (8,000 spectators) can be agreed by the Local Planning Authority in consultation with KCC. It is understood that this Application would supersede the extant permission.

Reason: To ensure the development mitigates its impact on the highway and public transport networks as required in accordance with Policy CS11 of the Gravesham Local Plan Core Strategy 2014.

Removal of PD rights

85. Notwithstanding the provisions of Article 3, and Part 1 Classes A, B, C, D and E, and Part 20, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, or any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order, with or without modification, no extensions, including roof extension or modifications, porches or outbuildings shall be carried out to the dwellings hereby permitted.

Reason: In order to protect residential and visual amenity in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

Restriction on Commercial Use

86. Notwithstanding the provisions of Article 3 of, and Parts 3 and 4 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, or in any provision equivalent to those Parts in any Order amending, revoking or re-enacting that Order with or without modification, the commercial and business employment floorspace (including retail space) within Use Class E shall not subsequently be used for any other purpose other than those uses for which they are hereby permitted.

Reason: In order that any other uses of the business and employment units may be the subject of a separate planning application which the Local Planning Authority would wish to consider on its merits having regard to traffic generation and safety, parking demand and the amenity of the site in accordance with Policies CS03, CS07, CS08, CS11 and CS19 of the Gravesham Local Plan Core Strategy 2014.

Restriction on Hours of Use of Commercial/Retail Units

87. The commercial units to be provided on the site within Use Class E - Commercial, Business and Service, including any retail units within Class E (a) or food and drink premises within Use Class E (b) shall operate only between the hours of 07.00 and 23.00 on any day; any deliveries or collections to the commercial units shall also only take place within those stipulated times.

Reason: In order to safeguard local residential amenity and the future residential occupants of the site in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

Other Miscellaneous Matters

Water Efficiency

88. All residential units shall be designed by using the installation of fittings and fixed appliances that use water efficiently for the prevention of undue consumption of water and not exceeding water usage of 110 litres per person per day, as per the optional requirement of Part G of Schedule 1 and regulation 36 to the Building Regulations 2010 (as amended).

Reason: In pursuit of sustainable development principles in accordance with Policies CS18 and CS19 of the Gravesham Local Plan Core Strategy 2014.

INFORMATIVES

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) 2023, 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.

MARINE LICENCE

Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.

Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009.

FOOTBALL PITCHES

The applicant is advised that pitches to be used for Step 1 and Step 2 level football matches should be built in accordance with FIFA Quality Concept for Football Turf - FIFA Quality Pro and Steps 3 to 6 should be built in accordance with FIFA Quality as a minimum and tested annually as per league rules

COMMUNITY USE AGREEMENTS

Guidance on preparing Community Use Agreements is available from Sport England.
<http://www.sportengland.org/planningapplications/>

FLOOD RISK

Flood Risk Activity Permit Informative

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Without further meeting the requirements detailed above, it is unlikely that a Flood Risk Activity Permit could be issued.

ENVIRONMENT AGENCY

Flood Risk Activity Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549 or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Surface water drainage

Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.

Piling Risk Assessment

Piling can result in risks to groundwater quality by mobilising contamination when boring

through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".

SOUTHERN WATER

- The 200 mm, 300 mm, 400 mm public foul rising main and 150 mm, 225 mm public foul sewer, 225 mm, 300 mm 375 mm public surface water sewer requires a clearance of 3 metres on either side of the rising main and sewer to protect it from construction works and to allow for future access for maintenance.
- No development or tree planting should be carried out within 3 metres of the external edge of the public rising main and sewer without consent from Southern Water.
- The 125 mm, 150 mm, 180 mm, public water distribution main requires a clearance of 6 metres on either side of the water main to protect it from construction works and to allow for future access for maintenance.
- No excavation, mounding or tree planting should be carried out within 6 metres of the external edge of the public water main without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewers and rising main, water mains.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf.

Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

PROW AND KING CHARLES III ENGLAND COAST PATH (KCIIECP)

- No furniture, fence, barrier or other structure may be erected on or across the KCIIECP without the express consent of the National Trail Officer.
- There must be no disturbance of the surface of the KCIIECP, or obstruction of its use, either during or following any approved development without the express consent of the National Trail Officer.
- No hedging or shrubs should be planted within 1 metre of the edge of the KCIIECP.
- Please also make sure that the applicant is made aware that any planning consent given confers no consent or right to close or divert any section of the KCIIECP at any time without the express permission of the NTO.

Further, in the event that planning permission is granted for this site, the applicant must seek a Variation Report to divert the alignment of the KCIIECP and apply for a temporary path closure during the construction phase.

1. The applicant shall apply for a Variation Report to divert the alignment of the King Charles III England Coast Path and Thames Path National Trails, where they are directly affected by

the development.

Reason: To maintain the continuity of the National Trails and in the interests of the amenity of the public

2. The applicant shall provide a temporary diversion route of the King Charles III England Coast Path and Thames Path National Trails, where they are directly affected by the development, in addition to waymarking this alternative route, for the duration of the construction phase.

Reason: To maintain the continuity of the National Trails and in the interests of the amenity of the public

- No furniture, fence, barrier or other structure may be erected on or across PRow without the express consent of the Local Highway Authority.
- There must be no disturbance of the surface of the PRow, or obstruction of its use, either during or following any approved development without the express consent of the Local Highway Authority.
- No hedging or shrubs should be planted within 1 metre of the edge of the PRow.
- Any planning consent given confers no consent or right to close or divert any PRow at any time without the express permission of the Local Highway Authority.
- No Traffic Regulation Orders will be granted by the Local Highway Authority for works that will permanently obstruct the route unless a diversion order has been made and confirmed. If the applicant needs to apply for a temporary traffic regulation order whilst works are undertaken, the County Council would need six weeks notice to process this.

HIGHWAYS

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway. Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

THAMES WATER

A build over agreement is required before commencing works. Please also be advised that Thames Water do not permit driven piles within 15m of a public sewer.