



Ministry of Housing,
Communities &
Local Government

Aline Hyde
Town Legal
10 Throgmorton Avenue
London
EC2N 2DL

Our ref: APP/K2230/V/25/3360355
Your ref: 20221064

30 July 2026

Dear Aline Hyde

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION MADE BY NORTHFLEET CENTRAL 1 LIMITED AT LAND
SURROUNDING EBBSFLEET FOOTBALL CLUB, STONEBRIDGE ROAD,
NORTHFLEET
APPLICATION REF: 20221064**

This decision was made by Minister of State for Housing and Planning, Matthew Pennycook MP, on behalf of the Secretary of State

1. I am directed by the Secretary of State to say that consideration has been given to the report of Cullum Parker BA(Hons), PGCert, MA, FRGS, MRTPI, IHBC, who held a public local inquiry which opened on 20 May 2025 and sat across various dates before closing in writing on 2 November 2025, into your client's planning application for:
 - i. 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;
 - ii. 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).
 - iii. 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,

Ministry of Housing Communities & Local Government
Laura Webster, Decision Officer
Planning Casework Unit
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

Email: PCC@communities.gov.uk

car and cycle parking provisions, infrastructure works, ancillary and associated works.

in accordance with application Ref. 20221064, dated 30 September 2022.

2. On 7 February 2025, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act (TCPA) 1990, that your client's application be referred to her instead of being dealt with by the local planning authority.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the application be refused.
4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with his recommendation. She has decided to refuse planning permission. The Inspector's Report (IR) is attached. All references to paragraph numbers, unless otherwise stated, are to that report.

Environmental Statement

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and the environmental information submitted during the inquiry. Having taken account of the Inspector's comments at IR1.3-1.10, the Secretary of State is satisfied that the Environmental Statement and other additional information provided complies with the above Regulations and that sufficient information has been provided for her to assess the environmental impact of the proposal.

Application for costs

6. An application for a partial award of costs was made by Britannia Refined Metals Limited against Northfleet Central 1 Limited (IR1.12-1.14). This application is the subject of a separate decision letter.

Policy and statutory considerations

7. In reaching her decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
8. In this case the development plan consists of the Gravesham Local Plan Core Strategy (2014), Gravesham Local Plan First Review (1994) Saved Policies, and Kent Minerals and Waste Local Plan 2025 (KMWLP). The Secretary of State considers that relevant development plan policies include those set out at IR6.3-6.7.
9. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (the Framework) published on 12 December 2024 and updated on 7 February 2025, and associated planning guidance (the Guidance), as well as Safeguarding Supplementary Planning Documents adopted March 2021 (IR6.8-6.10).

10. The Secretary of State has taken into account the Inspector's analysis at IR6.13-6.15, and she considers that the consultation version of the emerging Framework published in December 2025 carries no weight.

Emerging plan

11. The emerging plan comprises the Gravesham Local Plan 2042 which is at Regulation 19 stage. Consultation is due to close on 18 August 2026, although the consultation period is anticipated to be extended to allow 6 weeks for further supporting information to be considered. The draft plan is due to be submitted for examination in Autumn 2026.
12. Paragraph 49 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. Given the early stage of the emerging plan, the Secretary of State agrees with the Inspector that the emerging plan carries limited weight (IR6.11-6.12).

Main issues

Delivery of housing

13. For the reasons given at IR14.4-14.15, IR14.211, IRi (summary section) and IRiii-iv (benefits section), the Secretary of State agrees that while the general need is not disputed, there are concerns over deliverability and viability (IR14.6). She has taken into account that the overwhelming majority of the proposed site is not within the ownership and/or control of the applicant (IR14.7); that there is a paucity of evidence that the CPO process had been instigated or that the Council had undertaken any substantive moves to address this (IR14.8); that there is little evidence before her which indicates any reasonable prospect of the housing proposed (and indeed the other aspects such as commercial spaces, hotel, office space, and football stadium), coming forward within the short to medium term (IR14.9); and that the viability of the scheme is in question (IR14.11-6.12). However, in the context of housing need, she agrees with the Inspector that the provision of market housing should, notwithstanding the identified concerns in respect of deliverability, be afforded significant weight (IR14.15).
14. For the reasons given at IR14.16-14.24 and IR14.211, the Secretary of State agrees at IR14.23 that the proposal would fail to accord with policy CS16 of the Core Strategy and that the provision of affordable housing should carry moderate weight (IR14.24).
15. For the reasons given at IR14.25-14.33, the Secretary of State agrees with the Inspector at IR14.32 that in relation to policy CS03 of the Core Strategy, residential development of the application site is not envisaged nor sought and the retention of industrial uses is the primary focus, and further agrees that the proposal is only partially consistent with the government policies in respect of delivering a sufficient supply of homes, as set out in the Framework (IR14.33).

Economic development impacts

16. The Secretary of State has taken into account the potential job creation of around 1,500 new jobs across proposed E class uses, including the multi-use stadium (IR14.34). However, for the reasons given at IR14.34-14.54, IR14.211-14.212, IRv-vi and IRx-xi, she agrees that the nature of the net gain in jobs in numeric terms fails to appreciate or account for the specific nature of employment on the application land (IR14.39). She

agrees that the evidence before the inquiry was of a thriving business eco-system including a number of specialist and long-established businesses (as per the examples given at IR14.44), and further agrees that these are jobs that would likely be lost as a result of the proposal scheme, because the proposal has failed to address their operational needs (as a consequence of the need to relocate them and the real doubts over the realistic achievement of this) (IR14.39). She agrees at IR14.43 that the safeguarded Robins Wharf, which would be entirely lost, is an industry which is of local and regional importance in order to support the economic growth of the South East of England, including a critical need to significantly boost the provision of new homes.

17. The Secretary of State agrees at IR14.212 that the loss of around 650 jobs and related businesses on the site, many of which include specialised skills and/or equipment, and the lack of re-provision of alternate space either within or near to the proposal site carries moderate weight. She further agrees that the proposal would conflict with aspects of policy CS07 of the Core Strategy (IR14.49), and that it is inconsistent with Paragraphs 85 and 87 of the Framework (IR14.50-14.52).
18. The Secretary of State agrees at IR14.211 that the creation of 1,500 net jobs would assist in the regeneration of this area, which suffers from structural deprivation, and this benefit, notwithstanding concerns over existing job losses and longer term deliverability, carries moderate weight.
19. The Secretary of State agrees at IR14.75 that there is very little reference to the location or provision of a replacement football ground within the adopted development plan, and she considers there is very little evidence before her demonstrating the need for the stadium. However, she agrees for the reasons given at IRi (benefits section) that this benefit carries moderate weight IR14.211.

Sustainable use of mineral resources

20. The Secretary of State notes that there is no dispute between parties that Robins Wharf is a safeguarded wharf in planning policy terms (IR14.60). For the reasons given at IR14.55-14.80, IR14.212, IRii (summary section) and IRxii, she agrees at IR14.63 that it has not been demonstrated that there are suitable alternatives that would fulfil the same or similar purposes to Robins Wharf, and that in this case, the capacity of the existing minerals wharf would be compromised through its complete loss (IR14.66).
21. The Secretary of State further notes that the applicant and Council are relying on exemption 6 of Policy DM8 of the KMWLP, which requires demonstration that material considerations indicate that the need for development overrides the presumption for safeguarding (IR14.69). For the reasons given at IR14.72-14.77, she agrees that in this instance the creation of 3,500 new homes, a new 8,000 seater football stadium, and the net gain of 1,500 jobs do not override the presumption for safeguarding the minerals wharf. Accordingly she agrees at IR14.77 that the proposal would conflict with policy DM8 of the KMWLP (as supported by the Safeguarding SPD March 2021) (IR14.77 and IR14.81).
22. The Secretary of State further agrees at IR14.81-14.82 that the proposal would conflict with Policies CS07, CS11 and Strategic Objective 18 of the Core Strategy and Policies

CSM6 and CSM7 of the KMWLP, and would not accord with paragraph 223 of the Framework.

23. The Secretary of State agrees at IR14.212 that no alternative provision has been provided and the loss of this safeguarded wharf is very likely to result in adverse economic impacts on the Kent, London and South East construction and infrastructure industries. She agrees with the Inspector that this carries substantial weight.

Effect on living conditions of future residents

24. For the reasons given at IR14.83-14.87, the Secretary of State agrees at IR14.87 that with the use of good design, which is possible through the use of planning conditions, it would be likely that any impacts on future residents with respect to noise and light, would be minimised. She considers this matter carries no weight in the planning balance.
25. The Secretary of State has taken into account the applicant's evidence with regard to traffic related air quality and that the operation of the proposed development is not predicted to result in any significant effects (IR14.91), and the Inspector's analysis at IR14.88-14.92, IR14.211 and IRvii. She notes the Inspector's conclusion at IR14.211, however, she considers there is very little evidence before her regarding traffic related air quality improvements, particularly as the proposal would include a significant level of car parking for both residential and non-residential uses and therefore considers this matter carries limited weight.

Lead related air quality

26. For the reasons given at IR14.93-14.140, IR14.212, IRiii (summary section) and IRxiii, the Secretary of State agrees at IR14.105 that future residents located within the residential blocks would likely be exposed to adverse levels of lead. She notes that the Environmental Statement chapter on air quality does not include lead related air quality, based on the development being upwind from the lead refinery at Britannia Refined Metals Ltd near the application site (the BRM site), and the applicant's position that activities on the BRM site are regulated by the Environment Agency and/or Local Authority, and this matter could be addressed through mitigation measures (IR14.98). However, she agrees at IR14.99 that whilst the BRM site operates within the levels permitted by the issued licence, there was no evidence before the inquiry which indicated that there is a 'safe' level of lead in relation to human health within air (or indeed soil). She further notes that the BRM site could operate at significantly higher levels should it wish to or should demand require it (IR14.99).
27. The Secretary of State further agrees at IR14.106 and IR14.140 that the new residents and other users of the development, including the open spaces and allotments, will be put at unacceptable risk from unacceptable levels of air and soil pollution and no credible plan to improve air quality or provide mitigation has been put forward by the applicant in respect of air-borne lead pollution arising from the nearby lead refinery at the BRM site. She further agrees with the Inspector at IR14.212 that chronic exposure to toxic lead

is likely to lead to significant health risks – especially for children, pregnant women, and the elderly and this carries substantial weight.

28. The Secretary of State agrees with the Inspector that the proposal would not align with the aims of Core Strategy policy CS03 (IR14.135) and the proposed development would not accord with Paragraphs 135, 187, 198 and 199 of the Framework (IR14.140).
29. In accordance with section 149 of the Equality Act 2010, the Secretary of State has had due regard to the Public Sector Equality Duty and in particular the Inspector's analysis at IR14.112-14.125.

Agent of change

30. For the reasons given at IR14.141-14.151 and IR14.212, the Secretary of State agrees that in this case, the agent of change issue primarily relates to the continued operation of the Seacon and BRM Ltd sites located adjacent or near to the application site (IR14.143). She shares the Inspector's reservations that the agent of change principle has been complied with in this instance, and agrees that there is doubt as to whether the mitigation proposed would be effective (IR14.150). She agrees that the potential negative impact on operations at adjacent sites arising from the agent of change principle carries limited weight (IR14.212).

Transport and highways

31. The Secretary of State has considered the concerns raised by National Grid Electricity Transmission (NGET) that the relocated access would be placed on the transmission tower's (pylon) foundations impacting its structural support (IR14.165). For the reasons given at IR14.152-14.179 and IR14.212, she agrees at IR14.172 that with regard to the relocated parking, Lorry Marshalling Area (LMA) and access road, further work is required in order to ascertain what impacts the relocation of the existing access road would have in respect of both NGET assets and the existing (and retained) businesses which would need to use that highway.
32. The Secretary of State agrees with the conclusions at IR14.174 and IR14.212 and considers that the negative impacts on existing businesses and the potential impacts on NGET infrastructure arising from the relocated car parking and LMA, and relocated access road, carry moderate weight.
33. The Secretary of State agrees at IR14.176 that the route of the Public Right of Way (PRoW) and King Charles III England Coast Path (KCIIIECP) would be required to run for a distance of over 100 metres alongside the LMA and then cross over the access to the replacement car park meaning that the quality of experience of users of this part of the public right of way network is likely to be adversely affected. She further agrees that the proposal would not accord with paragraph 105 of the Framework and policy CS11 paragraph 5.5.41 of the Core Strategy (IR14.177). She agrees at IR14.178 and IR14.212 that this would not create a conducive environment for walkers and other users of the landmark national KCIIIECP, and that this carries moderate weight.

Ecology and biodiversity

34. The Secretary of State is the Competent Authority for the purposes of the Conservation of Habitats and Species Regulations 2017 and for the reasons set out at IR14.180-14.193 she agrees that she is required to make an Appropriate Assessment of the implications of that plan or project on the integrity of any affected European site in view of

each site's conservation objectives. Those sites are the Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar site, and the functionally linked Swanscombe Peninsula Special Site of Scientific Interest (SSSI). The Secretary of State agrees with the assessment and findings in the Shadow Habitats Regulations Assessment dated September 2025¹ and therefore adopts this as the necessary Appropriate Assessment in her role as the Competent Authority on this matter. She agrees that subject to securing the use of cat predation fencing and other similar methods,² the proposal would be likely to have no adverse effect on site integrity of the designated sites (IR14.192).

35. For the reasons given at IR14.194-14.199, IR14.211 and IRvii the Secretary of State agrees with the Inspector that the provision of public open space, which includes the new Power Park and Riverwalk Park, and providing an overall Biodiversity Net Gain (BNG) would be beneficial and collectively this carries moderate weight.

Other considerations

Heritage assets

36. For the reasons given at IR14.200-14.205 the Secretary of State agrees at IR14.205 that the evidence demonstrates no harm to designated heritage assets and that any residual archaeological risk can be dealt with via the use of planning conditions. She considers this carries no weight in the planning balance.

Flood risk

37. For the reasons given at IR14.206-14.209, IRviii and IR14.211 the Secretary of State agrees at IR14.209 that the proposal complies with paragraphs 180–82 of the Framework and that the de-culverting of the River Ebbsfleet and improvements to the river wall for the Thames carries limited weight.

Health and community facilities

38. For the reasons given at IR14.211 the Secretary of State agrees that the provision of new health and community facilities carries moderate weight.

Previously developed brownfield land and sustainable location

39. For the reasons given at IR14.211 the Secretary of State agrees that the site is in active use with various and diverse businesses thriving and it is not derelict brownfield land waiting for redevelopment. She therefore agrees with the Inspector in giving the regeneration and redevelopment of previously developed / brownfield land very limited weight.

Sustainable location

40. For the reasons given at IR14.211 the Secretary of State agrees the site is located in a sustainable location, with links to the High Speed railway line into London and Kent, and gives this benefit moderate weight.

Planning conditions

¹ [inq-48-a_northfleet_central_shadow_hra_rev004c_finalchanges_in_red.pdf](#)

² Secured by proposed condition 22

41. The Secretary of State had regard to the Inspector's analysis at IR13.1-13.5, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 57 of the Framework and the relevant Guidance. She is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 57 of the Framework. However, she does not consider that the imposition of these conditions would overcome her reasons for refusing planning permission.

Planning obligations

42. The Secretary of State has had regard to the Inspector's analysis at IR13.6-13.13, the planning obligation dated 30 October 2025, paragraph 58 of the Framework, the Guidance and the Community Infrastructure Levy (CIL) Regulations 2010, as amended. For the reasons given at IR13.6-13.13, she agrees with the Inspector's conclusion that the obligation complies with Regulation 122 of the CIL Regulations 2010 and the tests at paragraph 58 of the Framework. However, the Secretary of State does not consider that the obligation overcomes her reasons for refusing planning permission.

Planning balance and overall conclusion

43. For the reasons given above, the Secretary of State considers that the application is not in accordance with Core Strategy policies CS03, CS07, CS11, CS16 and Strategic Objective 18, it is also in conflict with KMWLP policies CSM6, CSM7, and DM8. She considers it is not in accordance with the development plan overall. She has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in line with the development plan.

44. As the Council cannot demonstrate a five year supply of housing land, paragraph 11(d) of the Framework indicates that planning permission should be granted unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or (ii) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

45. Weighing in favour of the proposal is the market homes carrying significant weight; the affordable housing, football stadium, job creation, provision of health and community facilities, provision of public open space and BNG, and sustainable location of the site each carrying moderate weight; de-culverting of the River Ebbsfleet and improvements to the river wall, and traffic related air quality each carrying limited weight; and the regeneration and redevelopment of brownfield land carrying very limited weight.

46. Weighing against the proposal is the loss of the safeguarded minerals wharf and risks to human health each carrying substantial weight; the loss of existing specialist/skilled jobs, adverse impacts on PRow, negative impacts on existing businesses and the potential impacts on NGET infrastructure each carrying moderate weight; and the potential negative impact on operations at adjacent sites arising from the agent of change principle carrying limited weight.

47. The Secretary of State considers that there are no protective policies in terms of footnote 7 of the Framework which provide a strong reason for refusing the development

proposed. However, she considers that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. The presumption in favour of sustainable development therefore does not apply.

48. Overall, in applying s.38(6) of the PCPA 2004, the Secretary of State considers that the conflict with the development plan and the material considerations in this case indicate that permission should be refused.

49. The Secretary of State therefore concludes that planning permission should be refused.

Formal decision

50. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. She hereby refuses planning permission for:

- i. Outline 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;
- ii. 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).
- iii. 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.

in accordance with application Ref. 20221064, dated 30 September 2022.

Right to challenge the decision

51. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the TCPA 1990.

52. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

53. A copy of this letter has been sent to Gravesham Borough Council and the Rule 6 parties, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Laura Webster

Decision officer

This decision was made by Minister of State for Housing and Planning, Matthew Pennycook MP, on behalf of the Secretary of State and signed on his behalf



Report to the Secretary of State

by Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC

An Inspector appointed by the Secretary of State for Housing, Communities & Local Government

Date 14 May 2026

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION BY Northfleet Central 1 Limited



Land surrounding Ebbsfleet United Football Club, Stonebridge Road, Northfleet

Also referred to as: Northfleet Harbourside

Inquiry opened on Tuesday 20 May, sat to Friday 13 June inclusive;
then resumed on Thursday 11 September and adjourned on Friday 12 September 2025.

Closed in writing on 2 November 2025

Accompanied Site visit on Wednesday 21 May 2025

File Reference PINS: APP/K2230/V/25/**3360355**

TABLE OF CONTENTS

	Page
List of figures	3
List of abbreviations	4
Summary of Recommendation and reasons	5
1 Procedural Matters	9
2 Site and Surrounding Area	10
3 Relevant Background and Planning History	15
4 The Proposal	16
5 The Environmental Statement	17
6 Planning Law, Policy and Guidance	18
7 Agreed Matters	33
8 The Case for Northfleet Central 1 Limited (the Applicant)	40
9 The Case for Gravesham Borough Council	42
10 The Case for the Rule 6 Parties – Kent County Council, Britannia Refined Metals Limited, and the Port of London Authority	45
11 The Cases for Interested Parties appearing at the Inquiry	74
12 Written Representations	79
13 Conditions and Planning Obligations	89
14 Inspector's Conclusions	92
Delivery of Housing	
Economic Development impacts	
Sustainable use of mineral resources	
Effects on living conditions of future occupiers	
Transport and Highways	
Ecology and biodiversity (including shadow Habitats Regulations and Appropriate Assessments)	
Other Considerations	
Planning Balance	
Conditions and Planning Obligation	
15 Recommendation	134
Annexes	
A Appearances	136
B Core Documents	140
C Inquiry Documents	141
D Suggested (by Applicant) Condition 1 relating to definitions	144
E Schedule of recommended conditions	148

LIST OF FIGURES

Description	Page
Figure 1: Wider context Source: <i>Design and Access Statement Update April 2024 Rev A</i> , 3.1 Wider Context, page 24 of 122. 00 ExecSummary pg1-7.pdf	11
Figure 2: Demolition Plan NFH-UNS-MAST-DR-1002 Source: 220927 UNS North Fleet Plans.pdf	11
Figure 3: Axiomatic aerial views of the site. Source: <i>Design and Access Statement Update April 2024 Rev A</i> , page 29 of 122 00 ExecSummary pg1-7.pdf	12
Figure 4: Drawing NFH-HLM-PP-0001 Revision R1 dated 03.06.2025 Source: northfleet harbourside parameter plan public realm.pdf	13
Figure 5: Plots Plan 1004 Revision R01 Source: 106 nfh-cgl-mast-dr-1004_r01 plots plan.pdf	13
Figure 6: Illustrative Masterplan for the Site, from page 4 of 121 of the <i>Design Code</i> , Rev F, 9 June 2025 Source: 151 design code rev f 250612.pdf	14
Figure 7: Source Page 39, LPCS Figure 4: Northfleet Embankment and Swanscombe Peninsula East Opportunity Area	20
Figure 8: Excerpt of supporting text paragraphs 4.4.6 and 4.4.7 of the CS page 41	20
Figure 9 Source: CD3.04 Kent Minerals and Waste Local Plan 2024-39 - adopted March 2025 , page 176 of 211	102
Figure 10 Source: BRM-PO-1 Proof of Evidence of Paul Odendaal page 7 of 45	108
Figure 11 Source: Figure AQ.7 from POE, Dr Tuckett-Jones, page 44 of 55	110
Figure 12 Option A Source INQ-18 ruling alternate parking and lma for brm - updated to reflect option b2	120
Figure 13 Option B2 Source: INQ-18 ruling alternate parking and lma for brm - updated to reflect option b2	120
Figure 14 Source INQ-18 ruling alternate parking and lma for brm - updated to reflect option b2	122
Figure 15 Source: INQ-45-2b Northfleet - Transport Note - Option B2 - Topo Overlay	124
Figure 16 Excerpt of various Rights of Way/Pedestrian routes/Footpaths on and/or across the application site Source: INQ-27 gwo-3-s065 - 20221064 - kciiecp map2	125

LIST OF ABBREVIATIONS

TERM	DEFINITION/DESCRIPTION
BRM Ltd	Britannia Refined Metals Limited (R6)
CMC	Case Management Conference
EIA	Environmental Impact Assessment
ES	Environmental Statement
GBC	Gravesham Borough Council (the LPA)
KCC	Kent County Council (Rule 6)
LPA	Local Planning Authority (GBC)
LSE	Likely Significant Effects
PLA	Port of London Authority (Rule 6)
PCPA	Planning and Compulsory Act 2004 (as amended)
PLCBA	The Planning (Listed Buildings and Conservation Areas) Act (as amended)
RMX	Ready mix concrete (term used in industry)
R6 / Rule 6	Rule 6 Party under the Inquiry Rules 2000
SoS	Secretary of State
TCPA	Town and Country Planning Act 1990 (as amended)

File Ref: APP/K2230/V/25/3360355

Land surrounding Ebbsfleet United Football Club, Stonebridge Road, Northfleet

- The application was called in for decision by the Secretary of State for Housing, Communities & Local Government by a direction, made under section 77 of the Town and Country Planning Act 1990, on 7 February 2025.
- The application is made by Northfleet Central 1 Limited to Gravesham Borough Council.
- The application Ref 20221064 is dated 30 September 2022.
- The development proposed is described as *'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.'*
- The reason given for making the direction was: *In deciding whether to call in this application, the Secretary of State has considered her policy on calling in planning applications. This gives examples of the types of issues which may lead her to conclude, in her opinion, that the application should be called in. In the light of her policy, the Secretary of State has decided to call-in this application.*
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of her consideration of the application:
 - a) The extent to which the proposed development is consistent with Government policies for delivering a sufficient supply of homes in the Framework (Chapter 5);
 - b) The extent to which the proposed development is consistent with Government policies for building a strong, competitive economy in the Framework (Chapter 6);
 - c) The extent to which the proposed development is consistent with Government policies for facilitating the sustainable use of minerals in the Framework (Chapter 17);
 - d) The extent to which the proposed development is consistent with the development plan for the area; and,
 - e) any other matters the Inspector considers relevant.

Summary of Recommendation:

The application be refused.

Preliminary Matters

Reasons for refusing permission

Summary

- i) This case is relatively straightforward: of most importance is context. The scheme would deliver around 3,500 new homes in a Borough where the local authority is failing to achieve its housing requirements. In many respects, this is considered the key element to the proposal; which in reality, is meant to be based around a football club being able to build a new 8,000 seater football stadium.
- ii) However, to achieve the new football stadium, for which little demonstration of actual need has been provided by the Applicants, it would require the complete loss of a safeguarded minerals wharf (recently re-safeguarded in a minerals local plan adopted March 2025), the dismemberment of a thriving industrial estate; without any replacement provision being demonstrated (and cause in the region of 600, some of which are highly specialised) established jobs to be lost.
- iii) It would also potentially put 7,000 or so humans at risk of highly toxic lead poisoning – not only exposed when working, playing or enjoying the proposed development, but through the potential increased visitation to the nearby Swanscombe Peninsula SSSI. This would be a tangible and real harm to human health; which would be constant throughout the year and the life of the development.
- iv) The scheme has a number of highly attractive features and benefits, and in another location would likely receive a positive recommendation. However, the context here is of utmost importance. The proposal in this location does not accord with adopted development plan for the area, and material considerations do not indicate a decision otherwise than in accordance with it.

The benefits of the scheme

- i) The benefits of granting planning permission in this instance are numerous. It would provide an 8,000 seater capacity football stadium to replace the existing Kuflink Stadium where Ebbsfleet United Football Club are based. It would enable the privately owned football club to sustain other sporting and non-sporting events; securing the long term financial security of the club.
- ii) It would result in the redevelopment of previously developed / brownfield land in a highly accessible and sustainable location.
- iii) The proposal would provide 3,500 new residential units in a local authority area where a five year supply of deliverable housing has not been demonstrated. This would amount to 5.2 years' worth of the Borough's unconstrained housing need.
- iv) The application scheme includes a (below policy) provision of 10% affordable housing units (350 units). This equates to 2.94 year's supply of affordable housing based on recent delivery. It would also make provision for healthcare and community space.

- v) It would result in the creation of approximately 1500 jobs (net)¹ post development. This would include those in retail, food, beverage and leisure floorspace. There would also be the delivery of office floor space: which the Applicant considers would generate a significant uplift in employment and training opportunities.
- vi) During the construction phase there would be an average of 846 full-time equivalent (FTE) construction worker jobs.
- vii) It would provide Biodiversity Net Gain of at least 20%², and it would provide public open space to new and existing residents. It would also improve air quality within the locality (in respect of traffic emissions).
- viii) There would be benefits from the reduction in flood risk arising from the deculverting of the River Ebbsfleet and improvements to the river wall for the Thames.
- ix) These are all benefits which weigh in favour of the proposal.

The adverse effects or harms of the scheme

- x) However, there are a number of harms and/or negative impacts which weigh against the grant of planning permission. The proposal would result in the loss of around 651 direct jobs³ on the site. This includes a number of light industrial related jobs, including highly specialised roles, and the loss of the associated businesses on the site which in many cases operate as a mutually supportive economic ecosystem.
- xi) A majority of the site is not within the ownership of the Applicant; and therefore the existing businesses on site would need to find alternate locations for light industrial uses as they would likely be removed via an, as yet, unarranged Compulsory Purchase Order and the Local Planning Authority and Applicant have failed to identify any feasible alternate locations; either within the borough or wider area.
- xii) A significant harm in this instance is the loss of a safeguarded minerals wharf that provides materials for construction companies based in Kent, London, and the wider South East, (including for house building, commercial buildings and roads). This is a safeguarded minerals wharf that is safeguarded in a recently adopted Minerals and Waste Plan, adopted in March 2025, and for which no alternate provision has been identified. The loss of the safeguarded wharf is sufficient in itself to refuse permission in this case.
- xiii) Lastly, the proposal would introduce in the region of 7,000 residents into a highly toxic living environment. Adjacent to the site is one of Europe's largest lead refineries, which is currently operating at 55% of its licensed capacity. These are levels of onsite lead pollution which the workers at the refinery wear mechanical ventilation helmets and overalls whilst on site, and have regular blood tests in order to mitigate the risk to them whilst working on the site. It is extremely likely that the new residents would be exposed to

¹ [APP-MR-2 Updated Analysis of Indirect and Induced Jobs](#) (updated at the Inquiry).

² [CD 1.51 Design Code \(Rev E - April 2024 Update\)](#) Page 102 of 120

³ [APP-MR-2 Updated Analysis of Indirect and Induced Jobs](#) (updated at the Inquiry).

harmful levels of lead in areas which adults and children would live, work and play. This would not only include air borne pollutants but could also include lead ingested from fruit and vegetables grown on the proposed the allotment areas. It has not been demonstrated that there are any effective ways in which this harm to future residents and visitors could be mitigated so as to reduce the risks to human health to an acceptable level⁴.

- xiv) The proposal does not accord with the adopted development plan for the area when considered as a whole. In contemplating material considerations, it is not deemed that these indicate a decision otherwise than in accordance with the development plan.
- xv) When considered as an overall planning balance, for the reasons stated in this report, I consider that the adverse impacts of the proposal would clearly outweigh the benefits of the proposal. Accordingly, I recommend to the Secretary of State that permission should be refused.
- xvi) However, the Secretary of State may determine that the various harms arising have been afforded too greater a measure of weight, or that the benefits arising have been under-weighted. In such circumstances, it is open to the Secretary of State, as the decision-maker, to resolve to grant planning permission. To that end, this report considers planning conditions which may be imposed, and also planning obligations secured under s106 TCPA to mitigate impacts of the proposal which would need to be considered in granting planning permission.

⁴ If indeed an 'acceptable level' of exposure to lead exists. The parties at the Inquiry were unable to provide any scientific 'safe level' of exposure.

1. PROCEDURAL MATTERS

- 1.1 The application was called in by the Secretary of State, Ministry of Housing, Communities and Local Government (MHCLG) on 7 February 2025.

Rule 6 Parties

- 1.2 There are three interested parties who sought and were granted Rule 6 status. These were:-
- i) Kent County Council, (as Minerals Planning Authority, Local Highways Authority and Public Rights of Way authority);
 - ii) Port of London Authority, and;
 - iii) Britannia Refined Metals Limited (BRM Ltd).

Environmental Impact Assessment

- 1.3 An Environmental Statement (ES) was produced in accordance with the 2017 EIA Regulations⁵. This was submitted at the application stage in 2022, and is provided in CD1.52 to CD1.85 (the latter being the Non-Technical Summary). CD1.86 to CD1.88 contain responses and updates to the ES.
- 1.4 The proposal should, therefore, be considered as 'EIA Development' for the purposes of the EIA Regulations 2017.
- 1.5 Comments have been made by statutory consultation bodies, including Natural England, about the ES and the likely significant environmental effects of the proposed development.
- 1.6 At the Inquiry, a number of further plans and environmental information was submitted. This included amended plans submitted by the Applicant in order to demonstrate the provision of an alternative staff car park of 116 car spaces and five motorcycle spaces, and a Lorry Marshalling Area for the BRM Ltd facility.
- 1.7 These plans also seek to show the potential location of cat predation buffer – which in practice could include fencing and water ditches – in order to mitigate any impacts to the Swanscombe Peninsula SSSI and in particular ground-nesting birds.
- 1.8 These plans and documents were subject to a consultation period of 30 days – between 27 June 2025 and 30 July 2025 – with all consultees, in order for them to provide any observations on the efficacy or otherwise of these measures. The Inquiry resumed in September 2025.
- 1.9 In writing this report I have taken into account all of the above, which, together with the oral evidence presented during the Inquiry and all the written evidence, form the totality of the environmental information before me. This has been taken into account in forming the recommendation of this report.

⁵ *The Town and Country Planning (Environmental Impact Assessment) Regulations 2017* Source: <https://www.legislation.gov.uk/ukxi/2017/571/contents>

- 1.10 Similarly, the SoS should, as the decision-maker, take into account all environmental information before them, and demonstrably so; particularly if planning permission were to be granted.

Planning Obligations

- 1.11 With the agreement of the main parties, and due to no completed planning obligation having been submitted earlier in the process, the final planning obligation is dated 30 October 2025⁶. To ensure compliance with, amongst others, the CIL Regulations and Paragraph 57 of the Framework, should permission be granted, these should be considered.

Costs

- 1.12 An application for costs was made at the Inquiry by BRM Ltd against the Applicant, Northfleet Central 1 Limited on 14 August 2025.
- 1.13 A response was provided by the Applicant on 29 August 2025.
- 1.14 This application is the subject of a separate report.

2. THE SITE AND SURROUNDINGS

- 2.1 The application site is in Northfleet which is a settlement located within the borough of Gravesham.
- 2.2 More specifically, the site is broadly located between the Swanscombe Peninsula (to the west), the River Thames (to the north), existing and planned residential development (to the east) and the north Kent railway line⁷ between Northfleet and Ebbsfleet (to the south of the site).

Wider context of site

- 2.3 Figure 1 below shows the wider context of the application site, located within the northwest corner of Kent.
- 2.4 Given its proximity to Ebbsfleet International (which only has domestic services operating high speed to St Pancras International and to Ashford International and at slower speeds to Dover Priory and Ramsgate/Margate, and Medway), the A2/M2 and M25 motorways, and the Dartford Crossing, there are reasonably good transport links to the wider region, other parts of the UK, and to continental Europe.

⁶ [INQ-52 Completed s106 Agreement dated 30 October 2025](#)

⁷ This is the non-High Speed railway line which at this location is on a broad west-east axis. The railway line serving the High Speed 1 (domestic) and Eurostar (international) services between London St Pancras is located on an approximate north-south axis running under a bridge serving the A226, Galley Hall Road.

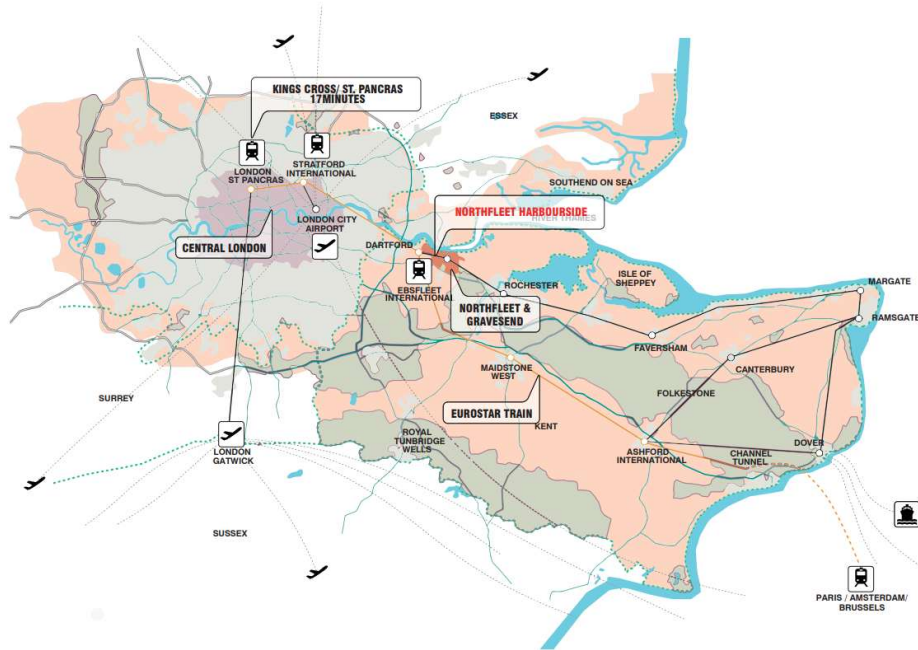


Figure 1: Wider context Source: *Design and Access Statement Update April 2024 Rev A, 3.1* Wider Context, page 24 of 122. [00 ExecSummary pg1-7.pdf](#)

The Application site

2.5 The site area is shown in Figure 2, within the red line. The site currently comprises a number of commercial and industrial units – including car showrooms, light industrial units, and other commercial properties which includes the storage of scaffolding materials and buses/coaches. There is also a petrol filling station. In the main, these uses are active; with various commercial uses currently operating.



Figure 2: Demolition Plan NFF-UNS-MAST-DR-1002 Source: [220927 UNS North Fleet Plans.pdf](#)

- 2.6 Towards the centre of the site is the current football ground for Ebbsfleet United Football Club, which includes pitch, spectator stands and a newish building along its southwestern edge containing conference facilities, club shop, offices, changing rooms, and associated rooms.
- 2.7 To the north-east part of the site, there is a safeguarding minerals wharf, which includes jetty facilities for the offloading of land- and sea-won aggregates from ships.
- 2.8 The safeguarded wharf area also includes onshore areas for the storage, mixing, and then loading of aggregates or products made from them (such as concrete, road surfacing aggregates, and dry mixed mortar for buildings) onto lorries for distribution.
- 2.9 In order to facilitate that proposed development, there are a number of buildings which would require demolition. The buildings which would require demolition are shown in Figure 2.

Aerial view of site

- 2.10 Within the submitted *Design and Access Statement Update April 2024 Rev A⁸*, aerial views of the site are provided. These are shown in Figure 3 below; with the image marked up with some key features of the site and/or locality.



Figure 3: Axiomatic aerial views of the site.

Note:- Inspector wording in boxes points out some features and/or landmark references within the application site. Source: *Design and Access Statement Update April 2024 Rev A*, page 29 of 122 [00_ExecSummary_pg1-7.pdf](#)

⁸ [00_ExecSummary_pg1-7.pdf](#)

The proposal

- 2.11 The application is submitted in outline. Accordingly, the full details of the matters such as proposed building appearances, layouts, highways, and landscaping are 'reserved matters', meaning that if permission was granted these would be submitted and approved at a later stage.
- 2.12 Nonetheless, the Applicant has provided plans showing the site divided into 19 plots as shown in Figure 5.



Figure 4: Drawing NFH-HLM-PP-0001 Revision R1 dated 03.06.2025 Source: [northfleet harbourside parameter plan public realm.pdf](#)



Figure 5: Plots Plan 1004 Revision R01 Source: [106_nfh-cgl-mast-dr-1004_r01_plots_plan.pdf](#)

- 2.13 These 19 plots would comprise a mixture of residential, commercial (including retail and hotel) and football stadium uses. Plot 1 is the area for the proposed new stadium, and it is possible to see the overhead power line with the square shaped bases.
- 2.14 Figure 5 also shows two main park areas, which can be seen in the public realm master plan in Figure 4. The proposed park on the western part of the site is referred to as Power Park, and the proposed park on the eastern part of the site (nearest the River Thames) is referred to as Riverwalk Gardens.
- 2.15 The Design Code was updated during the Inquiry process. This was due to changes to the layout in order to accommodate a staff car park and a Lorry Marshalling Area, for the adjacent BRM Limited industrial use to the north of the application site.



Figure 6: Illustrative Masterplan for the Site, from page 4 of 121 of the *Design Code*, Rev F, 9 June 2025 Source: [151 design code rev f 250612.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/100000/151_design_code_rev_f_250612.pdf)

Site visits

- 2.16 I undertook an accompanied site inspection on Wednesday 21 May 2025 between 09:30 and 17:00. The main parties had agreed a broad itinerary for the day in order to assist the Inquiry.

- 2.17 The site inspection included visiting the site and its surrounds from a number of vantage points, including:
- i) visiting the current industrial estate(s) and premises on the application site;
 - ii) seeing the current road network, (including Galley Hill Road up to the point it has been closed for the past two years or so);
 - iii) viewing (externally) various businesses on the application site including those relating to; scaffolding yards, builders merchants, lift companies, car dealerships, gym, motor vehicle repairs or maintenance, petrol filling station, orthodontists, bus depots, football ground, and specialist machine or materials making companies,
 - iv) I also saw the small terrace of four dwellings located close to the junction of Lower Road and the A226, and the residential cluster of dwellings on Taunton Road, Snowden Hill, and Robinsons Way,
 - v) visiting the existing safeguarded minerals wharf of Robins Wharf and nearby, where I was able to see sand being unloaded from ships to land for North Kent Roadstone (NKR), Brett Aggregates and Concrete, and CPI Mortars during daytime operational hours;
 - vi) visiting the nearby sites of Seacon Terminals Limited and Britannia Refined Metals during daytime operational hours;
 - vii) visiting Royal Terrace Pier in order to view the application site from the River Thames on a Port of London launch, between Gravesend and eastern shore of the Swanscombe Peninsula.
- 2.18 I informed interested parties at the Inquiry on the first day that, due to the operational nature of various parts of the accompanied site visit which included a number of Health and Safety requirements such as PPE and uneven surfaces for example, I would only be accompanied by the main parties. No objections were raised by any party to this approach.
- 2.19 I also undertook elements of my site inspections unaccompanied by the main parties.

3. RELEVANT PLANNING HISTORY

- 3.1 There is an extensive planning history for this site taking into account the large area covered by the planning application, and all the properties that fall within the red line boundary.
- 3.2 The following table is an excerpt from the Planning Committee report, and sets out the most relevant planning history for this application:

Reference	Description	Decision	Decision Date
20220852	Request for Scoping Opinion pursuant to Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 in respect of a proposed outline planning application with all matters reserved, except for means of access, for a mixed-use redevelopment involving the demolition of existing buildings and structures including site preparation/remediation works, and the development of up to 3,500 residential units (Use Class C3), up to 55,000 sq.m (GEA) of Use Class E including up to 32,000 sq.m (GEA) floorspace for retail, food, and beverages and up to 18,000 sqm (GEA) office floorspace, up to 15,000 sq.m	Observations sent	16.09.22
	(GEA) floorspace for a new 8,000-seater football stadium with associated business and leisure facilities, up to 20,000 sq.m (GEA) floorspace for a hotel (Use Class C1), up to 4,000 sq.m (GEA) floorspace for community uses (Use Class F), delivery of circa 3.8 hectares of open space and the realignment of the A226 Galley Hill Road / Stonebridge Road. Redevelopment of the site will also include some sui generis uses, with hard/soft landscaping, car and cycle parking, highways works, infrastructure provisions with ancillary works.		
20170221	Demolition of the Plough End Stand and ancillary buildings and erection of a replacement Stand (Phase 1B), integrated 55-bedroom hotel together with new access, parking and ancillary facilities.	Permitted	09.06.17
20150081	Hybrid planning application (part outline and part full detailed) for the proposed phased demolition of existing stands, ancillary buildings and structures and erection of new Stonebridge Road Stand (Phase 1A - full detailed) and erection of Plough End, Town End and Swanscombe End Stands with associated access and parking (Phases 1B, 1C and Phase 2 - outline with all matters except layout reserved).	Permitted	30.04.15

4. THE PROPOSAL

4.1 The proposal seeks outline planning permission, with all matters reserved except for the primary means of access and road layout, for:

- i) a phased mixed-use redevelopment,
- ii) the Demolition of existing buildings and structures including site preparation / remediation works,
- iii) the development of residential units (Use Class C3),
- iv) Class E uses including floorspace for retail Class E(a)), food/beverage and drinking establishments (Use Class E(b)),

- v) local services (Use Class E(c)),
- vi) indoor sport/recreation/fitness (use Class E(d)),
- vii) healthcare space (Use Class E(e)),
- viii) creche/nursery uses (Use Class E(f)),
- ix) office floorspace (Use Class E(g)(i)),
- x) a new multi-use stadium with associated business and leisure facilities (sui generis),
- xi) hotel (Use Class C1),
- xii) community uses floorspace (Use Class F2).
- xiii) the phased redevelopment will include other sui generis uses,
- xiv) delivery of open space
- xv) 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.

5. THE ENVIRONMENTAL STATEMENT

- 5.1 The proposal is considered to be an Environmental Impact Assessment (EIA) under the EIR Regulations. Accordingly, the Applicant submitted an Environmental Statement⁹ (ES) to enable the decision-maker to have information on any likely significant effects (LSE) arising from the development before making a decision.
- 5.2 The ES comprises a Non-Technical Summary¹⁰ (NTS), three volumes, and a number of technical appendices.
- 5.3 The environmental information before the Secretary of State includes not only this written documentation, but all documents submitted and before the Inquiry and also the oral evidence provided at the Inquiry.
- 5.4 This has all been taken into account in the formulation of this Report and the Recommendation.
- 5.5 In considering the totality of the environmental evidence before the Inquiry, I find that the ES is adequate in order to inform the decision-maker of any LSE arising from the development.

⁹ CD1.52 to CD 1.85 inclusive. Source: [CD1 Application Documents and Plans - Gateley](#)

¹⁰ CD1.85 Source: [185 environmental statement non-technical summary.pdf](#)

6. POLICY AND GUIDANCE

- 6.1 This section focusses on the key policies either sought to support or contest the application. I have provided more than a summary in order to ensure that the salient points are highlighted in relation to exercising the overall planning balance and exercising of s38(6) *Planning and Compulsory Purchase Act 2004* (PCPA).

The adopted development plan

- 6.2 The adopted development plan comprises three documents:

- The *Gravesham Local Plan Core Strategy 2014* (CS),
- The *Saved Policies in the Gravesham Local Plan First Review 1994* (LP), and;
- The *Kent Minerals and Waste Local Plan 2025* (KMWLP).

Gravesham Local Plan Core Strategy 2014 (CS)¹¹

- 6.3 The most relevant policies from the CS are:

• **CS02** – Scale and Distribution of Development

4.2.24 The development strategy for the Borough is to retain and improve the existing stock of housing and suitable employment land and to make provision for the Borough's objectively assessed need for at least 6,170 new dwellings delivered at a variable rate as follows; at least 325 dwellings per year for 2011/2012 – 2018/2019, at least 363 dwellings per year for 2019/2020 – 2023/2024, at least 438 dwellings per year 2024/2025 – 2027/2028, and at least 186,490 sq m gross employment floorspace (within use classes B1, B2 and B8) during the plan period.

4.2.25 Development will be distributed throughout the Borough as follows: around 3,890 new dwellings and around 186,490 sq m gross employment floorspace (within use classes B1, B2 and B8) will be provided in the Opportunity Areas at Northfleet Embankment and Swanscombe Peninsula East; Gravesend Riverside East and North East Gravesend; Ebbsfleet (Gravesham) and Gravesend Town Centre and on land at the Coldharbour Road Key Site; around 2,280 new dwellings will be provided on other sites in the urban area and rural settlements inset from the Green Belt.

4.2.26 The strategy prioritises development in the urban area as a sustainable location for development. This will be achieved by:

- *Promoting regeneration by prioritising the redevelopment and recycling of underused, derelict and previously developed land in the urban area. This will be principally through redevelopment of former industrial sites in the Opportunity Areas of Northfleet Embankment and Swanscombe Peninsula East, and Gravesend Riverside East and North East Gravesend to create new residential neighbourhoods and employment areas;*

¹¹ [CD3.01 Gravesham Local Plan Core Strategy \(2014\)](#)

- *The continued development of a new sustainable mixed use community in the Ebbsfleet (Gravesham) Opportunity Area, which will include the provision of high quality employment floorspace;*
- *Revitalising the Gravesend Town Centre Opportunity Area as a focal point for retail, leisure, cultural and tourism facilities and small scale office provision to serve the needs of the Borough whilst preserving and enhancing its character as a riverside heritage town; and*
- *Bringing forward a range of suitable sites in other parts of the urban area for residential and employment*
- *development, including Land at Coldharbour Road Key Site.*

• **CS03** – Northfleet Embankment and Swanscombe Peninsula East Opportunity Area

4.4.28 The Northfleet Embankment and Swanscombe Peninsula East Opportunity Area is a substantial opportunity for major riverside regeneration in Gravesham. Development will bring significant benefits to existing adjoining residential communities and the Borough as a whole through the delivery of new housing and jobs whilst achieving environmental improvement, especially in air quality, and a high standard of design.

4.4.29 Any future proposals for the Swanscombe Peninsula East Undeveloped Area will be subject to a comprehensive masterplan approach which deals with the issues of flood risk, transport and access, ground conditions, proximity to existing industrial uses, air quality, biodiversity, utilities, navigation and the presence of the HS1 railway line.

4.4.30 The Swanscombe Peninsula East Riverside Industrial Area, Kimberly Clark Site and Imperial Business Estate will be retained in employment use. The Council will support proposals which expand and support their operation.

4.4.31 The Council will support the regeneration for residential and employment uses of the Grove Road and Lower Ebbsfleet Area taking into account the ground conditions and existing uses.

4.4.32 Development of the Key Sites will lead to the provision of around 980 dwellings and around 133,500 sq m gross employment floorspace. Development on the Key Sites will be in accordance with the principles set out below.

Land East of Grove Road and Robin's Creek Key Site (within sub-area 1.3)

4.4.33 This will provide a residentially led mixed use development with the potential to create around 200 dwellings. Such development will be expected to: improve and enhance Robin's Creek and the Ebbsfleet stream; improve greenspace; and reduce heavy commercial traffic and parking on Grove Road...

- 6.4 In figures 7 and 8 below, excerpts of the supporting text and plans to the policies are provided for context. In particular, it should be noted that whilst the application site lies within sub-areas 1.2 and 1.3, the only key site within these areas is Land East of Grove Road and Robin's Creek Schematic Plan. In the main, none of the key sites lie within the application site area.

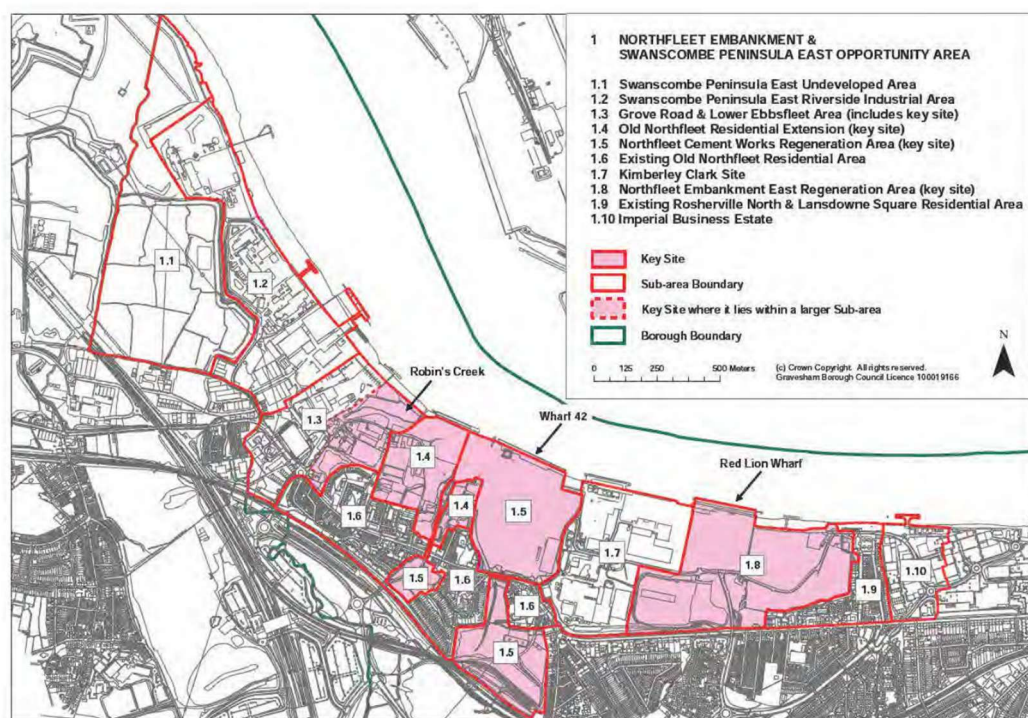


Figure 7: Source Page 39, LPCS Figure 4: Northfleet Embankment and Swanscombe Peninsula East Opportunity Area

4.4.5 Swanscombe Peninsula East Riverside Industrial Area (sub-area 1.2) comprises mainly industrial and port-related uses that sit behind the existing tidal flood defences. Access to this area is from the junction with the A226 at Galley Hill Road and a narrow privately maintained road. It is anticipated that this area will remain in active employment uses over the plan period. The retention and expansion of industrial and port related employment in this area will be supported.

4.4.6 Grove Road and Lower Ebbsfleet Area (sub-area 1.3) consists of a number of separate sites that have regeneration potential. These may be realised during or beyond the plan period depending on the aspirations of the landowners and the viability of development. Viability is likely to be influenced by the relative success of the Ebbsfleet development to the south. The development potential of this area is likely to be further constrained by:

- Ground conditions - the area has been actively used for industrial purposes for over 200 years and is likely to be subject to contamination;
- Heritage and archaeology - the area around Robin's Creek (outflow of the Ebbsfleet into the Thames) was the site of a medieval watermill later converted to grind cement in the 1790s, Portland cement was later invented here and Aspdin's Kiln (Scheduled Monument) and other features of heritage interest are likely to remain; and
- Existing uses - development of sites on a piecemeal basis is likely to be constrained by the proximity of existing poor neighbours (including the importation and processing of minerals at Robin's Wharf) or the need to retain/decant existing uses (including the local football ground).

4.4.7 Part of this sub-area has the potential for residential-led regeneration to complement the proposal to extend the existing residential development in sub-area 1.4 (see paragraphs 4.4.9 and 4.4.10) and this is identified as a key site. Initial estimates suggest that this area could deliver around 200 new homes. Such development would be expected to: improve and enhance Robin's Creek and the Ebbsfleet stream; improve the greening of this area; and reduce the heavy commercial traffic and parking on Grove Road.

Figure 8: Excerpt of supporting text paragraphs 4.4.6 and 4.4.7 of the CS page 41

• **CS07** – Economy, Employment and Skills

5.1.29 In conjunction with the private sector and its regeneration partners, the Council will seek to secure the delivery of around 186,490 sq m gross new employment floorspace over the plan period focusing on the following:

- a major new B1/office employment centre as part of a wider mixed use sustainable development of Ebbsfleet;*
- office, industrial and warehousing facilities on Key Sites in the Swanscombe Peninsula and Northfleet Embankment Opportunity Area;*
- office development in Gravesend Town Centre as well as retail, culture and leisure (see Policy CS05);*
- office, industrial and warehousing development on Key Sites in the Gravesend Riverside East and North East Gravesend Opportunity Area; and*
- office and light industrial development in the form of an enterprise centre/ incubation space on greenfield land South of Coldharbour Road, Northfleet.*

5.1.30 Proposed office development, in addition to that allocated elsewhere within this plan, will be directed in the first instance to Gravesend Town Centre, and then to edge of centre locations, including sites within 500 metres walking distance of Gravesend Railway Station and Ebbsfleet Station, in accordance with the Framework sequential test. Only if suitable sites are unavailable in these locations, will consideration be given to out of centre locations.

5.1.31 Proposals for office development exceeding 2,500 sq m floorspace which lie outside Gravesend Town Centre and are not identified elsewhere in this Core Strategy, will be subject to an impact assessment in line with the Framework.

5.1.32 The Council will work with its partners and landowners at Swanscombe Peninsula East to deliver additional employment-led mixed use development subject to a comprehensive masterplan approach.

5.1.33 In considering development proposals, particular support will be given to schemes incorporating small and flexible industrial and/or office workspaces of high quality intended to support the start-up and expansion of small and medium sized enterprises. The Council will also support the refurbishment and upgrading of existing industrial and commercial premises and improvements in information and communications technology to facilitate more flexible working practices and the changing economic needs of the Borough.

5.1.34 Development resulting in the loss of B class employment floorspace will not be supported unless otherwise allowed for by policies set out in the Core Strategy or where:

- the proposal will deliver at least an equivalent number of new jobs on-site or elsewhere within the Borough and the proposed use is consistent with other policies set out in this plan; or*

- *the existing premises are no longer suited for employment purposes or are incapable of being made suitable at reasonable cost and it has been shown that there is no demand for them through an appropriate marketing exercise carried out in accordance with Council guidance (Appendix 5); or*
- *the existing premises have an unacceptable environmental impact on the area within which they are situated and this is incapable of reasonable mitigation or the environmental benefit that would arise from the existing use stopping would outweigh the potential loss in employment.*

5.1.35 Development proposals facilitating the expansion of river-related employment will be supported, particularly where these involve the use of the river for transport and/ or provide specialist training or other facilities intended to support the continued use of the River Thames as a major commercial waterway.

5.1.36 The loss of existing commercial wharves shown on the Policies Map and other land-side supporting infrastructure will not be supported unless a study and supporting evidence shows that they are no longer viable for marine related employment purposes or are incapable of being made so at reasonable cost, and it has been shown that there is no demand for them through an appropriate marketing exercise carried out in accordance with Council guidance (Appendix 5), or appropriate alternative provision is available or will be provided as part of the rationalisation of facilities that, as a minimum, maintains capacity and provides equivalent or better facilities.

5.1.37 The Council will support proposals that promote the appropriate expansion and diversification of the rural area economy. Support will be given to the conversion of rural buildings to employment use/live-work units where it is compatible with national policies for protecting the Green Belt and where it accords with policies in this plan, in particular relating to Green Infrastructure.

5.1.38 The Council will work with its regeneration partners to enhance opportunities for all local people to access the greater range of higher skilled jobs that will arise as a result of the policies above. Support will be given to upgrading educational and training facilities and major development projects will be expected to contribute (either directly or through other agencies) towards the delivery of skills training, the promotion of apprenticeships and work placements.

• **CS10** – Physical and Social Infrastructure

5.4.11 Support will be given to proposals and activities that protect, retain or enhance existing physical and social infrastructure, or lead to the provision of additional infrastructure that improves community well-being. Where there is the threat of loss of existing infrastructure, consideration will be given to viability and whether sufficient alternative provision is available.

5.4.12 Where new development leads to the need for new or improved physical or social infrastructure, developers will be required to provide or contribute towards this subject to viability considerations. Such infrastructure

will be put in place in a timely manner to support new development. All new development should make the most efficient use of new and existing infrastructure.

• **CS11** – Transport

5.5.38 New developments should mitigate their impact on the highway and public transport networks as required. As appropriate, transport assessments and travel plans should be provided and implemented to ensure the delivery of travel choice and sustainable opportunities for travel. Transport assessment work is required to be undertaken in accordance with national and local policy guidance, and to identify detailed highway and public transport network requirements and management arising from the development.

5.5.39 Sufficient parking in new development will be provided in accordance with adopted parking standards which will reflect the availability of alternative means of transport and accessibility to services and facilities.

5.5.40 The Council will support proposals which improve public transport provision and facilities in the Borough. In particular, it will:

- seek to maintain and expand, where justified, segregation lanes for Fastrack and existing bus priority measures elsewhere;*
- require Key Sites to include provision for buses;*
- support the development of transport hubs at Gravesend Town Centre and Ebbsfleet (in Dartford Borough Council area) to provide high quality interchange facilities between bus, rail, walking and cycling; and*
- Ensure an adequate supply of public car parking.*

5.5.41 The Council will seek improvements to walking and cycling facilities and networks in the Borough including provision in new development as appropriate. These should provide improved access to Gravesend Town Centre and Ebbsfleet and to other services and facilities in the Borough. In particular, the Council will seek the provision of pedestrian and cycle links between Northfleet and Ebbsfleet stations and along the River Thames, as part of the proposed Thames Estuary Path.

5.5.42 Land required for the possible future extension of Crossrail and to protect the High Speed 1 (HS1) railway is safeguarded on the Policies Map and proposals that would prejudice these will be refused.

5.5.43 The Council will support proposals which improve the efficiency of freight transport and provide opportunities for alternatives to road transport where possible. The Council will safeguard wharves, as shown on the Policies Map, subject to the provisions of paragraph 5.1.36 of Policy CS07 (Economy, Employment and Skills).

5.5.44 The Council will support proposals which facilitate the use of the River Thames for passenger transport and enable cruise liners to visit the Borough.

• **CS12** – Green Infrastructure

5.7.22 A multifunctional linked network of green spaces, footpaths, cycle routes and wildlife stepping stones and corridors will be created, protected, enhanced and maintained. The network will improve access within the urban area, from the urban area to the rural area and along the River Thames. The key parts of the network are identified on Figure 19: Strategic Green Infrastructure Network.

5.7.23 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.

5.7.24 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.

5.7.25 Where a negative impact on protected or priority habitats/species cannot be avoided on development sites and where the importance of the development is considered to outweigh the biodiversity impact, compensatory provision will be required either elsewhere on the site or off-site, including measures for ongoing maintenance.

5.7.26 The overall landscape character and valued landscapes will be conserved, restored and enhanced. The greatest weight will be given to the conservation and enhancement of the landscape and natural beauty of the Kent Downs Area of Outstanding Natural Beauty and its setting. Proposals will take account of the Kent Downs Area of Outstanding Natural Beauty Management Plan, the Gravesham Landscape Character Assessment, and the Cluster Studies where relevant.

• **CS16** – Affordable Housing

5.12.9 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 3 units or more or on sites of 0.1 hectares or more in the rural area.

5.12.10 The amount of affordable housing to be provided by private housing development sites above the threshold will be 30% in the urban area and 35% in the rural area.

5.12.11 The Council will seek an affordable housing mix of 70% affordable rented and social rented accommodation and 30% intermediate housing.

5.12.12 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.

5.12.13 In the Green Belt, limited affordable housing in a sustainable location for a proven and justified local community need will be supported. Such units once constructed will be occupied by people with a proven local community connection. This includes affordable rural workers dwellings. In all cases, permissions granted under this policy will be restricted to those uses in perpetuity.

• **CS19** – Design and Development Principles

5.15.14 New development will be visually attractive, fit for purpose and locally distinctive. It will conserve and enhance the character of the local built, historic and natural environment, integrate well with the surrounding local area and meet anti-crime standards. The design and construction of new development will incorporate sustainable construction standards and techniques, be adaptable to reflect changing lifestyles, and be resilient to the effects of climate change. This will be achieved through the criteria set out below:

- *Using the collaborative approach advocated in Building for Life 12 and in line with the guidance set out in Kent Design, the design, layout and form of new development will be derived from a robust analysis of local context and character and will make a positive contribution to the street scene, the quality of the public realm and the character of the area. Account will be taken of the scale, height, building lines, layout, materials and other architectural features of adjoining buildings. Account will also be taken of the wider site context, including strategic views, site topography, the significance of heritage assets and features of townscape and landscape value which contribute to local character and sense of place;*
- *New development will encourage sustainable living and choice through a mix of compatible uses which are well connected to places that people want to use, including the public transport network, local services and community facilities; encourage sustainable travel; enhance Green Grid links and encourage healthier lifestyles;*
- *New development will be located, designed and constructed to:*
 - *safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land;*
 - *avoid adverse environmental impacts from pollution, including noise, air, odour and light pollution, and land contamination; and*
 - *not pose an unacceptable risk or harm to the water environment, including the quality and/or quantity of ground waters, surface waters, wetlands and coastal water systems;*
- *The design and layout of new residential development, including conversions, will accord with the adopted Residential Layout Guidelines;*
- *New development will be designed in an inclusive way to be accessible to all members of the community;*

- *New development will provide appropriate levels of private and public amenity space;*
- *New development will include details of appropriate hard and soft landscaping, public art, street furniture, lighting and signage and will ensure that public realm and open spaces are well planned, appropriately detailed and maintained so they endure;*
- *Car parking will be well related to the development it serves;*
- *New development will protect and, where opportunities arise, enhance biodiversity and the Borough's Green Infrastructure network. Support will be given to environmental enhancements where opportunities arise;*
- *New development will be fit for purpose and adaptable to allow changes to be made to meet the needs of users;*
- *The design and layout of new development will take advantage of opportunities to build in resilience to the effects of climate change. This will include protection against flood risk, where relevant, delivering carbon reduction, provision for low carbon and renewable energy, and minimising energy consumption and water use;*
- *New development will incorporate appropriate facilities for the storage and recycling of waste; and*
- *The layout of new development will create a safe and secure environment and provide surveillance to minimise opportunities for crime and vandalism.*

Strategic Objective 18 (SO18)

- 6.5 The LPCS sets out that Strategic Objective 18 (SO18) is to: *As a minimum, safeguard the capacity of commercial wharves and other sites needed to support the River Thames as a working waterway.*¹²
- 6.6 The Key Policies to support SO18, are set out as: CS03, CS04¹³, CS07 and CS11.

Saved Policies in the Gravesham Local Plan First Review 1994¹⁴ (LP)

- 6.7 The LPFR was adopted in November 1994. In December 2007, the SoS issued a Direction letter which listed policies saved at that stage. In September 2014, Gravesham Borough Council adopted the LPCS. This replaced or deleted a number of LPFR policies. Nonetheless, four planning policies from the LPFR remain 'saved' and are referred to in the cases of the parties. These are:

• Policy T1

The Local Planning and Highway Authorities will consider the impact on the transport system and on the environment of traffic generated by new

¹² Page 18, 24 of 218 [CD3.01 Gravesham Local Plan Core Strategy \(2014\)](#)

¹³ The text to Policy CS04 can be found on page 56, 62 of 218, of the [CD3.01 Gravesham Local Plan Core Strategy \(2014\)](#). As it relates to another part of the borough, it has not been replicated here.

¹⁴ [CD3.03 Gravesham Local Plan First Review \(1994\) - Saved Policies](#)

development and will wish to ensure that all proposed developments are adequately served by the highway network identified on the Proposals Map.

• **Policy T2**

The Local Planning and Highway Authorities will seek to channel all traffic travelling through Gravesham on to the primary road network and to channel traffic between and within residential, industrial and principal business districts of the Borough onto the district distributors.

• **Policy T3**

The Local Planning and Highway Authorities will not normally permit any proposed development that generates significant volumes of commercial vehicle traffic, if it is not well related to the primary and district distributor network.

• **Policy T5**

The formation of new accesses or the intensification of use of existing accesses to the roads forming the highway network shown on the Proposals Map, will not normally be permitted, except where no danger would arise and where a properly formed access can be created in a location and to a standard acceptable to the Local Planning and Highway Authorities.

Kent Minerals and Waste Local Plan 2025¹⁵ (KMWLP)

Policy CSM 6

Safeguarded Wharves and Rail Depots

Planning permission will not be granted for non-minerals development that may unacceptably adversely affect the operation of existing planned or potential sites, such that their capacity or viability for minerals transportation purposes may be compromised.

The following sites, and any allocated sites for wharves and rail depots included in the Minerals Sites Plan, are safeguarded:

- 1. Allington Rail Sidings ...*
- 7. Robins Wharf, Northfleet (both operational sites)...*
- 16. Old Sun Wharf, Gravesend*

Their locations are shown in Figure 13: Minerals Key Diagram in Chapter 2 and their site boundaries are shown in Chapter 9: Adopted Policies Maps.

The Local Planning Authorities will consult the Minerals Planning Authority and take account of its views before making a planning decision (in terms of both a planning application and an allocation in a local plan) for non-mineral related development (other than that of the type listed in policy DM 8 (clause 1)) on all development proposed at, or within 250m of, safeguarded minerals transportation facilities.

¹⁵ [CD3.04 Kent County Council Minerals and Waste Local Plan 2024-39 \(2025\)](#)

Policy CSM 7

Safeguarding Other Mineral Plant Infrastructure

Facilities for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material in Kent are safeguarded for their on-going use.

Where these facilities are situated within a host quarry, wharf or rail depot facility, they are safeguarded for the life of the host site.

Where other development is proposed at, or within 250m of, safeguarded minerals plant infrastructure, Local Planning Authorities will consult the Minerals Planning Authority and take account of its views before making a planning decision (in terms of both a planning application and an allocation in a local plan).

Policy DM 8

Safeguarding Minerals Management, Transportation Production & Waste Management Facilities

Planning permission will only be granted for development that is incompatible with safeguarded minerals management, transportation or waste management facilities where it is demonstrated that either:

- 1. it constitutes development of the following nature: advertisement applications; reserved matters applications; minor extensions and changes of use and buildings; minor works; and non-material amendments to current planning permissions; or*
- 2. it constitutes development on the site that has been allocated in the adopted development plan where consideration of the other criteria (1, 3-7) can be demonstrated to have taken place in formulation of the plan and allocation of the site which concluded that the safeguarding of minerals management, transportation, production and waste management facilities has been fully considered and it was concluded that certain types non-mineral and waste development in those locations would be acceptable; or*
- 3. replacement capacity, of the similar type, is available at a suitable alternative site, which is at least equivalent or better than to that offered by the facility that it is replacing; or*
- 4. it is for a temporary period and will not compromise its potential in the future for minerals transportation; or*
- 5. the facility is not viable or capable of being made viable; or*
- 6. material considerations indicate that the need for development overrides the presumption for safeguarding; or*
- 7. It has been demonstrated that the capacity of the facility to be lost is not required.*

Replacement capacity must be at least equivalent in terms of tonnage, accessibility, location in relation to the market, suitability, availability of land

for processing and stockpiling of waste (and materials/residues resulting from waste management processes) and minerals, and:

- *in the case of wharves, the size of the berth for dredgers, barges or ships*
- *in the case of waste facilities, replacement capacity must be at least at an equivalent level of the waste hierarchy and capacity may be less if the development is at a higher level of the hierarchy*

There must also be no existing, planning or proposed developments that could constrain the operation of the replacement site at the required capacity.

Planning application for development within 250m of safeguarded facilities need to demonstrate that impacts, e.g. noise, dust, light and air emissions, that may legitimately arise from the activities taking place at the safeguarded sites would not be experienced to an unacceptable level by occupants of the proposed development and that vehicle access to and from the facility would not be constrained by the development proposed.

Further guidance on the application of this policy will be included in a Supplementary Planning document.

Supplementary Planning Documents

Safeguarding Supplementary Planning Document Adopted March 2021 (SPD)¹⁶

- 6.8 This SPD provides guidance on how the policies on mineral resources and mineral and waste infrastructure safeguarding as set out in the adopted Early Partial Review of Kent Minerals and Waste Local Plan (KMWLP) will be implemented in Kent.
- 6.9 It provides guidance to local planning authorities and developers/applicants on the procedures to be followed when development other than mineral or waste management facilities, including local plan allocations, are proposed to be located within safeguarded areas containing economic minerals (these are the Mineral Safeguarding Areas (MSAs), and on or within close proximity to safeguarded mineral or waste infrastructure assets (e.g. wharves, rail depots, mineral processing facilities and waste management facilities).
- 6.10 It is noted that the SPD pre-dates the adoption of the KMWLP. However, at the Inquiry, the main parties did not dispute that it was relevant in the application of the policies of the KMWLP. I have proceeded on this basis.

The emerging development plan

- 6.11 The emerging development plan is still within its consultation phase; where changes may continue to occur in terms of housing figures and/or allocations. The Applicant and the Council have agreed that only limited weight can be given to the emerging plan consultation process – as set out in the Applicant's Closings¹⁷.

¹⁶ [Kent Minerals and Waste Local Plan Supplementary Planning Document](#)

¹⁷ [INQ-36 Applicant Closing Statement](#) page 13/68, paragraph 55

- 6.12 Given these facts, I concur and suggest that, if necessary, only limited weight is given to the emerging local development plan.

National Planning Policy and Guidance

- 6.13 In December 2025, the SoS MHCLG launched a consultation on revisions to the National Planning Policy Framework (last issued in substantive form in 2024). This consultation is due to close in March 2026. Whilst the consultation version may indicate the general direction of travel it does not form government policy at the present time.
- 6.14 Given that this emerging Framework may be subject to significant changes following the close of the consultation, I afford it minimal weight in any planning balance. I would counsel that the SoS to do the same.
- 6.15 However, if at the time of determining the application a new version of the National Planning Policy Framework is issued, it may be prudent to seek the views of main parties on it.

National Planning Policy Framework 2024¹⁸

Paragraph 11 d)

11. Plans and decisions should apply a presumption in favour of sustainable development...

...For decision-taking this means:...

...d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date¹⁹, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance²⁰ provides a strong reason for refusing the development proposed; or ii. 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, having particular regard to key policies for directing development to sustainable locations, making

¹⁸ [CD4.01 National Planning Policy Framework \(Framework\) \(2024\)](#)

¹⁹ Footnote 8 of the Framework states: 8 This includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. See also paragraph 232.

²⁰ Footnote 7 of the Framework states: 7 The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, 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 75); and areas at risk of flooding or coastal change.

effective use of land, securing well-designed places and providing affordable homes, individually or in combination²¹.

Paragraph 105

105. Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

Paragraph 124

124. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land⁴⁹.

Footnote 49

FN49 Except where this would conflict with other policies in this Framework, including causing harm to designated sites of importance for biodiversity.

Paragraph 125 c)

125. Planning policies and decisions should:...

...c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;...

Paragraph 135

135. Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

²¹ Footnote 9 of the Framework states: *The policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12.*

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁵¹²²; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 200

200. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

Paragraph 223 e)

223. Planning policies should:...

... e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;...

Paragraph 224

224. When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy⁷⁸²³. In considering proposals for mineral extraction, minerals planning authorities should:...

Paragraph 226

226. Minerals planning authorities should plan for a steady and adequate supply of aggregates by:...

Planning Practice Guidance

6.16 The national Planning Practice Guidance covers various topics, including:

[CD4.02 Planning Policy Guidance - Effective use of Land \(2025\)](#)

[CD4.03 Planning Practice Guidance - Noise \(2019\)](#)

²² Footnote 51 of the Framework states: *51 Planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified.*

²³ Footnote 78 of the Framework states: *78 Except in relation to the extraction of coal, where the policy at paragraph 230 of this Framework applies.*

[CD4.04 Planning Practice Guidance - Air Quality \(2019\)](#)

[CD4.05 Planning Practice Guidance - Light Pollution \(2019\)](#)

[CD4.06 Planning Practice Guidance - Housing Supply and delivery \(2024\)](#)

[CD4.07 Planning Practice Guidance - Viability \(2024\)](#)

7. AGREED MATTERS

- 7.1 Prior to and during the Inquiry, four Statements of Common Ground were agreed between parties. These are (with summary of key points):

[CD7.01 Northfleet Harbourside SoCG - Signed \(between Applicants and LPA\)](#)

- 7.2 Principle of development - Agreed between the LPA and Applicant in terms of the principle of the development, the proposal complies with planning policy as a location for sustainable development, as it involves the re-use of previously developed land in the urban area of Gravesham, with walking and public transport links that provide access to services and facilities in Northfleet, Ebbsfleet (international station) and Gravesend beyond. The site is also located within the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area, within which major riverside regeneration is supported.
- 7.3 Housing Need and Supply – Agreed that the Council is not able to demonstrate a five year housing supply and the presumption in favour of sustainable development is engaged. It is also agreed that as set out in the Council's Regulation 18 Stage 2 Local Plan Consultation, the Council cannot meet the housing requirements of the Borough from previously developed land within the urban area and rural settlements inset from the Green Belt. Therefore, the Council has been required to consider releasing land from the Green Belt in order to meet future housing requirements, as well as being required to consider additional opportunities within the urban area to diversify its land supply position. It is agreed that Northfleet Harbourside is one such opportunity.
- 7.4 Housing density - It is agreed the proposal would broadly align with relevant policies and the proposed density was agreed to be acceptable in principle subject to consideration of design.
- 7.5 Housing mix - It is agreed a mix of units would be provided subject to a future reviews of tenure, size and mix as part of the delivery of the development.
- 7.6 Affordable housing - The application was supported by a viability assessment and it is agreed that review mechanisms will be secured through the Section 106 agreement, allowing for improvements to financial viability to be captured in due course to make further provision of affordable housing, including for Social Rent.
- 7.7 Non-residential use - It is agreed the employment opportunities are acceptable in principle but as an out of town centre location and with the loss of the existing employment provision, the application was subject to referral to Secretary of State.

- 7.8 Minerals and wharf safeguarding - It is agreed there is policy support for safeguarding Robins Wharf. The scheme would comply with criterion 6 of Policy DM8 of the KMWLP because of the overriding need for the proposed development. It is agreed that the policies of the Core Strategy do not include a balancing provision where the need for the development is to be balanced against the safeguarding of existing facilities. Accordingly, the Council's resolution to grant permission was subject to referral to the Secretary of State.
- 7.9 Phasing - It is agreed the proposed development would comprise two main phases, with the matter also being addressed through condition.
- 7.10 Design matters - It is agreed that subject to conditions, the outline design principles create a framework within which a high-quality standard of design can be developed.
- 7.11 Heritage assets - It is agreed that subject to conditions, the proposals are not considered to cause any harm to, or loss of, the significance of any designated heritage assets.
- 7.12 Residential amenity - It is agreed that there is sufficient detail at this outline stage, subject to conditions, to ensure that the amenity of existing residents of the area and future occupiers of the site is promoted and protected.
- 7.13 Agent of change - To ensure that neighbouring businesses interests are safeguarded and to support the continued operation of neighbouring uses, appropriately worded conditions are proposed, and suitable mitigation can be incorporated through detailed design of the proposals. Members at the Committee acknowledged the concerns of Britannia Refined Metals Ltd, with regards to their access and parking, in reaching their decision. A specific condition is proposed to address the proposed relocation of Britannia Refined Metal Ltd's parking, as required by the Committee.
- 7.14 Transport - It is agreed that the proposal would be unlikely to have a significant impact on the highway network, subject to appropriate planning conditions being imposed and measures being secured through S106 contributions and S.278 highway improvements. Kent County Council and National Highways gave consultation responses which indicated their agreement to this position. The parking provision meets the needs of the development with the position agreed between The Council and Kent County Council Highways. The development impacts upon Britannia Refined Metals existing parking arrangements and lorry marshalling areas, but these matters are to be addressed through appropriately worded conditions attached to the outline permission.
- 7.15 Environmental Impacts and other considerations - It is agreed that subject to appropriate conditions and detailed mitigation measures, the proposed development would not give rise to any unacceptable environmental impacts. It is further agreed that the Environment Agency does not maintain any concerns in relation to de-culverting and daylighting the River Ebbsfleet and flood risk.
- 7.16 Ecology and biodiversity - Through the supporting information, conditions, contributions and mitigation the proposal will not have a significant effect on the habitats and wildlife in the surrounding area. The Shadow Habitats

Regulations Assessment was the subject of further discussions with the Council and a finalised and agreed iteration of this document was provided and subsequently published by the Council on the 22nd October 2024.

- 7.17 Viability and planning obligations - It is agreed that the applicant submitted a Financial Viability Assessment (FVA) with the application, and that the Council appointed independent reviewers to consider the contents of the FVA and advise the Council. It is agreed that the scheme could not viably support the delivery of affordable housing, but the applicant has committed to deliver 350 intermediate homes, which equates to 10% of the number of homes to be delivered as part of the scheme. It is agreed that the proposal should be the subject of further detailed viability reviews as the development comes forward, which will be secured through the Section 106 Agreement.
- 7.18 Benefits of the scheme - It is agreed that the benefits associated with the scheme should be described according to the following scale (from greatest to lowest): Substantial, Significant, Moderate, Limited, Negligible, Nil.
- 7.19 In summary, it is agreed between the Parties that the Scheme will deliver the following planning benefits:
- The reuse and revitalisation of an underutilised brownfield site in a highly accessible and sustainable location. This is afforded substantial weight in the planning balance as the approach to development makes the best use of previously developed land for sustainable development.
 - Exceptional quality design in the built environment and in new landscaped spaces throughout the Site, including the delivery of buildings which will demonstrably improve the appearance, character and function of the townscape. The delivery of high-quality development is advocated at all levels and the change over the current position is afforded significant weight in favour of the scheme when considering the planning balance.
 - The provision of a new stadium for Ebbsfleet United Football Club with the ability to sustain other sporting and non-sporting events, securing the sustainability, long term financial security and geographical security of the club. This is afforded substantial weight in the planning balance given the role and function of the club in the local community.
 - The delivery of up to 3,500 new homes, equivalent to 5.2 years' worth of the Borough's unconstrained housing need, including a range of dwelling sizes to meet local needs. This level of housing is afforded substantial weight in the planning balance given the Council's underperformance in housing delivery over the past few years and lack of five year housing supply.
 - The delivery of approx. 350 affordable homes of a range of unit sizes, making a significant contribution to meeting need within the borough. This is provided significant weight in the planning balance as whilst this provision falls below policy targets, it is supported by the viability assessment of the scheme and equates to 2.94 year's supply of affordable housing based upon recent delivery.

- The delivery of a range of commercial uses and employment opportunities, including retail, food and beverage and leisure floorspace resulting in a significant net increase in jobs, responding to local unemployment levels and supporting the future of the football club, as well as the delivery of a significant quantum of high quality office floorspace estimated to generate a significant uplift in employment and training opportunities. In line with Paragraph 3.11 of the Supplementary Committee Report this is afforded significant weight in the planning balance as these uses will help to address the deprivation of the area by improving access to a range of employment and training opportunities to assist with reducing unemployment.
- Allows for the continued operation of neighbouring businesses, the proposal allows for Britannia Refined Metals, Seacon and other businesses to continue to operate unfettered by the application with mitigation responding to the agent of change principle to be incorporated through detailed design.
- Providing access to important local services, including healthcare provision and community floorspace, responding to the needs of existing and future communities. This need is supported by the levels of social deprivation within Northfleet and the provision as part of the scheme is afforded significant weight in the planning balance.
- Significant employment opportunities during the course of construction, including an average of 846 full time equivalent construction worker jobs for the duration of the construction programme. Whilst these are limited to the lifetime of the construction activities, they will have a material positive impact upon the local economy and are therefore afforded moderate weight in the planning balance.
- Improved pedestrian and cycle environment that removes conflict with vehicles through the adjusted alignment of the A226 as part of the Proposed Development. This will encourage active travel which is afforded moderate weight in the planning balance.
- Provision of public transport, including new bus stops and dedicated routes to facilitate Fast Track services that promote sustainable transport links and reduce car reliance, this is afforded substantial weight in the planning balance;
- The provision of high quality natural space, parks and gardens, amenity green space and allotments across the Site, along with play space provision. Given the lack of open space within the site at present the delivery of publicly accessible open space is afforded substantial weight in the planning balance.
- An increase of up to 400% in the levels of biodiversity and habitat across the site. This level of improvement as part of the response to the climate crisis can be afforded substantial weight in the planning balance in favour of the scheme.
- Improvements to air quality, this is afforded moderate weight in the planning balance;

- Improvements to flood risk through de-culverting of River Ebbsfleet and improvements to the river wall for the Thames, this is afforded moderate weight in the planning balance;
- Via the s106 agreement, the delivery of significant financial contributions and training opportunities – which whilst offsetting the direct impacts of the development will benefit both existing and proposed residents and occupiers. These are provided significant weight in favour of the scheme.

[CD7.02 Final SoCG between KCC, and the PLA 7.05.25](#)

- 7.20 This SoCG relates only to issues directly concerning the safeguarded wharves which will be affected by the Proposed Development and is entered into because there is substantial agreement between the Parties.
- 7.21 Robins Wharf - Robins Wharf is an operational wharf that extends to 3.9 hectares in size including its river infrastructure. The entirety of the wharf (landside elements and river infrastructure) is safeguarded as shown as 'Site G: Robins Wharf, Northfleet' in the Kent Minerals and Waste Local Plan 2025 a copy of which is attached as Annex 1. It is safeguarded by policies in the local plan and in the minerals and waste local plan.
- 7.22 Development plan - The Parties agree that the Proposed Development is contrary to the Development Plan as a whole and that other material considerations do not outweigh the policy harm, which includes the undermining of an important strategic policy aim with wide implications. The conflict with the safeguarding policies poses a threat to both the minerals supply strategy and the sustainable development strategy for the area as a whole.
- 7.23 Delivery of the planning benefits - It has not been demonstrated that by granting planning permission, that the benefits of the Proposed Development will be realised. No evidence has been submitted to demonstrate that the housing on the wharf will be delivered either over the life-time of the overall development or in a timescale that would mean that the Proposed Development was contributing to the Council's five year or any relevant housing land supply figures. There is no certainty that any housing will be delivered in a timescale that would mean that the Proposed Development was contributing to the Council's five year housing land supply, particularly given the need to compulsorily acquire significant amounts of land. The fact that this development is proposed is, however, already creating uncertainty for the operators and this harm should be given considerable weight in the planning balance because of the important contribution to growth made by the facilities and the operators.

[CD7.03-2 Signed SoCG between APP and R6 Parties 28.05.26](#)

- 7.24 This SOCG has been prepared on behalf of Northfleet Central 1 Limited (the Applicant) and:
- Kent County Council;
 - Britannia Refined Metals Ltd; and
 - The Port of London Authority, together, the "Rule 6 Parties"

- 7.25 Robins Wharf – The following paragraphs within this section 4 are agreed between the Applicant, GBC, KCC and the PLA only. A list of businesses occupy and operate at Robins Wharf is agreed. The operations at Robins Wharf include active aggregates importation (marine dredged sand and gravel and crushed rock) and manufacture of mineral related products (concrete, asphalt and mortar). It is agreed that Robins Wharf is in active use. There is no dispute that the existing operations at Robins Wharf are viable.
- 7.26 It is agreed that the Site includes the landside facilities of Robins Wharf, but that the riverside infrastructure (the jetty) is located outside of the red line of the planning application. Policy CSM6 of the Kent Minerals and Waste Local Plan ("KMWLP") identifies "Robin's Wharf, Northfleet" as a safeguarded site. The safeguarded area includes both the landside facilities and the river infrastructure. Policy CSM6 also identifies Northfleet Wharf as a safeguarded site. It is agreed that Robin's Wharf was also safeguarded in the previous version of the KMWLP, which was adopted in 2016, and also in the Early Partial Review adopted in 2020.
- 7.27 It is agreed that Robins Wharf and Northfleet Wharf are located within the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area identified in policy CS03 of the Core Strategy, and that neither wharf is located within a Key Site shown within the Opportunity Area. It is agreed that policy DM8 of the KMWLP provides at criterion 6 that planning permission will only be granted for development that is incompatible with safeguarded minerals management, transportation or waste management facilities where material considerations indicate that the need for development overrides the presumption for safeguarding. It is agreed that criterion 6 of policy DM8 is the only criterion relied on by the Applicant.
- 7.28 Other County Matters (not related to minerals) - It is agreed between KCC and the Applicant; that KCC does not object to the proposed development in relation to transport and sustainable travel, highways, adult social care, community learning and skills, education, children's services and waste, subject to suitable obligations within a section 106 agreement to which it is a party and suitable planning conditions.
- 7.29 Agent of Change - It is agreed between BRM Ltd and the Applicant; that paragraph 200 of the Framework is relevant to the determination of the application. It is agreed that paragraph 200 advises that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs) and existing businesses and facilities should not have unreasonable restrictions placed on them as a result of new development. The parties do not agree whether the Proposed Development can be integrated effectively with existing businesses and community facilities nor as to whether there would be any unreasonable restriction placed on existing businesses and facilities as a result of the Proposed Development. The parties further do not agree as to whether any adverse impacts of the existing businesses and facilities on residents of the Proposed Development can be suitably mitigated.
- 7.30 Planning balance - The parties agree that GBC cannot demonstrate a five year supply of deliverable housing sites.

- 7.31 The Applicant and BRM agree that under paragraph 193(b) of the Framework development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. It is BRM's position that the development is likely to have a significant adverse effect on the Swanscombe Peninsula SSSI ("the SSSI"). The Applicant disagrees, and it considers that the proposed development would not have an adverse effect on the SSSI.
- 7.32 The Applicant and BRM agree that the only exception to refusal under paragraph 193(b) is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest. The Applicant and BRM do not agree as to whether there would be an adverse impact on the SSSI nor whether, if there would be an adverse impact, the benefits of the development clearly outweigh its likely impact. BRM considers that under paragraph 11d)i. planning permission should be refused.
- 7.33 The Applicant disagrees and considers that paragraph 11d)i. does not apply to the application. It is the Applicant's position that paragraph 11d)ii. of the Framework applies. The parties agree that paragraph 11d)ii. indicates that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It is the Rule 6 Parties' position that, in the event paragraph 11d)ii. applies, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. The Applicant disagrees.
- 7.34 It is agreed that the proposed development has the potential to generate a number of planning benefits which need to be weighed in the planning balance. The parties disagree as to the weight to be allocated to the benefits.
- 7.35 It is agreed that the delivery of housing has the potential to be a benefit of the scheme. The parties disagree as to the weight that should be given to that benefit in the planning balance.
- 7.36 It is agreed that the loss of the operational land at Robin's Wharf is a harm which needs to be weighed in the planning balance to identify whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. The parties disagree as to the weight that should be given to that harm in the planning balance.
- 7.37 It is agreed that if there is any harm to the operations of existing businesses and facilities, this should be weighed in the planning balance to identify whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. The parties disagree as to whether any such harm arises.

[CD7.04 SoCG relating to Noise between APP and BRM](#)

- 7.38 This SOCG sets out where disagreement between the Applicant and BRM Ltd remain in relation to noise, including existing businesses operating near to the application site and the standards to be used to assess impacts from such.

8. THE CASE FOR Northfleet Central 1 Limited

- 8.1 The Applicants case is derived from its Closing Submissions²⁴.
- 8.2 The Applicant considers that the national priorities for land use planning are to meet some of the desperate housing and affordable housing needs that affect this area as much as anywhere; it is a national priority to deliver new, well-designed places and to enable economic growth; and it is a national priority to foster sustainable transport of people and goods.
- 8.3 Central to the planning judgement is, in the Applicants view, the simple fact that Gravesham cannot have the benefit of 3,500 new homes on the application site, including 350 affordable units, and at the same time retain the use of Robins Wharf. Development plan policy, as well as an application of the Framework, allows the choice to be made in favour of meeting the national priority for housing.
- 8.4 They go on to suggest that no party at the Inquiry suggested that the 3,500 homes which could be delivered under this scheme could be delivered in Gravesham on another, alternate site. This includes the provision of 10% affordable housing (around 350 units).
- 8.5 The Applicants point to their view, that the approach of two Rule 6 Parties; the Port of London Authority and Kent County Council respectively, is absolutist to the issue of balancing the schemes overall benefits and the retention of the wharf. In particular it is felt by the Applicant that these two parties did not grapple with the reality of whether the loss of the wharf would cause a high degree of actual harm or simply reduce the aggregate importation flexibility. With regard to the latter, it is the Applicant's view that the 'market would find a way' and this reflected their industry witnesses evidence.
- 8.6 The Applicant acknowledges that the benefits of the scheme could not be achieved without there being some impact on the existing (Rule 6 Party) BRM Ltd. Disruption to this business (and those along the same access road) would occur whilst its access, car park, and lorry marshalling areas are re-configured. These disruptions are considered by the Applicant to be localised and limited.
- 8.7 The scheme is considered to bring considerable community benefits, both through the improvement of Ebbsfleet United FC's football stadium and through the radical transformation of the quality of the environment of the application site. These benefits also include enhancements include a new football stadium, public open spaces, and improved public rights of way, contributing to placemaking and social cohesion.
- 8.8 The development will create up to 1,500 new jobs, modernise employment spaces, and regenerate the local economy, which has suffered from outdated industrial infrastructure.

²⁴ [INQ-36 Applicant Closing Statement](#)

- 8.9 The proposal includes sustainable drainage systems, flood defences, biodiversity net gain, and ecological mitigation measures to protect nearby designated sites. These are considered to be environmental benefits in favour of the proposal.
- 8.10 Challenges include the loss of Robins Wharf, which is safeguarded in planning policy terms. However, the Applicant suggests that housing and regeneration benefits outweigh this harm. Furthermore, the Applicant considers that the evidence before the Inquiry demonstrates that the aggregates market in this area can absorb the loss of the safeguarded minerals wharf without significant disruption (with other wharfs able to accommodate the loss).
- 8.11 With regard to the challenges to existing businesses, the Applicants note the concerns from BRM Ltd and Seacon Terminal about possible operational impacts – for example access, parking, noise and air quality. However the Applicant considers that these can be reasonably addressed through mitigation measures including reconfiguration of the Lorry Marshalling Area at BRM Ltd and compliance with the relevant environmental standards and/or licences.
- 8.12 With regard to Public Rights of Way, it is considered that the proposal would improve accessibility and safety for the King Charles III England Coastal Path; with the use of planning conditions and/or obligations able to secure this.
- 8.13 In terms of planning policy, the Applicant considers that the scheme overall complies with the development plan – including that the loss of the wharf is sanctioned by Policy DM8 despite safeguarding policies in the rest of the development plan. Furthermore, the loss of the employment floorspace currently on site is in line with the needs to modernise the Gravesham economy set out within the employment text in the Local Plan.
- 8.14 However, it is considered that the schemes compliance with the Framework is, in this case, more important as a matter of planning judgement because the Local Plan part of the development plan is out of date. The housing numbers, the approach to OAs and the expectations for what may or may not happen to the wharf and existing industrial area must be seen in the light of the very significant housing shortfall and structural changes in the economy, and the fact that, as a consequence, the Local Plan is out of date.
- 8.15 The tilted balance applies due to the housing deficit. The harms (some loss of existing floorspace, loss of the flexibility that the wharf might give) come nowhere near outweighing the benefits of the scheme in housing, affordable housing, economic, placemaking and community terms. Paragraph 125(c) of the Framework provides another strong reason to grant permission.
- 8.16 The benefits should not be down-rated due to the need for CPO – that would be inimical to the entire purpose of the CPO process that is enshrined in legislative provision in the 1990 Act. The viability of the scheme similarly does not mean that the scheme will not proceed – if the FVA were the marker of whether regeneration scheme benefits should be given full weight in cases like this, then we might as well all give up trying to achieve housing growth on brownfield sites in the urban area.

- 8.17 But the headlines are, in the end, considered very simple by the Applicant. The scheme would make a very important beneficial contribution to meeting the number one national planning priority, both within and beyond the local area, in the delivery of housing. The harm by reason of the loss of the wharf by contrast is very difficult on the evidence to pin down – look carefully through the PLA closing submissions to try and see where the actual harm is set out and analysed – and difficult to give great weight to. The suggestion towards the end that a grant of permission may spell the end of minerals wharf safeguarding really was a symptom of a case running out of puff, and the Secretary of State should give no weight whatever to it – a balance like this is fact specific.
- 8.18 Overall, the Applicant highlights the tilted balance due to the Gravesham area housing shortfall, arguing that the benefits of the scheme (housing, economic growth, regeneration, and community improvements) significantly outweigh the harms (loss of the wharf and industrial floorspace). The proposal complies with the National Planning Policy Framework (Framework) and local policies, particularly Policy DM08, which allows exceptions to wharf safeguarding for overriding needs.
- 8.19 In conclusion, the Applicant urges the Inspector and Secretary of State to grant permission, highlighting the scheme's critical role in addressing housing needs, regenerating the local economy, and delivering substantial public benefits.

9. THE CASE FOR Gravesham Borough Council²⁵

- 9.1 In considering the representations made during the course of the Inquiry, the Council maintains its position that planning permission should be granted for the proposal subject to the completion of a s106 agreement and the imposition of relevant planning conditions.

Minerals Wharf and Safeguarding

- 9.2 The adopted Development Plan recognises the need to retain commercial wharves including Robins Wharf to support the River Thames as a working waterway. However, the Development Plan also recognises that material considerations may arise in the form of the need for development overriding the presumption for safeguarding, as stated in Policy DM8 of the Kent County Council KMWLP²⁶.
- 9.3 As set out in the Council's evidence, it is their case that the proposal accords with the requirements of DM8 of the KMWLP.

Transport including parking

- 9.4 Whilst Kent County Council's (KCC's) Minerals and Waste Team has raised concerns in relation to the highways access for businesses located on Manor

²⁵ [INQ-35 GBC Final Closing Statement](#)

²⁶ [CD3.04 Kent Minerals and Waste Local Plan 2024-39 - adopted March 2025](#)

Way, it should be noted that KCC in its role as the Local Highway Authority, continue to be satisfied that the proposed road layout would provide suitable access to these businesses, whilst parties acknowledge that this would be subject to the Applicant addressing National Grid's objection.

- 9.5 Through the Inquiry process progress has been made in setting out how the concerns raised by BRM Ltd, Seacon and Gill Aggregates in relation to their respective accesses located immediately north of the proposed development can be addressed. In addition, options have been presented which seek to address the required replacement parking and lorry marshalling areas specifically for BRM Ltd.
- 9.6 The Council has, as set out in the minutes²⁷ and resolution of Planning Committee²⁸, always sought to ensure that BRM's facilities lost as a result of this proposal are re-provided, with the Applicant proposing Option A and Option B2 as potential solutions for consideration, and delivery of this re-provision being secured via planning conditions and legal agreements as necessary.
- 9.7 The concerns raised in relation to the King Charles III Coastal Path and Public Footpath NU1 are noted; however, the changes have to be considered in the context of the current layout of Lower Road, the existing LMA and route, which already poses conflicts between pedestrians/cyclists and motor vehicles (both moving and parked), and includes a narrow section enclosed by fencing. In this context and whilst further details would be needed, the revised layout has the ability to offer a safer and more attractive route to users.
- 9.8 In light of this, the highways proposals do not conflict with the Development Plan, including Policy CS11 of the Local Plan Core Strategy²⁹ (CS) or Saved Policies T1-T5 of the Local Plan First Review³⁰ (LP).

Economy and Employment

- 9.9 It is accepted amongst the parties that the proposal results in the loss of commercial floorspace and jobs that are located within the red line of the proposed development. Mr Reece's evidence at APP-MR-1 and APP-MR-2, sets out that the anticipated jobs lost, in comparison to the jobs created, would result in a net increase in jobs. There would also be net increases in Gross Value Added (GVA) in the Borough, coupled with net increases in additional household expenditure, which would contribute towards sustaining other local businesses. The socio-economic benefits of the scheme result in there being no conflict with Paragraph 5.1.34 of Policy CS07 of the CS³¹.
- 9.10 Paragraph 5.1.34 of Policy CS07 allows for development resulting in the loss of B class employment floorspace to come forward if it is not allowed for by policies set out in the Core Strategy which would be the spatial policies and, in this instance, Policy CS03 of the CS. The number of new jobs being delivered by the proposal within the Borough are at least equivalent to those being lost,

²⁷ [CD2.05 Minutes 30042024 1900 Planning Committee](#)

²⁸ [CD 2.06 Planning Committee Decisions 30.04.2024](#)

²⁹ [CD 3.01 - gravesham local plan core strategy - September 2014](#)

³⁰ [CD 3.03 Gravesham Local Plan First Review \(1994\) - Saved Policies](#)

³¹ [CD 3.01 - gravesham local plan core strategy - September 2014](#)

and that the proposed use and development proposed is consistent other policies set out in the plan including the remaining Development Plan policies.

- 9.11 Whilst Gravesend Town Centre or sites within 500 metres walking distance of Gravesend Railway and Ebbsfleet Stations are prioritised as the location for new office floorspace within the Development Plan, there are no existing sites within these areas that could accommodate the proposed commercial floorspace. Vacant sites within the town centre for example are being brought forward for residential development rather than employment. Therefore, the proposed development is considered to be in an out of centre location for the purposes of Policy CS07 of the CS, but is not in conflict with the policy.

Living conditions

- 9.12 The evidence submitted in relation to matters such as noise, lighting and air quality has been considered by the Council's Environmental Protection Team, who have concluded that subject to the imposition of conditions, which they have reviewed and agree with, there would be no conflict with Policy CS19 of the CS, and therefore the proposal safeguards the amenity of future occupiers and those of neighbouring properties and land, and avoids adverse environmental impacts.

Agent of change

- 9.13 The existing businesses neighbouring the proposed development are acceptable land uses that have been in situ for some time. It would not be appropriate for unreasonable restrictions to be placed upon them, in order to facilitate this proposal. The burden for mitigating the impact of the proposals on these businesses, quite rightly rests with the Applicant proposing the scheme. It is also the responsibility of the Applicant to ensure that the negative effects of these businesses operating on future occupier amenity are suitably mitigated against.
- 9.14 Given the outline nature of the application, this mitigation is considered to have been adequately secured by the proposed conditions and legal agreements, and therefore the proposal accords with Policy CS19 of the CS.

Ecology

- 9.15 Natural England's response to the recent consultation is set out in their e-mail dated 8 July 2025. It is understood that the Applicant is engaging with Natural England to address points raised in terms of the shadow Habitats Regulations Assessment (sHRA) and planning conditions.
- 9.16 Subject to the successful resolution of these points, it is the Council's view that the planning conditions and planning obligations will be sufficient to secure the mitigation required to avoid adverse effects on the SSSI, either individually or cumulatively, as a result of other proposals.
- 9.17 This for example would follow the best practice adopted for the Thames, Medway and Swale estuaries and marshes which are protected under international designation as Special Protection Areas (SPAs) and Ramsar Sites, with the development and implementation of a Strategic Management Plan. Therefore, the proposal is considered to accord with Policy CS12 of the CS.

- 9.18 However, the Council acknowledges that the final decision on whether the proposal will have adverse effects on the integrity of any of the sites in question rests with the Secretary of State as the competent authority.

Material considerations

- 9.19 Turning to the matter of material considerations, if the Inspector were to conclude that the scheme did not comply with the Development Plan overall, material considerations would indicate that planning permission should nevertheless be granted.
- 9.20 The proposal's adverse impacts are the loss of the safeguarded Robins Wharf and the loss of commercial floorspace, with potential impacts upon the operations of neighbouring businesses only arising if the mitigation addressed during the course of the Inquiry is not secured via planning conditions and legal agreements.
- 9.21 On the other hand, the benefits of the proposal include a substantial housing provision including affordable housing, additional local jobs, skills and revenue, public open space and sports facilities, biodiversity net gains and air quality and noise improvements. All within a part of the Borough that has areas that fall within the top 10% of most deprived areas in England.
- 9.22 These benefits whilst considered 'theoretical' as would be the case for any application until delivery actually occurs, would clearly outweigh the adverse impacts.
- 9.23 The Framework is a material consideration that must be taken into account in this context. It is agreed that the Council is unable to demonstrate a five year housing land supply, and that the tilted balance is engaged. Accordingly, the Framework weighs in favour of granting permission. There are no other material considerations of sufficient weight to indicate otherwise.

Conclusion

- 9.24 In conclusion, it is respectfully submitted that in light of the above, planning permission should be granted.

10. THE CASE FOR RULE 6 PARTIES

- 10.1 Following the Call-in of this application, and prior to the Case Management Conference (CMC), three parties identified themselves as wishing to have Rule 6 status in accordance with the Inquiry Rules. All three parties were granted Rule 6 status and attended the CMC and Inquiry.
- 10.2 The parties were Britannia Refined Metals Ltd (BRM Ltd), Kent County Council, and the Port of London Authority.

Britannia Refined Metals Ltd (BRM Ltd)³²

- 10.3 BRM Ltd operates locally to the application site, as a lead refinery. It has operational concerns about the proposed development. The application site

³² [INQ-32 BRM Closing Statement](#)

includes operational land owned by BRM and Seacon; which is considered to lead to a poorly planned relationships between proposed developments and existing operations.

- 10.4 The Applicant's Planner explained in answers during cross-examination they had been presented with the red line for the application site by his client and told how many homes had to be provided on the site, and what size football stadium, and also that there should be commercial space.
- 10.5 In this context, the site includes operational land owned by BRM and Seacon, and a safeguarded wharf, and that the relationship between the proposed homes and park, and BRM and Seacon, is considered to be poorly thought through. The Applicant's case is considered to have been shambolic; as seen in its 'chopping and changing' of its belated ideas for how to re-provide BRM Ltd's car park and LMA.
- 10.6 Whilst it is appreciated that there is a need for land for homes, it is suggested by BRM Ltd, that the Secretary of State should steer well clear of this poor quality scheme. Moreover, it is considered that the prospects of the scheme being delivered are so poor that in truth it's a chimera.

Loss of Car Park and Lorry Marshalling Area

- 10.7 Concerns about losing its car park and Lorry Marshalling Area (LMA) have been raised by BRM Ltd from the first meeting with the Applicant in September 2022. BRM Ltd consider that the Applicant must demonstrate feasible replacements that are at least as 'commodious' as the existing facilities. At present, it is not considered that this has been demonstrated.
- 10.8 Unlike the existing LMA, which is located on land that is controlled by BRM Ltd, the 'replacement' LMA would be situated out of the sightline of the security office located within the BRM Ltd main building and on land which is not under the control of the Applicants nor BRM Ltd. Furthermore, the number of lorry spaces would be reduced from the existing 13 to 10 spaces. The LMA is an important part of how BRM Ltd operates; with lorries needing to exit the site with their side curtains open for security and safety reasons, and then using the LMA to stop and close these curtains for onward transportation. The LMA also enables BRM Ltd to manage lorries entering and exiting the site; providing an area for lorries to wait until there is space within the site for items to be hauled to be loaded safely onto the lorries.
- 10.9 In terms of staff parking, the Applicant's plans for the staff car park, which would also need to be relocated as a result of the outline proposal, have evolved through several iterations (Appendix D, Option A, and Option B2). Even with this evolution BRM Ltd consider that significant issues remain. This is demonstrated by the fact that none of the options provide a 'like for like' replacement for BRM Ltd's existing car park, which currently has 116 spaces and a motorcycle bay.
- 10.10 Whilst Option B2 maintains the same number of spaces as the existing car park, it has a poor layout that compromises safety as shown in the written submission of the witnesses for BRM Ltd. The Applicant's submitted Appendix D shows 108 car parking spaces without motorcycle spaces, failing to meet the needs of BRM Ltd in numeric terms. In both instances, safety

concerns arise from the proposed layout, which lacks adequate manoeuvring space and security features.

Seacon's Layover Area Loss

- 10.11 Seacon is a commercial operation providing transportation solutions for businesses. This includes the delivery of bulk items such as steel rods and paper bales. These are delivered onto the wharf by ship, and then either stored within warehouses or in the open yard at the Seacon site. These are transported on lorries to various locations throughout the country. Parts of the Seacon site are owned and/or controlled by BRM Ltd.
- 10.12 The proposal would see the loss of Seacon's layover area (situated close to the entrance of the site). A loss which has not been adequately addressed by the Applicant and would have an adverse impact on operational efficiency of the Seacon site. In particular, external hauliers to Seacon and visiting that site, rely on this space, and the Applicant's suggestions for alternatives are impractical.

Proposed new access road to BRM Ltd

- 10.13 The Applicant's proposed road to BRM Ltd site (and onward to other businesses located beyond) is considered to lack sufficient width for HGVs to pass safely; leading to potential conflicts with existing infrastructure. Furthermore, the National Grid (who have a number of pylons across the site, including one adjacent to the proposed road by the replacement LMA) has raised objections regarding the road's feasibility. This includes needing clear areas at the base to service the pylon and overhead cables. This could likely only be achieved by temporarily closing the 'new' access road to BRM Ltd. BRM Ltd also point out that this is not a reserved matter to be considered at a later stage, and is therefore before the decision-maker.

Ecological Impacts on the SSSI

- 10.14 The development is expected to increase visitor numbers to the adjacent Swanscombe Peninsula SSSI, leading to significant recreational disturbance. This is an area which BRM Ltd own parts of the land, and have invested in the Swanscombe peninsula in order to support local biodiversity.
- 10.15 Not only is it considered that there would be adverse impacts arising from an increase in visitor numbers (from both new residents of around 7,000 people, but also from increasing awareness of access to the Swanscombe Peninsula SSSI).
- 10.16 In particular, a number of concerns are raised by BRM Ltd over the effectiveness of anti-cat predation measures such as a fence and small ditch which are required to discourage felines from entering the Swanscombe Peninsula SSSI and attacking or harming wildlife; including birds.
- 10.17 BRM Ltd also point out that Natural England questions the adequacy of on-site greenspace to deter residents from accessing the SSSI.

Health risks associated with proximity to lead refinery

- 10.18 BRM is the largest primary lead refinery in Europe, raising concerns about health risks from lead exposure for nearby residents. The World Health

Organisation (WHO) states there is no 'safe level' of lead exposure, emphasizing the risks for vulnerable populations, including children and pregnant women.

- 10.19 The proposed development site is in a very high lead pollution area; with BRM currently operating at 55% capacity. The evidence submitted by BRM Ltd demonstrates that potentially 31% to 49% of the site (and its residents) could be affected with moderate adverse impacts. These would be areas both internal and external, and include areas of public open spaces.
- 10.20 Whilst the Applicant has pointed to historical lead pollution levels, these are considered to be irrelevant; current trends aim to reduce exposure, making the proposal counterintuitive. The methodology used by the Applicant to assess impacts is flawed as it does not consider the implications of placing residential dwellings near a lead refinery. BRM Ltd point out that at the Inquiry, the Applicant did not seek to submit scientific evidence of the same type as BRM Ltd at the Inquiry; the latter which included site specific analysis undertaken by a qualified specialist whose evidence was subject to cross examination at the Inquiry.
- 10.21 In conclusion on this point, BRM Ltd consider that significant health effects are likely to arise from existing and established businesses and the proximity development to them; thus contradicting Framework 135 (2024), which emphasizes health and well-being in development.

Noise Pollution Concerns

- 10.22 The Seacon site operates without specific planning controls. This is due to the length of time the operator has been present on site. As such, its operations are likely to potentially affect future residents of the application site with noise from 24/7 operations, with lorries and forklift machines operating both inside warehouse and outside in the storage yards.
- 10.23 BRM Ltd, considers that the Applicant's noise assessment is inadequate, and fails to consider maximum noise levels and elevated receptors. The analysis of BRM Ltd's witness on noise indicates significant noise disturbances, with levels exceeding the +10dB threshold for adverse impacts. In particular, it is considered that the proposed blocks of flats are poorly located (adjacent to Seacon storage yard), increasing the likelihood of complaints and operational tensions with Seacon.

Artificial Light Impact on Residents

- 10.24 BRM Ltd is also concerned that the proximity of residential blocks to Seacon raises further concerns about light pollution from its 24/7 operations. These are established operations which are not constrained by planning controls and are required to ensure that the site is secure and that employees and visitors on site are kept safe at all times.
- 10.25 BRM Ltd considers that the Applicant's submitted Environmental Statement lacks analysis of light spill and its effects on residents' amenity. Instead they point to the evidence of their own witness on lighting, whose findings show significant light impacts, with no feasible design solutions proposed to mitigate these issues.

- 10.26 As such, complaints from future residents of the application site are likely, with BRM Ltd concerned that Seacon would be vulnerable to common law nuisance claims.

Development Plan Non-Compliance

- 10.27 BRM Ltd consider that the proposed development contradicts the Core Strategy, which supports the retention of industrial and port-related employment in the area. In particular, Policy CS03 states that the Riverside Industrial Area will be retain in employment use. In seeking to replace B-class employment with residential units, the proposal would breach policy CS03. For similar reasons, and whilst relied upon by the Applicant and Gravesham Borough Council, there would also be a breach with Policy CS07.
- 10.28 Furthermore, the loss of industrial space and jobs as a direct result of this proposal is not compensated by the proposed residential development, failing to meet policy requirements.

Material Considerations Against Development

- 10.29 There are two presumptions within the Framework (2024) which come into play in this case.
- 10.30 The first is the brownfield presumption set out in Framework Paragraph 125c). This is not met in this instance as the site is not suitable brownfield land because a large part of it is protected within the development plan for B-Class employment use. Furthermore, the unsuitability of the site for residential redevelopment is compounded by the fact that it performs a vital role in providing premises for B-Class and similar and related uses.
- 10.31 The proposal would result in the ruination of this thriving industrial community – this in itself is considered to be a substantial harm in its own right to cancel out this presumption. In addition, the loss of the safeguarded wharf raised by the Port London Authority and Kent County Council, give rise to an additional substantial harm from the proposed development.
- 10.32 The second presumption is set out in Framework (2004) Paragraph 11d). The Applicant relies upon the fact that the local Council cannot demonstrate a 5 year housing land supply. Therefore, the presumption in favour of sustainable development, as set out within the Framework (2024) requires carrying out the necessary balance. In applying such a balance, BRM Ltd consider that the harms or adverse effects are substantial enough in this case to outweigh the perceived benefits. Accordingly, BRM Ltd's case is that the adverse impacts would significantly and demonstrably outweigh the benefits, such that the presumption in Framework 11 d) ii. is negated.
- 10.33 In conclusion, neither of the presumptions in the Framework (125c or 11d) indicates that permission should be granted. In these circumstances the development plan should prevail – the proposals do not accord with the plan's spatial policies and should be refused.

Conclusion and call for refusal

- 10.34 It is accepted that there is a need for new homes. However, the application scheme is an ill-considered and poorly thought through scheme which would

destroy a successful industrial community and a safeguarded wharf, jeopardise a globally significant lead refinery BRM Ltd and its symbiotic tenant Seacon.

- 10.35 These adverse effects would occur because the Applicants are seeking to erect a hugely over scaled football stadium, speculative jobs which may not materialise, and homes and open spaces in a phenomenally poor environment for people to live and play. This is considered to be the antithesis of good planning.
- 10.36 In these circumstances the development plan should prevail – the proposals do not accord with the plan’s spatial policies and should be refused.

Kent County Council (KCC)³³

Overview

- 10.37 Kent County Council’s (KCC) principal involvement in the Inquiry had been in its capacity as Minerals Planning Authority and in response of the harmful impact that the Applicant’s proposed development would cause to a safeguarded minerals wharf of at least regional importance.
- 10.38 However, as the considerable shortcomings of the scheme began to reveal themselves through the scrutiny which the inquiry process has brought to bear with the result that the Applicant has been compelled to introduce, repeatedly, amendments to its proposals, it has become necessary for KCC, as local highway authority to become actively involved, particularly in respect of impact on the rights of way network.
- 10.39 KCC’s case is that Applicant’s proposals to extinguish in its entirety the safeguarded Robins Wharf, and the consequences of that, amount to a serious and weighty objection to the proposal, not least as a result of an equally serious and weighty consequential conflict with the development plan, at all levels, and the Framework (2024).
- 10.40 This objection of itself is sufficient to give rise to a clear and compelling basis for refusal of planning permission; the benefits which the Applicant advances, such as they are, are at least unreliable and in truth are in large measure illusory. They do not and cannot reasonably rebut the statutory presumption that planning permission must be refused.
- 10.41 The impact on the public rights of way network generates a further objection to the proposals and further conflict with the development plan and the Framework (2024).
- 10.42 KCC is aware of the serious and legitimate objections of others, particularly of BRM Ltd; which have been amply supported in evidence. When these objections are included in the planning balance, as KCC invites the Inspector and the Secretary of State to do, the objections reinforce considerably the already-compelling case against this application succeeding in this instance.

³³ [INQ-33 KCC Closing Statement](#)

Current use of Robins Wharf

- 10.43 The KMWLP was adopted in March 2025. It is considered to be fully up to date. It follows that the safeguarding of Robins Wharf has recently been confirmed by the SoS as sound and, as such, found to be justified by objective evidence and to be consistent with national planning policy.
- 10.44 Kent and the wider region is dependent on imported minerals, in particular of hard rock. Robins Wharf is critical to the supply of that aggregate, which in practice needs to be imported into Kent by water and thus via wharves. This is also the case with marine dredged sand and gravel, which is central to maintaining a continuous and adequate supply of those minerals into Kent and the wider region.
- 10.45 KCC's evidence, and that of the Port of London Authority, explained how Robins Wharf and the extensive importation operations undertaken through the Wharf are of critical importance to mineral importation into Kent and the wider Region. The jetty at Robins Wharf, which, unusually, is suitable for use by self-discharge and non-self discharge vessels, as well as barges, contributes to its value and importance.
- 10.46 Moreover, and no less importantly, in addition to the importation of land and marine won aggregates, the value of Robins Wharf as an asset is increased considerably by the land-side processing operations which are undertaken by the operators on the Wharf. The land-side space at Robins Wharf and the processing plant and machinery that is present operate to transform the imported raw aggregates into usable products for the development industry and for highway construction and maintenance operations. Thus, in addition to raw aggregates, the output of Robins Wharf includes concrete, mortar and asphalt products which are produced on-site using raw aggregates imported via water onto the Wharf.
- 10.47 That Robins Wharf not only provides for importation by water and export of raw aggregates which are critical to supply chains but also the production and subsequent export of 'added value products' makes Robins Wharf unique amongst the wharves of the North Kent Shoreline and adds to its importance to supply chains in Kent and beyond.
- 10.48 Notably none of the evidence given by KCC and the PLA about the current operations at Robins Wharf, and their importance, is challenged seriously by the Applicant or GBC. It can, indeed should, therefore be accepted and, as such, it sets the context for the assessment of the impact of what the Applicant seeks.

Effect of Proposals on Robins Wharf and the consequences

- 10.49 The effect of the Applicant's proposals on Robins Wharf can be addressed in one word: 'devastating'. The Applicant seeks to develop houses on the entirety of the safeguarded area of Robins Wharf and therefore to extinguish the safeguarded wharf and the operations undertaken on it in their entirety.
- 10.50 As such, the importation by water of raw aggregates into Kent via Robins Wharf would cease and the production of added value products on the Wharf would cease. The Applicant offers no relocation or re-provision proposals. The Applicant's ultimate response to this is essentially that this consequence must

be accepted as collateral damage for its new football stadium and for the new housing that is needed, it says, at least in part to fund and to deliver that stadium.

- 10.51 However, the physical extinguishment of Robins Wharf has wider regional and strategic consequences, which KCCs Mineral Planning Policy witness explained in his evidence. In particular, it was explained how Kent is dependent, and is set to become increasingly dependent, on the importation of aggregates to maintain the supply of minerals required by policy and, functionally, to serve the construction and other markets that operate in the County and in the wider Region, which depends on minerals won and imported into Kent. Reliance on imported aggregates is set to increase as economically and sustainably realisable indigenous supplies continue to dwindle.
- 10.52 This is explained further in the KMWLP 2025, which confirms that an expectation that 'managed decline is the anticipated pattern of supply of land-won resources in Kent in the longer term, as sustainable resources of sharp sand and gravel are becoming depleted.'
- 10.53 These various forecasts, which are provided in further detail in the written evidence and none of which are in dispute, reinforce the importance and the protection of importation facilities and in particular wharves which allow for importation of aggregates by water. Wharves are critical to importation of marine dredged aggregates, such as marine dredged sand and of gravel and rock, imported currently from Scotland and Northern Ireland. Robins Wharf is an operational minerals importation wharf and, as such, its current importance and value to minerals supply is increased with forecast greater dependence on importation of aggregates in the future.
- 10.54 The Applicant's response to the consequences of the total extinguishment of Robins Wharf which its proposals will generate is revealing. The Applicant does not offer any comparable alternative site for relocation of the Wharf. The Applicant offers no alternative site for the current operations or operators to relocate to. The Applicant attempted to present a case that other operators in the market would pick up the processing and, to some extent, the importation capacity of Robins Wharf.
- 10.55 However, their witnesses evidence offered no firm proposal as to who would take up the capacity or where that capacity would be taken up or indeed how it would be taken up. For the Applicant to advance a serious case in this respect, it is expected that it would bring forward evidence from an existing operator(s) who confirms that it is ready, willing and, in practical terms, is able to take up the capacity lost by its proposals to extinguish Robin's Wharf. No such evidence has been forthcoming at the Inquiry. The Applicant's case that the capacity lost at Robins Wharf would be made up acceptably and sustainably elsewhere amounts to no more than bare assertion. It should therefore be rejected.
- 10.56 The consequence of all this is that the serious harm that the proposal will in fact cause to minerals supply and processing in Kent and the wider region and the effect this will have on the resilience of supply chains, now and into the future, and on those relying on supply chains – in particular the construction industry and on highway building and maintenance – has not meaningfully been shown to be mitigated or compensated. These serious and permanent

effects of the proposals must be given full weight in the application of planning policy and the ultimate planning balance.

The KMWLP 2025

- 10.57 Robins Wharf is safeguarded by Policy CSM 6, which provides that 'planning permission will not be granted for non-minerals development that may unacceptably adversely affect the operation of existing, planned or potential [safeguarded wharves] such that their capacity or viability for minerals transportation purposes may be compromised'.
- 10.58 The reasoned justification for Policy CSM 6 explains the rationale for safeguarding wharves and of the policy 'given their very probable irreplaceability'.
- 10.59 The Applicant's proposals which lead to the complete extinguishment of Robins Wharf are in direct conflict with Policy CSM 6 and its objective. The same conclusion and reasoning apply to Policy CSM 7, which concerns essentially facilities for minerals processing such as those located within Robins Wharf.
- 10.60 With regard to Policy DM 8, which all parties accept is engaged in principle, the Applicant relies only on exemption six: *'material considerations indicate that the need for the development overrides the presumption for safeguarding'*.
- 10.61 The Applicant's reliance formerly on exemption seven; *'that it has been demonstrated that the capacity of the facility to be lost is not required'*, has been abandoned. This supports and reinforces the submissions made above, and the evidence for KCC and the PLA, that Robins Wharf makes an important contribution to minerals supply and the supply of minerals products. Revealing also is the Applicant's lack of any reliance on exemption three or five with Policy DM 8. As such, it can be concluded that the Applicant accepts that there is no *'replacement capacity, of a similar type, ...available at a suitable alternative site, which is at least equivalent or better than that offered by the facility that it is replacing'* (exemption three). KCC consider that it can also be concluded that the Applicant accepts that *'the facility is viable'* (exemption five).
- 10.62 What are essentially concessions by the Applicant as a result of its lack of reliance on these other parts of Policy DM 8 are considered to support and reinforce the case of KCC and the PLA about the importance of Robins Wharf and the operations taking place within it and the consequences of its extinguishment, as the Applicant proposes. These concessions are considered to weigh strongly against the Applicant's case.
- 10.63 Turning to exemption six, the 'material considerations' relied on must indicate that the need for the developed 'overrides' the 'presumption for safeguarding'. This exemption benefits from careful consideration.
- 10.64 First, the starting point is the identification of the 'material considerations that indicate the need for the development'. The delivery of homes to contribute to five year and later housing supply in Gravesham, the delivery of a new football stadium and what the Applicant claims are regeneration benefits are the material considerations and the drivers of need which are relied upon by the Applicant. However, what is required is that those material considerations are

properly weighted and all other material considerations, including the adverse effects of the proposals, are weighed also in the balance.

- 10.65 Secondly, the use of the term 'overrides' is considered telling by KCC. The plan does not use the term 'outweighs' but rather a stronger term. The term 'override' conveys a balance that is akin to setting aside the safeguarding and what it is intended to achieve.
- 10.66 Thirdly, what is required to be 'overridden' is the 'presumption of safeguarding'. In this, the purpose of safeguarding Robins Wharf and the consequences of that being compromised by its extinguishment come into play. What must be overridden therefore is not just policy harm but actual harm which the loss of Robins Wharf generates and which KCC have addressed.
- 10.67 In the application of exemption six, the *Safeguarding SPD March 2021* is engaged. It is common ground between the main parties that this SPD is a material consideration in the application of Policy DM 8 and that it continues to be material notwithstanding the adoption subsequent to it of the KMWLP 2025.
- 10.68 The SPD 2021 sets out that : *'Paragraph 6.17 Criterion (6): "material considerations indicate that the need for development overrides the presumption for safeguarding" This criterion allows for development where it can be shown that the development is of such importance that the need for it to take place outweighs any impact that might result on the operation for the adjacent minerals and waste facility. In the determination of such proposals, the need for the development will need to be weighed against the need to retain the safeguarded facility, the scale of potential impact and the objectives and policies of the development plan as a whole"*.
- 10.69 The SPD is considered to reinforce the high bar set by exemption six; the development and thus the material considerations and need relied upon in support of that development must be 'of such importance' that the harm through the loss of the safeguarded wharf is justified.

Material considerations (in relation to safeguarded wharf)

- 10.70 In terms of the proposed new homes; there is a need for new homes, locally and nationally. It is accepted that the Gravesham Borough is constrained in terms of housing supply and five-year supply and housing delivery. Delivery of new homes may in principle be included in the balance engaged by exemption six. However, in terms of the weight to be attached to it as a consideration for the purposes of exemption six, depends on the extent to which delivery can be relied so as to contribute meaningfully to housing supply and delivery.
- 10.71 In this case, it is considered that because the Applicant owns or controls just a very small proportion of its own application site, there are limited prospects of the housing being delivered. To deliver the totality of the development proposed requires what is properly described as a massive land acquisition exercise. Compulsory acquisition appears to be unavoidable: yet no CPO has been made. GBC, on whom the Applicant is dependent for the making and progressing a CPO, has not resolved to make a CPO and the basic components

- of a case for a CPO – a statement of reasons, an equalities impact assessment, a viability appraisal are not in existence, even in draft form.
- 10.72 Instead, what the Applicant and GBC have introduced, very late in the day, is an assertion that the CS 2014 is in conflict with or inconsistent with KMWLP 2025. This was not raised by either party at an earlier stage, including in GBC Committee Report, in statement of case or proofs of evidence.
- 10.73 However KCC consider that what CS07 was intended introduce a safeguarding policy which, consistently with the strategic policy objective set by KCC as minerals planning authority, reflects local circumstances. The CS 2014 sets out that 'commercial wharves and land-side support infrastructure' in Gravesham are under particular threat *'given the potential for such sites to be lost to higher value uses taking advantage of attractive riverside locations'*. As such, GBC introduced a policy into the CS 2014 to address and to reflect this. There is no evidence before the inquiry to show that this pressure or thus the objective that CS 07 was to address has diminished. Full weight should therefore be given to Policy CS 07 (including para.5.1.36) and the clear conflict of the proposals with it.
- 10.74 KCC go on to explain that the CS 2014 identifies the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area, which Policy CS 03 addresses. CS 03 is one of the spatial policies of the CS 2014. Robins Wharf and the application site are within the Opportunity Area and within sub-area 1.3 of that Opportunity Area. Crucially in this case, Robins Wharf is excluded from any of the 'key sites' within the Opportunity Area and sub-area. As such, Robins Wharf is not in that part of sub area 1.3 that 'has the potential for residentially led regeneration ...' as set out in the CS 2014. Indeed, the CS 2014 identifies expressly a need in the Opportunity Area to 'safeguard the capacity of commercial wharves and on other sites needed to support the River Thames as a working waterway (see Policy CS 07 ... and CS11 ...)'. As such, KCC consider that development on Robins Wharf is not required or indeed envisaged by policy CS 03 of the CS 2014.
- 10.75 As such, it is right to conclude that Policies CS 11 and CS 07 struck the right balance and provided the 'flexibility' between safeguarding and regeneration opportunities and benefits, as does CS 03, which expressly excluded and seeks to protect Robins Wharf. Thus, development of Robins Wharf is not required or expected to achieve the planning objectives sought within the Opportunity Area. It follows, in terms of the spatial policies of the CS 2014, these do not support development on and of Robins Wharf, indeed, they actively oppose this.
- 10.76 The strategic context for policies CS03, CS07 and CS11 of the CS 2014 is important. That context includes Strategic Objective 18 of the CS, which provides that the CS will "as a minimum, safeguard the capacity of commercial wharves and other sites needed to support the River Thames as a working waterway". It is abundantly clear that, by reference to the relevant policies themselves, the CS 2014 confers very great protection on safeguarded commercial wharves and, by policy CS03 in particular, on Robins Wharf. Strategic Objective 18, which underpins those policies, reinforces that conclusion, to the extent that any reinforcement is needed.

- 10.77 KCC therefore consider that the proper conclusion is that the proposal conflicts with the CS 2014 Development Plan.

KCC Conclusion on Minerals Wharf policy

- 10.78 There is a clear conflict with the development plan. This is not a finely balanced conclusion. The development plan at both levels could not be clearer in resisting loss or harm to safeguarded wharves save in limited and exceptional circumstances, which do not, arise here. What the development plan at both levels does is to preclude the sort of development affecting safeguarded wharves that the Applicant's proposes.
- 10.79 The conflict with the development plan therefore, for the purposes of the statutory test, generates a presumption against the grant of planning permission.

Impact on the Rights of Way Network

- 10.80 KCC's Statement of Case recorded that agreement had (by that stage) been reached between KCC's Public Rights of Way and Access Service (PROWAS), the National Trail Partnership (NTP) for the King Charles III England Coast Path (KCIIECP) and the Applicant on public rights of way matters. That followed longstanding active engagement between the parties to agree on the proposed re-routing of public footpath NU1 and the KCIIECP through the site, as depicted in the submitted plan at INQ-27³⁴.
- 10.81 Following the Applicant's late revisions to its proposals for the BRM car parking and LMA including 'Option A' and 'Option B2', KCC PROWAS objects to the proposals on rights of way grounds. The late submissions by the Applicant are unfortunate. KCC PROWAS was never alerted by the Applicant to the revised proposals, with their consequential changes to the rights of way network, notwithstanding the Applicant must have been aware of the impact of these revisions on the previously agreed position between the parties.
- 10.82 The basis of KCC PROWAS's objection is set out in its original note on the two options (INQ-26³⁵) and its consultation response. In short, the revisions introduce a formal diversion of two public rights of way which are harmful and not acceptable. Whilst NU1/KCIIECP were previously proposed to be routed through the greenspace (Power Park), they will now need to run for a substantial distance (over 100m) alongside the LMA and past a 'BRM facilities area' before (for Option B2) having to cross through BRM's car park entrance and accessway. A substantial part of the route will be a 'fenced in corridor', running in between a cat predation buffer fence (1.8m high) and the HGV holding layby (to be fenced with an acoustic barrier 3-4m high).
- 10.83 It will be crossing a highly industrialised operational area, enclosed and unwelcoming. Not only will there be the obvious noise and fumes associated with regular HGV movements, but there will also be strong lighting, CCTV and expected litter. Multiple safety issues arise here, not least those evidenced in BRM's consultation responses. No details are given for any pedestrian crossings proposed here, for example of the need to cross the car park and all

³⁴ [INQ-27 gwo-3-s065 - 20221064 - kciiecp_map2](#)

³⁵ [INQ-26 kcc prow note on option b plan final](#)

of this raises clear risks of vehicle conflicts with users of proposed public rights of way. There are also risks of anti-social behaviour and perceptions it is unsafe, given its enclosed nature.

- 10.84 All of this makes the new proposals unacceptable due to their impacts on the right of way network and the quality of experience of those who use the network. The scheme does not accord with Framework Paragraph 105's expectation that planning decisions 'should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users...'. Nor will it provide any 'improvements to walking and cycling facilities and networks in the borough', leading to a further conflict with the development plan and in particular Policy CS11, paragraph 5.5.41 of the CS.

The National Planning Policy Framework (2024)

- 10.85 Framework Chapter 17: Facilitating the sustainable use of minerals, is considered relevant by KCC. Paragraph 223 provides that planning policies should 'safeguard existing planned and potential sites for the bulk transport, handling and processing of minerals ...'
- 10.86 Robins Wharf is such a site and as such is required by the Secretary of State to be safeguarded for the transport, handling and processing of minerals. This is what the MWLP 2025 and the CS 2014 are considered to do from a development plan aspect. The Applicant's proposals, as these affect Robins Wharf, conflict with the safeguarding which the Secretary of State requires for such locations and this of itself generates a conflict with the Framework para.223.
- 10.87 It is notable, that the Secretary of State requires the safeguarding of not just existing but also 'planned and potential sites' for transport, handling and processing of minerals. The reach of Framework Paragraph 223(e) confirms the importance that the Secretary of State applies to wharf safeguarding. This informs the weight to be attached to the conflict with the policy that this proposal generates and how that conflict should factor into the planning balance.
- 10.88 Additionally, as the Minerals Planner for KCC explained in evidence, Robins Wharf and the operations undertaken within it are of critical importance to KCC's ability to ensure the maintenance of a steady and adequate supply of minerals into Kent and the wider region and to realise the benefits of minerals extraction elsewhere (though importation into Kent). The loss of the contribution of Robins Wharf to importation and distribution generates a conflict with Framework Paragraphs 224 and 226.
- 10.89 The impact on the public rights of way and the failure to take the opportunity to introduce improvements is such that a conflict with Framework Paragraph 105 arises.
- 10.90 In terms of Framework Paragraph 125(c), much of the application site is a brownfield site and it is in a settlement. However, that part of the application site which comprises Robins Wharf is not a 'suitable' brownfield site. Given the conflict with the safeguarded wharf policies of the development plan and of the Framework, that part of the application site that comprises Robins Wharf is considered by KCC to be highly 'unsuitable' for development. The effect of the

extinguishment of Robins Wharf amounts to 'substantial harm' which will rebut the presumption introduced by Framework Paragraph 125(c) in any event.

- 10.91 In terms of the five-year housing land supply and delivery test, Framework Paragraph 11(d) is engaged as it is common ground that these have not been achieved by the Council. BRM Ltd's case is that the proposals conflict with policies of the Framework that protect areas and assets of particular importance (identified in Fn 7), in particular a SSSI, and that this generates a strong reason for refusal of planning permission. If BRM is correct, then Paragraph 11(d)(i) is engaged, and the decision maker does not get to Paragraph 11(d)(ii).
- 10.92 KCC set out that if Framework para.11(d)(ii) is engaged, certain important points follow in terms of the application of the tilted balance. First, and as a matter of law, the engagement of the tilted balance does not mean that development plan policies including those which are 'most important for determining the application' are automatically to be given reduced weight. In this case, the safeguarding policies are up-to-date and accord fully with the Framework. As such, full weight should be given to those policies and to the clear conflict with them.
- 10.93 Second, in terms of these proposals, the benefit from the supply of new housing must be considered against the reality of what the Applicant is in a position to achieve. This scheme is not, as matters stand, deliverable and as such the benefits commended by the Applicant are not achievable, unless or until a number of formidable hurdles, in particular concerning land assembly and viability, are overcome. This is an important factor in the operation here of the tilted balance.
- 10.94 As to the Paragraph 11(d)(ii) balance, KCC, like the other Rule 6 Parties who oppose this application, consider that the adverse effects of this proposal – including the loss of an important safeguarded wharf and conflict with development plan and Framework policies which seek to achieve that safeguarding – significantly and demonstrably outweigh the benefits which may be properly attributed to this scheme.
- 10.95 With regard to the particular policies referred to in Fn 9 and to which particular regards are to be had in the operation of para.11(d)(ii), KCC respectfully reflects the evidence and approach of BRM in those respects. Taken as a whole, none of those policies support the proposals or elevate its benefits such that the adverse impacts do not or no longer significantly and demonstrably outweigh the benefits.
- 10.96 The outcome of the tilted balance does not indicate that planning permission should be given. Furthermore, the Framework as a whole does not operate as a material consideration to support the grant of planning permission and does not, as such, operate to displace the statutory presumption against the grant of planning permission.
- 10.97 In terms of other material considerations, observations relating to the loss of local businesses, jobs and livelihoods which the Applicant's proposals will generate and which the Applicant offers nothing by way of mitigation, are made. The doubts as to delivery of the proposals are such that no real weight can be attached to future job generation. Weight can however be attached to

the real-world losses to local businesses and employees and to the suppression now and as result of this speculative application of investment by Gravesham by those businesses. The evidence given to the inquiry by local business people was revealing and highly significant in this respect. This is a material consideration which weights against the approval of these proposals.

10.98 Likewise, the evidence of BRM Ltd on its operations is of considerable importance and likewise weighs against what is proposed.

10.99 As such, KCC considers that the material considerations do not here rebut the statutory presumption against the grant of planning permission.

KCC Overall Conclusion

10.100 This application is, to use neutral term, an unusual one. The Applicant is seeking to secure permission for a large development on land it in large measure does not own or have control of and in circumstances where it will extinguish a heavily safeguarded infrastructure asset. The proposals are said by the Applicant itself to be substantially unviable and in order to be delivered the Applicant is dependent on the outcome of what will without doubt be a strongly resisted compulsory purchase process for which it has not yet got to, let alone got beyond, the starting block.

10.101 The benefits of this proposal are all highly doubtful in terms of their realisation, even 'illusory', as others have claimed. The proposals generate, even on the Applicant's case, numerous conflicts with the development plan and the Framework. From any reasonable developer's perspective, this application does not appear to be a promising proposition.

10.102 There is a substantial conflict with the development plan and with a suite of material considerations which weigh strongly against the proposals. The application should be refused.

Port of London Authority³⁶(PLA)

10.103 The PLA point out that, in their view, this is an application which from its very beginning has been driven by the Applicant's unrealistic ambitions to create an improbable footballing empire in Gravesham. This has been not only the starting point but also the main determining factor of the project throughout.

10.104 On the Applicant's own case, the ambitions of the football club for an incongruous stadium, not supported by the development plan at all, would always have required substantial external financial support: hence the provision from the outset of significant numbers of new houses to seek to begin to give the football dream its wings.

10.105 The PLA contend, that housing 'subsidy' alone would not be sufficient. From the beginning of the venture it was decided that the new football quarter would need to secure a waterside location, not because that was the best place to put housing in Gravesham having regard to the strategic objectives of the development plan, but simply and purely because that location potentially

³⁶ [INQ-34 PLA Closing Statement](#)

represented the most valuable luxury housing land to underwrite the footballing aspiration.

- 10.106 Even then, and even with this valuable waterside land hosting its luxury housing quarter, the proposal did not stack up. Wholesale disruption of the settled development plan strategy for the area and its businesses is premised on a proposal which does not come close to being deliverable. And by a promotor team which is now unknown and which claims no history or experience of delivery.
- 10.107 The trouble with dreams (and the ambitions they drive), contend the PLA, is that they often arrive at a 'wake-up' point where aspirations crash into reality.
- 10.108 In this case, the 'wake up' reality is the existence of a nationally and strategically protected minerals wharf, protected precisely with the specific aim of ensuring that such nationally and strategically important transshipment wharves are NOT taken for high value housing uses. That reality is followed in this case by the complete absence of ANY proper justification for the loss of one of the south-east's most viable and productive wharves.
- 10.109 In the framing of this application, and in these circumstances, an almost literal 'blind eye' was turned to the existence of the safeguarded wharf and its protection. It simply was NOT a factor which was given any serious consideration in the formulation of the shape and disposition of the application. The football project needed the housing and the housing needed the wharf and waterside. So, the project red line would encompass the wharf; which would disappear.
- 10.110 Once that decision had been made by the Applicant, an *ex post facto* scramble to justify the obliteration of the wharf and its functions began. In almost all such cases, the unfortunate planning team which has been provided with an unsustainable and poorly thought-out initial proposition were unable to magic it into anything better looking.
- 10.111 The see-through costume of a planning case which sought to argue that the loss of the wharf was actually in fact an integral and consistent part of the strategy of the development plan was rather comically wheeled out and was clearly found wanting. There is, and never was such a strategy, simply the reverse.
- 10.112 The Applicant's alternative contention is that the benefits of the proposal (which consist largely but not exclusively of the purported delivery of housing to meet a 5 year land supply) outweigh the harm caused by the complete loss of the wharf. However, this contention was essayed in the absence of the consideration of any other alternative strategies to meeting housing need, when the consideration of such alternatives (including one suggested by the local plan Inspector) is as a matter of law clearly relevant and necessary to any proper assessment.
- 10.113 One simple question from the Inspector to the Applicant on this matter was a string-pull which unravelled the closely knit but flawed structure of this application: *'Why was no consideration given to putting housing on the brownfield football stadium and its surrounds which are in the opportunity area and would have avoided the loss of the protected wharf?'*

- 10.114 There was no rational answer to this instinctive and legally apposite question because at no time did the Applicant's footballing ambitions allow it (or other appropriate strategic questions) to be asked. A deeply flawed starting point will sometimes be disclosed with startling clarity. This was one of those occasions.
- 10.115 The reliance upon the waterside protected land is an applicant-based confected reliance and not a real world-driven one. It does not and will not result in the delivery of housing units any time soon or at all; but will result in the loss of a vitally important strategic wharf and many other businesses which underpin the land use planning objectives of this borough. For these reasons alone planning permission should be refused.
- 10.116 The inappropriate starting point of this application has led to several other procedural and substantive 'car crashes' on the route to these closings.
- 10.117 Insofar as such matters are relevant to the loss or risk of loss of other protected wharves, then the PLA has a direct interest in ensuring such losses do not occur and endorses and supports the case made against the grant by BRM Ltd. The other failures in the way the case has been presented are all serious symptoms that this application is ill-conceived, ill-prepared and ill-judged.
- 10.118 In a dramatic move during the adjournment (perhaps sensing how the wind is blowing in respect of the application and the inquiry), the football club team which the planning statement tells us is relied upon heavily has decided to move on and has announced a prospective sale of its interests in the football club and its land to entirely new owners.
- 10.119 This announcement was, disrespectfully to the inquiry process, slipped into the back end of a document dealing with the extraordinary mid inquiry consultation process referred to above. It is untestable and unsatisfactory.
- 10.120 This potential sale of the club and its interests to persons literally unknown to the inquiry (as to substance) in the days immediately before closing is remarkable and unprecedented. It goes to the heart of the issue of deliverability and credibility in this case. This unguided missile of a proposal which has even during the adjournment taken another wild veer of direction will do untold harm to national strategic and local development strategies and will not repay any confidence placed in it by decision-makers at any level. It should, therefore, be refused.

Section 38(6) of the Planning & Compulsory Purchase Act 2004

- 10.121 The PLA contend that on a proper understanding of what the development plan says it is obvious that the scheme would seriously and significantly depart from the provisions of the relevant development plan policies and the development plan when read as a whole. There are no material considerations that would justify the determination of the application other than in accordance with the development plan.

The Development Plan

- 10.122 Paragraph 223 of the Framework represents the Government's clear policy in a world where it seeks to support rapid economic growth including housing

delivery. It is an important and very restatement of the criticality of sustainable transport and sustainable delivery of materials to support that growth. London and the South East needs minerals and minerals need sustainable wharves if that economic growth it to happen. That is why the present government's planning reforms include an Framework which retains the safeguarding of such existing or potential facilities.

- 10.123 The safeguarding of wharves is thus an essential and important component of the growth agenda and its rapid delivery. Wharves are an essential part of the wider delivery solution across the South East and should not be stymied or seen as an inconvenient constraint to delivery. Paragraph 223 of the Framework (2024) is considered sufficient in and of itself by the PLA to justify the refusal of permission.
- 10.124 Paragraph 224 of the Framework says in addition that great weight should be given to the benefits of mineral extraction, including to the economy. Safeguarding wharves is an essential component of ensuring an adequate supply of minerals. Great weight must therefore be given to ensuring that safeguarded minerals wharves are protected from speculative development especially for water-hungry luxury housing 'with a view'.
- 10.125 All parties agree that the wharf safeguarding policies in both the CS and the KMWLP fully accord with the Framework. Whilst Gravesham Borough Council (GBC) and the Applicant recognised the strength of the safeguarding from national to local level - raised for the very first time in rebuttal evidence - the contention that the Core Strategy was inconsistent with the KMWLP. GBC and the Applicant suggested that although the two plans are both fully consistent with national policy, they are nonetheless inconsistent with each other.
- 10.126 This is considered by PLA to be a bad point; which the Applicant and GBC chose to pursue only once they had very belatedly realised that they had very fundamentally misunderstood what the KMWLP 2025 says, and how the two plans work in tandem in relation to the safeguarding of minerals wharves.
- 10.127 Robins Wharf comprises the land identified in the KMWLP. Given the wharf's location at the mouth of the Thames, directly on one of the world's busiest shipping lanes opposite one of the best located container ports in the UK and given the importance to Gravesham and the wider area of not losing such a prime facility, this specific level of protection is unsurprising and bespoke.
- 10.128 Whilst Policy CS07 of the CS calls for the regeneration of the OA, it makes absolutely plain that this should take place alongside the retention of Robins Wharf. Paragraph 5.1.36, which forms part of Policy CS07, says in terms that: *'The loss of existing commercial wharves shown on the Policies Map and other land-side supporting infrastructure will not be supported unless a study and supporting evidence shows that they are no longer viable for marine related employment purposes or are incapable of being made so at reasonable cost, and it has been shown that there is no demand for them through an appropriate marketing exercise carried out in accordance with Council guidance (Appendix 5), or appropriate alternative provision is available or will be provided as part of the rationalisation of facilities that, as a minimum, maintains capacity and provides equivalent or better facilities.'*

10.129 It is common ground that the scheme breaches paragraph 5.1.36. In other words, the Applicant must accept that Robins Wharf remains fully viable, that no appropriate alternative provision is available, and that none is proposed much less secured as part of the application scheme.

10.130 Of note, the PLA set out that:

- The **spatial vision** for the Local Plan states that '*as a minimum, the capacity of commercial wharves and other sites needed to support the River Thames as a working waterway will have been retained*';
- This is taken forward by strategic objective SO18: '**as a minimum, safeguard the capacity of commercial wharves and other sites needed to support the River Thames as a working waterway**'; and,
- This is then reinforced by the plan's **thematic policies** which, in relation to the economy, employment and skills, state that '*where rationalisation of wharves or other sites needed to support the River Thames as a working waterway is proposed to support wider regeneration objectives, this will only be acceptable **as a minimum, maintains capacity and provides equivalent or better facilities***' (bold added).

10.131 All of this is proper planning and leads up to the bespoke protection of Robins Wharf in the context of the OA strategy. This is protection which everyone agrees is breached. It is also common ground that the scheme would breach Policy CS11; which calls for wharves to be safeguarded. This is why the only possible conclusion open to the Inspector and the Secretary of State is that the scheme does not comply with the CS. A CS which fully accords with the Framework and indicates a completely Nelsonian approach by the Applicants when drawing up the application.

10.132 In terms of the KMWLP, it is common ground that, like the Local Plan, it fully accords with the Framework. It is thus to be given full weight despite the engagement of the tilted balance, as to which see further below. Robins Wharf is safeguarded by Policy CSM6, with the on-site infrastructure at Robins Wharf safeguarded by Policy CSM7.

10.133 In short therefore, the Wharf and its infrastructure are protected in up to date policy that is wholly consistent with the Framework. It follows that this safeguarding is to be given full weight in the determination of this application notwithstanding the potential operation of the tilted balance (agreed by all parties).

10.134 Policy CSM6 says that planning permission will not be granted for non-minerals development that may unacceptably adversely affect the operation of existing, planned or potential sites, such that their capacity or viability for minerals transportation purposes may be compromised. That reflects the position of the new Framework and reflects how important this issue is and remains.

10.135 The context here is that there is no dispute about the on-site operations at Robins Wharf being multi-faceted and integrated; as to the benefits of co-locating added value production of mortar, concrete and asphalt on a wharf;

as to the benefits an operational wharf brings to the local economy; or as to the sustainability of using sea faring vessels to deliver aggregates to the region. And there is no dispute either that the wharf and associated operational land are fully utilised, and that there is no spare land available. This is your paradigm, 'superstar protected wharf'.

- 10.136 The supporting text to Policy CSM6 states that Policy DM8 identifies situations where development at, or in proximity to safeguarded mineral plant infrastructure might be acceptable. Policy DM8 contains seven exceptions criteria.
- 10.137 An appropriate analysis of the exceptions in the light of all of the evidence establishes (1) why a consideration of the means of meeting housing need other than by losing the wharf was essential (but is missing) and (2) why the assertion that 'don't worry the loss of the superstar wharf will be taken up 'somewhere else' is to be given little weight and (3) why the timely delivery of any benefits of the proposal are hugely questionable.
- 10.138 The only criterion on which GBC and the Applicant now rely is criterion (6). The consequences of the inability as a matter of fact to meet any of the other criteria has important implications for the operation of the sole criterion which it alleges it does meet.
- 10.139 DM8 criterion (3) allows for the loss of a wharf where replacement capacity, of the similar type, is available at a suitable alternative site, which is at least equivalent or better than to that offered by the facility that it is replacing (note the wording and its similarity to the provisions of the Development Plan). It is common ground that the scheme cannot meet this criterion.
- 10.140 The inability of the Applicant to even claim to meet criterion (3) is important because it shines a light on the Applicant's assertion in relation to criterion (6) that there are 'somewhere' alternative sites that would take up the capacity that would be lost at Robins Wharf. All of the potential sites in the unstructured suggestion that 'stuff will happen' have to be seen in the context of criterion 3 and the acceptance that there are no sites identified or even identifiable as suitable alternatives to the critical capacity lost. The Applicant's position is inherently contradictory, and entirely untenable.
- 10.141 Criterion (7) allows for the loss of a wharf where it has been demonstrated that the capacity of the facility to be lost is not required. The Applicant has been forced to abandon this argument, with the reason for the abandonment of criterion (7); namely that its use is now accepted to be required.
- 10.142 In terms of criterion (6). This allows for the loss of a wharf where 'material considerations indicate that the need for development overrides the presumption for safeguarding'. It is absolutely critical for the Secretary of State properly to understand what this criterion is actually saying. And to identify clearly the wide nature of the material considerations at play in an understanding of the operation of the criterion. For that, we need to go to the County Council's Safeguarding SPD³⁷: published in 2021. It is common ground

³⁷ [3.07 Kent Minerals and Waste Local Plan Supplementary Planning Document 2021](#)

that it is this document that explains how Policy DM 8 is to be applied and that it should be used in the circumstances of this case.

- 10.143 In relation to criterion (6): This criterion allows for development where it can be shown that the development is of such importance that the need for it to take place outweighs any impact that might result on the operation of the adjacent minerals and waste facility. In the determination of such proposals, the need for the development will need to be weighed against the need to retain the safeguarded facility, the scale of potential impact and the objectives and policies of the development plan as a whole.
- 10.144 Applying the related SPD, it is necessary for the decision maker in assessing whether a scheme complies with DM8(6) to weigh the need for the specific application scheme against:
- the need to retain the safeguarded facility and the opposing need for development to take place on the safeguarded wharf as opposed to elsewhere.
 - the scale of the impact on the safeguarded facility; and
 - the objectives and policies of the development plan as a whole.
- 10.145 In terms of the need for the development – this relates to the need for the application scheme to include housing (and to expunge the protected use) on Robins Wharf. In the context of the exception, the need for the development mentioned in the SPD must be a need for the development of this particular safeguarded use and wharf (as opposed to elsewhere or anywhere). Otherwise the 'exceptionality' of the exception is considered by the PLA as simply meaningless.
- 10.146 The reason safeguarding is necessary is because without it, the silent hand of the market would operate and wharves - which in the national interest require to be located on the waterside - would be lost to higher value uses, most obviously luxury housing. In this case, the application scheme proposes precisely and unashamedly the very epitome of the type of use that the safeguarding policies in the CS and the KMWLP are specifically designed to prevent.
- 10.147 The PLA contend that the Inspector / the Secretary of State in the circumstances of this case could only conclude that there was a specific need to put housing on the safeguarded wharf if it was clear that other potential means of meeting general housing need and/or the needs of the OA without the loss of the safeguarded wharf had been considered.
- 10.148 The SPD is clear that the criterion is only met where 'it can be shown that the development is of such importance that the need for it to take place outweighs any impact'. The 'need for it to take place' means the need for it to take place on and to displace the wharf. The Applicant has provided no evidence as to whether the housing (as housing as opposed to a cash cow driven by a football ambition) needs, in the terms of the criterion, to take place on the wharf.
- 10.149 Further, the Applicant's misguided approach is evidenced in the instructions it gave to its design team. Those instructions, right from the very start, were to adopt a market approach to the wharf and to incorporate it into the scheme.

And to deliver an 8,000 seater stadium (for a failing football team) and a fixed number of 3,500 houses, including the waterside element in an attempt to make a proposal stack- up.

- 10.150 The Applicant points to the fact that there is a significant need for new houses in the Borough. That is not in dispute, and the housing benefits of the scheme as a whole in this regard obviously weigh in favour of the grant of permission if they are delivered. But the fundamental point made by the PLA is that pointing to the general need for housing in the Borough does not help the Applicant demonstrate that - contrary to the structure and strategy of the up to date development plan - the wharf MUST be lost in order to meet the generalised housing need across the Borough. Neither for the reasons set out above is the housing on the waterside needed to achieve the regeneration strategy of the Plan. In fact it is in direct opposition to that strategy.
- 10.151 The KMWLP has been prepared taking into account the Kent Local Plans. There can therefore be no sensible suggestion that the KMWLP is in any way inconsistent with the Core Strategy, remembering that both plans are consistent with the Framework.
- 10.152 Here, there is a clear breach of the Spatial Vision, Strategic Objectives, Thematic Policies and Development Management Policies of the Core Strategy, part of the Development Plan as a whole referred to in the SPD as central to a determination of whether criterion 6 is met.
- 10.153 That is fundamental to the determination of whether the scheme meets DM8(6). It is a consideration that is wholly and necessarily absent from the analysis presented by GBC and the Applicant in support of their assertions that the scheme would comply with DM8(6).

Deliverability and absence of viability

- 10.154 The key benefit relied upon by the Applicant is the provision of housing. There is no dispute that there is a very significant need for open market and affordable housing in the Borough. But this is not considered by the PLA to be a 'golden ticket' to a planning permission.
- 10.155 In particular, in assessing what weight should be given to the proposed housing, detailed consideration needs to be given to whether and when any housing is likely to come forward on the site. Clearly if housing comes forward outside the 5 year period when it is the 5 year shortfall which triggers the tilted balance, then it would be counter-intuitive and wrong to give the housing significant weight.
- 10.156 The Applicant's viability analysis shows that the scheme will deliver a return on GDV of just 6.14% and profit on cost of just 6.64% against the identification by the PPG (and by the expert evidence) of 15-20% as a viable return. This was before the additional £25m in s.106 contributions that are now sought in the light of which the Applicant's planning witness accepted the viability position was very much worse than as set out in its own viability analysis, which has not been updated to reflect these costs.
- 10.157 In that context, the Inspector and the Secretary of State should rightly be concerned as to whether the scheme is ever likely to come forward. The real risk of non-delivery in the evidence before the inquiry by and of itself must

reduce the weight which any potential housing should be given in any relevant planning or safeguarding balance.

- 10.158 This case is very different to the Stag Brewery case mentioned in cross-examination by Mr Warren KC; reference APP/L5810/W/24/3339060 (Appeal A); APP/L5810/W/24/3339062 (Appeal B). In that case, the entire site was allocated for housing and was fully owned by the promoters. So, there was no need for a CPO and no alternative, much less a protected alternative use to be extinguished. All parties' expert consultants in that case agreed that there was a real likelihood that the scheme would be deliverable.
- 10.159 The Inspectorate and the Secretary of State has reinforced the importance of financial viability/deliverability especially in cases where the weight to the benefits of a proposal relies upon the likelihood of a successful CPO. Thus in Vicarage Fields³⁸ the Inspector and the Secretary of State refused to authorise a town centre CPO despite its many significant benefits.
- 10.160 The Inspector concluded at paragraph 178 that *'I cannot be certain that the necessary resources are likely to be available within a reasonable timescale and I am unable to conclude that there is a reasonable prospect that the scheme will proceed and would be delivered'*. The Secretary of State agreed. The same arguments apply here save that in the Vicarage Field case the Inspector and the Secretary of State sought and were given significant details about the developer, its track record and its ability to deliver a complex scheme.

Who is the Developer? No evidence of track record of any delivery much less a scheme as complex as this.

- 10.161 The PLA has consistently made the point that the developer team in this case (which depends heavily on the directors and owners of the Football Club) present no real evidence of an ability to deliver a development of this scale or complexity. This was accepted by the Applicant's own planning witness in cross-examination. This means that the Secretary of State can have much less confidence and should give much less weight to the delivery of the project as a whole or its parts.
- 10.162 With no notice or explanation, it would appear that the football team (and thus the main development partner with relevant landholdings) is potentially being taken over by new set of owners. This potential new majority ownership was mentioned in an 'update' in a note entitled response to June consultation: *"The Board of Directors of Ebbsfleet United Football Club announced in mid-August that a majority sale of the Club was being considered. A new owner has now been identified and has been notified to the Football Association, but has not yet been identified publicly. Public announcement is expected imminently"*.
- 10.163 But there is (no doubt deliberately say the PLA) no evidence of the potential new owners' delivery credentials, acumen or experience of delivering complex schemes / CPOs - just a deafening silence which should not increase the confidence of the Inspector and Secretary of State in terms of delivery. For a scheme where security of delivery is essential and where there was already a

³⁸ [CD 8.95 Vicarage Field and surrounding land CPO Decision 04.10.2022](#)

large degree of uncertainty, the breath-it-quietly absence of any detailed identification of potential complete new ownership of the football club which is the driving force of every component of every identified locational need in the entire case on 29th August is truly astonishing.

Return to timing of any delivery

- 10.164 Even if, despite the above concerns, the Inspector and the Secretary of State were to conclude that there is a reasonable prospect that the scheme or a part of the scheme will be delivered, it would still be necessary to consider for the purposes of ascribing weight precisely (or even broadly) when the housing element would be likely to come forward.
- 10.165 In the Applicant's cross of examination of PLA's Planning witness it was suggested that the timings in the conditions reflected the GBC's standard approach. That assertion was made without reference to any evidence. GBC's witness on this particular matter issue confirmed under cross examination that the Applicant's suggestion was simply wrong.
- 10.166 The PLA also point to the CPO. As this is not in place, the PLA consider that it will be complex and time-consuming process in order to achieve this. Not least because the Applicant's progress towards acquiring the site have been 'utterly pitiful' – with only a few parcels of land assembled thus far. And the Council has not yet even given any consideration as to whether it would be prepared to make a CPO, noting of course that the Applicant would have to fully fund the land acquisition and compensation costs, in the context of a scheme which is substantially underwater financially.
- 10.167 The upshot of all of this is that there is real doubt that the scheme will deliver any housing units whatsoever within the relevant 5 year period, or indeed significantly beyond the 5 year period. And that is highly important to the weight that should be given this aspect of the application scheme. This is because where, as here, the tilted balance is engaged because GBC cannot demonstrate a 5 year housing land supply, it is plainly relevant to consider the extent to which the scheme under consideration will deliver houses that can contribute to that shortfall in that 5 year period.
- 10.168 Given that the majority of the houses in this case would only come forward outside of the relevant 5 year period, the weight to be given to this benefit must be significantly reduced. And remembering of course the importance the Government places on the planning system being plan led. This is highly relevant here because GBC is in the process of preparing its revised Local Plan, which is scheduled for adoption in December 2026.
- 10.169 It has published a Regulation 18 Local Plan that formally and for public consumption and consultation sets out the approach it will take – critically this formal and considered Council document does not include the loss of Robins Wharf. Realising that this rather undermined the position GBC has taken in respect of the application Mr Ghani, without any authority, inadmissibly said for the first time in his Evidence in Chief that the Regulation 19 version of the Plan will sanction the loss of Robins Wharf in favour of the regeneration of the application site. There is simply no evidence before the inquiry to suggest that this was GBC's considered position rather than Mr Ghani's shoot from the hip response to the problems GBC's case so obviously faces.

10.170 Further, as we said in opening submissions, the new and very real potential for grey belt development (in a significantly Green Belt Borough) in addition to the already identified potential to meet housing requirements on non-wharf sites in the emerging plan has simply not been assessed at all and it must be. The Secretary of State will want to know why this new significant source of meeting housing need has simply not even been considered before the loss of a nationally protected wharf is even countenanced.

Alternatives again

10.171 Alternatives are directly relevant in this case to whether the need for the usurping use (qua use not qua cash cow) has been established in the engaging of Criterion 6. But the consideration of alternatives (or the absence of consideration of alternatives) is also relevant in striking the balance between the scheme's benefits and the harms it would cause. In striking that balance it is plainly relevant and necessary in the circumstances to consider whether those benefits could be delivered in a less harmful way and without the loss of the protected wharf.

10.172 The case law establishes that where a proposal (as here) results in significant conflict with planning policy then the advantages of retaining the same use on an application site or of placing the proposed use on alternative sites can plainly amount to relevant considerations to be taken into account.

10.173 Thus in *Trusthouse Forte v Secretary of State for the Environment* (1987) 53 P & CR 293 at 299-300 the Court of Appeal set out the following clear statement of the law: *"where, however, there are clear planning objections to development upon a particular site then it may well be relevant and indeed necessary to consider whether there is a more appropriate alternative site elsewhere;"* and that *"this is particularly so when the development is bound to have significant adverse effects, and where the major argument advanced in support of the application is that the need for the development outweighs the planning disadvantages inherent in it"*.

10.174 This statement could have been written specifically for the circumstances of this case where the development plan strategy requires the protection of the wharf and the applicant is asserting that the planning benefits of the proposal outweigh that protection (the essence of the case now made and the very structure of Criterion 6). Self evidently in such circumstances at least a "consideration" of whether the alleged need to usurp the safeguarding can be met elsewhere without causing such harm is indeed necessary – it is an "obviously material" consideration. Without it, the assessment of the benefit against the harm would be partial and incoherent.

10.175 In the circumstances of this case, one doesn't have to look too far to examine why such a consideration is necessary and how inappropriate it would be to judge that the benefits of the proposal outweighed the harms in the absence of such a necessary consideration.

10.176 The existing football stadium land lies within the OA, is brownfield land and is not protected from housing uses as part of the OA strategy. Indeed that strategy envisages the potential for its relocation as part of the overall

strategy (see CD 3.01³⁹ paragraph 4.4.6). Yet the use of this large part of the site to provide housing was never considered, when such potential was clearly necessary in terms of the Court of Appeal's identification of the on the fact that its benefits would outweigh that harm.

- 10.177 This was directly confirmed by Mr Bradburn in his answer to the direct question on this issue by the Inspector prior to cross-examination by Mr Harris KC. That intervention by the inspector and the answer it evinced are by themselves sufficient to derail the case being made that the benefits of the proposal should clearly outweigh the harm caused by the removal forever of the strategically needed wharf having regard to the well-known provisions of the THF case.
- 10.178 Care will be needed not to avoid a "category error" in relation to alternatives which has been hinted at in questions by the Applicant team. Suggestions that the PLA does not present a coherent alternative and that no weight should be given to such potentials are misplaced. That would be the case if it was decided that the proposal caused no harm at all. In such circumstances alternatives are normally irrelevant and even where relevant exceptionally need to be coherent and identified.
- 10.179 That is even on the Applicant's assessment definitively NOT the case here. All parties including the Applicant identify significant harm with the loss of the wharf so the Court of Appeal test – i.e. making the CONSIDERATION of alternatives "relevant and indeed necessary" – is clearly the appropriate approach. The Inspector's question "why wasn't the brown field football stadium even considered?" is thus instinctively and legally definitively correct.
- 10.180 The Applicant's failure to consider, much less to demonstrate, that the regeneration of the OA in line with the LPCS (i.e. without the loss of the protected wharf) is directly relevant to the question of how to strike the balance between the scheme's benefits and the harm that delivering those benefits would cause. The Applicant's failure even to engage with this issue – to take no consideration of alternative means of meeting the need when that was needed in the circumstances of the case is fatal to its case. It is no answer to this error now to state "had we considered it, there wouldn't have been an alternative".
- 10.181 First there is simply no evidence to support that bare assertion (indeed the – see the Inspector's report and now the potential for grey belt development) and second in the formal stated absence of any consideration of alternatives the weight to be given to that "unconsidered" position now can only be minimal. The entire purpose of the consideration of alternatives is to allow the decision-maker to conclude especially in the context of Criterion 6 that the harm occasioned is required to produce the benefit. In this case the Applicant started with the harm because the football proposal needed it. No alternatives were or could have been considered.

³⁹ [CD 3.01 - gravesham local plan core strategy - September 2014](#)

Don't worry: here comes the market, somewhere.

- 10.182 Separately, the Applicant asserts that there is spare capacity at other wharves and railheads to offset the loss of Robins Wharf. There are however two fundamental problems with the Applicant's assertion.
- 10.183 First, it is entirely unevidenced. Under cross-examination Mr Crawford (the Applicant's expert on this issue) accepted that in order to ascertain whether there was any spare capacity at any other wharf or railhead it was "absolutely essential" to undertake an analysis of the land-side capacity of the site in question. For example, whether there was physically enough space and/or sufficient infrastructure on the site to handle the increased throughput.
- 10.184 Mr Crawford confirmed that neither he nor Mr Denton had undertaken any such analysis. This was a real jaw-dropping moment: absolutely essential analysis, not undertaken. Plainly then, as confirmed by the Applicant's own expert, there is no possible basis on which to conclude that there is in fact any capacity at any other site.
- 10.185 Second, even if there was capacity at another site or combination of sites, that could only be an appropriate replacement for Robins Wharf if the alternative site would be able to serve the same markets at Robins Wharf, and to do so as sustainably, for example without a material increase in HGV mileage, or the double handling of products. The Applicant's closings will no doubt refer to the County Council's acceptance that 'the market will find a way' to provide the market with the products it needs. But that is no answer to the fundamental point set out above.
- 10.186 It is not possible to model precisely how the market would react to the closure of Robins Wharf. So, for example, it is not possible to say how precisely many more HGV miles there would be as the market shipped product into the areas that Robins Wharf currently serves. No party has therefore sought to model that (including the Applicant, who has not sought to demonstrate that HGV mileage would not increase). Ultimately, the purpose of the safeguarding and its strength is to avoid the need for such impossible calculation.
- 10.187 Further, the essence of safeguarding is to avoid the unsustainable operation of the market to fill gaps in capacity. If permission can be granted because 'the market will find a way' then there would be no need to safeguard any sites.
- 10.188 The whole purpose of safeguarding is to ensure that actual and even potential capacity is maintained, now and in the future, to service the UK's aggregates ever changing needs in as sustainable a way as possible. Even if there was capacity at another site now, that does not begin to justify the loss of Robins Wharf, because that would just be a snapshot in time. Safeguarding is not just about the now, it is also about the long term.
- 10.189 The uncontested evidence is that wharves are going to become increasingly critical over time as land-won reserves decline. See for example the County Council's Local Aggregates Assessment 2023⁴⁰: The importance of safeguarding wharves (significantly for marine dredged sand and gravel supply that is supplanting land-won resources) and rail depots will remain paramount.

⁴⁰ [CD 8.68 Kent County Council Local Aggregate Assessment 2022](#)

All indications are that they will remain a growing important element in maintaining overall primary aggregate supply into the future.

- 10.190 This is particularly the case with the landwon sharp sands and gravels that have now, to all intents and purposes, have become of minor importance in overall supply terms in Kent into the future. Marine dredged imports via Kent's wharves are now of far greater importance for this aggregate type. It may also be the case if further allocations of landwon hard crushed are not secured, and supply has to rely upon imports. As a result, future security of supply of primary aggregate will increasingly be via imports, of which, wharfage remains the dominant importation mode.
- 10.191 The fundamental point here is that losing Robins Wharf means a reduction in capacity overall, which weakens the overall resilience of the aggregates transshipment system. Applying the Framework, great weight should be given to this loss.
- 10.192 The Applicant is just plain wrong to assert that development on the wharf comprises the redevelopment of suitable brownfield land, as encouraged by Framework Paragraph 125(c). Paragraph 125 has to be read in the context of Paragraph 124 and footnote 49, which makes plain that the general encouragement to make as much use as possible of brownfield land does not apply where to do so would conflict with other policies in the Framework. In the circumstances of this case, the loss of the entire wharf would in any event breach the policy because it would clearly and convincingly constitute substantial harm however defined.
- 10.193 Building on a safeguarded wharf would conflict with the Framework's requirement that existing, planned and potential wharves should be safeguarded: see paragraph 223(e). This is why Robins Wharf is safeguarded in both the Local Plan and the M&WLP. In that context Robins Wharf plainly cannot be considered to be a suitable site in principle for housing.
- 10.194 Finally, as Mr Treacy said, approving this scheme would seriously undermine operator confidence in terms of the continued investment in other safeguarded wharves located along the River Thames and elsewhere such as those on the south east/south coast of England. If protected wharves are to be lost to high value housing – the paradigm example of the type of use which justifies the safeguarding in the first place and without any proper consideration of alternatives and to serve a non-development plan supported use – then why on earth would operators continue to risk investing in the wharves?
- 10.195 The PLA has statutory responsibilities relating to sustainable transshipment which go to the heart of the growth and sustainability agendas of Government. It sees the grant of planning permission in this case where the justification is essentially based on the alleged needs of a football stadium as wafer-thin having regard to the importance of the wharf. It is aware that other wharf owners (and other housing developers) are examining this process with great care. If the bar to the loss of an exemplar wharf is set as low as they are argued to be for this scheme then safeguarding is in trouble.
- 10.196 The Minerals Planning Authority, whose very criteria are being invoked in this case, are here to tell the Secretary of State that those exemptions are not even close to being established. The combination of grave concern and

objection by two responsible statutory bodies and the evidential basis for that concern should weigh heavily with the decision makers in this case.

Port of London Authority Conclusions

10.197 Bringing this all together, and by reference to the framework mandated by s.38(6) of the PCPA 2004, it is clear that:

1. There is a fundamental breach of the Local Plan – as set out above the scheme would breach the Plan’s Spatial Vision, Strategic Objectives, Thematic Policies, Policy CS07 and CS11; and
2. In assessing the scheme against DM8(6) of the M&WLP it is necessary for the Secretary of State to take into account the following matters:
The scheme would not accord with the Local Plan;
3. The scheme would cause the wholesale loss of the wharf;
4. The Applicant has made no attempt to demonstrate that there is a need for any housing on the wharf;
5. The Applicant has failed to demonstrate that the lost capacity would be picked up anywhere else;
6. That even if there was alternative capacity somewhere now, the loss of overall capacity remains, undermining the future resilience of the system, in which wharves will be increasingly important;
7. On a proper analysis the scheme’s chief benefit – the delivery of houses – should attract reduced weight given the uncertainty as to whether / when the scheme will actually come forward.

10.198 All this means that the scheme very plainly does not meet the DM8(6) exception. That means that the determination that would accord with the development plan would be the refusal of the application. Unless of course material considerations ‘indicate otherwise’.

10.199 As set out above, no one has seriously suggested that, in the event that the scheme would breach DM8(6), and the development plan as a whole, there are material considerations that would justify the grant of permission contrary to the development plan. As set out above, DM8(6) requires all material considerations to be taken into account, alongside the question of compliance with the development plan as a whole.

10.200 If that analysis leads to the conclusion that the scheme would breach DM8(6) it is because the relevant material considerations do not justify the breach of the development plan as a whole. It is not logically possible to conclude that the scheme would breach DM8(6) but that that breach would be justified by relevant material considerations, when those same material considerations have already been taken into account in concluding that DM8(6) would be breached.

10.201 As set out above, there is no dispute that the on-site operations at Robins Wharf are multi-faceted and integrated, or as to the benefits of co-locating

added value production of mortar, concrete and asphalt on a wharf. There is also no dispute about the benefits an operational wharf brings to the local economy and the sustainability of using sea faring vessels to deliver aggregates to the region. And no dispute that the wharf and associated operational land are fully utilised, and that there is no spare land available at the Wharf. And no dispute that the Wharf will only become even more important in terms of ensuring resilience in the aggregate supply chain as land won supplies dry up.

10.202 In short, the PLA consider that the application scheme has been thoroughly misconceived from the very outset, stemming from a fundamental misreading of what the development plan actually says, and how its two limbs – the Local Plan and the KMWLP – interact to protect safeguarded wharves. Other ways exist and need to be considered. This application should be refused and the Inspector and Secretary of State should say so - clearly and loudly.

11. THE CASES FOR INTERESTED PARTIES APPEARING AT THE INQUIRY

Mark Donovan Local business owner on the site

- 11.1 Interested party owns business in the business park across the road and considered that he would be completely affected by the proposal. This includes an adverse effect on over 100 jobs by the application. They raised concerns that lots of industrial areas are getting smaller and handed over to housing; with a limited availability of business units.
- 11.2 In this instance, he considers that the industrial estate has been blighted because of the development proposed owing to uncertainty. This includes 12 years of blight with the adjacent Disney project on the peninsula, meaning that business investment decisions cannot be easily made. It was also pointed out that there are no units available in the local area – 5 mile radius and beyond that the car service business would no longer be able to be run as would lose goodwill and people not willing to travel to new premises.
- 11.3 In Crayford, some distance away, a similar unit would be around £900'000, and so the £192k offered would not cover this. It is considered that the site is industrial for a reason and serves the community in this use.
- 11.4 They also raised concerns with the scale of the development, and that there does not appear to be a need for a new football stadium, a hotel or new retail facilities given the proximity to the Bluewater Shopping Centre.

Gary Whitehead Local business owner on the site

- 11.5 This interested party owns two units on the industrial estate. They indicated that they do not tend to come up often, but the blight that is on the heads is putting off people buying and renting the second unit. Industrial units service materials and equipment for nearby businesses – so essentially an economic eco-system.

Jonathan Harper Representative of car dealership on the site.

- 11.6 The company this interested party represented has been trading for over 20 years. Any immediate investment plans have to be put on hold due to the proposal.
- 11.7 Principal point of objection is the loss of employment land; with 43 people employed on the site at present and include service engineers.
- 11.8 The proposal is contrary to Policy CS7 of the Development Plan, Applicant and LPA have confirmed that the loss of employment land is a viable proposition and the loss would be significant. There is a high degree of harm. Loss of existing employment uses which is at odds with the expand and support economic growth aims of Framework Paragraph 125. The employment proposed and the quantum as proposed is not likely to be delivered and the benefits derived should be tempered by this. There are existing businesses which would be lost and too much weight has been put on the economic benefits by LPA.
- 11.9 Many of the benefits are predicated on the commercial uses actually being realised and demand being realised in practice. Whereas the existing businesses already have existing jobs which are occupied by local people. The proposal conflicts with the development plan and no material considerations indicate otherwise.

Joe Nihill Networks Director for local business on the site.

- 11.10 This interested party represents a small independent specialist high voltage contractor. Recent addition to the wharf as acquired the unit September 2023. He indicated that the business has worked years to invest in own freehold property; and to find a freehold commercial unit is nigh-on impossible. Although previously in the Orpington area, smaller units were twice the price. Investment so far into the unit has been £600'000 for the unit and then invested £300k on training room etc to fully facilitate in the building.
- 11.11 Although the business has tried to develop a business continuity plan, it would struggle to provide their existing service elsewhere. The local area has its own eco-system and for example there have already been networking of business within the locality by supporting BRM and Secon in supporting their critical infrastructure. In recent times the businesses in the area has greatly diminished in this area. The proposal is considered to be catastrophic for this interested party's business if these plans went ahead.

John Burgess Chairman of Fleet Supporters Trust

- 11.12 Members are volunteers and the Trust has no paid employees. Love of the club steers what people do at the club. The Trust supports the use of the Applicant. This would improve the match-day experience for supporters. Of great importance is that the proposal would upgrade the football ground and would be located on the same site. Present ground has several sections which are meeting the end of their lives. Trust is independent and has a good relationship with the club. Scoreboard was funded by the trust, for example.
- 11.13 Overall appearance of the stadium is not attractive to newcomers at the stadium; and therefore unlikely to be attracted. Prices at top clubs is more

expensive, and that might mean that people who live locally may prefer to pay the local club price. However the state of the stadium may deter them. The club hosts various events including musicals and funeral receptions and quiz nights. The club could expand this with a new stadium.

Sam Youseman Director for local business on the site

- 11.14 Family business trading for 48 years, injection moulds for fluid transfer, made in the UK. Recently invested manufacturing in the UK and bought freehold in 2022. Extremely rare to get a freehold and typically short leases. Square footage to cost ratios an issue and also certain requirement such as the floor and also the nearby substation and the power supply.
- 11.15 This interested party pointed out that there is lots of industry, heavy freight site, outside the scope of the park, and within the LPA CS as an industrial sub-area which supports industrial uses in this area. Payback on investment takes about 10 years. Building would require foundations being put in place and this is difficult in lease buildings.
- 11.16 The impacts of move was £200k in last move in disruption, and also £300k in costs. 10% of stock was lost in last move from Crayford to the premises located on the application site. Staff retention is important. Previously based in Crayford. Moving further afield would have an impact on staff travel and will lose these people. The issue here is the characterisation as a run-down area which this party rejects. Good manufacturing jobs for the area. Own eco-system working with BRM/Seacon.
- 11.17 Moving is not impossible, but what is probably to happen is that the CPO will not provide reasonable time and money for existing employees to be useful to them. And would create a financial burden in terms of the move. And with scarcity of freehold in the area is unlikely and this would have an effect in terms of cashflow.

Tudor Price Chief Executive of Kent Invicta Chamber of Commerce

- 11.18 Object to proposal. Accredited chamber for Kent. Represent members locally and also the wider business community. The Chamber was not originally included in the consultation. Chamber supports needs of local housing and work with affordable housing provided. Amount of affordable housing in this case and the economic benefits is an issue.
- 11.19 Affordable housing, the applicant is proposing 10% as affordable housing. The Head of Planning had return of 6% in their report as return. We contend that proportion of affordable housing needs to be at least 20% in order to meet the needs of employers locally.
- 11.20 Housing proposed will not meet the needs of local people in terms of affordability. Developer has not met their obligations in Chilmington Green scheme near Ashford Kent, and Love Lane scheme in Faversham. In both cases the LPAs are having to pay fees to enforce these agreements. Irresponsible to rely on this here.
- 11.21 Economic – members optimistic in terms of people wanting to move into the area, by providing highly skilled jobs. The area needs regeneration, we understand. However there needs to be affordable housing, and decent jobs,

and stable employers. As cited by Ebbsfleet Dev Corp there is already a degree of empty commercial units locally. Tourism is important in north Kent and this development will be unlikely to attract such. Office space with the home working etc is unlikely to be realised and the high paid jobs linked to that would not be realised.

- 11.22 Unrealistic and untenable aspirations. Granting consent of Thames Crossing will provide growth. Lack of consultation with the local business community.

Jane Young Owner of Oakwood Industrial Estate, part of application site

- 11.23 Owned estate since 1980s. Bought for own haulage and storage business and bought for proximity to the river and the off and on loading of goods.

- 11.24 Four main tenants:

- 11.25 JCB Medway KIA dealership on site. Next dealership is in Rainham Kent, 20 people employed on site and a large percentage live locally. Well used by local people.

- 11.26 Forkham scaffolding company. This company employs 20 people who mostly live locally.

- 11.27 Third tenant is metro traffic management. This includes equipment for temporary roadworks for utility repairs. Chosen this unit as excellent road links. Invested considerable amount of money in fitting out their unit. Of note, 12 employees live within 10 miles of site.

- 11.28 CS cables – specialist high voltage cables used by national grid and national rail. Relocation would cause a lot of disruption and relocation may result in people moving or leaving.

- 11.29 Similar facilities available on this estate are almost impossible to find within the local area. This has been confirmed by previous speakers. Loss is not justifiable for a new football stadium. The new stadium is a carrot. Many people are in favour because of a new stadium. Bottom of the Vanarama league. Largest attendance was 1600 fans attending with a potential capacity of 4789. These figures do not support need for a new stadium an 8000 stadium is excessive especially when this is set against the existing businesses which will be hard to re-site.

- 11.30 Scaled down in size stadium and or other location would be helpful. Football team's performance is more an issue rather than the state of the site.

- 11.31 Developers retail provision and jobs. The application site is less than 5 miles from Bluewater. Westfield in Stratford is a 10 minute train journey away. Why would this be a destination shopping area? The jobs are notoriously not well paid and often part-time. Not a viable alternative to someone losing their job. A three bedroom hotel is proposed – not well paid and not an attractive prospect. Eurostar no longer stop at Ebbsfleet – so why a need for a hotel? Surrounding area is already well served by such establishments.

- 11.32 Office space – informed there is an abundance of office space so unclear as to the demand. Housing significance interest to GBC, who recognise this site will deliver new homes. Only 360 would be affordable housing. NO doubt that

these would be located closest to remaining businesses. Selling dwellings in prime spots will not be affordable for most people in Gravesham.

- 11.33 New residents will start to complain about noise, dust etc from existing businesses that would remain close to the site.

Steve East Long term supporter of Ebbsfleet United Football Club

- 11.34 Supported FC for nearly 60years. Love this football club. Family have enlisted thousands of hours in the club. Father ran supporters club and chairman of supporters club for nearly a decade. Mother and sister assisted too. I have undertaken roles at the club. Have also held buckets to help pay players.
- 11.35 Not just family role, along with hundreds of others I have had many hours of enjoyment and memories. 55 supporters coaches when visiting villa park. FA trophy win was a highlight a few years back. Relegation this last season. All part of living the football club. Sometimes I look around the stadium and think where else would I want to be right now. But this club is more than a football club. It has women's team, kids club and also walking football clubs. It hosts schools and school visits. It also holds charitable events.
- 11.36 So this football club is heavily in local people – not just the 1500 who attend regular. Circa 3000 people when played last against Southend. Regular conversations with fleet supporters as to the performance on the pitch. Club needs a sustainable future. It needs to be able to create a legacy for this and future generations. This proposal development will be able to provide these benefits. The importance of local clubs was shown on Saturday with Crystal Palace win at the weekend. And then Everton as they played last home ground before move to a new park.
- 11.37 Here at fleet football has been played here since 1905, here's hopefully to the next 120 years. Please let this club continue to grow, this would be a legacy of love to leave to them.

Kate Holland Director of Planning Invicta Planning, representative of local business on the site

- 11.38 This business is located in the K6 unit. One of the businesses affected by the proposal. Clients owns premises and road leading up to Seacon. Jackson is UK largest family run business with 620 people across UK, and trained over 230 apprentices. HQ is in Charlton London; but this HQ is moving to K6. Previously looked for 5 years with links to road networks. Decided to invest within an existing business. New premises help reduce commuting out of the area. Construction of K6 has helped. 120 office staff and 100 engineers. 3000 indirect jobs supported by the development. The unit would have to be demolished and committed to investing in their site as their HQ. Intent to build HQ and then move next year. Unit K6 bought around 2 years ago.
- 11.39 The application offers no alternative. Site is owned free hold. Contribution to the local community and the proposal would result in loss of floorspace, and a number of jobs would be lost directly on the site and the proposal would result in the permeant job loss on the site. The jobs created would not replicate those already on the site. No evidence that the proposed office space is needed and there is no provision for manufacture or storage businesses on the site which would need to be relocated. The types of businesses needing to be

relocated and the areas that they need with the services are important. The proposal would curb the ability to grow the business.

12. WRITTEN REPRESENTATIONS

- 12.1 A number of written representations were made at the initial application stage. Written representations were also made at the call-in stage.

Interested Parties

- 12.2 Around 403 written representations were recorded at the initial application stage. These can be viewed within the CD 2 suite of documents which can be accessed here [CD2 Committee Report, Appendices and Minutes - Gateley](#) and within Appendix 1 of the Committee Report contained therein. Around 330 of these support the proposal, around 61 raising objections, and 9 'neutral' representations.
- 12.3 In the main, the majority of concerns or objections raised to the proposal are addressed by the cases of the main parties to the Inquiry. Nonetheless, the main concerns to the scheme related to matters such as⁴¹:

Support

- Support the regeneration of this area;
- Local needs for affordable and new housing;
- Would help regenerate the football club;
- Would regenerate the area and revitalise the riverside area of the Thames;
- Would help generate tourism;
- Good for the community and wider area;
- Recreational, amenities and biodiversity benefits; and,
- Generates revenue for Gravesham Borough Council.

Objections

- Housing is not affordable for local people;
- The site is actively populated by businesses, which would be lost as a result of the scheme;
- Warehousing is clearly required, and would need to be provided elsewhere;
- The proposed offices and shops are not viable;
- Parking is a nightmare locally due to commuters and the roads won't be able to cope;

⁴¹ [CD2 Committee Report, Appendices and Minutes - Gateley](#)

- The wharf and associated minerals infrastructure (which would be lost as part of the proposal) are key in supporting the delivery of planned development in the surrounding area;
- There would be harm to the town centre, with the retail space proposed drawing customers away from it;
- Scale of the development is inappropriate;
- Fire safety issues with the use of high rise tower blocks;
- There would be an impact on future occupiers from noise and disturbance; and,
- There would be an impact on biodiversity;

12.4 There are a number of detailed objections and/or comments from statutory and/or interested parties with specific knowledge and/or interests. To assist the SoS, these are summarised here:

Organisation Name	Summary of objections
Buglife - The Invertebrate Conservation Trust	Concerned that the impacts to the nationally important invertebrate assemblage of the adjacent Swanscombe Peninsula SSSI are not being addressed. Concerns also raised in terms of Artificial Light at Night (ALAN) and potential overshadowing impacts. A lighting strategy should be developed prior to determination.
KCC – Minerals Planning Authority	The application is contrary to national and local development plan policies on safeguarding, and would undermine the adopted Mineral Strategy in the Kent Minerals and Waste Local Plan (KMWLP), which relies heavily upon wharves and importation facilities, as land-won resources are depleted.
KCC – Local Highways Authority	Holding objection on the basis that there is insufficient detail regarding the Framework Car Park Management Plan, the Framework Travel Plan and the walking and cycling audit. The application does also not sufficiently address the significant impacts of the proposed development on Public Footpath NU1 and the National Trail, including adverse effect on user amenity and visual impacts. The proposed alternative PRow routes that have been provided are not acceptable to the County Council. The s106 agreement should secure contributions as mitigation for the impact of the development on the PRow and to provide improvements to the wider connectivity. This is in line with the KCC ROWIP, a statutory KCC policy.

Kent Wildlife Trust (KWT)	Development of this scale at this location cannot have an overarching positive impact to wildlife and biodiversity. KWT still have concerns regarding impacts to the surrounding designated sites such as Swanscombe Peninsula SSSI, Thames Estuary Marine Conservation Zone (MCZ), Botany Marsh LWS, Ebbsfleet Marshes LWS, Alkerden Pit Site of Nature Conservation Interest (SNCI) and River Thames Site of Importance for Nature Conservation (SINC). This also includes Robin's Creek, which is adjacent to the site's north-eastern corner and home to breeding Cetti's warbler, a Schedule 1 species, and five Priority Habitats - coastal saltmarsh, mudflats, coastal and floodplain grazing marsh, deciduous woodland, and open mosaic habitat, which are all adjacent to the site and support an abundance of species such as the nationally scarce tentacled lagoon worm and breeding ringed plover, which is a qualifying species for the Thames Estuary Marshes SPA and Ramsar. On biodiversity net gain, KWT are not convinced that this is achievable.
Port of London Authority	Object as there is strong policy support at national, regional and local levels for the use of the Thames for freight movement which recognises the importance of maintaining and improving exit and entry points to the river to enable freight and cargo transport.
RSPB England	The RSPB has serious concerns about the current design of the development, given the likely impact on the adjacent Swanscombe Marshes SSSI, its habitats and its breeding birds, as well as impacts on Schedule 1 breeding birds around the development. Overall, the proposed development as currently designed is too close to the SSSI and lacks adequate buffer areas.
Swanscombe & Greenhithe 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 not provide sufficient level of open space, there are concerns on the impacts on the SSSI

	along with concerns that the current archaeological significance of the site is not being taken into account.
Dartford Borough Council (DBC)	GBC should satisfy themselves that both local and strategic impacts of this unplanned development can be mitigated both in terms of traffic and air quality. DBC request to be consulted on the Construction Transport Management Plan (CTMP) and any other detail in relation to the construction process. Also suggest that any CTMP should consider scenario with Galley Hill Drive open and with it closed.
Environment Agency	No objection subject to the inclusion of 11 conditions.
Historic England	Do not object, but have concerns regarding the potential impact on the historic environment. This is because of the potential for harm to non-designated archaeology which may be of national importance. However, note that the KCC Heritage team have been in more direct discussion with the applicant and are best placed to advise on matters pertaining to non-designated archaeology. Therefore, consider that any recommendations provided by the Council's specialist conservation and archaeological advisors on this case are likely to address Historic England's concerns appropriately.
Health and Safety Executive (HSE)	Strongly recommend conditions be imposed requiring the submission of a further satisfactory fire statement and the HSE is consulted on any Reserved Matters applications.
KCC – Ecological Advice Service	Require further documents to be submitted, including: • Illustrative plan of the proposed development - the map in the Biodiversity Net Gain Assessment is difficult to review • BNG excel metric to assess if we agree with the conclusion the proposal will result in a 352% BNG habitats and 75% BNG of hedgerows. • Updated parameter plan demonstrating that a buffer can be created between the proposal and the designated sites.

	• Clarification on why the application are satisfied the breeding bird and wintering bird surveys are accurate. • Additional information regarding the submitted HRA. Refer to Swanscombe SSSI and the Botany Marshes Local Wildlife Site, birds (including wintering and breeding birds), Habitats Regulations Assessment (which has screened out every impact except recreational pressure).
Kent Fire and Rescue Service	The proposal is not a detailed application. A detailed site plan is required to enable a review and comments to be made. Fire Service access and facility provisions are a requirement under the Building Regulations 2010.
KCC – Lead Local Flood Authority	Reviewed the latest iteration of the Flood Risk Assessment and Surface Water Drainage Strategy report (5th February 2024) and have no additional comments to provide to the LPA. The proposals to manage surface water runoff appear to be unchanged from the previous versions of the report; therefore, we do not object to the application submitted. Suggest planning conditions to be imposed.
KCC – Service delivery (education, libraries, waste)	Seeks contributions secured by a legal agreement under s106 TCPA for totals (in £s);- Primary Education: £2,701,300 Secondary Education: £2,056,166 Secondary Land: £1,396,063 Special Educational Needs and Disabilities (SEND): £200,674 Community Learning: £57,470 Youth Service: £229,250 Library Service: £194,075 Social Care: £514,080 Waste: £452,200 Total: £7,801,278 Justification for these monies, in accordance with the CIL Regulations is provided.

	Highways: Kent Highway Services responded separately. Monies sought are: £42,000 for 2*fast track bus shelters £214,000 for ANPR bus lane enforcement of the Fastrack route A KCC Travel Plan monitoring fee of £1422 for every five-year period. A Travel Plan Toolkit fund of £50,000 prior to occupation of the 50th Dwelling, plus contribution of £300 per occupied dwelling. £50 per dwelling towards cost of a cycle or cycle equipment. £75,000 for improvements to walking and cycling routes in the surrounding area. A car club (with residents offered one year's free membership and £50 driving credit)
Kent Police	Provide design guidance in terms of residential properties and areas, and for commercial properties (including creche/nurseries and hotel). There should also be site security for the construction phase.
Lower Medway Internal Drainage Board	No comment.
Marine Management Organisation (MMO)	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. Under the Marine and Coastal Access Act 2009 ch.4, 58, public authorities must make decisions in accordance with marine policy documents and if it takes a decision that is against these policies it must state its reasons. Also refer decision-maker to:

	* The Marine Policy Statement (MPS), section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry. * The National Planning Policy Framework (FRAMEWORK) which sets out policies for national (England) construction minerals supply. * The Managed Aggregate Supply System (MASS) which includes specific references to the role of marine aggregates in the wider portfolio of supply. * The National and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period including marine supply.
National Gas Asset Protection Team	No National Gas Transmission assets affected in this area.
National Grid	NGET will require the Applicant to enter into an Asset Protection Agreement in relation to development proposals. NG also suggest the inclusion of a Grampian planning condition which precludes the implementation of the development until an agreement on an Asset Protection Agreement (with costs met by the Applicant) has been formally signed by both parties.
National Highways	Concerned about the safety, reliability, and operational efficiency of the Strategic Road Network (SRN), in this case the A2 in the vicinity of the site. Recommend that conditions should be attached to any planning permission that may be granted.
Natural England	No objection – subject to appropriate mitigation being secured. Consider that without appropriate mitigation the application would: • have an adverse effect on the integrity of Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar site.

	• damage or destroy the interest features for which Swanscombe Peninsula Site of Special Scientific Interest (SSSI) has been notified. In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured: - Appropriate contributions to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMMS), - Strategic Access Management Plan to address recreational impacts upon Swanscombe Peninsula SSSI features - Measures to address construction impacts on SSSI breeding bird assemblage e.g. Construction Environment Management Plan (CEMP) including measures to minimise or avoid noise impacts during the breeding season (February to August/September for most species, although weather conditions can alter this) - Lighting levels to follow best practice standards for wildlife to address impacts on birds and invertebrates of the SSSI - Revised strategy to address impacts of cat predation on ground nesting birds to include at a minimum wet fences and details of maintenance and monitoring. In addition, Natural England consider the KCIIIECP route would better meet its statutory criteria if located to the north of the current alignment and linked to the east along the riverside and across the mouth of Robin's Creek.
Network Rail	Due to the increased footfall associated with the size of the development, Network Rail seek contributions towards accessibility and improvement of the nearby stations to ensure rail travel remains an attractive option. Concerns raised over cumulative development in the area; including the London Resort Theme Park and the Ebbsfleet Central East development.

NHS Kent and Medway Integrated Care Board	To mitigate the impact of the development of 3,500 dwellings over the next ten years up and provide additional healthcare capacity for full occupation of the scheme, the following contributions are sought (working on occupation of 8,645 persons): Capital costs (exc. VAT at 2017 costs) Primary Care: £3,700,387 Outpatient/walk in centre services: £2,117,150 Acute medical services: £4,796,060 Acute mental health services: £704,052 Intermediate care services: £678,363 The Care Board also indicate that funding will be required to cover the higher and unfunded cost of operating services as the population grows. This covers (cost at 2022 prices): Under absorption of estate costs during the population build-up, average underutilisation of 20% over 10 years: £327,227 Under absorption of staff during population build-up over 5 years: £324,188 Pump priming GP costs until NHS Capitation funds the new population over 3 years: £389,025
Port of Tilbury London Limited (PoTLL)	The owner and operator of the Port of Tilbury which includes land which is 'operational land' held by PoTLL in its role as a statutory undertaker; current sites including Tilbury1 (the Port's main impounded docks), and Tilbury2, a container terminal and Construction and Materials Aggregate Terminal which lies further to the east, opposite Gravesend. A member of the consortium of interests which successfully bid for Freeport status for the 'Thames Freeport' from the UK Government. Plans for the development of the Freeport are presently being prepared. In respect of noise in particular, PoTLL remain concerned that the proposed new homes fronting the river will be in close proximity to a working river and a port terminal that operates on a 24/7 basis. Moreover, as highlighted above, the area is likely to become more intensively used for port operations in the future, with consequent increases in vessel movements. In addition, activities

	within the Port are always changing as the Port evolves and production practices changes.
National Trail Officer (NTO) for the SE section of the King Charles III England Coast Path (KCIIECP)	This proposed development would have a significant impact on the KCIIECP and necessitate a diversion of the National Trail. While the efforts of the applicant to accommodate the KCIIECP through the site are acknowledged, it is requested that the applicant revises their diversion proposal for the KCIIECP and clarifies the surface treatment for this route. 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. Should permission be granted, planning conditions are suggested.
Shorne Parish Council	Although this site is the other side of Gravesend from Shorne, the proposals will nevertheless have impacts on Shorne Residents. These include; high-rise elements will tower over neighbouring areas, loss of existing businesses, sustainability, inadequate parking provision, road access routes and traffic congestion, and construction impacts.
Southern Water (SW)	Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by SW. SW will liaise with the developer in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement. Suggest conditions should permission be granted.
Sport England	No objection to the proposal subject to conditions recommended being imposed.

Thames Water	No comment based on the assumption that the land contains no mapped public sewers and building works are not within 3m of a public sewer.
Transport for London	The application relates to land outside the limits of land subject to consultation by the Crossrail Safeguarding Direction. No comments.

13. SUGGESTED CONDITIONS AND PLANNING OBLIGATIONS

Suggested Conditions

- 13.1 By 3 October 2025, a list of 111 suggested conditions was provided by the Applicant and LPA. This was the final list of suggested conditions following roundtable sessions on Friday 6 June 2025 and the need to await consultation responses on the Applicant having submitted further amendments to the scheme during the Inquiry.
- 13.2 Paragraph 57 of the Framework is of specific relevance here. This sets out that: '*Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.*' Were the SoS minded to grant planning permission, it would need to be clear that these 'tests' had been met in imposing the planning conditions.
- 13.3 I have retained the suggested reason for the imposition of each condition with each condition. The SoS should satisfy themselves that the reasons given fulfil the tests set out in Paragraph 57.
- 13.4 There are also some conditions which require further observations in order to assist the SoS in exercising their decision-making powers.
- 13.5 The first suggested condition relates to definitions. This is not written as a planning condition, and it would not be reasonable to impose it in this case. I have therefore removed it from the list of conditions contained in Annex E, but retained it in Annex D should the SoS consider that it does meet the tests.

Planning Obligations

- 13.6 Paragraph 58 of the Framework reflects the requirements of the *Community Infrastructure Levy (CIL) Regulations 2010*: as set out in Regulation 122(2). These are that planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.

- 13.7 Through the application process, and indeed the Inquiry process, the Applicant sought to address the above tests where monies and/or infrastructure was sought by the LPA and others in order to address or mitigate impacts directly related to the development.
- 13.8 The culmination of this process was the submission of a completed legal agreement under s106 of the TCPA dated 30 October 2025. This can be viewed on the Inquiry website at: [INQ-52 Completed s106 Agreement dated 30 October 2025](#) This was entered into by the LPA; Gravesham Borough Council, Kent County Council, Ebbsfleet United Football Club Limited, Northfleet Phase 1 Properties Limited, Faithdean PLC and Vital Energi Utilities Limited.
- 13.9 It should be noted that clause 3.2 of the s106 Agreement sets out that it is conditional on the SoS being satisfied that it complies in all respects with Regulation 122 of the CIL Regulation⁴². Therefore, the SoS will need to demonstrate that all obligations sought and secured by the s106 Agreement comply with these tests.
- 13.10 The section 106 agreement secures:
- i) The delivery of affordable housing (at 10%) (contained in Schedule 1, with viability reviews contained in Schedule 2);
 - ii) education contributions (for local primary and secondary education) (contained in Schedule 3);
 - iii) employment and training (relating to matters such as apprenticeships and the Kent and Medway Local Skills Improvement Plan) (contained in Schedule 5);
 - iv) local healthcare infrastructure (delivery of a fully-fitted, rent-free Primary and Community Healthcare facility of 840 sq. m (interim facility operational by the 450th dwelling and permanent facility by the 2,000th dwelling, or—at the Applicant’s election—the permanent facility alone by the 450th dwelling, and a £3 million, index-linked acute care contribution for Gravesend Community Hospital or Darent Valley Hospital payable before occupation of the 1,000th dwelling, together with standard inflation and fall-back provisions— satisfying the NHS’s requirements in full) (contained in Schedule 4);
 - v) highways improvements (investment in highways infrastructure, travel planning, and car club) (contained in Schedules 9, 10, 12, and 13);
 - vi) open space (provision of new public open space) (contained in Schedule 6), and other financial contributions to the LPA in respect of Air Quality monitoring, burial space, leisure services, SAAMS and waste collection (Schedule 3), and other financial contributions to the Couty Council relating to matters such as Adult Social Care, Bus Lane ANPR, Community learning and Skills (Schedule 3);
 - vii) biodiversity enhancements (package of biodiversity enhancements, including measures to protect nearby designated sites and deliver a

⁴² [INQ-52 Completed s106 Agreement dated 30 October 2025](#), page 15 of 235

- substantial biodiversity net gain) (contained in Schedule 6) and River Infrastructure work (Schedule 7);
- viii) maintenance of navigational Port of London Services (Schedule 8);
 - ix) Management company arrangements (Schedule 11);
 - x) Local and County Council obligations (Schedule 14 and 15), and dispute resolution (Schedule 16);
 - xi) For the Protection of Britannia Refined Metals (including relating to light, deed of easement, parking and lorry marshalling facilities, and replacement road access (Schedule 17), and;
 - xii) Schedule 18 setting out the schedule of obligations and exceptions to clause 1.9 of the Agreement.
- 13.11 The roundtable sessions on planning obligations were attended by the main parties and also the NHS Kent Integrated Care Board. These sessions were helpful in order to assist the Inquiry and enable the Applicant to find common ground on obligation matters so as to submit a completed legal agreement at the end of October 2025.
- 13.12 In reviewing the obligations secured, I find that they are necessary to make the development acceptable in planning terms, they are directly related to the development proposed and to the future occupiers and users of the development and the new community the proposal will create if granted planning permission. Lastly, the obligations sought and secured are fairly and reasonably related in scale and kind to the development. This is achieved through the various methodologies and formulas used by, for example Kent County Council, in working out the needs of and provision for future occupiers for education.
- 13.13 Accordingly, I find that the obligations secured within the submitted legal agreement meet the tests set out in Regulation 122 of the CIL Regulations and also those set out in Paragraph 58 of the Framework. I would, therefore, urge the SoS to find the same in this instance, and to explicitly state compliance with the tests were they minded to grant planning permission in order to ensure that the obligations secured are compliant with legislation.

14. INSPECTOR CONCLUSIONS

- 14.1 I set out my considerations below based upon the evidence before the Inquiry, the written representations, and the visits to the site and wider area, using [x] to cross-refer to earlier paragraphs in this report.

Main Matters

- 14.2 At the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of her consideration of the application:
- a) The extent to which the proposed development is consistent with Government policies for delivering a sufficient supply of homes in the Framework (Chapter 5);
 - b) The extent to which the proposed development is consistent with Government policies for building a strong, competitive economy in the Framework (Chapter 6);
 - c) The extent to which the proposed development is consistent with Government policies for facilitating the sustainable use of minerals in the Framework (Chapter 17);
 - d) The extent to which the proposed development is consistent with the development plan for the area; and,
 - e) any other matters the Inspector considers relevant.
- 14.3 In light of the above, and in considering the information presented, hI considered at the CMC that the main considerations could be expressed as:
- i. The effect of the proposal in terms of delivering housing, and;
 - ii. The effect of the proposed development in respect of national and local policies relating to economic development (including the potential impacts on existing businesses on or near to the site)⁴³, and;
 - iii. The effect of the proposal in respect of facilitating the sustainable use of minerals (including existing uses), and;
 - iv. The potential effect of the proposed development on the living conditions of future occupiers; with specific consideration of existing adjacent or nearby uses, and;
 - v. Whether the proposal makes adequate provision for infrastructure (planning obligations), and;
 - vi. The planning balance.

⁴³ Subsequently, in writing this report, to align the main considerations with the instructions from the SoS, the '(including the potential impacts on existing businesses on or near to the site) or 'agent of change' matter has been considered under the iv in relation to living conditions.

Main consideration: Delivery of Housing

Delivery of market housing

- 14.4 The proposal would result in the provision of 3,500 new homes in an area that currently is unable to meet its housing need or requirements⁴⁴. None of the main parties dispute that there is a pressing local, regional and national need for new homes [7.3, 7.4, 7.7, 10.34, 10.150]. I also note that it is considered by the Applicant that the tilted balance, as set out in Paragraph 11 of the Framework, is considered should apply in this instance [8.15].
- 14.5 There is a requirement to consider what weight such factors should have in any planning balance; especially given that the provision of housing is considered by the Applicant and LPA to be a significant benefit in favour of the scheme [8.3, 8.14, 9.21].
- 14.6 Whilst the general need is not disputed between the main parties, Rule 6 Parties have raised concerns over deliverability and viability [10.145 to 10.170]. There is practically little-to-no evidence that the housing proposed would come forward within the next five years [10.155]. There is no clear developer on board with any track record on housing delivery, nor any clear indication that there is a realistic prospect of the delivery of the proposed 3,500 housing units would come forward in the near future (the next five years) or indeed at all [10.161, 10.162, 10.163].
- 14.7 This is within the context of a site where the overwhelming majority of the proposed site is not within the ownership and/or control of the Applicant. Therefore, the delivery of the proposal would be dependent on some form of Compulsory Purchase Order (CPO) being put in place [10.166].
- 14.8 There was a paucity of evidence before the Inquiry that the CPO process had been instigated or that the LPA had undertaken any substantive moves to address this. This is somewhat surprising given that the LPA is relying upon the delivery on an unallocated site in order to plug large gaps in its housing supply, and therefore one would have expected there to have been some evidence of advanced stages of CPO processes taking place. This does not appear to be the case here.
- 14.9 The Applicant points to the fact that the benefits of the scheme should not be 'down-rated' due to the need for CPO [8.16]. However, this misses the key point which is that there was very little evidence before the Inquiry which indicated any reasonable prospect of the housing proposed (and indeed the other aspects such as commercial spaces, hotel, office space, and football stadium), coming forward within the short to medium term.
- 14.10 The lack of both – which calls into question the ability to deliver anything on the site within the next five years or so, is a material factor that the SoS should take into account when determining the amount of weight given to the provision of 3,500 housing. Whilst the headline figure of 3,500 new dwellings is attractive when considered in the context of the pressing need, this needs to

⁴⁴ Ms Parkin for the LPA confirmed that as of 11 June 2025, the Council was only able to demonstrate a 3 year land supply in giving her oral evidence.

be calibrated against the reality of whether or not they would be delivered and, importantly, when.

- 14.11 Furthermore, the Applicant's viability analysis shows that the scheme would deliver a return on GDV of 6.14% and a profit on cost of just 6.64% against the identification by the national Planning Practice Guidance⁴⁵ (and expert evidence at the Inquiry) of 15-20% as a typical viable return. This was a return that was calculated **before** the additional £25,000,000 (million) in s106 contributions were secured and therefore not included within the submitted viability analysis [10.156].
- 14.12 I note that the Applicant points to the fact that the viability of the scheme presented does not mean that the scheme would not proceed [8.16]. That may be true. However, it would be odd that a scheme, which is already running at a low GDV – and likely to have a worse GDV once £25 million of s106 financial contributions towards infrastructure required as a result of the development – should be viewed with any certainty on delivery: and especially any delivery within the urgent timeframes required by the adverse housing land supply position within this Borough.

Summary on market housing

- 14.13 The proposal would provide 3,150 market dwellings and 350 affordable homes; a total of 3,500 homes. Whilst the LPA has an adopted development plan, the delivery of housing and housing land within the LPA area has not matched the ambitions set out therein, or need identified since that plan was adopted in 2014.
- 14.14 In reporting on the consistency of the proposal scheme with Chapter 5 of the Framework, that the tilted balance is engaged in this case should be noted. Clearly, the proposal would accord with the Government's objective of significantly boosting the supply of homes [as Paragraph 61 of the Framework]. However, the policy goes on to indicate that '*the overall aim should be to meet an area's identified housing need...*' Through the act of identifying need, and then adopting policies in the development plan, indicates that this should be through a plan-led system. This has not occurred in this instance, where the site is not allocated for residential development. Indeed, it is clear that the uses local planning policy envisages for the site is the continued use in relation to industrial purposes – and those that already occur on the site.
- 14.15 Nonetheless, the pressing and critical need locally, regionally and nationally, for new homes is evident. As such, the proposal, in providing a total of up to 3,500 new homes, and the contribution that that would make meeting local housing need, should (notwithstanding the identified concerns in respect of deliverability) be afforded **significant weight** in favour of the proposal in any planning balance.

⁴⁵ The national *Planning Practice Guidance*, Paragraph: 019 Reference ID: 10-019-20190509, Revision date: 09 05 2019 See [previous version](#)

Delivery of Affordable Housing

- 14.16 Policy CS16 of the CS indicates that the amount of affordable housing to be provided by private housing development sites above the threshold (which it is in this case) will be 30%. This is in line with the Framework, which sets out at Paragraphs 62 and 63 that *'To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment... These groups should include (but are not limited to) those who require affordable housing (including Social Rent); families with children; looked after children; older people (including those who require retirement housing, housing with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes.'*
- 14.17 I note that Paragraph 65 of the Framework states that *'To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.'* However, in the main, the proposal in this instance does not involve vacant buildings; with most appearing to operate flourishing businesses.
- 14.18 Returning to the affordable housing provision in this case, the proposal would secure a figure of 350 units as affordable housing (representing 10% of the total). The proposed development, therefore, does not meet the requirements of the local plan policy; being a figure 20% lower than required by Policy CS16 of the CS. This amounts to a shortfall of 700 affordable homes. The lack of providing these at the levels required by the local plan means that families with children; looked after children; older people (including those who require retirement housing, housing with-care and care homes); students; people with disabilities; service families; and/or travellers, for example, would not be provided for by this redevelopment of 3,500 dwellings.
- 14.19 The figure of 30% required by Policy CS16 of the CS would have been derived by identifying the local housing need and then the proportion of affordable housing to be provided by larger developments in order to address local needs. Even with a different *National Planning Policy Framework* in place at the adoption of the CS, the percentage figure sought would have been based on a specific identified need and evidence base. What this means in practice is that the affordable housing being provided in this application (and secured by planning obligation) would fall below that required by Policy CS16 of the CS and that identified to fulfil the evidence based need.
- 14.20 Accordingly, I note that the Applicant [8.4] and LPA [9.21] considers the provision of affordable housing should be afforded weight; notwithstanding the shortfall, I concur. The provision of any affordable housing is a benefit in favour of a proposal. That is because it is recognised in both local and national policy terms as important in identifying the minimum number of homes required; including for various groups that specifically require affordable housing.
- 14.21 At the same time, the proposal in this case would fall well short of 30% of a major development to be provided as affordable housing as identified within the local CS Policy CS16.

- 14.22 In practical terms it means that this major development scheme would fail to provide the sorely needed affordable homes required in the local area. This is within a part of the Borough that the LPA has indicated falls within the top 10% of most deprived areas in England [9.21]. Whilst I note that the provision of affordable housing is secured by planning obligations, given the observations above in terms of the overall viability of the scheme and the low GDV (even before taking into account further financial obligations as set out above) this raises serious and reasonable-to-consider questions as to whether or not the below policy 10% affordable housing provided has a realistic prospect of being delivered when the deliverability of the whole scheme is questionable.
- 14.23 As such, the proposal would fail to accord with Policy CS16 of the CS. In doing so, it would also fail to align with the Policies set out in Chapter 5 of the Framework. The quantum of provision of affordable housing in this instance means that the proposal is not considered consistent with Government Policies for delivering a sufficient supply of homes, set out in Chapter 5 of the Framework.
- 14.24 The provision of any affordable housing should be (and is) welcomed. However, in terms of giving the matter weight as a benefit, I would urge that this is given no more than **moderate weight** in any planning balance.

The extent to which the proposed development is consistent with Government policies for delivering a sufficient supply of homes in the Framework (Chapter 5)

- 14.25 The SoS will be cognisant with their Policies set out in the *Chapter 5. Delivering a sufficient supply of homes* of the Framework. The Government has a clear objective to significantly boosting the supply of homes.⁴⁶ To achieve this, there is an expectation that LPAs will have up to date plans, which proactively plan for their area and how housing need will be provided through the allocation of land for housing. This is set out in Paragraph 72 of the Framework which states:

*'Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability...'*⁴⁷

- 14.26 This point is further reinforced by Paragraph 77 of the Framework which states:

'The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes). Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such

⁴⁶ As set out in Paragraph 61 of the *Framework*

⁴⁷ As set out in Paragraph 72 of the *Framework*

development where this can help to meet identified needs in a sustainable way....⁴⁸

- 14.27 The proposal in this case does not take place on an allocated site. Moreover, the LPA is unable to demonstrate a five year housing land supply, meaning that whilst at the time of the adoption of its CS back in 2014 there may have been an adequate supply of land for housing; this is no longer the case. There appears to be little prospect of this position changing in the near future, with any emerging local plan still at relatively early stages.
- 14.28 The proposal site is located within an Opportunity Area [Policy CS03 Northfleet Embankment and Swanscombe Peninsula East Opportunity Area, including sub areas 1.2 and 1.3]. However, within these areas, it is only Sub-area 1.3 at Robin's Creek which is anticipated to have any regeneration potential; and potential which it is recognised within the CS constrained by viability (being influenced by the relative success of the Ebbsfleet development to the south) and existing uses. Furthermore, this is a Sub-area which does not appear to include any large parts of the application site.
- 14.29 Instead, most of the application site lies within Sub-area 1.3 (Swanscombe Peninsula East Riverside Industrial Area) and 1.2 (those parts not containing Robin's Creek). In particular, the CS recognises that these areas comprise mainly industrial and port-related uses, and that it is anticipated that this area will remain in active employment uses over the plan period.
- 14.30 The local plan policies make clear that the retention and expansion of industrial and port related employment in this area will be supported. It is clear, therefore, that in local planning policy terms both Sub-area 1.2 and the application site part of Sub-area 1.3 are either areas identified for retention and expansion of industrial and port related employment or areas where existing uses, including the importation and processing of minerals at Robin's Wharf will be retained and safeguarded.
- 14.31 Where aspirations related to housing supply and delivery are expressed within Policy CS03 (in the Robin's Creek part of Sub-area 1.3, outside of the application site) this envisages the provision of around 200 homes. It is unclear as to what substantive progress, if any, has been made in realising this potential source of new homes at the present time.
- 14.32 Therefore, in local planning policy terms, notwithstanding the absence of a healthy housing land supply, the application site itself is not allocated for housing. Indeed, Policy CS03 of the CS reads clearly in that residential development of the application site is not envisaged nor sought; with the retention of the existing industrial uses the primary focus of the policy.
- 14.33 As such, on the basis of the evidence before the Inquiry, my view is that the proposal is only partially consistent with the Government policies in respect of delivering a sufficient supply of homes, as set out in the Framework.

⁴⁸ As set out in Paragraph 77 of the *Framework*

Main consideration: Economic Development impacts

Employment

- 14.34 The proposed development would result in the creation of around 1,500 new jobs [8.8]⁴⁹⁵⁰. These would include jobs created as a result of the Class E uses including floorspace for retail, food/beverage and drinking establishments, local services (Use Class E(c)), indoor sport / recreation / fitness, healthcare space, creche / nursery uses, office floorspace, a new multi-use stadium with associated business and leisure facilities, hotel, and community uses floorspace, outline planning permission is sought for.
- 14.35 At the Inquiry, the Applicant's socio-economic witness indicated that these estimates are based on his document [APP-MR-2 Updated Analysis of Indirect and Induced jobs](#). Those figures (updating including those provided in the ES and POE), indicate around 651 existing direct jobs on the site; many of which would need to be relocated given the change in uses proposed, and a total of 1,536 direct jobs being created on the site. I would urge caution in the use of these figures as they are desk based assumptions and have not been validated by the simple task of enquiring at the existing businesses on site as to how many employees there are.
- 14.36 However, whilst the comparison of numbers provides a useful metric to potentially quantify the benefit gained from the proposed development in new jobs created, it is also simplistic. It is clear that the existing businesses on site are diverse, requiring in some case highly specialised employees [11.1 to 11.11, 11.14 to 11.18, 11.21 to 11.33 and 11.38 to 11.39]. Indeed, I heard at the Inquiry from a number of local businesses whose operations would be severely impacted by the development.
- 14.37 In particular, a number of businesses on site would find a new premises difficult to obtain. I heard that where existing businesses on site have sought alternate sites, these are unobtainable, impractical, or are located some distance away from the Gravesham Borough. What is even more concerning is that whilst the Applicant's socio-economic witness referred to a 'relocation strategy' being worked up, at the time of the Inquiry this was not before the Inquiry; and there is no commitment to producing a relocation strategy.
- 14.38 This is even more concerning when set within the context of the LPA's position which recognises that it would be difficult to find alternate locations for the displaced units on the site and the loss of employment floorspace would be contrary to the Development Plan Policy CS07⁵¹. Though the LPA point to Paragraph 5.1.34 of the CS, which states: *'where proposals that result in the loss of such commercial floorspace are supported, as long as the proposal will deliver at least an equivalent number of jobs on site or within the Borough'*. As such, given the proposal would deliver a net increase in jobs on the site, the LPA consider that this provides justification for addressing the conflict with Policy CS07 of the CS.

⁴⁹ [mr-1 proof of evidence of morgan reece - socio-economics - app.pdf](#) Page 30 of 40, Table 7

⁵⁰ It should be noted that this is a considerable reduction from the 3,927 FTE jobs indicated on the application form from 2022.

⁵¹ [lpa-1 proof of evidence.pdf](#) page 11 of 19, paragraph 4.19

- 14.39 Respectfully, I disagree. This is because the nature of the net gain in jobs in numeric terms fails to appreciate or account for the specific nature of employment on the application land [11.1 to 11.11, 11.14 to 11.18, 11.21 to 11.33 and 11.38 to 11.39]. This is existing employment on site in a number of diverse organisations, which the evidence before the Inquiry indicates involves a thriving business eco-system. These are jobs which would likely be lost as a result of the proposal scheme. That is because the proposal has failed to address the issue of what these jobs actually are and involve, and subsequently their operational needs (as a consequence of the need to relocate them and the real doubts over the realistic achievement of this).
- 14.40 This failure has, in turn, resulted in very little effort by the Applicant (and indeed an absence by the LPA to provide any substantive similar evidence) to adequately identify suitable alternate locations for the existing businesses to relocate to. Instead, an overreliance is based upon an unconfirmed and barely started CPO process in order to compensate existing land owners and businesses, with it for them and the market to find alternate locations for them to move to; without such having been planned within the Local Plan [8.16].
- 14.41 In many respects, this is at odds with Paragraph 87 of the Framework, which indicates that; *'Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for...storage and distribution operations at a variety of scales and in suitably accessible locations that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain, transport innovation and decarbonisation and...the expansion or modernisation of other industries of local, regional or national importance to support economic growth and resilience.'*
- 14.42 Whilst I consider the safeguarded wharf in mineral resources terms in the next main consideration, in economic development impact terms it is important to note that the safeguarded Robins Wharf part of the application site is directly related to storage and distribution operations, in a suitably accessible location which allows for the efficient and reliable handling of goods; which is needed to support the supply chain and transport innovation. It requires this specific location in order to allow the transfer of sea- and land-won mineral resources from national and international sources by ship in order to support house and infrastructure building across the South East of England (including London).
- 14.43 This is an industry located on the site which would not be replaced by the net increase in jobs, and would be entirely lost to the proposal scheme. This is an industry which is of local and regional importance in order to support the economic growth of the South East of England; including the provision of new homes for which there is a critical need to significant boosting of supply.
- 14.44 Other examples of businesses operating on the site were given at the Inquiry; including a specialist high voltage contractor [11.10 and 11.11], a business creating injection moulds for fluid transfer [11.14 to 11.17], a car dealership [11.6 to 11.9], a haulage and storage business that on / off loads goods from the River [11.23], a scaffolding company [11.26], a traffic management company used by utilities repairs [11.27], a specialist high voltage cable company [11.28], and a family run business employing 620 people across the UK; including having trained over 230 apprentices [11.38].

- 14.45 Whilst it is true that some of these businesses might be able to find alternate premises; it is unclear whether these would be within the Gravesham area and/or whether they would be of an equivalent suitability or quality. The evidence before the Inquiry suggested that relocation would be an extremely difficult task. In any case, there remain a number of employment activities and industries on the application site which are of local, regional or national importance to support economic growth and resilience.
- 14.46 Set against this is the unproven potential of jobs which may be created on the site. However, in this respect interested parties have pointed out that there is an optimistic approach adopted by the Applicant [11.9, 11.21, 11.31]. To an extent, I concur with these sentiments. It is, nevertheless, correct that there is no substantive evidence before the Inquiry as to whether the net gain in number of jobs is accurate. In such circumstances the decision-maker needs to base their assessment on the figures presented (though mindful in terms of the nature of the jobs being lost/provided). At the same time, it would be highly ambitious to consider that the net gain of circa 1,500 jobs in retail and office activities would be fully realised.
- 14.47 This is because the site is located about 5 miles away from one of the largest shopping destinations in the UK - Bluewater shopping centre [11.31] - which one would anticipate would be the focal point for in-person shopping trips. Moreover, even if one did not want to shop at Bluewater, the high speed train from Ebbsfleet International⁵² train station takes around 15 minutes to arrive at the Westfield shopping centre in Stratford.
- 14.48 As such, as raised by interested parties, it is unclear as to how fruitful employment opportunities in retail would be in terms of the development in practice. Added to this, is the unproven demand for office space within the Gravesham borough. With an increase in hybrid and home working practices, it is unclear as to how the number of office jobs anticipated would be realised in practice.

Summary on Economic Development

- 14.49 Taking into account the positions of the parties, and the fact the proposal would result in the creation of circa 1500 net jobs, the proposal would accord with aspects of Policy CS07 of the CS. At the same time, however, as considered above, nearly existing 700 jobs on site are likely to be lost as part of the proposed development; and these are jobs, livelihoods and businesses for which no adequate or retained consideration has been given to relocation to. Accordingly, the proposal would also conflict with aspects of Policy CS07 of the CS.

The extent to which the proposed development is consistent with Government policies for building a strong, competitive economy in the Framework (Chapter 6)

- 14.50 The proposal would be inconsistent with Paragraph 85 of the Framework. This is because it would not create conditions in which businesses can invest, expand and adapt, nor would it support Britain being a global leader in driving innovation (such as the lead refinery at BRM Ltd adjacent to the site).

⁵² At the time of the Inquiry, international rail services to continental Europe were not operating from this station.

- 14.51 Instead the proposal would result in the loss of 600-700 current jobs on the site, would result in the loss of a safeguarded minerals wharf (as considered in the next Main Consideration), and is likely to have an adverse impact on the operation of nearby businesses (as considered in the Main Consideration on Living conditions, including Agent of Change).
- 14.52 It would also be inconsistent with Paragraph 87 of the Framework [14.41]. This is because the proposal has failed to recognise and address the specific locational requirements of different sectors - which in this case includes a safeguarded minerals wharf where land- and sea-won minerals are unloaded from ships on the River Thames and a transportation wharf at Seacon Terminals (which lie outside the site and would remain if permission was granted). The proposal also fails to address the locational requirements of existing businesses on the site. In the main, many of these are light industrial related use for which neither the LPA nor the Applicant have provided any substantive evidence that their operation would be easy to move to an alternate location; or indeed that such even capacity exists.
- 14.53 Given the location of the site, the policies set out in Paragraphs 88 and 89 (relating to supporting a prosperous rural economy) are not considered of specific relevance in this case.
- 14.54 In considering Government policies set out in Chapter 6 of the Framework, and on the basis of the evidence before the Inquiry, my view is that the proposal is not consistent with the Government policies in respect of building a strong, competitive economy, as set out in the Framework

Main consideration: Sustainable use of mineral resources
(including safeguarded wharf)

- 14.55 Robins Wharf is located on the edge of the River Thames, and is used primarily for the unloading of mineral resources to be used in construction such as road and house building. The site includes not only the pier which thrusts out into the Thames, but also two on-land operational areas for Brett and Aggregate Ind.
- 14.56 I saw during my site inspection how land- and sea- won materials such as sand and gravel, are unloaded from ships and then transferred into storage bays.
- 14.57 Following this, the minerals are mixed in various structures located on the land part of the site, for forward transportation by lorries. This includes products such as Ready Mix Concrete (RMX) and dry mortar mixing.
- 14.58 I also understand that these some of these activities are highly time-sensitive. For example, with aggregate mixes for highway surfaces needing to be delivered within certain timeframes in order to ensure that the mix is of the right consistency for the intended purposes.
- 14.59 This helps reduce waste and ensure quality of products. This appears to be one of the reasons why the safeguarded area includes not only the pier, but the land area adjacent, as shown on Figure 9 below, as the latter is where the

minerals are stored ready for mixing, use and/or further onwards transportation.

Site G: Robins Wharf, Northfleet

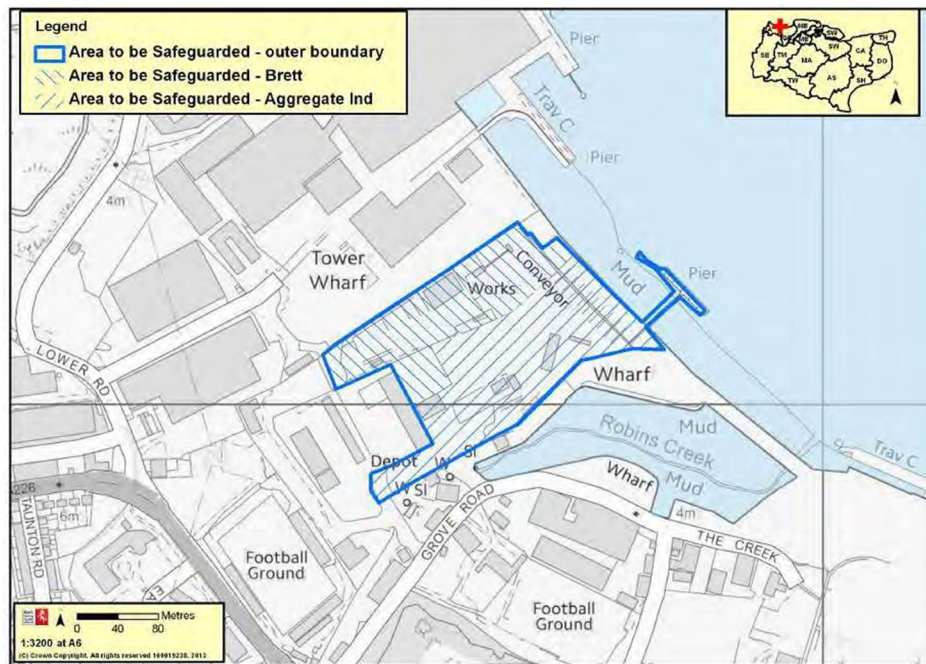


Figure 9 Source: [CD3.04 Kent Minerals and Waste Local Plan 2024-39 - adopted March 2025](#), page 176 of 211

- 14.60 There is no dispute between the parties that Robins Wharf is a safeguarded wharf in planning policy terms. Within this report, I use the term 'Robins Wharf' as to include all the safeguarded area as identified in the above Figure 9.
- 14.61 Policy CS03 of the CS recognises the LPA's ambition to redevelop an area of land to the south east of the safeguarded wharf. However this is the area at Robins Creek and does not include the safeguarded wharf. This policy is, therefore, neutral on the safeguarded wharf matter.
- 14.62 Policy CS07 of the CS indicates at 5.1.36 *'the loss of existing commercial wharfs...will not be supported unless a study and supporting evidence shows that they are no longer viable for marine related employment purposes...or appropriate alternative provision is available or will be provided...'* No party is advocating that Robins Wharf is no longer viable [7.29]. From what I saw at the site inspections, there appears to be much economic activity taking place at the safeguarded wharf; so there is nothing to suggest that this requirement is met.
- 14.63 Moreover, there is no detailed evidence before the Inquiry that the appropriate alternative provision is available or will be provided. Whilst the Applicant has provided some limited information on other wharfs along the Thames, it has not been demonstrated that these are suitable alternatives which would fulfil the same or similar purposes to that at Robins Wharf. Accordingly, the proposal conflicts with Policy CS07 of the CS.

- 14.64 In Policy CS11 of the CS – a policy focussed on Transport – the LPA reiterates that they will ‘safeguard wharves’ subject to the provisions of paragraphs 5.1.36 of Policy CS07. Accordingly, there is conflict with Policy CS11 of the CS.
- 14.65 Lastly, in terms of the CS, Strategic Objective 18 sets out that ‘*as a minimum, to safeguard the capacity of commercial wharves and other sites needed to support the River Thames as a working waterway.*’ In failing to safeguard the commercial wharf and therefore failing to support the River Thames as a working waterway, the proposal fails to align with this strategic objective of the CS.
- 14.66 Turning to the KMWLP, Policy CSM 6 indicates that ‘*Planning permission will not be granted for non-minerals development that may unacceptably adversely affect the operation of existing planned or potential sites, such that their capacity or viability for minerals transportation purposes may be compromised.*’ This includes Robins Wharf, Northfleet (both operational sites). In this case, the capacity of the existing minerals wharf would be compromised through its complete loss. Whilst the development of the application site would retain the pier element of the safeguarded wharf, there would be no space within the scheme in which to unload mineral materials for their onward transportation. As such, the proposal would conflict with Policy CSM 6 of KMWLP.
- 14.67 Policy CSM 7 of the KMWLP indicates that facilities for concrete batching or the manufacture of coated materials, and recycled and secondary aggregate material; and where located within a host wharf – which they are at Robins Wharf – are safeguarded for the life of the host site. In seeking to compromise the minerals transportation purposes of the site through the erection of residential uses on those areas, the proposal scheme would require the removal of the concrete batching and similar processing facilities from the safeguarded site. Accordingly, the proposal would conflict with Policy CSM 7.
- 14.68 The last specifically relevant minerals resources policy identified by the main parties at the Inquiry is Policy DM8 of the KMWLP. The Applicant considers that the scheme overall complies with the development plan – including the loss of the safeguarded wharf (Robins Wharf); whose loss is considered to be sanctioned by Policy DM8 of the KMWLP [8.13]. The Applicant’s minerals witness at the Inquiry confirmed that if there is demand for the materials off loaded at Robins Wharf, then the market would adapt in order to supply materials such as coated materials/asphalt. It was confirmed at the Inquiry that the Applicant is only relying on exemption six [10.60].
- 14.69 The Applicant’s policy position view is echoed by the LPA [9.3], who point to exemption 6 of Policy DM8 which indicates that ‘*planning permission will only be granted for development that is incompatible with safeguarded minerals management...where it is demonstrated that either...material considerations indicate that the need for development overrides the presumption for safeguarding...*’
- 14.70 In the Officers report, the Council’s professional officers indicated that: ‘*Whilst there is policy support for safeguarding Robins Wharf, the presumption in favour of granting sustainable development and the benefits this will bring to the area in this case is considered to tilt the balance in favour of the*

*proposals, particularly considering that a 5 year housing supply cannot be demonstrated. The benefits of locating a large development in a sustainable location with access to public transport links, is also recognised by Kent County Council. On this basis, the proposals are considered to comply with criterion 6 of Policy DM8 of the KMWLP 2020.*⁵³ At the Inquiry⁵⁴, the Council's expert planning witness confirmed that this position had not changed.

- 14.71 The *Safeguarding SPD March 2021* (SPD) sets out that criterion six allows for development where it can be shown that the development is of such importance that the need for it to take place outweighs any impact that might result on the operation for the adjacent minerals facility. The question here is whether the need for the development sought – a new football ground, residential and commercial development – overrides the presumption for safeguarding.
- 14.72 Given that the extinguishment of the minerals wharf sought in this case is the effect of the proposed development, the use of the term 'overrides' is telling: as pointed out by the local Minerals Planning Authority, Kent County Council [10.65]. The overriding need in this case is suggested by the Applicant to be the need for housing in an area where there is a shortfall in housing supply, the new 8,000 seater football stadium, and the regeneration benefits of the removal of over 600 industrial and commercial jobs from the site and their replacement with a net gain of 1,500 jobs in retail, offices and other similar uses.
- 14.73 The delivery of new homes is acknowledged by KCC [10.70]. However, the weight to be attached to exemption 6 depends on the extent to which delivery can be relied upon so as to contribute to housing supply – and crucially given the specific local circumstances where there is a deficit – housing delivery. In this instance, as considered elsewhere in this report, there is very little certainty that the residential element will come forward: or even when. Accordingly, it is only logical to afford this factor (the provision of housing) within the context of Policy DM8 moderate weight.
- 14.74 The retention or decanting of the football ground is recognised within the Local Plan First Review 1994 (Saved Policies)⁵⁵ and the CS at Paragraph 4.4.6⁵⁶. Clearly, as a sports team evolves its needs change. I saw during my site inspection that whilst parts of the existing football ground benefit from modern buildings (including the main stand with administration offices, conference and changing rooms), other parts such as the stands to the northern and eastern ends of the pitch were somewhat dated and likely would not conform to Football Association standards required at higher leagues levels.
- 14.75 Nonetheless, there appears to have been no more than a soupçon of references to the location or provision of a replacement football ground within the adopted development plan. At the Inquiry, neither the Applicant nor the LPA were able to demonstrate that any consideration had been given to any alternate locations for the replacement football ground. Whilst there is an

⁵³ [cd201_planning_committee_30_april_2024_-_report.pdf](#)

⁵⁴ Mr Ghani, under cross examination.

⁵⁵ [CD3.03 Gravesham Local Plan First Review \(1994\) - Saved Policies](#)

⁵⁶ [CD3.01 Gravesham local plan core strategy - September 2014.pdf](#)

aspiration for the building of an 8,000 seater football stadium, this is just that: an aspiration. There is very little evidence before the decision-maker that there is an 'overriding' need for the football stadium proposed.

- 14.76 Lastly, in terms of jobs whilst the net quantum is noted, this does not take into account the types of jobs that would be lost through the complete redevelopment of the application site. Furthermore, there is little evidence that there is an overriding need in this specific location for the land to be used for job creation. Indeed, with a number of Opportunity Areas (or sub-areas) located to the east of the application site, it is evident that this is not the only place in which jobs; whether planned or unplanned, could be delivered. Whilst the creation of new jobs is welcome, that does not equate to an 'overriding' factor in itself.
- 14.77 Taken in the round, I respectfully disagree with the LPA's position that '*it has been demonstrated there are material considerations that indicate the need for development override the presumption for safeguarding*'⁵⁷. Whether considered individually or cumulatively, and as a matter of planning judgement, I do not find that the creation of 3,500 new homes, a new 8,000 seater football stadium, and the net gain of 1,500 jobs overrides the presumption for safeguarding the minerals wharf in this instance. Accordingly, the proposal would conflict with Policy DM8 of the KMWLP.
- 14.78 In terms of the Framework, Chapter 17: Facilitating the sustainable use of minerals is of particular relevance. Paragraph 222 of the Framework sets out that '***It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs.***'⁵⁸ Whilst much of this chapter focusses on the activities of minerals extraction, Paragraph 223 e) recognises that existing sites for: the bulk transport; handling and processing of minerals; the manufacture of concrete and concrete products; and the handling; processing and distribution of substitute, recycled and secondary aggregate material, are safeguarded.
- 14.79 The transport, handling, processing and manufacture of concrete are all activities which take place on the (local plan identified) safeguarded Robins Wharf. Were permission to be granted in this case, all of these activities would cease on the application site and the entire safeguarded wharf would be lost.
- 14.80 Accordingly, the proposed development is not consistent with Government policies for facilitating the sustainable use of minerals.

Summary on safeguarding

- 14.81 The proposal would conflict with Policies CS07, CS11 and Strategic Objective 18 of the CS and Policies CSM 6, CSM 7 and DM8 of the KMWLP (as supported by the *Safeguarding SPD March 2021*). It would also not accord with the Policies of the Framework; and in particular Paragraph 223, for the aforesaid reasons.

⁵⁷ [lpa-1 proof of evidence.pdf](#), page 17 of 19, paragraph 4.60

⁵⁸ My emphasis.

- 14.82 However, the SoS may determine, like the LPA and Applicant, that the three key factors in relation to exemption 6 of Policy DM8 of the KMWLP do provide justification for the overriding of the presumption for safeguarding. In such circumstances, the proposal would accord with Policy DM8 of the KMWLP. Nonetheless, the proposal would continue to conflict with the other cited policies of the adopted development plan, and also the Government's policy on sustainable minerals as set out in the Framework.

**Main consideration: Effects on living conditions of future residents
(including Agent of Change)**

Noise and Light

- 14.83 With regard to noise, the adjacent Seacon site operates and/or has the ability to operate 24/7/365 basis [10.22]. This includes lorries and forklifts operating within the warehouse, and also within the storage yard which is located directly adjacent to the application site. BRM Ltd have raised the point that it is likely that future residents will be especially affected where in close proximity to the Seacon site. This includes the approximate five residential blocks as show in **Figure 6** above. In particular, BRM Ltd was concerned that the Applicant's noise assessment is inadequate as noise levels would exceed the +10db threshold for adverse impacts [10.23].
- 14.84 Similarly, in terms of light pollution BRM Lt raised concerns with the 24/7 operations taking place on the Seacon site, which require and would continue to require, the use of flood lighting for security and safety purposes [10.24, 10.25, 10.26].
- 14.85 In both noise and lighting matters, no party indicated that there were any planning controls on the operations of the Seacon site for continual operational use throughout the day, night and year. As such, the potential impacts from noise and light arising from the Seacon site, which is an established business, should be considered within the maximum operational potential which is 24/7/365.
- 14.86 At the Inquiry the Applicant set out how the residential buildings could be designed in a way that would minimise active openings facing onto the Seacon premises. For example, this could be through the facing of the building to the east rather than the west, or by using communal type spaces; such as stairwells or hallways on the elevation facing Seacon. This would not only reduce the potential for noise pollution from the Seacon site adversely affecting future residential occupiers, but also limit the exposure of residents from light and light spill from the Seacon site [8.11].
- 14.87 With the use of good design – which is possible with an outline scheme such as this through the use of planning conditions - it would be likely that any impacts on future residents would be minimised. This matter does not, therefore, provide a justification for the refusal of the application scheme [9.12].

Public Health (including air quality)

Traffic related air quality

- 14.88 With regard to public health, the only Proof of evidence to be cross-examined at the Inquiry was that provided by Dr B Tuckett-Jones, who was called by the Rule 6 Party, BRM Ltd. The Inquiry also benefitted from the technical evidence provided by Mr Odendaal⁵⁹ at the Inquiry, which was also subject to cross-examination. This written and oral evidence complimented my accompanied site visit to the BRM Ltd site, which is located to the north of the application site, where I was able to see how this BRM Ltd site operates.
- 14.89 In my considerations, I have also taken into account the comments provided by the Environmental Health Team at Gravesham Borough Council [9.12].
- 14.90 The Applicant provided some written evidence on this matter.⁶⁰ This includes the submitted Environmental Statement, and its Air Quality chapter.⁶¹
- 14.91 This sets out at Paragraph 8.137 that *'The assessment has also shown that the effects of emissions from peak construction traffic emissions on local air quality will be 'not significant''* and at Paragraph 8.138 that *'The operation of the Proposed Development is not predicted to result in any significant effects on the existing receptors considered within this assessment in relation to concentrations of NO₂, PM₁₀ and PM_{2.5}. In addition, the assessment demonstrated that air quality for future occupants of the Proposed Development would be acceptable'*.⁶²
- 14.92 It was agreed by Dr Tuckett-Jones during her evidence that there was no dispute between parties with regard to transport and traffic and air quality matters. On the basis of the evidence before me, including the submitted Environmental Statement, I would concur with that assessment and the findings of the ES on this matter.

Lead related air quality

- 14.93 The BRM Ltd site contains the nationally significant and important lead and metals refinery – handling between 140,000 to 160,000 tonnes of crude lead per annum to create high quality lead and lead alloys⁶³. It is the largest primary lead refinery in Europe and employs around 144 people at the Northfleet site. BRM Ltd receives crude lead, via ship, delivered at the adjacent Tower Wharf, Seacon Terminals Limited. Lead and lead alloy products are then dispatched from BRM by heavy goods vehicles (HGV's). The value of the daily processed material can be estimated at approximately

⁵⁹ Mr Odendaal, BRM-PO-1 Proof of Evidence of P Odendaal: <https://gateleyhamer-pi.com/filer/sharing/1745425041/24188/> and BRM-PO-2 Rebuttal Evidence of P Odendaal: <https://gateleyhamer-pi.com/filer/sharing/1746960810/24288/>

⁶⁰ APP-JB-07 Appendix 6 – Technical Note E – Response to Britannia Refined Metals Ltd.'s Statement of Case dated 22 April 2025 [Trium-LH](#)

⁶¹ CD1.59 Environmental Statement Volume 1 – Chapter 8 Air Quality: <https://gateleyhamer-pi.com/filer/sharing/1744379516/23994/>

⁶² Ibid, page 17

⁶³ [BRM-PO-1 Proof of Evidence of Paul Odendaal](#) page 6 of 45, paragraph 2.3.1

£1 million per day according to the lead price of the London Metals Exchange⁶⁴.

- 14.94 The lead alloys are used in various applications. This includes subsea cables linking wind farms to the mainland and integrate power grids (crucial for delivering the UK and worldwide drive for 'net zero'; the more than one billion vehicles worldwide which rely on lead batteries, 70% of all rechargeable battery energy storage capacity provided by lead batteries; and the use of lead as radiation shielding to protect workers in hospitals, other health environments, laboratories and nuclear installations⁶⁵.
- 14.95 It is clear that the economic and strategic importance of the BRM Ltd site extends far beyond its geographical location; with it positively contributing to a number of government objectives such as Net Zero.
- 14.96 During my accompanied site inspection I was able to see the operations taking place on the site which appeared to broadly conform to the process shown in Figure 10 below:



Figure 3: Processing of lead at BRM

Figure 10 Source: [BRM-PO-1 Proof of Evidence of Paul Odendaal](#) page 7 of 45

- 14.97 This part of the site inspection required the wearing of gloves, overalls, safety shoes, and a rebreathing/recirculation filtered helmet by all attendees as personal protective equipment. I saw during the site inspection that this was required to be worn by all employees on the industrial 'shop floor', which itself consisted of various industrial equipment such as large vat containers, lead ingots, various heating devices, and a conveyor belt with high heat emitters. I was also able to see externally the filtering systems used on exhaust chimneys in order to reduce the emitting of lead and other materials and particulates into the local air environment.

⁶⁴ [BRM-PO-1 Proof of Evidence of Paul Odendaal](#) page 6 of 45, paragraph 2.3.8

⁶⁵ [BRM-PO-1 Proof of Evidence of Paul Odendaal](#) page 8 of 45, paragraph 2.5.1 to 2.5.7

- 14.98 Returning to the application scheme, with regard to lead (as a 'toxic metal'⁶⁶), the Applicant has pointed to the fact that the ES chapter on air quality was based on the development being upwind from the BRM Ltd site and that this could be addressed through mitigation measures [8.11], and that activities on the BRM Ltd are regulated by the Environment Agency and/or Local Authority⁶⁷.
- 14.99 However, at the same time, it should be noted that the BRM Ltd site does not operate to the full extent of the licence – where the site could operate at significantly higher levels should it wish to or demand requires it. Moreover, whilst the site operates within the levels permitted by the issued 'licence', there was no evidence before the Inquiry which indicated that there is a 'safe' level of lead in relation to human health within air (or indeed soil).
- 14.100 Lead is a substance which is controlled for very obvious but important reasons, and where a balance is struck between the vital and essential nature of the material being created, whilst safeguarding human health.
- 14.101 The logical question here is 'how dangerous is lead?' The World Health Organisation (WHO) indicates that:
- 'Lead is a toxic metal whose widespread use has caused extensive environmental contamination and health problems...It is a cumulative toxicant that affects multiple body systems, including the neurological, haematological, gastrointestinal, cardiovascular, immune and renal systems. Children are especially vulnerable to the neurotoxic effects of lead, and even relatively low levels of exposure can cause serious. And in some cases, irreversible neurological damage. No safe level of lead exposure has been identified.'*⁶⁸
- 14.102 BRM Ltd considered that the absence on the surrounding land use on future residents of the development, and in particular that BRM Ltd operations which include lead refining (which is a major pollutant), with no mention in the ES on lead, means that the Applicant has not considered the amount of lead pollution in this location fully, and the adverse impact that this may have on future (proposed) residents and visitors to the application site^{69,70}
- 14.103 To that end, BRM Ltd instructed Dr Tuckett-Jones, to undertake a site specific assessment of the lead emissions from the BRM Ltd site and its existing and future relationship with the adjacent site. This was the only detailed scientific analysis before the Inquiry which was tested by cross-examination. There was no suggestion at the Inquiry that the evidence of Dr Tuckett-Jones was scientifically flawed or followed an unorthodox methodology. In the absence

⁶⁶ Appendix D -WHO and UK government documents, Appendix D1 World Health Organisation: Exposure to lead: a major public health concern, 3rd Edition 2023, page 17/18 of 44 <https://gateleyhamer-pi.com/filer/sharing/1745424820/24182/>

⁶⁷ APP-JB-07 Appendix 6 – Technical Note E – Response to Britannia Refined Metals Ltd.'s Statement of Case dated 22 April 2025, Page 6 of 12, [Trium-LH](#)

⁶⁸ Appendix D -WHO and UK government documents, Appendix D1 World Health Organisation: Exposure to lead: a major public health concern, 3rd Edition 2023, page 17/18 of 44 <https://gateleyhamer-pi.com/filer/sharing/1745424820/24182/>

⁶⁹ Oral evidence of Dr Tuckett-Jones

⁷⁰ It should be noted that the omission of detailed lead air pollution considerations from the ES was not suggested by any party to result in a deficit in the ES itself in respect of environmental information before the Inquiry. On the basis of the evidence before me I concur.

of any detailed evidence to the contrary, and taking into account the oral evidence at the Inquiry, I found Dr Tuckett-Jones to be a very credible witness on this matter; and I would urge the SoS to accord a similar level of consideration to her evidence.

14.104 Turning to the evidence, the witness details within her Proof the areas within the application site where there is likely to be moderate adverse impacts from the operation of the nearby BRM Ltd site – both in terms of its existing operational capacity and its licensed capacity operations. This is shown in Figure 11 below.

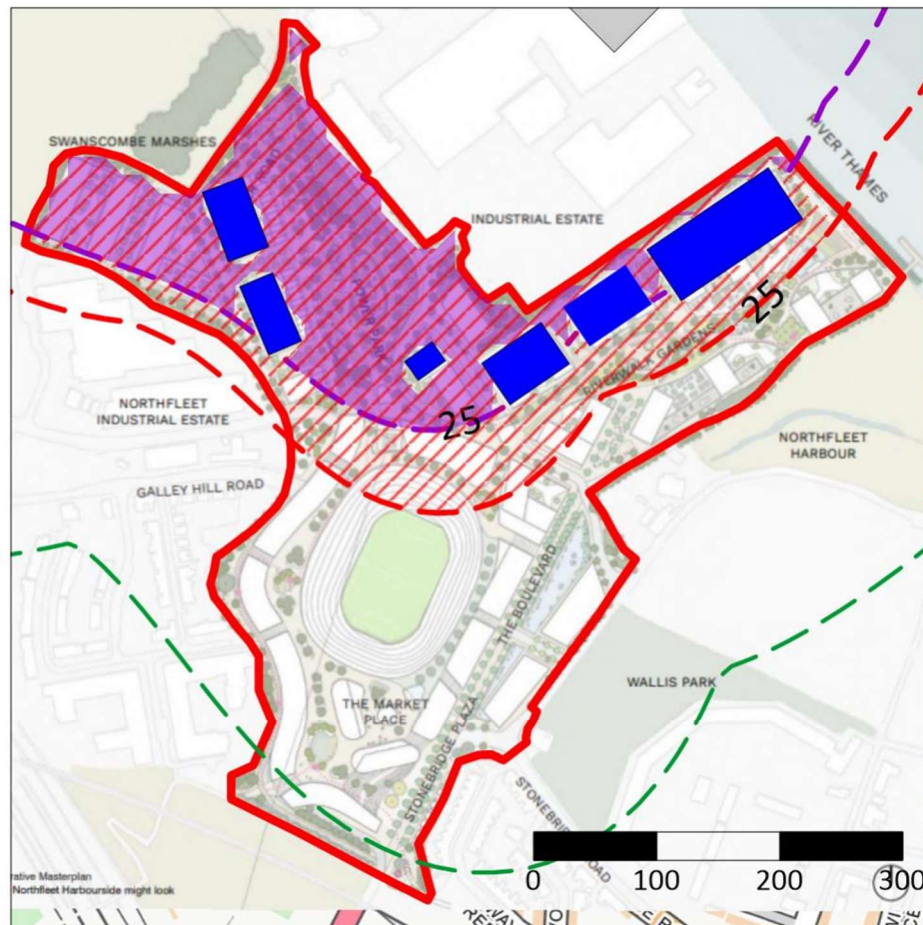


Figure AQ.7 – Area of Application Site with moderate adverse impacts from BRM at current operational levels (purple solid shading) and at capacity operations (hatched red shading). Green dashed contour shows slight adverse limit at current operational levels. Application Site boundary shown in red. Illustrative Masterplan taken from Applicant's Revised Design Code Part 1, 19/04/24

Figure 11 Source: Figure AQ.7 from POE, Dr Tuckett-Jones, page 44 of 55

14.105 It is clear, looking at Figure 11, that future residents located within the residential blocks (shown in dark blue) would likely be exposed to adverse levels of lead. Given the scheme is defined in outline terms, it is not possible to say with certainty the exact number of individuals who would be located within the moderate adverse impact areas (whether the purple operational level or the capacity red shading areas in Figure 11). However, it appears that the majority of the 7,000 or so potential future residents would be located within the identified moderate adverse impacts areas. This would likely

include a wide variety of people as residents; including children and older people.⁷¹

- 14.106 This impact would not only affect those in the residential blocks; but also users of the proposed Power Park and Riverwalk Park open spaces, and other areas of open space within the development including allotments. Exposure when using these external spaces would likely be within the air, as shown by the modelling of Dr Tuckett-Jones, and also contained within the soil: the latter of which is worrying in terms of allotments being provided within the site for the growing of crops such as fruits and vegetables. The use of land for allotments within this area is not considered to be acceptable by BRM Ltd⁷². On the basis of the evidence presented, I concur.
- 14.107 For residents working from home, and those using both internal and external spaces, it is likely that they would be exposed to chronic exposure to lead within the environment. These are levels of lead which are very high; indeed amongst some of the highest concentrations in the UK, and 10 to 19 times higher than typically experienced in London and the South-East of England.⁷³
- 14.108 Put another way, the application site is amongst one of the worse places in England to put residential dwellings and public open spaces given the internal and external exposure to in-air and in-soil lead, which itself is a highly toxic substance that is in its refined state, nevertheless, critical to national and international economic prosperity [10.18 to 10.21].
- 14.109 In response, the Applicant considers that the evidence before the Inquiry *'makes it extremely difficult to see where the lead health risk actually arises'*.⁷⁴ Indeed, much is made of the fact that the SoS is entitled to rely upon the effectiveness of BRM Ltd's Environmental Permits. Emissions to air from the BRM facility are limited by the Environmental Permits and monitored to ensure compliance.⁷⁵ This compliance status – and the fact that BRM Ltd operate the site well below the Permit permitted levels – is considered by the Applicant to indicate that there is, in effect, a 'safe' level and that there is 'not really' any evidence that a safe level on the application site would be breached⁷⁶.
- 14.110 However, that position slightly misconstrues the point. There is no 'safe' level of lead emissions. That is because lead is a toxic substance – so any exposure can cause harmful effects to human health. And sustained chronic exposure; which is the type likely to occur to people who live, work and play in the proposed development, will likely result in harmful health impacts. This is what the only detailed technical and scientific evidence (of Dr Tuckett-Jones) which is before the Inquiry indicated.
- 14.111 Whilst it is true that the levels of lead emissions are below the requirements as set out in the *Air Quality Strategy for England, Scotland, Wales and*

⁷¹ I deal more specifically with Public Sector Equality Duty (PSED) within the next subsection.

⁷² [BRM-BTJ-1 Proof of Evidence of Dr B Tuckett-Jones](#) page 45 of 55, paragraph 5.33

⁷³ [BRM-BTJ-3 Summary of Proof of Evidence](#), page 6 of 8, paragraph 19

⁷⁴ [northfleet_harbourside_applicant_closing_submissions_september_2025 - final 4133-3066-3520 v1.pdf](#) page 50 of 68, paragraph 229

⁷⁵ [northfleet_harbourside_applicant_closing_submissions_september_2025 - final 4133-3066-3520 v1.pdf](#) page 50 of 68, paragraph 227

⁷⁶ [northfleet_harbourside_applicant_closing_submissions_september_2025 - final 4133-3066-3520 v1.pdf](#) page 51 of 68, paragraph 232

*Northern Ireland 2007*⁷⁷ (from 21 years ago) this does not diminish the real risk to human health arising from the proposed development in this area because of its proximity to a lead refinery and the toxic emissions.

The Public Sector Equality Duty (PSED)

14.112 The Public Sector Equality Duty (PSED) is set out in s149 of the *Equality Act 2010*, and protects both individuals and groups or communities. The PSED is not a duty to eliminate discrimination, advance opportunity or foster good relations. But it is a duty to have 'due regard' to the three aims when making decisions, meaning that:

- It is a duty to understand that eliminating discrimination, advancing opportunity and fostering good relations are the aims of the law. It is a duty to seek to achieve the three aims where possible.
- It is a duty to ensure that any decision giving rise to any negative impacts in relation to the three aims is informed and made with regard to any less harmful alternative outcome.

14.113 The second aim of the PSED, set under s149(1)(b), is to have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not. Having due regard to that need involves, under s149(3), having due regard in particular to the need to:

- a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of those who do not share it.
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

14.114 The third aim set out under s149(1)(c) is that public authorities must have due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

14.115 The duty set out in the PSED cannot be delegated. Therefore the SoS will need to be mindful and cognisant of the duty and what due regard means. The Government Equalities Office advises that '*having due regard means consciously thinking about the three aims of the Equality Duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies...*'⁷⁸

⁷⁷ Air Quality Strategy for England, Scotland, Wales and Northern Ireland 2007 [CD4.09], para 18

⁷⁸ <https://www.gov.uk/government/publications/public-sector-quick-start-guide-to-the-specific-duties> (Updated 30 June 2011)

- 14.116 Of the seven protected characteristics set out in s149(7) of the *Equalities Act 2010*, particular attention in this case should be given to age, and pregnancy and maternity.
- 14.117 With regard to age, it is highly likely that the 7,000 or so potential residents of the application site will include both older people⁷⁹, young people (generally post-16 but under 19) and children⁸⁰ (aged 16 and under including newborns). In considering the matter of the PSED, I would bring to the attention of the SoS the views of Dr Tuckett-Jones in that: *'In the same living environment, lead exposure is typically greater for children than for adults because, among other things, they ingest more dust due to higher hand-to-mouth and object-to-mouth behaviours. Furthermore, children absorb more of their lead intake than adults.'*⁸¹
- 14.118 With regard to pregnancy and maternity; it would be unusual if a proposed development would not house women seeking to become pregnant or who are pregnant. This includes the early stages of embryo creation through to early post-natal stages, such as breast-feeding, and growth and development of newborns. These are all protected characteristics which have the potential to be adversely affected by reason of the air-borne lead pollution from the nearby BRM Ltd metal refinery at Northfleet.
- 14.119 The SoS needs to be satisfied, and especially so were they to grant planning permission, that they have exercised the PSED in substance, with rigour and an open mind. The duty has to be integrated with the discharge of public functions; it is not a question of 'ticking boxes'. It is for the Courts to decide if due regard has been had, but providing this is done, it is for the decision-maker to decide what weight to give to the equality implications of the decision.
- 14.120 The PSED is engaged in this application because the decision will involve the creation in relation to land or development that is solely or mainly used by persons with one or more protected characteristics. This will include new residents residing in the proposed residential development and when using the areas of public open space provided in and around the site – including Power Park located within the moderate adverse impact area.
- 14.121 My concerns in this case are that the decision might impact upon a person, group or community with one or more protected characteristics. Older people, young people, children, babies and pregnant women may be subject or exposed to harmful levels of chronic air-borne lead pollution.
- 14.122 The consequences or implications in terms of those protected characteristics identified are that the air and soil pollution could result in the victimising of children (age protected characteristic); who are known to be especially

⁷⁹ Whilst not defined within the Equalities Act 2010, it would appear appropriate for the purpose here to use the National Planning Policy Framework 2024 glossary definition of; *Older People: People over or approaching retirement age, including the active, newly- retired through to the very frail elderly.*

⁸⁰ Whilst not defined within the Equalities Act 2010, it would appear for the purposes here, to use the National Planning Policy Framework 2024 glossary definition of; *Post-16: Young people who are over compulsory school age but under 19, or aged 19 or over and for whom an Education, Health and Care (EHC) plan is maintained.*

⁸¹ [BRM-BTJ-1 Proof of Evidence of Dr B Tuckett-Jones](#) page 36 of 55, paragraph 5.13

vulnerable to lead which is a toxic substance, and either pregnant women or women trying to get pregnant. The proposal would not meet the needs of these two groups as the provision of large areas of public open space (including that at the proposed Power Park) are in areas identified with a moderate adverse impact in relation to air-borne lead pollution.

- 14.123 Public open space is something which all members of the community should be able to benefit from – especially in the case such as the application scheme where residents are unlikely to benefit from large areas of private amenity or garden space. In deliberately creating or planning areas within the proposal, where it is known that there are some of the highest levels of lead air pollution in the UK, the proposal does not foster good relations between children, older people and/or pregnant women. This is because within those areas, groups and individuals with these protected characteristics will either be unable to safely use the public open spaces or would need to be informed that chronic and prolonged exposure in this part of the site would likely lead to serious and potentially long term adverse health impacts.
- 14.124 In making their decision, the SoS will need to demonstrate an exercising of the PSED themselves. If it is considered that the proposal does not meet the three aims as detailed above, the SoS will need to ensure that, in having due regard, a decision that is not consistent with the three aims of the PSED is nonetheless proportionate.
- 14.125 Conversely the SoS may determine, in exercising the PSED (which is solely a matter for the decision-maker), that the proposal does meet the three aims of the PSED and is therefore consistent with the PSED and the *Equalities Act 2010*. In this situation, the SoS will need to ensure they have exercised the duty in substance, with rigour and an open mind, and that reasoning is given for that.

Mitigation of emissions to air and/or soil

- 14.126 The Applicants did not provide a detailed breakdown of how to mitigate the impacts from the lead emissions. In part this is likely due to the Applicant's stance (which I disagree with for the aforesaid reasons) that by operating within the Environmental Permitting limits there is no public health issue in respect of lead pollution.
- 14.127 Nonetheless, there would likely be lead pollution which would adversely affect future residents and detailing ways to mitigate this are a reasonable expectation for the SoS to be reported to on. That is because mitigation may provide an opportunity to address or reduce the harms identified to an acceptable level for the decision-maker. Without a specific witness called by the Applicant to give oral evidence to the Inquiry on lead pollution, I have had to rely upon the evidence of BRM Ltd's witness Dr Tuckett-Jones.
- 14.128 Mitigation measures suggested include:
- *Reducing the generation of dust / particulate matter emission to air on the BRM site and on access roads;*
 - *Reducing the offsite transport of dust and particulate matter from the BRM site to the locations of potential exposure on the Application Site; and*

- *Reducing the potential exposure of the public by:*
 - *Reducing the potential time spent by members of the public in areas of elevated lead concentrations; and*
 - *Reducing lead concentrations in areas of potential public exposure;*
- or finally and by far the least satisfactory,*
- *Clinical interventions to reduce the health effects of exposure to lead.*⁸²

14.129 Mitigation measures go on to suggest that in indoor environments, including residential properties, exposure of the public can be significantly reduced through the provision of mechanical ventilation and filtration of the intake air. However, this would need continued effective management and maintenance.

14.130 For outdoor environments, any reductions in exposure require measures to either: • prevent public access or failing that to discourage members of the public from remaining in areas of high concentrations i.e. the landscape should not be designed to encourage leisure use; and/or • reduce concentrations where exposure of the public is likely e.g. using solid barriers or, potentially green infrastructure.⁸³

14.131 I am not convinced that many of these mitigation measures would be as effective as required in order to reduce the real risk to human health arising from the location of the application site and in particular the residential elements and public open spaces. It is unclear as to how, for example, one would be able to prevent leisure use when that is one of the key purposes of providing public open space within a development.

14.132 During school holidays and/or in the summer or periods of clement weather, it would be highly unlikely that children would not want to run around and play in the public open space, or individuals and families would want to walk their pets, or parents of a newborn would want to exercise in the open air. Using solid barriers or green infrastructure would not be a conducive or constructive way in which to manage the proposed public open space in Power Park and/or Riverwalk Park; preventing residents from enjoying their local environment for which green spaces are a vital component of creating well-designed places people want to live.

14.133 Whilst I note that there are ways in which mitigation measures could be used to reduce the risk to human health, I am not convinced that they would be effective in the long term, nor create a safe environment in which people should be able to live, work and play unhindered by a wall or fence or other solid barrier because they need to be discouraged from using public open spaces. Such a position appears to be the antithesis of what good planning is meant to be.

Summary on public health

14.134 Policy CS03: Northfleet Embankment and Swanscombe Peninsula East Opportunity Area of the CS sets out that environmental improvement,

⁸² [BRM-BTJ-1 Proof of Evidence of Dr B Tuckett-Jones](#) page 46 of 55, paragraph 5.41

⁸³ [BRM-BTJ-1 Proof of Evidence of Dr B Tuckett-Jones](#) page 47 of 55, paragraphs 5.43 and 5.44

especially in air quality is one of the key delivery points with new housing and jobs.

- 14.135 The proposal in this case is likely to improve air quality in respect of transport and traffic emissions (through the closing down of numerous existing businesses on site which are industrial or industrial process related). However, there is credible evidence before the decision-maker that the positioning of over a thousand new homes and public open spaces would be in areas where there is a realistic and chronic risk to human health arising from air-borne lead particles. Accordingly, the proposal would not align with the aims of Policy CS03 of the CS which seeks to secure environmental improvement.
- 14.136 The Framework sets out at Paragraph 135 that *'Planning policies and decisions should ensure that developments:... f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...'*
- 14.137 Paragraph 187 sets out that *'Planning policies and decisions should contribute to and enhance the natural and local environment by:... e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information...'*
- 14.138 Paragraph 198 sets out that *'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development...'*
- 14.139 Paragraph 199 sets out that *'...Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement...'*
- 14.140 The proposal in this case, and the new residents, will be put at unacceptable risk from unacceptable levels of air and soil pollution. This is pollution that would have moderate adverse effects on health; and this is likely to be especially acute in older people, young people, children, babies, and pregnant women. No credible plan to improve air quality or provide mitigation has been put forward by the Applicant in respect of air-borne lead pollution arising from the nearby lead refinery at the BRM Ltd site. Accordingly, I find that the proposed development would not accord with Paragraphs 135, 187, 198 and 199 of the Framework.

Agent of Change

- 14.141 Paragraph 200 of the Framework sets out that: *'Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new*

development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.'

- 14.142 Paragraph 201 of the Framework sets out that *'The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.'*
- 14.143 In this case, the Agent of Change issue primarily relates to the continued operation of the Seacon and BRM Ltd sites located adjacent or near to the application site. The concerns raised by BRM Ltd relate to unnecessary controls being placed upon the operation of these sites because of the introduction of 3,500 new residential units in an area that is currently a light industrial estate. Controls relating to air quality, noise and light are likely to be sought by residents given the incompatibility of these factors and domestic life [10.18 to 10.26].
- 14.144 The decision-maker will need to be satisfied that the mitigation measures – which will need to be instigated and provided for by the Applicant – are achievable and likely to endure for the life of the proposed development. The Applicant considers that mitigation measures such as reconfiguration of the Lorry Marshalling Area, and compliance with the relevant environmental standards or licences can reasonably address these [8.11].
- 14.145 The LPA indicate that *'Given the outline nature of the application, this mitigation is considered to have been adequately secured by the proposed conditions and legal agreements, and therefore the proposal accords with Policy CS19'.⁸⁴*
- 14.146 The Officer Report to Planning Committee stated: *'Whilst there are environmental protection concerns at this stage and more detail is certainly required on some matters, it is considered that this can be dealt with by appropriately worded conditions for the submission of further and more detailed modelling, reports and proposed mitigation measures at the detailed matters application stage. This will ensure that the development's phased completion and the development overall is designed to fully mitigate the noise and air quality impacts arising from operations of industrial, commercial and river related operators both within the immediate vicinity of the site in Gravesham, and across the River in Tilbury i.e. Port of Tilbury. This would ensure compliance with the agent of change principle. Based on the distance of the other committed developments in the area, cumulative noise and vibration impacts are not likely to result in any change to the predicted effects. The cumulative effects are judged to be negligible. On this basis, noise and vibration matters are considered to be acceptable at this outline stage.'⁸⁵*

⁸⁴ [inq-35_gbc_final_closing_statement.pdf](#) page 4 of 6, paragraph 16

⁸⁵ [cd201_planning_committee_30_april_2024_-_report.pdf](#) page 128 of 342, paragraph 6.526

- 14.147 However, the Seacon site is not subject to any planning controls over its hours of operation or noise. It does not require and therefore does not have an environmental permit to operate. Whilst I have not found that the proposal would result in adverse impacts on future occupiers in respect of noise and/or light, subject to using good design to mitigate those impacts, there is a risk that future residents will seek additionally controls and/or report nuisances to the local Environmental Health team; potentially resulting in further action being taken.
- 14.148 Moreover, it would be odd that at the stages where licences or permits are renewed or reviewed that the circumstances at that time would not be taken into account. At present the application site is primarily a light industrial estate. The introduction of 3,500 residential dwellings – and the residents therein – is a factor which would surely be material to the licence/permit issuer and may result in permitted levels of emissions from the BRM Ltd site being reduced.
- 14.149 These are realistic outcomes that could arise if permission was forthcoming and is a direct result of poor town planning and indicative of the inappropriate location of the residential element of the application scheme in this case.
- 14.150 I therefore, have reservations that the Agent of Change principle has been complied with in this instance. There is doubt as to whether the mitigation proposed would be effective, and if it were practically effective for the duration of the proposed development, that there would be no adverse effects on the existing operations at the Seacon and BRM Ltd sites.
- 14.151 The SoS may, however, be content that mitigation measures – through good design and planning conditions for example – are sufficient to ensure compliance with the Agent of Change principle; as suggested by the LPA.

Main consideration: Transport and highways

Transport

- 14.152 The Applicants have undertaken and submitted a Transport Assessment⁸⁶, a Transport Assessment Addendum⁸⁷, and within the Environmental Statement (ES)⁸⁸ there is a section relating to transport matters. The ES assessed that there are no likely significant effects in relation to traffic and transport.
- 14.153 Given that no objection is raised by the local highways authority⁸⁹ (Kent County Council) on broad transport grounds, I see no reason to disagree with the assessment of the ES in relation to transport matter.

Parking, Lorry Marshalling Area and access road

- 14.154 Concerns relating to the loss of an existing car park and a Lorry Marshalling Area (LMA) were raised by BRM Ltd [10.7 to 10.10]. They also raised

⁸⁶ [CD1.75 Environmental Statement Volume 3 - Technical Appendices - Part 5 - Traffic and Transport](#)

⁸⁷ [CD1.102 Transport Assessment Addendum](#)

⁸⁸ [CD1.58 Environmental Statement Volume 1 - Chapter 7 Traffic and Transport](#) and [CD1.75 Environmental Statement Volume 3 - Technical Appendices - Part 5 - Traffic and Transport](#)

⁸⁹ [INQ-36 Applicant Closing Statement](#) page 27 of 68, paragraph 121

concerns over the loss of a layover area serving the Seacon site [10.11, 10.12] and regarding a proposed new access road [9.13] (which would relocate the current route of Lower Road from Galley Hill Road/Stonebridge Road to CEMEX, Gill Aggregates, BRM Ltd and Seacon).

- 14.155 Objections have also been submitted by National Grid⁹⁰ (on 26 April 2024, 31 July 2025, and most recently in response to the consultation held during the Inquiry adjournment concerning Option B2 and also cat predation fence matters). Their asset, which consists of a tower and its base in relation to access road matters, is shown in Figures 12 and 13 as a black square between the re-sited access road and the car park areas.
- 14.156 At the Inquiry the Applicant sought to provide a number of amendments to the scheme - this included Option A⁹¹, Option B, and Option B2⁹² - in order to address some of the concerns raised. It should be noted, as per the Ruling⁹³ dated 3 June 2025 (and subsequently updated on 10 June 2025), that Option B was 'withdrawn' by the Applicant.
- 14.157 Within Appendix D of the Applicant's Transport witnessed Proof Option A was provided. It was this document that the respective Transport witnesses spoke to. However, it soon became apparent that it was not this version that was shared with Natural England by the Applicant in order for them to consider any impacts on the adjacent SSSI. Instead, it was Option B which had been sent to Natural England. Ultimately in the Ruling, I determined that Drawing 211203-06 is accepted as evidence before the Inquiry.
- 14.158 The two options provided were:

⁹⁰ [INQ-49 Addendum NGET Objection letter response Northfleet Oct 2025](#)

⁹¹ [INQ-13 highway optioneering alignment option 1](#)

⁹² [INQ-19 optioneering alignment - option b](#)

⁹³ [INQ-18 ruling alternate parking and lma for brm - updated to reflect option b2](#)

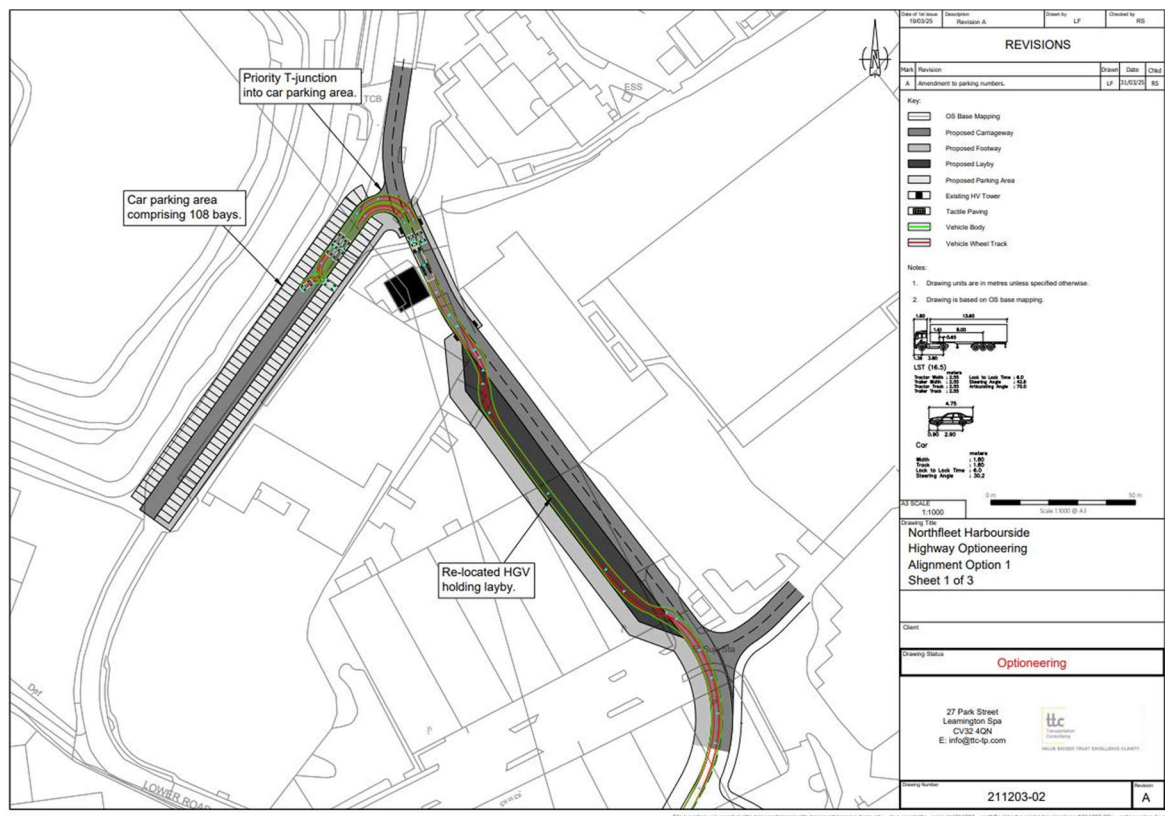


Figure 12 Option A Source [INQ-18 ruling alternate parking and lma for brm - updated to reflect option b2](#)

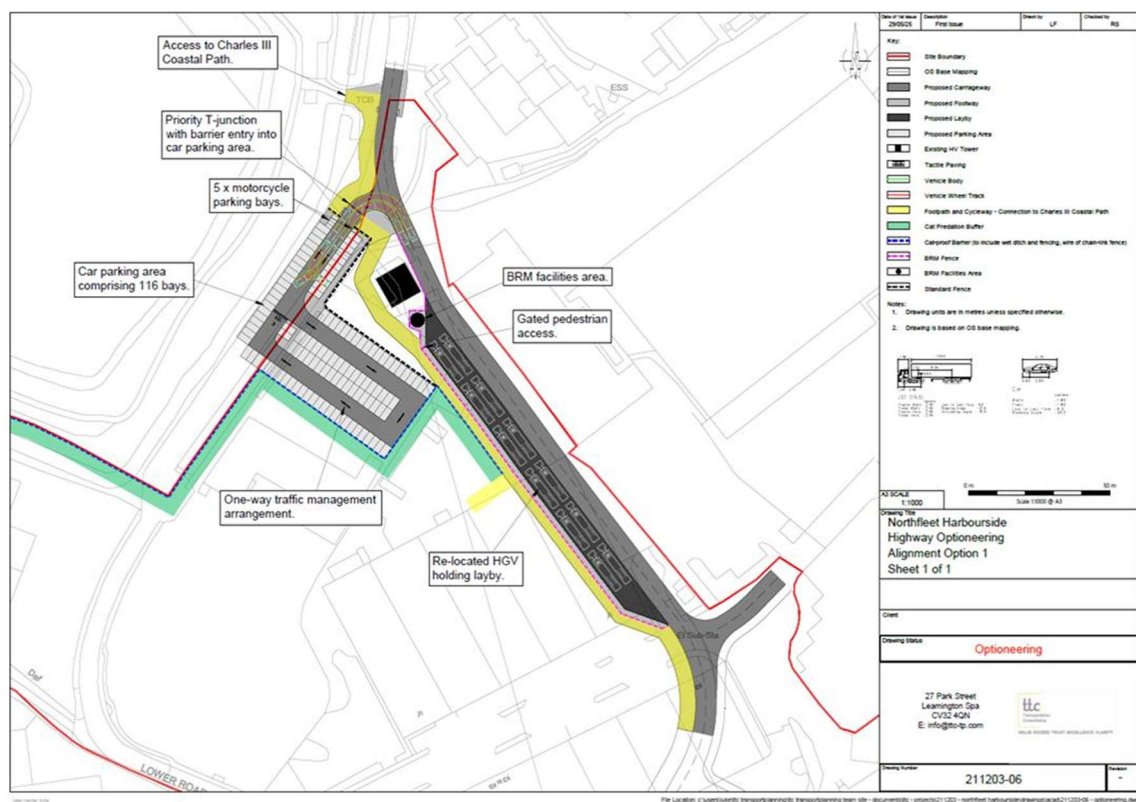


Figure 13 Option B2 Source: [INQ-18 ruling alternate parking and lma for brm - updated to reflect option b2](#)

- 14.159 With regard to Option A (Figure 12), this shows that 108 parking spaces being provided. Given that there is a need to provide 116 spaces, so as to reflect existing provision for the BRM Ltd site, it is clear that Option A does not provide a like-for-like replacement car park. Therefore, it is Option B2 (Figure 13) which should be the preferred option of the two for consideration.
- 14.160 However, for both schemes the LMA would be relocated. I saw from my various site inspections that the existing LMA is located within the site line of the security office at BRM Ltd [10.8]. This provides a level of passive surveillance for the LMA when lorries are either waiting to enter into the BRM Ltd site to collect loads, or when the lorries leave the BRM Ltd site and then need to cover and ensure loads are secured for transportation on the public highway. The loads are required to be uncovered when leaving the BRM Ltd site for security. During my site inspection I saw lorry drivers securing their recently collected ingots of lead and then covering them with the lorry curtain screens.
- 14.161 The proposal will require the loss of the existing LMA in order to provide the replacement car park. Therefore the Applicant has sought to provide a relocated LMA as shown in Figure 13. This would be located adjacent to the proposed public open space at Power Park, with access to the King Charles III England Coast Path situated between both. The relocated LMA is not commodious compared to the existing LMA; primarily because the 'line of sight surveillance' benefit of the existing LMA would be lost.
- 14.162 The decision-maker should also be mindful of the location of both the replacement car park and LMA, which are necessitated by the application scheme. Under both Option A and Option B2, they would require residents and visitors to the application site to pass between a narrow path between the car park and LMA in order to access the Swanscombe Peninsula open space. Visually this would provide a less than ideal layout within this part of the site in design terms.
- 14.163 Whilst layout is a reserved matter, the design parameters and need to provide a replacement LMA and car park are generally fixed features within this scheme owing to the relocation of the access road. This is demonstrated by the fact that Illustrative sketch plan R13 was accepted as part of the Ruling.



Figure 14 Source [INQ-18 ruling alternate parking and lma for brm - updated to reflect option b2](#)

14.164 With regard to the access road, this is not a matter reserved for consideration at the reserved matters stage. Not only have BRM Ltd raised concerns with the relocated access to their site, but objections have also been raised by National Grid Electricity Transmission PLC (NGET). These concerns relate to the electricity transmission tower (or pylon) located adjacent to the access road and the pedestrian footpath linking to the King Charles III Coastal footpath.

14.165 In particular, NGET are concerned that the gap between the tower and a nearby building (on the eastern side of the proposed relocated access road, to be retained) would only be around 4.59 metres; which is less than the commonly required 6 metres for two-way HGV traffic. It is considered likely by NGET that the relocated access would be placed on the tower's foundations; impacting its structural support.

- 14.166 The proximity of the relocated access road would likely require road closure; which would not be acceptable for local businesses⁹⁴. NGET also note that whilst an Asset Protection Agreement (APA) would be required (to ensure that appropriate designs, safeguards and insurance are in place to protect NGETs assets), the APA would not be able to sufficiently address the aforesaid concerns.
- 14.167 The Applicant provided a response on 24 October 2025, indicating that they do not consider that they raise any technical point. Moreover, the proposal can be accommodated with design and construction techniques where necessary and these should be incorporated into an APA to ensure suitable protection for NGET's assets.
- 14.168 The Applicants also point to suggested planning conditions 40 and 41⁹⁵, which would require an APA having been entered into and details submitted to the LPA.⁹⁶
- 14.169 The Applicant also points out that had a third (or fourth with Option A, Option B, Option B2 counted) amended drawing been accepted by the Inquiry on 19 September then this would have demonstrated that the distance between the existing electricity pylon and retained building would be 6 metres⁹⁷.
- 14.170 This drawing was not accepted by the Inquiry because it was submitted extremely late in the process (on 19 September 2025) after there had already been some hiatus whilst awaiting for the availability of parties after the conclusion of consultation taking place between June and July 2025.
- 14.171 In any case, the 'for info only' drawing fails to address underground foundations of the tower which are shown on the topographical plan submitted by BRM Ltd, contained in Figure 15 – in light blue (with magenta coloured outline of the proposed relocated access road to the BRM Ltd site over).

⁹⁴ [INQ-49 Addendum NGET Objection letter response Northfleet Oct 2025](#)

⁹⁵ Contained in Appendix E of this Report

⁹⁶ [INQ-50-a Applicant comments on NGET submission inq-49](#)

⁹⁷ [INQ-50b Proposed Road Realignment NOT accepted by the Inspector INFO ONLY](#)

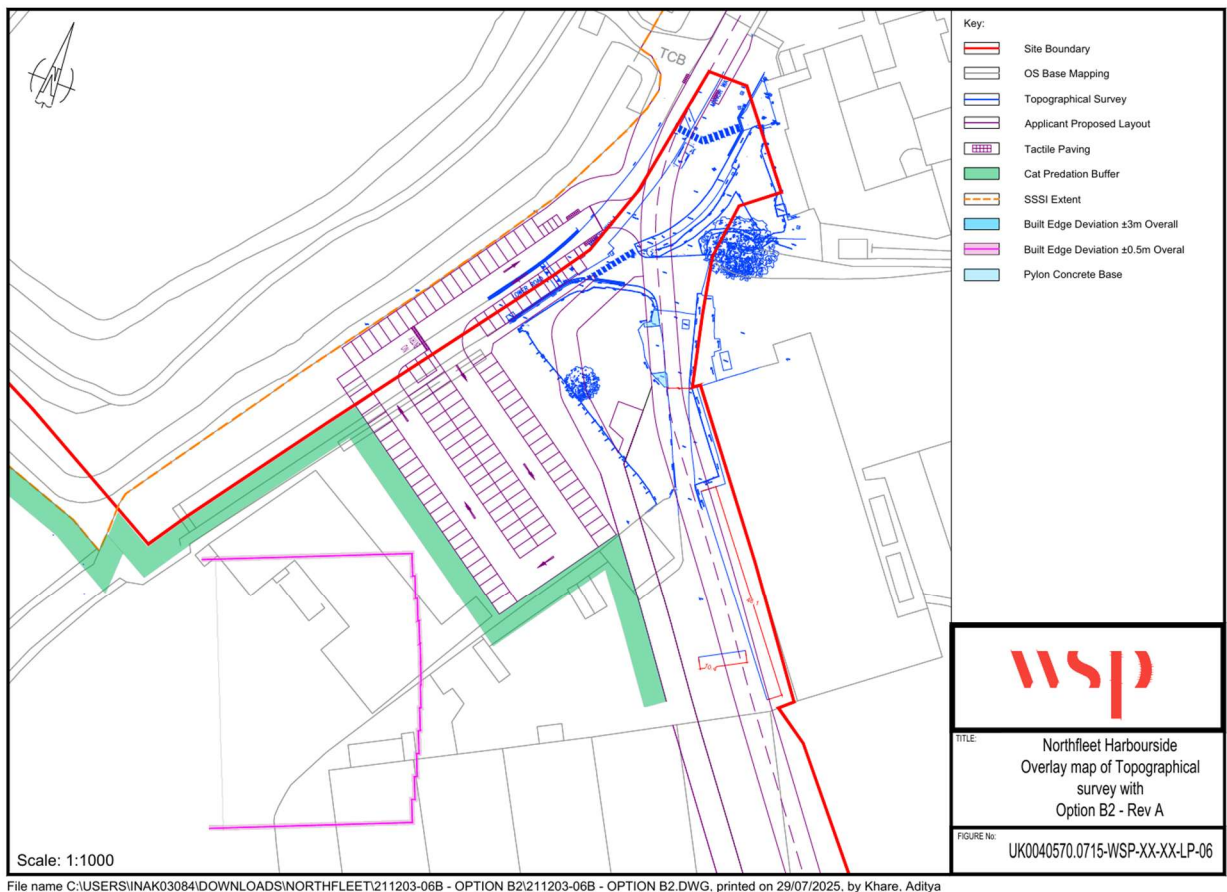


Figure 15 Source: [INQ-45-2b Northfleet - Transport Note - Option B2 - Topo Overlay](#)

14.172 I cannot be certain that the proposed relocated access road leading to and from the BRM Ltd and other commercial uses, which is before the decision-maker to determine in this outline scheme, would be a realistic and probable outcome were permission to be granted. Whilst the matter of the APA is subject to other regulatory regimes, it is clear that further work is required in order to ascertain what impacts the relocation of the existing access road would have in respect of both NGET assets and the existing (and retained) businesses which would need to use that highway.

14.173 In this respect, whilst there is not a specific planning policy objection point (though it could be argued that this is indicative of poor design) relating to parking, the LMA and the relocated access road, it is nevertheless material. It is clear that the relocated access, for example, has the ability to result in an adverse impact on the operation and maintenance of the NGET asset, which is required to carry electricity across the network. Whilst conditions have been suggested, it is clear from the concerns raised by NGET, that it is not considered that an APA would be able to address the concerns.

14.174 In such circumstances, and whilst noting the response from the Applicant, I find that the negative impacts arising from the car parking area, LMA and relocated access road are sufficient to weigh moderately against the grant of planning permission in this case.

King Charles III England Coast Path (KCIIECP)

14.175 Originally, KCC, as the body responsible for Public Rights of Way in Kent, had agreed with the Applicant in respect of the various paths shown on the drawing contained within submitted document INQ-27⁹⁸ [9.80]. This is shown in Figure 16 below. However, the need to provide replacement LMA and car parking for BRM Ltd – as a direct result of the application scheme – meant that this originally agreed plan was altered [10.81].



Figure 16 Excerpt of various Rights of Way/Pedestrian routes/Footpaths on and/or across the application site Source: [INQ-27_gwo-3-s065 - 20221064 - kciiecp_map2](#)

14.176 The proposal now results in the formal diversion of two public rights of way which are considered harmful by KCC [10.82]. Originally routes NU1 and the King Charles III England Coast Path (KCIIECP) would have traversed through the greenspace in the form of Power Park. However, Option B2 would require users of the PRoW and KCIIECP to run for a distance of over 100 metres alongside the LMA and then crossing over the access to the replacement car park [9.82]. The quality of experience of users of this part of the public right of way network is likely to be adversely affected: with a mix of fumes and noises associated with lorries using the LMA.

14.177 Such a situation would be at odds with Paragraph 105 of the Framework which sets out that planning decisions should 'protect and enhance public rights of way and access, including taking opportunities to provide better public facilities for users'. It would also not accord with Policy CS11, Paragraph 5.5.41 of the CS

⁹⁸ [INQ-27_gwo-3-s065 - 20221064 - kciiecp_map2](#)

which requires proposals to provide 'improvements to walking and cycling facilities and networks in the borough'. Whilst I note the observations of the Applicant that the proposal would 'improve accessibility and safety for the KCIIECP [8.12], it is questionable as to whether a public footpath located between the LMA on one side (presumably with some form of fencing for health and safety reasons) and an anti-cat predation fence on the other side represents an enhancement of the public rights of way and access as envisaged by the Framework and Policy CS11 of the CS.

14.178 Accordingly, the proposal would conflict with these policies. Moreover, this is harm which would weigh moderately against the proposal.

Summary on transport and highways

14.179 The proposal would not lead to likely significant effects in Environmental Impact Assessment terms. However, the issues over the relocated / replacement car parking, LMA and access road into the BRM Ltd weigh moderately against the grant of permission in this case. Lastly, the failure to provide enhancements to the public rights of way network; including the KCIIECP, result in the proposal being in conflict with Policy CS11 of the CS, and with Paragraph 105 of the Framework.

Main consideration: Ecology and biodiversity

(including Shadow Habitats Regulations Assessment and Shadow Appropriate Assessment)

Shadow Appropriate Assessment

14.180 The application site is located in close proximity to the Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar site, and the functionally linked Swanscombe Peninsula Special Site of Scientific Interest (SSSI) [10.14].

14.181 Regulation 63(1) of *The Conservation of Habitats and Species Regulations 2017* requires that a Competent Authority (CA) makes an Appropriate Assessment (AA) of the implications of any plan or project potentially affecting a site with regard to that site's conservation objectives. Under Regulation 63(3), a CA must consult the Statutory Nature Conservation Body (SNCB), which in most instances is Natural England (NE), and have regard to any representations made by that body. NE have been consulted throughout the application and Inquiry process.

14.182 This consultation must be done before deciding to give any consent, permission or other authorisation for a plan or project which is: (a) likely to have a significant effect on such a site, either alone or in combination with other plans or projects, and (b) not directly connected with or necessary to the management of that site. This process is also known as a Habitats Regulations Assessment (HRA). Plans or projects can only proceed where a plan or project would, beyond all reasonable scientific doubt, not result in an adverse effect on the integrity of a site.

14.183 In this instance, the CA is the SoS and they must ensure that they carry out an AA/HRA in accordance with the Regulations. To assist the Inquiry, the

Applicant submitted a shadow HRA, which has been subsequently updated to reflect amendments to the scheme and to address concerns raised by Natural England.

14.184 This final 'Shadow Habitats Regulations Assessment'⁹⁹ (sHRA), dated September 2025, is that which the SoS should take into account in undertaking an Appropriate Assessment. This is also the version which NE indicate that *'With these amendments we can now concur with your sHRA's conclusion of no adverse effect on site integrity for the Thames Estuary and Marshes SPA and Ramsar in relation to the functionally linked Swanscombe Peninsula SSSI.'*¹⁰⁰

14.185 The sHRA sets out that:

'Increases in residential populations and associated cat ownership can lead to likely significant effects on European sites where bird species are the qualifying features as a result of increased cat predation. Whilst cat predation is largely associated with more vulnerable ground-nesting birds, ground feeding birds are also at risk. With the residential development being adjacent to the Botany Marshes FLL within the Swanscombe Peninsula SSSI, this could be the case for the Proposed Development.

*However, adult waterbirds of the non-breeding SPA features would not typically be susceptible to cat predation because they are species that like open sightlines, which enable them to see predators approach. Therefore, likely significant effects from cat predation upon non-breeding waterbird SPA features of the Thames Estuary and Marshes features can be ruled out.'*¹⁰¹

14.186 In their 2023 response, NE set out that *'The Applicant proposes the use of cat-proof fencing. We welcome the initiative to address cat predation, but we advise this could have limitations: it is visually less attractive; it is not fully effective as it is possible for cats to either climb or simply run to the end of the fencing; it can fragment habitats and inhibit movement between species.'*¹⁰²

This matter has now been rectified to NE satisfaction through the amendments to the sHRA.

14.187 However, a cat predation fence is still proposed along parts of the western/north western boundaries of the site (near to the replacement car park for BRM Ltd). This is shown in Figures 13 and 15 with a thick green line. The use of such measures, potentially including a fence and some form of wet ditch, is likely to reduce the likelihood of cats seeking to enter the Thames Estuary and Marshes SPA/Ramsar site or the Swanscombe Peninsula SSSI.

14.188 Nonetheless, the anti-cat predation measures will not eliminate the risk that cats will venture around the fence: for example, and traverse up the KCIIIECP to access the SSSI in order to prey and hunt upon ground nesting and other birds.

⁹⁹ [INQ-48-a northfleet central shadow hra rev004c final \(changes in red\)](#)

¹⁰⁰ [INQ-48-b natural england response to revised shra 09 sept 2025](#)

¹⁰¹ [INQ-48-a northfleet central shadow hra rev004c final \(changes in red\)](#), page 30 of 153, paragraphs 4.3.1 and 4.3.2

¹⁰² [INQ-48-a northfleet central shadow hra rev004c final \(changes in red\)](#), pages 66 to 74 of 153, with page 70 referring to cat predation

- 14.189 At the same time, given that much of the proposed development would be apartments and flats, without garden space, it would be likely that this would limit cat ownership. This might be in the form of residents choosing not to have a cat or in having a cat having a housecat; permanently kept indoors.
- 14.190 There is also the matter other recreational disturbances, and in particular whether dog walking would result in a significant reduction in bird diversity and abundance, as noted in the sHRA¹⁰³. However, as identified within the sHRA, in the main birds on the SSSI have become habituated to the noise and disturbance from dogs (and also other nearby industrial uses). It is also possible to use some mitigation measures; such as soft landscaping within the SSSI in order to minimise any impacts from dogs being walked within the SSSI¹⁰⁴.
- 14.191 I note the concerns raised by BRM Ltd, that the introduction of around 7,000 new residents would result in adverse impacts on the SSSI [10.15]. They also point to the earlier worries raised by NE in terms of the adequacy of on-site greenspace to deter residents from accessing the SSSI [10.17]. However, this concern of NE appears to have been resolved through further amendments to the scheme, resulting in the final September 2025 sHRA.

Conclusions on (shadow) AA / HRA matters

- 14.192 Overall, I find that, subject to securing the use of cat predation fencing and other similar methods, the proposal would be likely to have **no** adverse effect on site integrity; concurring with the views of NE in their September 2025 comments.
- 14.193 These conclusions represent my assessment of the evidence presented to me; but do not represent an AA as this is a matter for the SoS to undertake as the CA.

Biodiversity

- 14.194 The SoS will be aware of the *Natural Environment and Rural Communities Act 2006* (as amended) (NERC Act), which includes a duty under s40(1) that every public body must, in exercising its functions, have regard to the purpose of conserving biodiversity.
- 14.195 As part of the application, a full suite of ecological surveys were submitted, in addition to the sHRA considered above¹⁰⁵. Suggested planning condition 21 would secure a detailed Biodiversity Enhancement Plan¹⁰⁶ and there are other conditions suggested – such as condition 23 – which would require surveys and or works to take place in order to ensure no adverse impacts on existing biodiversity.

¹⁰³ [INQ-48-a_northfleet_central_shadow_hra_rev004c_final\(changes_in_red\)](#), page 28 of 153, paragraph 4.1.3

¹⁰⁴ [INQ-48-a_northfleet_central_shadow_hra_rev004c_final\(changes_in_red\)](#), page 48 of 153, paragraph 5.2.2

¹⁰⁵ [CD1.65 Environmental Statement Volume 1 - Chapter 14 Ecology and Biodiversity](#) and [CD1.82 Environmental Statement Volume 3 – Technical Appendices - Part 12 - Ecology and Biodiversity](#)

¹⁰⁶ [northfleet_harbourside_applicant_closing_submissions_september_2025 - final 4133-3066-3520 v1](#), pages 61 to 64 of 68

- 14.196 The proposal scheme indicates that it would provide a Biodiversity Net Gain (BNG) of a total net change in habitat units (based upon the Illustrative Masterplan) equates to 6.03, (using the Defra Biodiversity Metric Calculator 3.1), resulting in a BNG increase of 352%. The total net change in hedgerow units equates to 3.03, (using the Defra Biodiversity Metric Calculator 3.1), resulting in a hedgerow increase of 75.73%.
- 14.197 However, the application was submitted prior to 4 February 2024 (in September 2022) and therefore the BNG requirements set out in the changes to Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990, as amended, does not, strictly speaking, apply in this case.
- 14.198 Nonetheless, Paragraph 187 d) of the Framework indicates that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Whilst this does not replicate the minimum 10% BNG now required by the change in legislation, the scheme in this case was submitted prior to this. In any case, it is clear that net gains for biodiversity, which the scheme in this case would provide, are in accordance with government policy.
- 14.199 Accordingly, I find that the proposal would accord with Paragraph 187 of the Framework. This is a benefit of the scheme, which should be afforded moderate weight in favour of the proposal. I also concur with the suggestion by the Applicant that Paragraph 193 NPPF is not engaged and no 11(d)(i) case arises in this instance in respect of Ecology and Biodiversity matters¹⁰⁷.

Other Considerations

Heritage Assets

- 14.200 The SoS will be aware of the duties for decision-makers under s66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, as amended; including to preserve the setting of listed buildings.
- 14.201 The application site does not contain any statutory listed buildings or lie within a conservation area. The submitted Heritage Statement and ES consider that the proposal would preserve the significance of all heritage assets in the surrounding area, so that no direct or setting-based harm arises to any designated asset.¹⁰⁸¹⁰⁹
- 14.202 Historic England, the government's adviser on the historic environment, significant effects within the setting of heritage assets are not likely and

¹⁰⁷ [northfleet harbourside applicant closing submissions september 2025 - final 4133-3066-3520 v1](#), page 64 of 68, paragraph 298

¹⁰⁸ [CD1.70 environmental statement vol 2 - townscape and visual impact assessment part 1.pdf](#) and [CD1.70 environmental statement vol 2 - townscape and visual impact assessment part 2 inc heritage statement.pdf](#)

¹⁰⁹ [northfleet harbourside applicant closing submissions september 2025 - final 4133-3066-3520 v1](#), page 60 of 68, paragraph 277

therefore raises no objection on built-heritage grounds.¹¹⁰ It should also be noted that no other main party raises a ground of objection on this matter.

14.203 On the basis of the evidence before me, I see no reason to disagree with the position of the Applicant nor Historic England on this matter.

14.204 For non-designated heritage assets the matter is covered by suggested planning condition. The Applicant has already produced an Archaeological and Geo-archaeological Desk-Based Assessment and deposit model.¹¹¹ Agreement on this has been reached with KCC and Historic England, in order to secure a programme of field evaluation, preservation-in-situ where practicable, and recording, all to be delivered pursuant to conditions. I consider that this satisfies Paragraphs 207 and 208 of the Framework.

14.205 Having carefully considered the submitted evidence, and having given great weight to the conservation of heritage assets as set out in Paragraph 212 of the Framework and exercised in the application of relevant legislation, the evidence here demonstrates no harm to designated heritage assets. Moreover, any residual archaeological risk can be dealt with via the use of planning conditions. As such, the proposal accords with Chapter 16 of the Framework and Policy CS20 of the CS.

Flood risk

14.206 The Applicant's Flood Risk Assessment and Surface Water Drainage Strategy¹¹², was prepared in consultation with the Environment Agency (EA) and Lead Local Flood Authority (LLFA). This demonstrates that the majority of the site—while located in Flood Zones 2 and 3—is protected by existing and future-proofed flood defences, including a new tidal Thames flood defence to 8.00mAOD with a 100-year design life, and a 16m riparian buffer, ensuring the site's long-term safety from tidal and fluvial flooding.

14.207 Site-specific hydraulic modelling, updated in response to EA feedback, confirms that the proposed development will not increase flood risk elsewhere, with all 'more vulnerable' uses (such as residential sleeping accommodation) set at least 600mm above the design tidal breach level, and robust flood resilience measures incorporated for ground floor and ancillary uses.¹¹³

14.208 It should be noted that there are no objections from EA or the LLFA.

14.209 Taking into account the above, and that there are no substantive objections from the bodies responsible for managing and/or advising on flood risk, I can only conclude that the scheme complies with Paragraphs 180 to 182 of the Framework.

¹¹⁰ [northfleet harbourside applicant closing submissions september 2025 - final 4133-3066-3520_v1](#), page 60 of 68, paragraph 278

¹¹¹ [APP-JB-09 Appendix 8.0 - Technical Note G - Archaeology](#) pages 3 and 4 of 6, paragraphs 1.2.3-1.2.6

¹¹² [CD1.97 Flood Risk Assessment and Surface Water Drainage Strategy \(issues 9, 11th April 2024\)](#)

¹¹³ [CD1.97 Flood Risk Assessment and Surface Water Drainage Strategy \(issues 9, 11th April 2024\)](#) page 67

Planning Balance

14.210 This section should be read and considered as a whole. Whilst it is presented as benefits versus harms, and then goes on to consider planning policy matters, there is a symbiotic relationship between the two. The SoS should be mindful of this when reading this section.

Benefits

14.211 Benefits the proposal would provide include (with a summary of the weight afforded to each):

- The delivery of 3,500 new homes (including 350 of which would be affordable homes secured by planning obligation). This is in an area where there have been a shortfall in the delivery of both. The provision of housing is afforded **significant weight**. The provision of affordable housing is afforded **moderate weight**.
- The provision of a new 8,000 seat capacity football stadium for Ebbsfleet United. Given that there appears to be little provision within the local development plan for the provision of a new football stadium, and there is a general lack of demonstrating a need for a stadium of 8,000 seats, I afford this benefit **moderate weight**.
- The regeneration and redevelopment of previously developed / brownfield land. The site is in active use; with various and diverse businesses thriving. It is not derelict brownfield land waiting for redevelopment. Moreover, on plain reading of Policy CS03 of the CS, it is clear that the Local Planning Authority recognise this existing use. This benefit is afforded **very limited weight**.
- The improvement of air quality in relation to transport and traffic. This benefit would provide visitors and nearby residents a positive health and well-being benefit by reducing certain vehicle types from visiting the site (due to the change in its use from light industrial to residential). I therefore afford this benefit **moderate weight**.
- The creation of 1,500 net new jobs, and the provision of new offices, retail and hotel space. There would also be in the region of 846 Full-Time Equivalent construction jobs. The creation of 1,500 net jobs would assist in the regeneration of this area, which suffers from structural deprivation. This benefit, notwithstanding concerns over existing job losses and longer term deliverability, is afforded **moderate weight**.
- The provision of new health and community facilities (including schools and/or funding for such). These facilities are required in order to serve the new residents as a result of the proposal. However, it would be likely that the wider and existing community would be able to benefit from these facilities given that they would not be provided solely or privately for the new residents. I afford this benefit **moderate weight**.
- The creation of two large areas of public open space (Power Park and Riverwalk Park) and biodiversity net gain. The provision of public open space and providing an overall biodiversity net gain would be beneficial to new and existing residents. I afford this benefit **moderate weight**.

- The site is located in a sustainable location, with links to the High Speed railway line into London and Kent. The ability of new residents, employees and for football/stadium visitors to use sustainable transport modes is welcome. This would also enable residents to gain easy access to London, and to central and north Kent for leisure and work. This benefit is afforded **moderate weight**.
- The reduction in flood risk and de-culverting of the River Ebbsfleet and improvements to the river wall for the Thames. However, there is limited evidence before the Inquiry that this is a pressing or urgent requirement. Or indeed one which is necessary regardless of the proposal or not. As such, I afford it **limited weight**.

Harms / adverse /negative impacts

14.212 Set against the benefits, there are a number of adverse effects or harms arising as part of the scheme. These include (with a summary of the weight afforded to each):

- The loss of around 650 jobs and related businesses on the site. Many of which include specialised skills and/or equipment. The provision of alternate space – either within or near to the proposal site – has not been adequately demonstrated. At the same time, the owners of this land would be compensated either through the CPO or a private agreement. These adverse effects are therefore afforded **moderate weight**.
- The complete and irrevocable loss of the safeguarded minerals wharf (including the land based operations). This is a safeguarded minerals wharf whose status has been recently reaffirmed via the KMWLP in addition to existing protections afforded under the CS. No alternative provision has been provided. The loss of this safeguarded wharf is very likely to result in adverse economic impacts on the Kent, London and South East construction and infrastructure industries. This adverse effect is afforded **substantial weight**.
- The introduction of around 7,000 new residents to into a highly toxic living environment. This includes within living accommodation and also in the two large areas of public open space (Power Park and Riverwalk Park) and other areas of open space such as allotments on site. Even with the use of filtration systems in the proposed residential blocks (which would need to be regularly maintained), when outside new residents would be exposed to high concentrations of lead within the air (and soil); chronic exposure that is likely to lead to significant health risks – especially for children, pregnant women, and the elderly. This adverse impact is afforded **substantial weight**.
- The Agent of Change principle and the negative impact on the continuing operations at the Seacon and BRM Ltd adjacent sites. I have found that there are some mitigation measures which could be used to reduce adverse effects in terms of light, noise and related impacts emanating from adjacent sites. However, it would be likely that other regulatory regimes will seek to impose stricter controls and/or reduced emission levels (for example) when the context of the application site is taken into account on a residential use versus the existing light

industrial use. However, it is difficult to foresee with any certainty how much impact the proposal would have in respect of Agent of Change principles in this respect; especially when mitigation measures are considered. This adverse effect is afforded **limited weight**.

- The relocated car parking and LMA areas, replacement access to BRM Ltd and beyond, and the potential impacts on NGET infrastructure. For the reasons set out in [14.145 to 14.161] these negative impacts are afforded **moderate weight**.
- The changes to the location of the KCIIECP. The proposal fails to provide better or enhanced features to the PRoW network. This part of the scheme has been ill-thought out and would not create a conducive environment for walkers and other users of the landmark national KCIIECP. This negative effect of the proposal is afforded **moderate weight**.

Benefits versus harms/adverse effects

14.213 There are positive factors and benefits in favour of the proposal – including the sorely needed provision of 3,500 new homes. However, these benefits do not outweigh the substantial weight afforded to the harms in terms of the loss of a safeguarded minerals wharf and the public health harms relating to the toxic material lead, which is refined adjacent to the application site. They also do not outweigh the totality of the harms identified, including in terms of the loss of existing jobs on the site, the agent of change, the relocated car parking and LMA and potential impacts on NGET infrastructure, and in terms of the KCIIECP.

The development plan

14.214 In this instance, the development plan comprises three documents:

- The *Gravesham Local Plan Core Strategy 2014 (CS)*,
- The *Saved Policies in the Gravesham Local Plan First Review 1994 (LP)*, and;
- The *Kent Minerals and Waste Local Plan 2025 (KMWLP)*.

The CS

14.215 The proposed development would conflict or not align with the following Policies of the CS (with brief descriptor):

CS03 (Opportunity Area), CS07 (Economy, employment and skills), CS11 (Transport), CS16 (Affordable housing), and Strategic Objective 18

The KMWLP

14.216 The proposed development would conflict or not align with the following Policies of the KMWLP:

CSM 6 (Safeguarded wharfs), CSM 7 (Safeguarding other mineral plant infrastructure) , D8 (Safeguarding minerals management)

Summary on development plan

14.217 When considered as a whole, I find that the proposal would not accord with the adopted development plan for the area. This indicates that planning permission should be refused.

Material considerations

14.218 The Framework is an important material consideration. For the reasons set out in this report, the proposal would conflict or not align with Paragraphs 105, 135, 187, 198, 199, 200, 201, 223 of the Framework.

14.219 Given the Local Planning Authority is unable to demonstrate a five year supply of deliverable housing sites, Paragraph 11 d) of the Framework is engaged. No areas or assets of particular importance provide a strong reason for refusing the development in this instance. Paragraph 11d) i) is therefore not engaged.

14.220 In terms of Paragraph 11d) ii), I find that the adverse impacts of granting permission in this instance would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. Accordingly, I find that the Framework, when considered a whole, does not indicate a decision otherwise than in accordance with the adopted development plan for the area.

Legislation

14.221 Section 38(6) of the PCPA set out that:

*'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'*¹¹⁴

14.222 Given my findings on the above, the proposal would not accord with the adopted development plan for the area. Furthermore, there are no material considerations of such weight as to justify the grant of planning permission in this instance.

15. Recommendation

15.1 The proposal would accord with some aspects of Government Policy set out in Chapters 5 (delivering homes) and 6 (building a strong economy). At the same time, it would conflict with Government Policy as set out in Chapters 6 (building a strong economy) and 17 (sustainable minerals). Furthermore, it would conflict with the Framework when considered as a whole. Moreover, I have found that the proposal is inconsistent with the development plan for the area.

15.2 My firm recommendation, given the forgoing considerations, is that **the SoS should refuse planning permission** in this case.

¹¹⁴ www.legislation.gov.uk/ukpga/2004/5/section/38

- 15.3 However, the SoS may determine that the various weights afforded to specific factors or considerations are too modest or great.
- 15.4 For example, the decision-maker may disagree with the measure of weight apportioned to public health concerns and reduce it. I would still maintain the residual harms outweighed the benefits of the scheme. Indeed, even if the SoS were to conclude that the risk of harm to public health as a result of lead pollutant emissions from the adjacent site merited less than 'substantial weight' (as I have afforded it) I would still maintain that the degree of residual harm is such that it would still justify the refusal of permission. I would draw similar conclusions in respect of the total loss of the safeguarded wharf.
- 15.5 Nonetheless, it is open to the SoS to grant planning permission in reviewing the weight and exercising their planning judgment. However, in doing so, my suggestion would remain that the proposal does not accord with the adopted development plan for the area. Accordingly, the SoS would need to be satisfied that the material considerations weighing in favour of the proposal are sufficient to indicate a decision 'otherwise' than in accordance with the adopted development . This is a development plan which includes a recently adopted element in the form of the KMWLP.
- 15.6 Nevertheless, my consideration is that the proposal is unacceptable and would conflict with local and national policies, and should therefore be refused.

C Parker

INSPECTOR

ANNEX A – APPEARANCES

(Those present at the s106 and/or Planning Conditions sessions are listed at the end)

FOR Gravesham Borough Council (the Local Planning Authority)

Shazad Ghani as lead representative.

He called:

Shazad Ghani	Head of Planning (Agent of change, safeguarded wharf and minerals, ecology, planning balance)
Katherine Parkin, BSC(Hons), MA, MRTPI	Senior Planner (Housing, economic)
Richard Hart	Team Leader Development Management (Living conditions and transport)

FOR Northfleet Central 1 Limited (The Applicant)

Rupert Warren KC
Joel Semakula of Counsel

Instructed by Town Legal LLP

They called:

Andrew Crawford, MRICS, ACI Arb	Wharf
John Richards	Design
Jon Bradburn, MRICS MRTPI	Planning
Morgan Reece MRICS	Socio-Economics
Rory Spiller	Transport

FOR Britannia Refined Metals Ltd

Christopher Katkowski CBE KC
Elana Kaymer of Counsel

instructed by Matthew White, Sam Burstall and Naomi Hoggett of Herbert Smith
Freehills LLP

They called:

Allan Howard BEng (Hons) CEng FILP FLL	Exterior Lighting
Dr Bethan Tuckett-Jones	Air quality
James Roth	Chairman & CEO of Seacon Terminals Ltd
Mr John Collins	Planning
MBA, BA(Hons), MRTPI	
Michael Brownstone	Noise and vibration
BEng(Hons) MIOA	
Paul Odendaal	Development Engineer for Britannia Refined
BSc Eng, MBA, CEng, CPP	Metals
Paul Whitby, CIEEM	Ecology
Rea Turohan, CMILT	Transport

FOR Kent County Council (the relevant Minerals Planning Authority)

Douglas Edwards KC
Merrow Golden

instructed by Kent County Council by Deborah Sharples, Birkett's LLP

They called:

Bryan D Geake	Principal Planning Officer. Minerals and Waste
BSc (Hons), MSc, MRTPI	Planning Policy Team

FOR Port of London Authority

Russell Harris KC
Robert Walton KC

instructed by Lucy Owen, Deputy Director Planning, Port of London Authority

They called:

Robin Mortimer	Chief Executive Officer, Port of London Authority
Vilna Walsh, BSc (Hons)	Planning (Director Firstplan Ltd)
DipTP MRTPI	
Simon Treacy MRICS	Planning Director of Robert Brett and Sons
MIQ BSc	Limited
Patrick Riley	Strategic Development Director for Eurovia
	Infrastructure Limited
Tony O'Sullivan	Chief Executive Officer of CPI Mortars

INTERESTED PERSONS (Who appeared at the Inquiry)

Mark Donovan	Local business owner on the site
Gary Whitehead	Local business owner on the site
Jonathan Harper	Representative of car dealership on the site.
Joe Nihill	Networks Director for local business on the site.
John Burgess	Chairman of Fleet Supporters Trust
Sam Youseman	Director for local business on the site
Tudor Price	Chief Executive of Kent Invicta Chamber of Commerce
Jane Young	Owner of Oakwood Industrial Estate, part of application site.
Steve East	Long term supporter of Ebbsfleet Football Club
Kate Holland	Director of Planning Invicta Planning, representative of local business on the site.

Participants at the planning conditions and/or planning obligations sessions

For the Applicant

Rupert Warren KC

Martyn Jarvis, Partner, Town Legal LLP

For Gravesham Borough Council

Shazad Ghani, Head of Planning, Gravesham Borough Council

Richard Hart, Team Leader (Development management), Gravesham Borough Council

Katherine Parkin, Senior Planner (Development Management), Gravesham Borough Council

Rosemary Spearing, Medway Council and Gravesham Borough Council Shared Legal Services

Rob Walker, Managing Associate, Trower & Hamlins LLP

Charlotte Taylor, Associate, Trower & Hamlins LLP

For Britannia Refined metals Limited

Christopher Katkowski CBE KC

Sam Burstall, Senior Associate, Herbert Smith Freehills Kramer LLP

Michael Brownstone, Director, Resound Acoustics Limited

For Kent County Council

Merrow Golden (Counsel)

Nicky Doole (Legal Director, Birketts LLP)

Sarah Bonser (Legal Commissioner + Head of Planning and Highways, KCC)

Angela Coull (Principal Transport and Development Officer, KCC)

Kate Beswick (Project Manager (Infrastructure Area Lead (North Kent))), Strategic Development and Place Team, KCC)

For the Port of London Authority

Michael Atkins

For the National Health Service, NHS Kent and Medway Integrated Care Board

Simon Brooks-Sykes, Deputy Director of Strategic Estates, NHS

Elizabeth Luxton, Estates Delivery Lead, NHS

ANNEX B: CORE DOCUMENTS

Core Documents can be accessed at: <https://gateleyhamer-pi.com/en-gb/northfleet-harbourside/inquiry-documents/core-documents/>

CD Section	CD Title
	Index of Core Documents, Dated 20 May 2025
CD1	Application Documents and Plans
CD2	Application Committee Report, Consultation Responses and Minutes
CD3	Adopted Development Plan & Supplementary Documents
CD4	National Planning Policy & Guidance
CD5	Letters related to call-in
CD6	Statements of Cases
CD7	Statements of Common Ground
CD8	Other Documents
CD9	Section 106 Agreement and Conditions
CD10	Relevant legislations, Case law & Appeal Decisions

Proofs of Evidence can be accessed at:
<https://gateleyhamer-pi.com/en-gb/northfleet-harbourside/inquiry-documents/proofs-evidence/>

POE	Link to Proofs
Applicant	Applicants Proofs
GBC	Gravesham Borough Council Proofs
BRM Ltd	Britannia Refined Metals Ltd Proofs
KCC	Kent County Council Proofs
PLA	Port of London Authority Proofs

ANNEX C: DOCUMENTS SUBMITTED DURING THE INQUIRY

A number of documents were submitted during the Inquiry.

These can be accessed at:

<https://gateleyhamer-pi.com/en-gb/northfleet-harbourside/inquiry-documents/documents-during/>

Individual documents can be accessed via the links below:

List of documents submitted during Inquiry (with hyper-link)

[INQ-01 Opening Statement - Northfleet Harbourside \(APP\)](#)

[INQ-02 Opening Statement - Gravesham Borough Council \(GBC\)](#)

[INQ-03 Opening Statement - Britannia Refined Metals \(BRM\)](#)

[INQ-04 Opening Statement - Kent County Council \(KCC\)](#)

[INQ-05 Opening Statement - Port of London Authority \(PLA\)](#)

[INQ-06 Allen Ford UK Limited presented by Jonathan Harper, Rapleys](#)

[INQ-07 Fleet Supporters' Trust Statement presented by John Burgess](#)

[INQ-08 Kent Invicta Chamber of Commerce Statement presented by Tudor Price](#)

[INQ-09 Jane Young, Oakwood Industrial Estate](#)

[INQ-10 Steve East Statement](#)

[INQ-11 Jackson Family Holdings Statement presented by Kate Holland, Invicta Planning](#)

[INQ-12 Existing BRM Facilities Plan](#)

[INQ-13 Highway Optioneering Alignment Option 1](#)

[INQ-14 Map showing Brett Facilities January 2024](#)

[INQ-15 Extracts from the Lower Thames Crossing Materials Handling Plan December 2023](#)

[INQ-16 Agreed Existing BRM Parking Numbers](#)

[INQ-17 Landscape Sketch Plan R13 Inquiry Plan](#)

[INQ-18 RULING Alternate Parking and LMA for BRM \(Updated to reflect Option B2\)](#)

[INQ-19 Optioneering Alignment - Option B](#)

[INQ-20 ES Volume 2 - Main Report extracts, November 2011](#)

[INQ-21 GMV Decision Notice - Noise extracts, November 2019](#)

[INQ-22 NHS Planning Regulations letter to PINs 4 June 2025](#)

[INQ-23 BRM Note on Option B - Paul Odendaal 5.06.25](#)

[INQ-24 BRM Note on Option B - Rea Turohan 5 Jun 25](#)

[INQ-25 NH CIL Compliance Statement June 2025](#)

[INQ-26 KCC PRoW Note on Option B Plan 5 June 2025](#)

[INQ-27 KCC Plan GwO-3-S065](#)

[INQ-28 BRM Ecology Technical Note - Option B2 Rev 01](#)

[INQ-29 Northfleet Indirect and Induced Jobs Update, June 2025](#)

[INQ-30 Kent On-Line Press Article - Northfleet Riverside Board of Directors - 9 June 25](#)

[INQ-31 BRM Conditions Extract](#)

[INQ-32 BRM Closing Statement](#)

[INQ-33 KCC Closing Statement](#)

[INQ-34 PLA Closing Statement](#)

[INQ-35 GBC Final Closing Statement](#)

[INQ-36 Applicant Closing Statement](#)

[INQ-37 BRM Noise Comments on Planning Conditions TN1 12 September 25](#)

[INQ-38 BRM comments on Applicant's Drawing Revisions, 24 Sep 25](#)

[INQ-39 Inspector's response regarding additional documents and drawings dated 03.10.25](#)

[INQ-40-a BRM S106 Legal Agreements Conditions, 19 Sep 25](#)

[INQ-40-b Appendix 1 BRM Noise Comments on Deed of Easement TN2](#)

[INQ-40-c 8 - Comparison of submitted bilateral planning obligations with terms requested by BRM](#)

[INQ-40-d 11 - Comparison of submitted Deed of Easement with terms requested by BRM](#)

[INQ-41 BRM Noise Comments on Planning Conditions TN3 7 October 25](#)

[INQ-42 S106 Agreement \(with plans\), 3 October 25](#)

[INQ-43 Planning Conditions dated 3 October 25](#)

[INQ-44 Applicant's Response to Submissions on Planning Conditions and Planning Obligations - 03.10.2025](#)

[INQ-45-0 BRM Consultation Response - Cover letter - 30 July 2025](#)

[INQ-45-1 Northfleet - BRM - Consultation Response - BRM Note - 30 July 2025](#)

[INQ-45-2a Northfleet - Transport Note - Option A - Topo Overlay](#)

[INQ-45-2b Northfleet - Transport Note - Option B2 - Topo Overlay](#)

[INQ-45-2 Northfleet - BRM - Consultation Response - Transport Note](#)

[INQ-45-3 Northfleet - BRM - Consultation Response - Ecology Note](#)

[INQ-46-a Post-consultation note on behalf of the Applicant - 29.8.25](#)

[INQ-46-b Appendices to Applicant's post-consultation note](#)

[INQ-47 Northfleet - plan showing land within control of APP 10.9.25](#)

[INQ-48-a Northfleet Central Shadow HRA Rev004c Final \(changes in red\)](#)

[INQ-48-b Natural England response to revised sHRA \(09 Sept 2025\)](#)

[INQ-49 Addendum NGET Objection letter response Northfleet Oct 2025](#)

[INQ-50-a Applicant Comments on NGET Submission \(INQ-49\)](#)

[INQ-50-b Proposed Road Realignment NOT accepted by Inspector INFO ONLY](#)

[INQ-51 APP response to Resound Acoustics Note dated 31 Oct 2025](#)

[INQ-52 Completed S106 Agreement dated 30 October 2025](#)

Annexe D – Suggested (by Applicant) Condition 1 relating to 'definitions'

Definitions

- 1) Within these planning conditions of this decision notice the following terms have the following meanings unless inconsistent with the context:

"Approved Phasing Plan" means Drawing no. NFH-CGL-MAST-DR-1016 R012 (Indicative Phasing);

"Artificial Light Limits" means

- (a) maximum external façade vertical illuminance level from all wharf and industrial light sources on premise windows and balconies within the Development facing the BRM Land shall be no more than 25 lux;
- (b) maximum luminous intensity of a single luminaire or combination of luminaires viewed by an observer from premise windows and balconies within the Development shall not exceed the pre-curfew limit for Zone E4 in Table 4 'Limits for the luminous intensity of bright luminaires' of the Institute of Lighting Professionals Guidance Note 01/21 'The reduction of obtrusive light' (or as updated from time to time) in the directions of the Development, and for this purpose, 'directions' are defined as the lines connecting the centre of each bright luminaire on the BRM Land visible from the Development to the centres of premise windows facing the BRM Land;
- (c) maximum average luminance of building façades on the BRM Land of 25 cd/m²; and
- (d) maximum average luminance of luminous signs on the BRM Land of 1,000 cd/m²

"BRM Land" means the freehold land registered at HM Land Registry under title number K836700 shown outlined in red on the Plan 10 annexed to the Section 106 Agreement at Appendix 2;

"Confirmatory Deed" means a confirmatory deed of agreement to be entered into under sections 106 and 106A of the Planning Act, section 111 of the Local Government Act 1972 and section 1 of the Localism Act 2011 substantially in the form appended of the Section 106 Agreement;

"Deliverability Report" means a report to be prepared in respect of any Plot or part of the Site ("Relevant Plot") which shall:

- (a) identify what other Development, infrastructure and / or mitigation measures are to be carried out on other parts of the site (in addition to the Relevant Plot) in order for the Relevant Plot to be commenced (save for surveying, testing, sampling, soil tests, ground investigations, and archaeological investigations), and occupied in full in accordance with the conditions of this planning permission and the obligations, covenants and restrictions set out within the Section 106 Agreement and any applicable Confirmatory Deed (the "Other Relevant Parts of the Site");
- (b) explain how Development, infrastructure and / or mitigation measures shall be carried out on the Relevant Plot and Other Relevant Parts of the Site in order for the Relevant Plot to be commenced (save for surveying, testing, sampling, soil tests, ground investigations, and archaeological investigations) and occupied in full in accordance with the conditions of this planning permission and the obligations, covenants and restrictions set out within the Section 106 Agreement and any applicable Confirmatory Deed;

- (c) confirm that Reserved Matters Approvals have been granted for the Relevant Plot and the Development, infrastructure and / or mitigation measures which are to be carried out on the Other Relevant Parts of the Site;
- (d) confirm that the Owner or a Group Company of the Owner has ownership and control of the Relevant Plot and Other Relevant Parts of the Site in order for the Relevant Plot to be commenced (save for surveying, testing, sampling, soil tests, ground investigations, and archaeological investigations) and occupied in full in accordance with the conditions of this planning permission and the obligations, covenants and restrictions set out within the Section 106 Agreement and any applicable Confirmatory Deed; and
- (e) confirm that all relevant interests in the Relevant Plot and any Other Relevant Parts of Site (including any freehold, leasehold, chargee or mortgagee) are bound by the obligations, covenants and restrictions set out within the Section 106 Agreement (including for the avoidance of doubt by the entering into of a Confirmatory Deed)

“Development” means the development permitted by this planning permission;

“Enabling Works” means (i) surveying, (ii) environmental and hazardous substance testing and sampling (including the making of trial boreholes, window sampling and test pits in connection with such testing and sampling), (iii) soil tests, (iv) pegging out, (v) tree protection, (vi) ecological survey and mitigation works, (vii) archaeological investigation, (viii) contaminated land remediation, (ix) ground improvement works (x) demolition and removal of buildings and other structures on the site, (xi) creation of enabling works access and temporary haul roads or similar related works;

“Existing Road Access” means that part of Lower Road which is shown shaded orange on the Existing Facilities Plan;

“Existing Parking and Lorry Marshalling Facilities” means the existing lorry marshalling area and car park located within the areas shaded and hatched red on the Existing Facilities Plan;

“Existing Facilities” means the Existing Road Access and the Existing Parking and Lorry Marshalling Facilities;

“Existing Facilities Plan” means the Plan titled ‘Existing BRM access and parking ownership’ annexed to the Section 106 Agreement;

“Group Company” means any connected person (as defined by section 1122 of the Corporation Tax Act 2010);

“Neighbourhood” means any one of the five neighbourhoods (being the Boulevard Neighbourhood, the Marketplace Neighbourhood, the Parkland Neighbourhood, the Riverside Neighbourhood and the Stadium Neighbourhood) comprising the Development as shown on the ‘Neighbourhoods Plan’ and with the reference NFH-CGL-MAST-DR-1018 and the term ‘Neighbourhoods’ shall be interpreted accordingly;

“Occupation” means physical occupation for the intended beneficial purposes permitted by this planning permission which for the avoidance of doubt does not include occupation for the purposes of construction, fitting-out, decoration, landscaping, marketing, commissioning, testing, sales or security of any part of the Development and the terms ‘Occupy’, ‘Occupier’, and ‘Occupied’ shall be construed accordingly;

“Open Space” means all those publicly accessible areas or spaces between buildings within the Development (save for those areas or spaces which are intended for exclusive Occupation and use by an Occupier of the Development);

“Owner” means EUFC and NP1P as defined in the Section 106 Agreement;

"Permanent Mobility Hub" means a facility at a designated location within the Development shown at Figure 4.6 of the Transport Addendum (dated August 2023) to facilitate convenient access to multiple modes of transport and be utilised to promote a range of measures intended to encourage the use of sustainable modes of travel and thereby, reduce the number of single occupancy car journeys to and from the Development site;

"Phase" means a phase of the Development as shown on the Site Wide Phasing Plan approved pursuant to Condition 9, which phases may comprise any component of the Development and may either individually or collectively comprise Enabling Works, works of construction, a Plot (or Plots), areas of Open Space, landscaping and infrastructure or, in any case, part thereof;

"Plot" means an area of land in respect of which a particular building or group of buildings is to be constructed as defined in the relevant RMA for that area of land in relation to the remainder of the Development;

"Reserved Matters" means details of the:

- a) Scale;
- b) Appearance;
- c) Layout;
- d) Access; and
- e) Landscaping;

"Reserved Matter Approval" means any approval of Reserved Matters in respect of the Development and the term 'RMA' shall be construed accordingly;

"Replacement Road Access" means the replacement road access which is to be provided to replace Existing Road Access [and which is to be located within Safeguarded Land] and which shall not be to a lower standard or specification than the Existing Road;

"Replacement Car Park" means the replacement car park which is to be provided to replace the existing car park comprised within the Existing Parking and Lorry Marshalling Facilities and which is to be located within Safeguarded Land and which shall not be to a lower standard or specification than the existing car park (including for the avoidance of doubt in respect of security measures) and which shall provide a number of car parking spaces which is at least equivalent to the amount in the existing car park;

"Replacement Facilities" means the Replacement Road Access, the Replacement Car Park and the Replacement Lorry Marshalling Facilities;

"Replacement Lorry Marshalling Area" means the replacement lorry marshalling facility which is to be provided to replace the existing lorry marshalling facility comprised within the Existing Parking and Lorry Marshalling Facilities and which is to be located within Safeguarded Land and which shall not be to a lower standard or specification than the existing car park;

"Requisite Consents" means all consents, authorisations and statutory agreements which are required for the delivery of the Replacement Facilities in accordance with the approved details for the Replacement Facilities;

"Safeguarded Land" means the land as defined in the Section 106 Agreement;

"Section 106 Agreement" means the agreement entered into by Gravesham Borough Council; Kent County Council; Ebbsfleet United Football Club Limited; Northfleet Phase 1 Properties Limited; Faithdean PLC; and Vital Energi Utilities Limited in relation to the Development on Northfleet Harbourside, land surrounding Ebbsfleet United Football Club, Stonebridge Road, Northfleet;

"Site Wide Phasing Plan" means a plan outlining the Phases and their location within the Development to be approved in accordance with Condition 9; and

"Temporary Mobility Hub" means a short-term facility, containing all the facilities of and providing all the services that the Permanent Mobility Hub provides to serve the Development until such time as the Permanent Mobility Hub is operational.

ANNEX E – SCHEDULE OF RECOMMENDED CONDITIONS

1. No Phase of the Development shall commence (nor any part thereof) (except for surveying, testing, sampling, soil tests, ground investigations, and archaeological investigations) unless and until all parties with any legal or equitable interest within all parts of the relevant Phase (including but not limited to all freehold and leasehold owners and mortgagees and chargees) have entered into an agreement pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) substantially in the form of the Confirmatory Deed included within the Section 106 Agreement with Gravesham Borough Council and Kent County Council with the effect that all of the land in that Phase is bound by the planning obligations contained in the Section 106 Agreement.

Reason: *The Local Planning Authority would have refused planning permission in the absence of the Section 106 Agreement and at the time of this planning permission being issued the applicant was not able to bind the legal interests in the whole of the development site pursuant to section 106 of the Town and Country Planning Act 1990 (as amended). Development within any Phase must not commence until all legal interests in the relevant Phase are bound under the Section 106 Agreement and the planning obligations contained in the Section 106 Agreement are enforceable in respect of the Development comprised in that Phase.*

In the interests of proper planning and in accordance with National Planning Policy Guidance Use of Planning Conditions (2019), which advises that a negatively worded condition limiting development that can take place until a planning obligation has been entered into can be used in exceptional circumstances.

Submission of Reserved Matters

Reserved Matters Details

2. No part of the Development hereby permitted shall commence until details of Reserved Matters in respect of that part of the Development have been submitted to and approved in writing by the Local Planning Authority. 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 and to provide certainty.*

Time Limits

3. The Development hereby permitted shall be commenced either before the expiration of 3 years from the date of this permission or before the expiration of 2 years, from the final approval of the last Reserved Matters for the first Phase, first Plot or first area of Public Realm, whichever is the later.

Reason: *In accordance with the provisions of section 92 (2) and (4) of the Town and Country Planning Act 1990 (as amended). The statutory time periods under section 92(2) have been amended as it is considered appropriate to do so having regard to the scale and kind of the development in this case.*

First Submission of Reserved Matters

4. The first application for approval of Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

Reason: *In accordance with the provisions of section 92 (2) and (4) of the Town and Country Planning Act 1990 (as amended). The statutory time periods under section 92(2) have been amended as it is considered appropriate to do so having regard to the scale and kind of the development.*

Final Deadline for Submission of Reserved Matters

5. All subsequent applications for the approval of Reserved Matters shall be made to the Local Planning Authority for approval before the expiration of 15 years from the date of this permission.

Reason: *In accordance with the provisions of section 92(2) and (4) of the Town and Country Planning Act 1990 (as amended). The statutory time periods under section 92(2) have been amended as it is considered appropriate to do so having regard to the scale and kind of the development.*

Time Limit Phases

6. The commencement of development authorised pursuant to an RMA shall begin no later than the expiration of 2 years from the date of approval of the last Reserved Matters applicable to that part of the development.

Reason: *In accordance with the provisions of section 92 (2) and (4) of the Town and Country Planning Act 1990 (as amended).*

Approved Plans and Documents

7. The Development hereby permitted shall be carried out in accordance with the following plans and documents:

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-HLM-PP-0001 Rev. 1(Public Realm)
Drawing no. NFH-CGL-MAST-DR-1013 R02 (Maximum Building Heights)

Drawing no. NFH-HLM-PP-0004 Rev. 1 (Highway Access)
 Drawing no. NFH-CGL-MAST-DR-1016 R01 (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-HLM-PP-0005 Rev. 1 (Highways Proposals Overview)
 Drawing no. 226728/PD100 Rev. G (Site Access Plans – Keyplan)
 Drawing no. 226728/PD101 Rev. B (Site Access Plans – Junction 1)
 Drawing no. 226728/PD102 Rev. A (Site Access Plans – Roundabout)
 Drawing no. 226728/PD103 Rev. C (Site Access Plans – Junction 2)
 Drawing no. 226728/PD104 Rev. B (Site Access Plans – Junction 3 & 4)
 Drawing no. 226728/PD105 Rev. C (Site Access Plans – Junction 5 & 6)
 Drawing no. 226728/PD106 Rev. F (Site Access Plans – Junction 7, 8 & 9)
 Drawing no. 226728/PD107 Rev. C (Site Access Plans – Junction 10 & 11)

The Development shall also comply with any plans, drawings, documents, details, schemes or strategies that are approved by the Local Planning Authority after the date of this permission pursuant to the conditions imposed on this permission.

The following plans and documents were submitted for information purposes in connection with the Development and are referred to in other conditions of this planning permission and accordingly are referenced below:

Associated Documents

- I. Environmental Statement Volumes 1, 2 and 3
- II. Environmental Statement Non-Technical Summary
- III. Environmental Statement addendum
- IV. Design and Access Statement Rev. A (Updated April 2024)
- V. Design Code (Rev. F dated 09 June 2025)
- VI. Flood Risk Assessment and Surface Water Drainage Strategy, Issue 9, dated 11 April
- VII. 2024, project ref: RMA-C2402, and associated appendices
- VIII. Planning Statement
- IX. Retail and Leisure Statement
- X. Framework Sustainability and Energy Statement (Rev. 01 dated 29 September 2022)
- XI. Statement of Community Involvement (dated September 2022)
- XII. Arboricultural Impact Assessment (ref. JBA 22/175 AR01 dated 19 August 2022)
- XIII. Financial Viability Assessment (Executive Summary)
- XIV. Financial Viability Assessment (dated 30 September 2022)
- XV. Minerals Infrastructure Assessment (September 2022)
- XVI. Daylight and Sunlight Design Guide (dated 21 September 2022)
- XVII. Transport Assessment including plans and Framework documents (dated September 2022)
- XVIII. Transport Assessment Addendum (dated January 2024)
- XIX. Shadow Habitats Regulations Assessment (dated September 2025)
- XX. Framework Car Park Management Plan (dated August 2023)
- XXI. Framework Travel Plan (dated January 2024)

Reason: *To ensure that the Development is undertaken in accordance with the approved drawings and documents, and otherwise conforms to the principles of sustainable development as described in the National Planning Policy Framework.*

Phasing and Design Code

Site-Wide Phasing Plan

8. Notwithstanding the indicative phasing details set out in the Approved Phasing Plan, prior to the submission of the first application for the approval of Reserved Matters (including such an application in respect of a particular Phase and/or Plot of the Development), a Site Wide Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Site Wide Phasing Plan shall provide details of separate and severable Phases and Plots comprising the Development, including residential, non-residential and on-site infrastructure locations and detail the broad sequence and timings of the following:

- a. Cessation of uses existing prior to the grant of this permission and a programme for demolition of all existing buildings permitted by this permission;
- b. Construction of each Phase, Neighbourhood and Plot;
- c. Construction of improvements to the highway network (including junctions) and provision of associated infrastructure for all modes (including the Temporary Mobility Hub and the Permanent Mobility Hub), ensuring pedestrian, cycle and public transport (including construction of the Fastrack link);
- d. Details of emergency and / or secondary vehicle access points for the Development in line with the Kent Design Guide (and how the emergency access shall be provided prior to the Occupation of the 50th dwelling and the secondary access prior to the Occupation of the 300th dwelling, unless otherwise agreed by KCC Highways);
- e. Confirmation that access to existing uses on the site of the Development that are to remain is available at all times (unless otherwise agreed with KCC Highways and the landowner of the existing use);
- f. Construction of the football stadium and surrounding commercial uses;
- g. Construction of the primary and community healthcare facility(s);
- h. Construction of the residential floorspace comprised in the Development;
- i. Construction of the community use floorspace comprised in the Development;
- j. Construction of supporting infrastructure and facilities, including Sustainable Drainage Systems (SuDS), tidal flood defences and the deculverting of the River Ebbsfleet, including associated bridges;
- k. Landscaping, open space and public realm;
- l. Environmental mitigation measures, actions or activities (including phasing) to remedy, reduce or offset known negative likely significant adverse impacts as a result of existing activities in the area and the Development itself, as identified within the Environmental Statement; and,

- m. Habitat mitigation measures, actions or activities (including phasing) to remedy, reduce or offset known negative adverse impacts as a result of the Development, as identified within the Shadow Habitat Regulations Assessment (dated October 2024).
- n. The Replacement Facilities referred to in conditions 39 and 40 of this decision notice.

Each application for the approval of Reserved Matters shall either detail how it complies with the approved Site Wide Phasing Plan or shall be submitted with an updated Site Wide Phasing Plan for approval.

All Site Wide Phasing Plans 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. F (09 June 2025) and Flood Risk Assessment (11 April 2024).

The Development shall be carried out in accordance with the approved phasing details under this condition and for the avoidance of doubt, this includes any subsequent variations approved by the Local Planning Authority.

Reason: *In the interests of the proper planning of the area and the delivery of comprehensive regeneration on a logically phased basis in accordance with Policies CS01, CS02 and CS03 of the Gravesham Local Plan Core Strategy 2014.*

Submission of Design Codes

9. Notwithstanding the submitted Design Code, no Phase of the Development shall take place (save for any Enabling Works) until a supplemental and specific design code for the relevant Phase has been submitted to and approved in writing by the Local Planning Authority. The supplementary Design Code(s) shall be in accordance with and shall facilitate the principles and parameters set out in the approved Parameter Plans and Design Code Rev. F (09 June 2025) or (in exceptional circumstances and where relevant) shall explain why they are not.

The supplemental Design Code(s) shall include the following in relation to the relevant Phase:

- a. A regulating plan to include a street plan and a set of standards illustrating how each building relates to adjacent properties and streets 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;
- b. Specification of the extent and nature of any character areas and the key elements of urban form within them, including a mix of uses and consideration of co-locating uses to mitigate adjacent environmental impacts;
- c. 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;

- d. 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;
- e. 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, including in respect of the intended relationship of the design of the relevant part of the Development to other parts of the Development;
- f. 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; and,
- g. The mechanism for and timing of a review of the Design Code to test its effectiveness.

In relation to any Phase containing tall buildings over 6 storeys in height, the supplemental Design Code(s) shall also contain details in respect of the following matters in relation to the tall buildings within that Phase:

- i) siting, orientation, height, form and massing of building(s), individually and where relevant within the surrounding townscape;
- ii) any hard and soft landscaping associated with the building(s);
- iii) how the proposed mix of uses within the relevant tall building(s) will have a positive relationship with the surrounding public realm and any other buildings in the immediate area;
- iv) the location and frequency of access/egress points; and
- v) sustainable design and construction of the building(s) having reference to the approved Framework Sustainability and Energy Statement.

Reason: *To ensure the highest standards of urban design and comprehensively planned development in accordance with Policies CS03, CS12, CS18, CS19 and CS20 of the Gravesham Local Plan Core Strategy 2014.*

Design Code Compliance Statement

10. Each application 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. F (09 June 2025), and supplemental Design Codes for the relevant Phase or Plot 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.

Reason: *To ensure the highest standards of urban design and comprehensively planned development in accordance with Policies CS03, CS19 and CS20 of the Gravesham Local Plan Core Strategy 2014.*

Environmental Statement – Statement of Conformity

11. Each application for the approval of Reserved Matters shall be accompanied by a statement of conformity which explains the extent to which the Development comprised within those Reserved Matters is in compliance with the Environmental Statement and the Shadow Habitats Regulations Assessment (dated October 2024) and provide detail of any further environmental information in respect of the Development comprised with the Reserved Matters which are submitted for approval.

Reason: *To ensure the Development does not give rise to any likely significant environmental effects which have not been assessed and in respect of which appropriate measures to mitigate those effects have not been secured and to ensure continuing compliance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended) throughout the delivery of the Development.*

Deliverability Reports

12. No development (save for surveying, testing, sampling, soil tests, ground investigations, and archaeological investigations) shall commence on any Relevant Plot until a Deliverability Report in relation to development of the Relevant Plot has been submitted to the Local Planning Authority for written approval and to the County Council for information only and has been approved by the Local Planning Authority

Reason: *In the interests of proper planning and in order to secure necessary mitigations in accordance with this planning permission and Section 106 Agreement read in conjunction, and in accordance with National Planning Policy Guidance Use of Planning Conditions (2019).*

Mix of Uses and Quantum of Development

Maximum Amount of Floorspace / Residential Units

13. The maximum amount of floorspace (Gross External Area (GEA)) comprised within the Development hereby permitted shall be:
- a. 3,500 residential units (Use Class C3);
 - b. 18,000sqm GEA multi-use stadium with associated facilities (sui generis use);
 - c. 22,500sqm GEA of retail uses (Use Class E);
 - d. 9,500sqm GEA food and beverage/drinking establishment uses (Use Class E(b)/sui generis);
 - e. 1,100sqm GEA local services uses (E(c)/sui generis);
 - f. 1,200sqm GEA indoor sport, recreation and fitness uses (Use Class E(d));
 - g. 1,500sqm GEA of healthcare space (Use Class E(e));
 - h. 1,500sqm GEA of creche or nursery uses (Use Class E(f));
 - i. 18,000sqm GEA of office use (Use Class E(g));
 - j. 4,000sqm GEA of local community use (Use Class F2); and,
 - k. 20,000sqm GEA of hotel use (Use Class C1).

The broad distribution of such uses across the Development shall 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. F (09 June 2025).

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, in accordance with Policies CS01, CS02, CS03, CS07, CS08, CS09, CS10, CS11, CS12, CS18, CS19 and CS20 of the Gravesham Local Plan Core Strategy 2014.*

Limit on Quantum of Retail Development

14. The extent of retail floorspace comprised in the Development shall not exceed the following:

- a. No single convenience goods unit within Class E(a) may exceed 280 sq. m (GIA) in size;
- b. No single comparison goods unit within Class E(a) may exceed 500 sq. m (GIA) in size;
- c. No single food and beverage unit within Class E(d) may exceed 500 sq. m (GIA) in size;
- d. No additional floorspace may be created within the above referred to units at mezzanine level; and
- e. None of the above units may come into use in advance of the Occupation of the first residential dwelling, the football stadium, a hotel or other Class E use floorspace forming part of the Development.

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

Floor Use Plan

15. No development of any Plot may commence until the following details for that Plot have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency:

- a. finished floor levels stated in metres above ordnance datum (mAOD);
- b. identification of the Flood Risk vulnerability classification of each use, as classified by Annex 3 of the National Planning Policy Framework (2024); and,
- c. identification of where sleeping accommodation will be located.

Development of the relevant Plot shall be carried out and maintained thereafter in accordance with the approved details.

Reason: *The applicant will need to provide further information to confirm that the Development does not pose an unacceptable flood risk to future occupants and to comply with Policy CS18 of the Gravesham Local Plan Core Strategy 2014.*

Dwellings

Housing Mix

16. Any application for the approval of Reserved Matters relating to layout and/or scale of any Plot containing residential dwellings shall be accompanied by the following details for the written approval of the Local Planning Authority:
- a. a plan showing the location and distribution of market dwellings and affordable dwellings (including tenure type) and the proximity of any adjacent Plots containing residential dwellings for which Reserved Matters have been approved and the location and distribution of market dwellings and affordable dwellings (including tenure type) with such adjacent Plots;
 - b. a schedule of the mix of dwellings proposed within that Plot demonstrating how the proposed mix relates to the overall mix of market dwellings and affordable dwellings across the Development site as a whole; and,
 - c. a statement which demonstrates how the proposals for the relevant Plot take into account the targeted mix of dwellings detailed within the Local Planning Authority's most recent Housing Needs Assessment / Strategic Housing Market Assessment and existing market demand where such information is made available by the Local Planning Authority within the public domain.

Reason: *To provide a mix of housing types, sizes and affordability to meet the needs of future Occupiers in accordance with Policy CS14 of the Gravesham Local Plan Core Strategy 2014.*

Room Sizes

17. Any Reserved Matters application in relation to any dwellings shall detail minimum room sizes and minimum gross internal floor areas in accordance with any sizes stipulated in the Technical Housing Standards - Nationally Described Space standard (2015) and/or Gravesham Local Plan SPG2 Residential Layout Guidelines (2020) (or any subsequent relevant updates).

Reason: *To provide future Occupiers with acceptable living conditions in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.*

Housing - M4(2) Accessible and Adaptable Dwellings (Affordable and Market Dwellings)

18. Design certificates specifying the Accessible and Adaptable Dwellings Standard for each relevant dwelling type shall be submitted for approval with each Reserved Matters application for layout in relation to each Phase or Plot, pursuant to this outline permission, containing residential dwellings. Each Accessible and Adaptable Dwelling within that phase or Plot shall not be Occupied until a completion certificate confirming compliance with the approved M4(2) Building Control standard has been submitted in writing to the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide a mix of housing types to meet the needs of future Occupiers in accordance with Policy CS14 of the Gravesham Local Plan Core Strategy 2014.

Public Open Space and Landscaping

Hard and Soft Landscape Details

19. As part of any application for the approval of Reserved Matters seeking approval of hard and soft landscaping, details of such landscaping shall accord with the principles of the approved Landscape Masterplan and Design Code Rev. F (09 June 2025) and shall include full details of both hard and soft landscaping works (to include sensory gardens) as well as a schedule of landscape maintenance for the lifetime of the Development:
- a. Hard landscape works details shall include (as relevant):
- i. proposed finished levels or contours;
 - ii. means of enclosure;
 - iii. car parking layouts;
 - iv. other vehicle and pedestrian access and circulation areas;
 - v. hard surfacing materials;
 - vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting);
 - vii. proposed and existing functional services above and below ground (utilities e.g. drainage power, communications cables, pipelines, manholes);
 - viii. retained historic landscape features; and
 - ix. proposals for restoration where relevant.
- b. Soft landscape works details shall include:
- i. planting plans which include the size, type and specification, mixes and quantities of all proposed planting;
 - ii. written specifications (including cultivation and other operations associated with plant and grass establishment);
 - iii. schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
 - iv. an implementation programme.

The hard and soft landscaping should create an environment that is designed to stimulate the senses, courtesy of plants and the use of materials that engage sight, smell, touch, taste, and sound.

Where relevant, construction details of ground retention/acoustic bunds, boundary and surfacing treatments; edge of building treatments; construction details of all SuDS elements and maintenance proposals shall be submitted and approved.

All hard and soft landscape works within each Reserved Matter shall be carried out and maintained in accordance with the approved implementation programme(s) relating to them.

If within a period of 5 years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place as soon as is reasonably practicable.

Reason: *To protect and enhance the character and appearance of the area and the amenities of future Occupiers in accordance with Policies CS12, CS19 and CS20 of the Gravesham Local Plan Core Strategy 2014.*

Landscape and Ecological Management Plan (LEMP)

20. No development (save for any Enabling Works but excluding contaminated land remediation, ecological mitigation works, tree protection works, ground improvement works, demolition and removal of buildings and other structures on the Site) shall commence within any Phase until a site wide LEMP has been submitted to and approved in writing by the Local Planning Authority. The site wide LEMP shall detail the measures to mitigate any pollution and habitat degradation effects from the completed Development including to 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 the SSSI and to set out timings for habitat management activities and to detail the management of the SuDS. Each application for the approval of Reserved Matters shall accord with the approved site wide LEMP.

The content of the site wide LEMP shall include the following:

- a. Preliminary ecological appraisal for the site and recommended species surveys;
- b. Details of the mitigation required for all species and habitats identified within the ecological surveys.
- c. Description and evaluation of the habitats features to be managed. Including plans identifying the habitats features to be managed;
- d. Ecological trends and constraints on the site that might influence management;
- e. Aims and objectives of habitats features management;
- f. Appropriate management options for achieving the aims and objectives;
- g. Prescriptions for management actions;
- h. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5 year period);
- i. Details of the body or organisation responsible for implementation of the plan; and,
- j. Ongoing monitoring and remedial measures.

The site wide LEMP shall also confirm the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured with the management body(ies) responsible for its delivery.

The site wide LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the site wide LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the Development delivers the fully functioning biodiversity and landscape objectives of the originally approved scheme. The approved site wide LEMP shall be implemented in accordance with the approved details.

Reason: To ensure no net loss of biodiversity in accordance with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014 and in the interests of nature conservation and to ensure that the construction works do not result in a breach of the Wildlife and Countryside Act 1980 (as amended).

Landscape and Ecological Management Plan Compliance Statement

21. Applications for the approval of the Reserved Matters shall be in accordance with the approved site wide LEMP. With the submission of each Reserved Matters application a review and where necessary update of the site wide LEMP required as part of condition must be submitted to the LPA for written Approval. Any updated plan must be informed by the detailed landscaping plans and current ecological information. A compliance statement shall be submitted with each Reserved Matters application that demonstrates the proposals are in compliance with the site wide LEMP or where alterations to the proposals or management require a change to the site wide LEMP, providing an updated site wide LEMP for approval pursuant to condition 20. Any revised LEMP shall be implemented in accordance with the approved details.

Reason: To ensure no loss of biodiversity in accordance with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014 and in the interests of nature conservation and to ensure that the construction works do not result in a breach of the Wildlife and Countryside Act 1980 (as amended).

Biodiversity Enhancement Plan (BEP)

22. No development (save for any Enabling Works but excluding contaminated land remediation, ecological mitigation works, tree protection works, ground improvement works, demolition and removal of buildings and other structures on the Site, creation of enabling works access and temporary haul roads or similar related works) shall commence on any Phase until a site wide BEP has been submitted to and approved in writing by the Local Planning Authority. The site wide BEP shall be prepared in alignment with the commitments set out in paragraphs 14.79 to 14.83 of Chapter 14 of the Environmental Statement: Ecology and Biodiversity, the Shadow Habitats Regulations Assessment (dated September 2025) and the Design Code Rev. F (09 June 2025), and must set out the following:

- a. Timings for all proposed habitat management activities;
- b. Location and type of wildlife boxes including bat roost, bee bricks and bird nesting features, ensuring key features are created in appropriate locations;
- c. Native and locally characteristic tree, shrub and hedge planting;
- d. Provision of areas of open mosaic habitat including green/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;
- e. Bug hotels and purpose made bug boxes;
- f. Wildlife links hibernacula and refugia suitable for smaller fauna including reptiles and amphibians;

- g. 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;
- h. A wildlife sensitive lighting strategy; and,
- i. Measures to protect Swanscombe Peninsula Site of Special Scientific Interest (which includes Botany Marshes) from the carrying out of any works comprised in or necessary to facilitate the carrying out of development or the use or enjoyment thereof;
- j. Cat predation measures to include details of continuous cat deterrent fencing, ditches and swales of sufficient proportions to create a barrier for cats and tree/shrub planting to the Swanscombe Peninsula SSSI 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.

Each Reserved Matters application shall accord with the approved site wide BEP.

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

Biodiversity Enhancement and Management Plan Compliance Statement

23. Applications for the approval of the Reserved Matters shall be in accordance with the approved site wide BEP. A Compliance Statement shall be submitted with each Reserved Matters application that demonstrates the proposals are in compliance with the site wide BEP or where alterations to the proposals or management require a change to the site wide BEP, providing an updated site wide BEP for approval pursuant to Condition 22.

Reason: *To ensure no loss of biodiversity in accordance with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014.*

Breeding Birds Surveys

24. No development (save for any Enabling Works but excluding contaminated land remediation, ecological mitigation works, tree protection works, ground improvement works, demolition and removal of buildings and other structures on the Site and creation of enabling works access and temporary haul roads or similar related works) shall commence on any Phase until an additional breeding birds survey has been carried out by a suitably qualified person at the site and within the Swanscombe Peninsula Site of Special Scientific Interest (which includes Botany Marshes and Black Duck Marsh) during the breeding season (April to July).

The additional breeding bird survey shall be submitted to the Local Planning Authority and shall update data provided in relation to the London Resort National Infrastructure Project carried out in 2019 and 2020. The results of the surveys shall be used to update the approved site wide LEMP and/or BEP (as appropriate) (with updates to those to be submitted and approved in writing by the Local Planning Authority).

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

Levels and Piling

Levels

25. All relevant applications for the approval of Reserved Matters shall include details of the finished floor levels of buildings as well as the existing and any finished ground levels of the Development in relation to existing site levels of surrounding site of the Development.

The Development shall thereafter be carried out in accordance with the approved levels.

Reason: *To ensure that construction is carried out at suitable levels having regard to drainage, access, the appearance of the Development and the amenities of neighbouring properties in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.*

Piling

26. No piling or any other foundation designs using penetrative methods shall commence on any Plot until it has been demonstrated by a Piling Risk Assessment, which has been submitted to and approved in writing by the Local Planning Authority, that there is no resultant unacceptable risk to groundwater in connection with such piling works. The development for the relevant Plot shall be carried out in accordance with the Piling Risk Assessment approved in connection with it.

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 accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.*

Health, Safety and the Environment

Noise from the Development

27. No development (save for any Enabling Works) shall commence on any Plot until a noise impact assessment has been submitted to and approved in writing by the Local Planning Authority for the relevant Plot. Each noise assessment shall demonstrate (using a BS4142:2014+A1:2019 assessment and/or the most appropriate method in order to provide accurate and representative noise predictions) that, through design, noise from the following sources will not have an unacceptable adverse impact on existing and future sensitive receptors:

- a. Mechanical and electrical (M&E) plant operation associated with new commercial (retail/hotel) units and residential units (demonstration of compliance with proposed noise limits (ES Table 9.28));
- b. Live/amplified music events at the new stadium;

- c. Crowds departing the new stadium at the end of evening events;
- d. Noise from domestic plant and equipment such as air conditioning, ASHP; and
- e. Any other noise sources proposed.

All M&E plant introduced as part of the Development shall be 10dBA below the background noise level at the nearest noise sensitive premises when in operation.

The recommendations in the Noise Assessments shall be carried out as approved for the relevant Plot 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.*

Fire Statement

28.No development (save for any Enabling Works) shall commence on any Plot until a Fire Statement for the relevant Plot, including a fire statement form, has been submitted to and approved in writing by the Local Planning Authority, in consultation with the HSE. The development of the relevant Plot shall be carried out in accordance with the approved Fire Statements and measures provided shall be 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.*

Wind and Microclimate

29.Applications for the approval of Reserved Matters for any Plot or area of Open Space shall be accompanied by a wind microclimate assessment. The results of the assessment(s), along with design justification and sufficient mitigation measures (as appropriate) shall be submitted as part of applications for the approval Reserved Matters for each relevant Plot or area of Open Space and the Development of that Plot or area of open Space shall be implemented in accordance with any mitigation measures approved as part of the approval of the relevant Reserved Matters.

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

30. Applications for the approval of Reserved Matters for any Plot shall be accompanied by a solar glare assessment. The results of the assessment(s), along with design justification and sufficient mitigation measures (as appropriate) shall be submitted as part of applications for the approval of Reserved Matters for each relevant Plot and the development of that Plot shall be implemented in accordance with any mitigation measures approved as part of the approval of the relevant Reserved Matters.

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.*

Daylight and Sunlight Assessment

31. Applications for the approval of Reserved Matters for any Plot shall include an assessment of the daylight and sunlight conditions for the existing and proposed residential dwellings on and around the relevant Plot. The assessment shall be submitted to and approved in writing by the Local Planning Authority. The detailed design of any buildings within the relevant Plot shall incorporate any mitigation measures recommended by the relevant assessment.

Reason: *In the interests of good design and residential amenity, in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.*

Transport

Access, Roads and Public Transport

32. Applications for the approval of Reserved Matters for each Phase, or Plot shall include details of the proposed temporary and permanent on-site access roads, junctions (including junction capacity modelling for key junctions), podium, footways, pedestrian routes, cycleways and public transport/Fastrack routes and stops (including a review and relocation of the two bus stops along the A226 north of Taunton Road as per the Road Safety Audit) as relevant to them, including (where relevant) details of the locations of the Temporary Mobility Hub and the Permanent Mobility Hub. The details shall include a Highways Adoption Plan as relevant. The Development shall thereafter be carried out in accordance with the approved details for that Phase or Plot (as is relevant).

Reason: *In order to minimise danger, obstruction and inconvenience to users of the highway and of the Development in accordance with Policies CS11 and CS19 of the Gravesham Local Plan Core Strategy 2014.*

Transport

33. Prior to the Occupation of the 250th dwelling, an assessment of the interim highway capacity (from 0-930 dwellings) will be completed if the works contained in the Approved Overarching Highway Works Scheme (as referred to in the Section 106 Agreement) is not operational, and any mitigation works required by this assessment implemented in full.

Reason: *In order to minimise danger, obstruction and inconvenience to users of the highway and of the Development in accordance with Policies CS11 and CS19 of the Gravesham Local Plan Core Strategy 2014.*

Affected Public Rights of Way and Highways

34. Prior to the submission of any application for approval of Reserved Matters which would affect a Public Right of Way (PRoW) an application for the diversion or extinguishment of the affected Public Right of Way shall be submitted to and approved in writing by Kent County Council. Prior to the commencement of any Phase or Plot of the Development affecting a PRoW there must be a confirmed Order for the diversion or extinguishment of the affected PRoW. The works to divert or extinguish an affected PRoW shall be completed prior to the first Occupation of the Phase or Plot of the Development which affects the relevant PRoW.

Reason: *To ensure the timely diversion / extinguishment of the PRoW and enable the consented development to lawfully progress and in accordance with Policies CS11 and CS19 of the Gravesham Local Plan Core Strategy 2014.*

35. Prior to the submission of the first application for approval of Reserved Matters which would affect the King Charles III England Coast Path an application for the variation of the King Charles III England Coast Path shall be submitted to and approved in writing by Natural England / King Charles III England Coast Path Officer as relevant and which shall include a phased implementation plan for these works. Prior to the commencement of any Phase or Plot of the Development affecting the King Charles III England Coast Path there must be agreement in principle with the King Charles III England Coast Path Officer for the variation of the King Charles III England Coast Path. The works to vary the King Charles III England Coast Path shall be completed in accordance with the approved phased implementation plan.

Reason: *To ensure the timely variation of the King Charles III England Coast Path and enable the consented development to lawfully progress and in accordance with Policies CS11 and CS19 of the Gravesham Local Plan Core Strategy 2014.*

36. Prior to the Occupation of Development to be constructed on the original alignment of any affected PRoW the new route of the affected PRoW will have been provided to the certifiable standard, certified by the Highway Authority and the Definitive Map and Statement amended to reflect the new alignment of any affected PRoW.

Reason: *To ensure the timely provision of the new route in the interests of the amenity of the public and to avoid the blighting of properties.*

37. Prior to the submission of any application for approval of Reserved Matters that affects an area which requires the stopping up of the public highway as shown on Drawing no. 226728/PD100 Rev. G (Site Access Plans Keyplan) an application to stop up or to divert the highway pursuant to section 247 or 248 of the Town and Country Planning Act 1990 must be submitted to the Secretary of State with a copy to the Local Planning Authority. Prior to the commencement of any Phase or Plot of the Development requiring the stopping up or diversion of the public highway an Order must have been drafted and made by the Secretary of State and evidence of the made Order and associated plans shall be submitted to the Local Planning Authority and copied to the Highway Authority. The Development

shall thereafter be undertaken in accordance with the relevant stopping up and/or diversion order.

Reason: *To ensure the development does not unlawfully obstruct or interfere with the public highway and the consented development may therefore lawfully progress.*

Pre-Commencement Conditions

Britannia Refined Metals

38. No development shall commence on the Safeguarded Land or on the land on which the Existing Facilities are located other than any development to deliver the Replacement Facilities to be used by or in connection with the Britannia Refined Metals facility (or any successor operator) unless and until:

- a. details for the provision of the Replacement Facilities have been submitted to and approved in writing by the Local Planning Authority, in consultation with Britannia Refined Metals Ltd (or any successor operator of those premises); and,
- b. The approved Replacement Facilities have been fully completed in accordance with the approved details.

The details for the provision of the Replacement Facilities required to be submitted for approval shall comprise:

- a. Detailed highway design layout to RIBA stage 4 of the Replacement Road Access accompanied by topographical survey and utilities searches demonstrating how the Replacement Road Access can be delivered in relation to the National Grid pylon ZR007;
- b. Full details of the location and specification of the Replacement Facilities;
- c. A swept path analysis to evidence that none of the car parking or lorry marshalling spaces' utility is compromised (including by two-way HGV vehicular movements into or out of the Replacement Facilities);
- d. Detailed visibility splays associated with the Replacement Facilities;
- e. Details of surface water measures comprising:
 - i. calculations of existing and proposed run off rates and volumes;
 - ii. details of connections into the existing silt and oil interceptor from the Replacement Facilities;
 - iii. details of supply of captured water to the SSSI;
- f. A road safety audit in respect of the Replacement Road Access;
- g. Where necessary on any adopted part of the Replacement Road Access, proposed measures to prevent unauthorized parking on the Replacement Road Access;
- h. Full detail of the land, legal interests and Requisite Consents (including any planning permission) necessary to deliver the Replacement Facilities;
- i. Details of the phasing of the provision of the Replacement Facilities in order to ensure continuity of access; and,
- j. Details of the restoration of any land and existing hardstanding no longer required for the Existing Facilities.

The approved Replacement Facilities shall each be provided individually prior to the loss of the corresponding existing facility or in the event it is necessary for the existing facility to be removed prior to the completion of the relevant Replacement

Facility a temporary facility (the details for which must also be approved by the local planning authority prior to its delivery and which must be to a standard which ensures the minimisation of any loss of capacity during the period of the Replacement Facilities being delivered) must be provided for.

Reason: *To ensure that the Development hereby permitted does not prejudice the operation of an existing business in accordance with Policies CS07 and CS11 of the Gravesham Local Plan Core Strategy 2014.*

39. No development that would affect the continued pedestrian or vehicular access over Lower Road (including to the Britannia Refined Metals facility lorry marshalling area and car park, other businesses located on Lower Road or the Swanscombe Peninsula SSSI) shall commence unless and until the Replacement Road Access, where required to maintain continuous pedestrian or vehicular access to and from Britannia Refined Metals facility lorry marshalling area and car park), other businesses located on Lower Road and on Manor Way or the Swanscombe Peninsula SSSI for pedestrians and all relevant vehicle types, has been provided in accordance with the details approved pursuant to condition 38.

Reason: *To ensure that the Development hereby permitted does not prejudice the operation of an existing business in accordance with Policies CS07 and CS11 of the Gravesham Local Plan Core Strategy 2014.*

National Grid (Pylons)

40. No development [within 30 metres of any pylon tower base or which affects any access for vehicles across the site to any electricity pylon]¹¹⁵ shall commence 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 in consultation with National Grid. and an Asset Protection Agreement ("APA") has been entered into with National Grid, which includes:

- a. details of statutory clearances from overhead lines to be maintained at all times;
- b. details of sufficient space around the towers from any buildings or structures and during any maintenance or construction works, including demolition, excavation, piling, building, or other erections;
- c. access agreements and provisions for the agreement of the road layout near the north of the site and the ZR007 tower; and
- d. provisions which require the submission to and approval of details of construction by National Grid under the APA.

¹¹⁵ The Applicant is requesting this wording as it reflects National Grid's Technical Guidance Note 287: Third-party guidance for working near National Grid Electricity Transmission Equipment. As it has not been agreed by National Grid, Gravesham Borough Council has not agreed to its inclusion.

The APA (including any amendment, update or variation to the same) shall be adhered to throughout the construction and maintenance of the Development herein approved.

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 Local Plan Core Strategy 2014. [and is undertaken in accordance with National Grid's Technical Guidance Note 287: Third-party guidance for working near National Grid Electricity Transmission Equipment] National Grid (Infrastructure).*

41. No development including demolition, excavations, piling, building or erections within 15m of any of National Grid's infrastructure [(excluding electricity pylons which are addressed by and subject to the controls within Condition 41 above)], shall commence until details setting out the location of any National Grid infrastructure and a construction method safeguarding statement have been submitted to and approved in writing by the Local Planning Authority in consultation with National Grid. 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 Gravesham Local Plan Core Strategy 2014.*

Construction Environment Management Plan

42. No development of any Plot or area of Open Space shall commence until a Construction Environmental Management Plan (CEMP) in respect of the relevant Plot or area of Open Space has been submitted to and approved in writing by the Local Planning Authority. Each CEMP should (where requested) be updated at the request of the Local Planning Authority but no more than once per year. Each Plot or area of Open Space hereby permitted shall be carried out in accordance with the approved (or updated) CEMP(s) relevant to it. The CEMP(s) shall include but not be limited to the following as relevant for each Plot or area of Open Space:

General

- a. Construction Logistics Plan (CLP);
- b. Hours of construction operation;
- c. Construction programme including demolition and building phases;
- d. Location and height of cranes and scaffolding;
- e. Scheme for location and appearance security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- f. The approach to communication with the community liaison and public engagement, including site signage and a complaints procedure;
- g. Confirmation as to whether there is planned use of the river and subsequent details;
- h. Consideration of other major development sites that may be under construction at the same time including significant mixed use, housing and infrastructure projects in the nearby locality; and
- i. Arrangements for monitoring and reviewing the document.

Highway, Public Right of Way and King Charles III England Coast Path

- a. Details of construction vehicle types, number, frequency, routeing, accesses, visibility splays, loading and unloading areas and turning areas, including any temporary construction routes, road closures and traffic management measures and signage, and swept paths demonstrating vehicles can access and egress the site in a forward gear;
- b. Measures to minimise vehicle movements during peak hours, including delivery scheduling / timing of deliveries, and details of any abnormal loads;
- c. On-site facilities for construction workers such as WC, breakrooms, welfare facilities;
- d. Delivery scheduling / timing of deliveries;
- e. Provision of road cleaning and wheel washing facilities;
- f. Provision of measures to prevent the discharge of surface water onto the highway;
- g. A Construction Worker Travel Plan;
- h. Details of how public transport, pedestrian and cycle access will be maintained throughout the construction process;
- i. Parking arrangements for site workers and visitors;
- j. Temporary car park signage;
- k. Monitoring methodology for all construction related vehicles to/from the site; and
- l. The timing and duration of any temporary closures to the PROW Network and the King Charles III England Coast Path Trail to ensure public safety including the timely application for the required orders and the alternative routes to be provided.

General Environmental

- a. Storage of plant and materials;
- b. External lighting and mitigation measures;
- c. Measures to limit noise disturbances;
- d. Smoke management controls;
- e. Odour controls;
- f. Reference to any behavioural and organisational measures being implemented (reduce, rethink, retime, reroute, remodel);
- g. Site security measures, incorporating plant, machinery, supplies, tools and other vehicles, and being site specific to geography and site requirements;
- h. Details of how construction waste will be avoided or minimised and establishing construction waste targets;
- i. Measures to minimise vibration, including establishing targets to demonstrate acceptable levels;
- j. Dust suppression and management measures, to include control of windblown debris, dust and materials and sheeting of vehicles transporting materials on or off site;
- k. Pollution prevention measures and procedures for emergency environmental incidents such as pollution events
- l. Detail of how all Non-Road Mobile Machinery will adhere to the relevant emission standards for NO2 and PM10;
- m. Location of construction compound(s);
- n. Identification and protection of any areas of known archaeological significance;
- o. Measures to identify and protect (or if necessary replace) existing infrastructure, services and utilities, including identifying any exclusion zones where storage of materials will not be permitted;

- p. Details of construction drainage, including measures to prevent the discharge of surface water onto the highway and adjacent railway infrastructure, measures to prevent silt pollution for watercourses from surface water run-off and any necessary pollution prevention methods;
- q. A load restriction plan showing the areas where limited loading is permissible close to and over the existing culvert, and following daylighting the bridges and riverbanks over and carrying the River Ebbsfleet;
- r. Clearance of site prior to bird nesting season (March – September inclusive) or otherwise check for nesting birds prior to demolition; and
- s. Measures to minimise or avoid noise impacts on species during ecological breeding seasons (February to August / September for most species).

Reason: *To ensure the free flow of traffic on the highway, to remove the risk of interruption to existing infrastructure, services and utilities to minimise the impact on residential amenity and in the interests of flood risk management, in accordance with Policies CS11, CS18 and CS19 of the Gravesham Local Plan Core Strategy 2014.*

Ecological Construction Environment Management Plan

43. No development of any Plot or area of Open Space shall commence until an Ecological Construction Environmental Management Plan (ECEMP) in respect of the relevant Plot or area of Open Space has been submitted to and approved in writing by the Local Planning Authority. The ECEMP should be updated at the request of the Local Planning Authority but no more than once per year. The relevant Plot or area of Open Space hereby permitted shall thereafter be carried out in accordance with the approved (or updated) ECEMP(s). The ECEMP(s) shall include but not be limited to the following as relevant for each Plot or area of Open Space:

- a. Arrangements for ecological monitoring and measures to mitigate adverse impacts, including arrangements for water quality monitoring;
- b. Details of measures to prevent any encroachment or construction harm arising to the Swanscombe Peninsula Site of Special Scientific Interest (which includes Botany Marshes);
- c. 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;
- d. 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;
- e. Supervision of delivery of fuel and oils with pipelines and fuelling points protected from vandalism and unauthorised interference;
- f. 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;
- g. 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;

- h. Procedures for emergency environmental incidents such as pollution events;
- i. 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;
- j. Detail of measures to mitigate the impact of dust on vascular plants associated with the SSSI (during the construction phase);
- k. Measures relating to Schedule 1 birds including a Precautionary Working Method Statement (PWMS) to capture all specific working methods and the following:
 - (i) the use of visual and noise barriers for overwintering birds, avoiding noisy and disturbing works during sensitive periods for birds of the SSSI, and use of low impact machinery to limit noise and vibration disturbance if works are undertaken in the breeding season (para. 9.2.6, PEA, 2022);
 - (ii) 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;
 - (iii) Appropriate management of construction lighting to avoid light spill to adjoining habitats;
 - (iv) 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 and 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;
 - (v) Noisy or disturbing works to avoid sensitive periods of the year where possible through phasing. Sensitive areas include:
 - Around Robin's Creek during the key Cetti's warbler breeding season (April to July);
 - Around the shingle beach area on the mudflats in key little ringed plover nesting season (May to July); and
 - Around any areas on site where black redstart are confirmed to be breeding in further surveys in the key breeding season (March to August);
 - (vi) 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;
- l. 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; and
- m. Arrangements for monitoring and reviewing the document.

Plots 18 and 19 (as defined in Drawing no. NFH-CGL-MAST-DR-1004 R01 (Plots Plan)):

- n. Strict time restrictions on activities likely to cause noise disturbances to species by virtue of exceeding ambient sound levels;
- o. Positioning stationary activities within the site (e.g. concrete crushing) as far away from the Site of Special Scientific Interest as is feasible; and
- p. Screening and site hoarding to reduce ground level noise.

Reason: *To ensure there is no adverse impact on biodiversity, in accordance with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014.*

Archaeology

44. No development (save for any Enabling Works but excluding any demolition and removal of buildings and other structures on the Site, contaminated land remediation, ground improvement works, creation of enabling works access and temporary haul roads or similar related works) shall commence on any Phase until the following details concerning the relevant Phase have been submitted to and approved in writing by the Local Planning Authority:
- (a) A programme for the following has been secured and reported:
 - (i) archaeological characterisation;
 - (ii) field evaluation works for palaeolithic and subsequent archaeological periods;
 - (iii) hydrological recording and modelling; and
 - (iv) an archaeological impact assessment for the Phase of development to which the application relates, in accordance with a specification and written timetable which has been first submitted to and approved in writing by the Local Planning Authority.
 - (b) Following completion of the work to be undertaken pursuant to part (a), confirmation is obtained in writing by the Local Planning Authority as to whether any further mitigating fieldwork is required.
 - (c) If the results of the work to be undertaken pursuant to parts (a) and (b) identify the requirement for further mitigating fieldwork, a specification for such further mitigating fieldwork, including a written timetable for proposed mitigation (including preservation in situ and/or archaeological excavation and recording, assessment, analysis, reporting and archiving) for the Phase to which it relates shall be submitted to and approved in writing by the Local Planning Authority and thereafter such further mitigating fieldwork shall be undertaken and reported in accordance with the requirements of paragraph (a) prior to the commencement of works (save for Enabling Works) within the relevant Phase.
 - (d) If the results of the work to be undertaken pursuant to parts (a) and (b) identify no requirement for further mitigating fieldwork, a programme for analysis, reporting and publication of the evaluation works will be agreed and undertaken in accordance with a specification and timetable to first be submitted to and approved in writing by the Local Planning Authority.

Where an archaeological 'entity' is affected by proposed development in more than one Phase, mitigation will be decided and where appropriate implemented at the time of development on the first Phase which affects it.

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 the National Planning Policy Framework and Gravesham Local Plan Core Strategy Policy 2014 CS20 and Gravesham Local Plan saved Policy TC7.*

Heritage Management Plan

45. No development (save for any Enabling Works but excluding any demolition and removal of buildings and other structures on the Site, contaminated land remediation, ground improvement works, creation of enabling works access and

temporary haul roads or similar related works) shall commence on any Phase until a Heritage Management Plan concerning the relevant Phase has been submitted to and approved in writing by the Local Planning Authority. Each Heritage Management Plan shall include a commitment to the principle that future archaeological site investigations will inform the detailed design and layout of the development proposals and measures to ensure the preservation of important archaeological remains.

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.*

Heritage Management Plan Compliance Statement

46. Applications for the approval of the Reserved Matters shall be in accordance with the approved Heritage Management Plan for the relevant Phase to which the Reserved Matters sought for approval relates and shall include compliance statement which explains how archaeological site conditions and field evaluation have informed the final scheme design, including preservation, fieldwork, assessment, analysis, reporting and archiving, 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

47. A strategy to deal with the potential risks associated with any contamination of land in connection with the undertaking of development within a Phase shall be submitted to and approved in writing by the Local Planning Authority prior to any below ground works within that Phase commencing. Each strategy will include the following components:

- (a) a preliminary risk assessment which has identified:
 - (i) all previous uses on the site;
 - (ii) potential contaminants associated with those uses;
 - (iii) a conceptual model of the site indicating sources, pathways and receptors; and
 - (iv) potentially unacceptable risks arising from contamination at the site (including contamination which may have been caused by activities on land which is outside of the site);
- (b) a site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- (c) the results of the site investigation and the detailed risk assessment referred to in (b) shall inform an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and,
- (d) 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 (c) 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 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 pollution and that the Development is protective of human health and the environment in the interests of residential amenity in accordance with Policies CS18 and CS19 of the Gravesham Local Plan Core Strategy 2014.*

Importation of subsoil and/or topsoil

48. Prior to the importation of any subsoil and/or topsoil materials onto the site as part of the Development, the material shall be sampled and subject to laboratory analysis to confirm the suitability of the proposed material to ensure it shall not pose a risk to human health under Part 2A of the Environmental Protection Act 1990 (and/or any subsequent replacement legislation) and the results submitted to and approved in writing by the Local Planning Authority.

Reason: *To confirm before work commences on site that imported sub and/or topsoil will be protective of human health and the environment in the interests of residential amenity in accordance with Policy CS18 and CS19 of the Gravesham Local Plan Core Strategy 2014.*

Foul Drainage

49. No development (save for any Enabling Works) shall commence on any Phase until a foul drainage strategy concerning the relevant Development Phase, detailing how appropriate foul drainage with a connection to a foul sewer is intended to be provided for that Phase, has been submitted to and approved in writing by the Local Planning Authority in consultation with the relevant sewage undertaker and the Environment Agency.

A Compliance Statement shall be submitted with each Reserved Matters application that demonstrates how the proposals which are the subject of those Reserved Matters are in compliance with the approved foul drainage strategy for the relevant Phase or (in exceptional circumstances and where relevant) explaining why they are not.

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 Policies CS18 and CS19 of the Gravesham Local Plan Core Strategy 2014.*

Surface Water Drainage Scheme

50. No Plot shall commence (save for any Enabling Works in connection with such Plot) until a detailed sustainable surface water drainage scheme for the relevant

Development Plot has been submitted to and approved in writing by the Local Planning Authority.

The detailed sustainable surface water drainage schemes shall demonstrate that due consideration has first been given to utilising infiltration techniques and for 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) to 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 detailed sustainable surface water drainage schemes shall demonstrate how any surface water leaving the site shall be managed appropriately, as outlined in the Flood Risk Assessment and Surface Water Drainage Strategy, Issue 9, dated 11 April 2024. Each detailed sustainable surface water drainage scheme shall also demonstrate that silt and pollutants resulting from the construction and use of the Development within the relevant Plot can be adequately managed to ensure there is no pollution risk to receiving waters.

Each Plot shall be carried out in accordance with the approved detailed sustainable surface water drainage scheme relating to it and the scheme shall be maintained thereafter.

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 Policies CS18 and CS19 of the Gravesham Local Plan Core Strategy 2014.*

Sewer and Water Supply Protection

51. No development shall commence on any Plot (save for any Enabling Works) until details of the measures that will be undertaken to protect the public sewers and water supply mains in connection with that Plot have been submitted to and approved in writing by the Local Planning Authority in consultation with the water undertaker. Each Plot shall be carried out in accordance with the details approved pursuant to this condition in relation to it.

If, during the construction of a Plot, any public sewers or water supply mains not previously identified are found to be present then no further development of that Plot shall be carried out until a strategy detailing how those public sewers or water supply mains will be protected has been submitted to and approved in writing by the Local Planning Authority. Any previously unidentified public sewer or water supply mains protections 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 caused by mobilised contaminants in accordance with Policies CS18 and CS19 of the Gravesham Local Plan Core Strategy 2014.*

Thames Tidal Defence Design

52. No development (save for any Enabling Works) shall commence until 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 broadly 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:

- (a) Drawings and calculations of the upgraded defence, including demonstrating that the design life of all new and residual elements is a minimum of 100 years from when the last dwelling is expected to be completed;
- (b) A schedule of works;
- (c) Tracking plans showing how construction vehicles and civil engineering plant suitable to replace all of the River Thames walls and the completed improved Tidal Defence structures within the site could access the river structures and turn and work with the new buildings and landscape features in place;
- (d) Demonstration that as far as reasonably practical the construction vehicles and civil engineering plant identified to satisfy the above bullet point can access the River Thames frontages upstream and downstream of the site within the 16-metre offset from the existing line of the river wall, without any new structures including fencing needing to be removed. (Fencing to therefore include access gates at least 4 metres wide);
- (e) Details of terracing, including a terrace which functions as an intertidal habitat, designed in line with Environment Agency Estuary Edges guidance;
- (f) A plan for long-term management, maintenance and monitoring of the flood defence and river wall and the proposed intertidal zone ecological enhancements, carried out in line with Environment Agency Estuary Edges guidance; and,
- (g) Details of all proposed landscaping, footpaths, lighting, street furniture and planting within the 16m area adjacent to the tidal defence identified in Figure 9 of Appendix G. (h) 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 prior to the first Occupation/use of any buildings within the Neighbourhood in which the works are located and subsequently maintained thereafter, in accordance with the approved details and the scheme's timing/phasing arrangements.

Reason: *To ensure that the proposed Development is safe in flood risk terms to future users and to enhance intertidal ecology and provide net gains to biodiversity in the Thames Estuary, in accordance with 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

53. Not to Occupy more than 623 dwellings hereby permit or Occupy the stadium and not to commence the Neighbourhood which incorporates the River Ebbsfleet (whichever occurs first)(save for any Enabling Works) until a scheme of works for the 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 for the daylighting of the culverted River Ebbsfleet will be in accordance 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:

- (a) Final detailed design for the daylighted river Ebbsfleet, including plans showing the extent and layout of the river buffer zone;
- (b) A schedule of works;
- (c) Tracking plans showing how construction vehicles and civil engineering plant suitable to replace all of the River Ebbsfleet structures within the site could gain access to the river structures and turn and work, with the new buildings and landscape features in place;
- (d) 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;
- (e) Details of any proposed footpaths and street furniture and services within the river buffer zones;
- (f) 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);
- (g) Details of proposed landscape planting scheme and watercourse enhancements (for example, native species suited to the catchment character);
- (h) Details of materials used in the river channels (for example, gravel type, size, and origin); and,
- (i) 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 approved detailed scheme of works for the daylighting of the culverted River Ebbsfleet shall be fully implemented in accordance with the approved scheme prior to Occupation of more than 623 dwellings, prior to Occupation of the stadium hereby permitted or prior to the Occupation of the Neighbourhood that incorporates the River Ebbsfleet (whichever occurs first) and subsequently maintained thereafter.

Reason: *To ensure the Development will not pose an unacceptable flood risk and to improve operational access to the river and to enhance river ecology, in accordance with Policies CS12 and CS18 of the Gravesham Local Plan Core Strategy 2014.*

Detailed Bridge Design

54. Not to Occupy more than 623 dwellings hereby permit or Occupy the stadium and not to commence any development within the Neighbourhood which incorporates the River Ebbsfleet (save for any Enabling Works) whichever occurs first) 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 County Council.

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 approved scheme for the detailed design for the two bridges spanning the daylighted River Ebbsfleet shall be fully implemented prior to Occupation of more than 623 dwellings, prior to Occupation of the stadium hereby permitted or prior to Occupation of the Neighbourhood which incorporates the River Ebbsfleet (whichever occurs first) and subsequently maintained in accordance with the approved details and the scheme's timing/phasing arrangements.

Reason: *To ensure any river crossing does not increase flood risk to the proposed Development or elsewhere, to ensure negative impacts on ecology are minimised and to ensure the delivery of Fasttrack, in accordance with Policies CS11, CS18 and CS19 of the Gravesham Local Plan Core Strategy 2014.*

Air Quality

55.No development shall commence on any Phase (save for any Enabling Works but excluding any demolition and removal of buildings and other structures on the Site) until an updated Air Quality Assessment undertaken by a competent person in accordance with current guidelines and best practice has been submitted to and approved in writing by the Local Planning Authority. The scope of the assessment shall be agreed in writing by the Local Planning Authority prior to being undertaken and submitted. The updated Air Quality Assessment for any Phase shall address the following (where relevant):

- (a) An assessment of air quality on the application site, including for the proposed vehicular route under the podium, together with a scheme necessary for the monitoring and mitigation of risks to human health that may be identified. This shall include the impact of air pollution from existing neighbouring industrial uses (including stacks and fugitive emissions) on the health of future residential occupants, visitors and users of the Development;
- (b) An assessment of the effect that the Development, including site clearance, earth movements, construction and operation, will have on the air quality of the surrounding areas and details of the mitigation measures (if any) which are necessary and recommended for the mitigation of poor air quality (if any) arising from the Development.

Any scheme of mitigation set out in the subsequently approved Air Quality Assessment shall be implemented and maintained in accordance with the approved details.

Reason: *To ensure the protection of human health, residential amenity and the natural environment in accordance with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014 and to ensure that existing businesses in the vicinity of the Development do not have unreasonable restrictions placed on them as a result of the Development in accordance with paragraph 200 of the National Planning Policy Framework 2024.*

Damage Cost Assessment

56. No development in any Phase shall commence (save for Enabling Works) until a Damage Cost Assessment (DCA) has been undertaken in respect of the Development within that Phase, 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 PM2.5 and NOx) associated with the Development proposed within that Phase. A report, to include the DCA and a list of offsite or on site air quality mitigation measures for that Phase off the Development and the proposed timescales for their delivery shall be submitted to and approved in writing by the Local Planning Authority. The air quality mitigation list shall include the details of the mitigation measures (including reducing the transport related air pollution of the Development when in Occupation), costs of the measures and delivery timescales, and should amount to the full sum to the value calculated in the DCA for that Phase. The agreed mitigation measures shall be delivered in full within the agreed timescales and shall be maintained thereafter.

Reason: *To ensure the protection of the natural environment residential amenity in accordance with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014.*

Demolition of Football Stadium

57. The existing football ground shall not be demolished until full details of suitable interim accommodation arrangements for all sports teams which use the existing football ground for match fixtures, 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. That accommodation shall be made available prior to demolition commencing, and retained until the new stadium and facilities are available.

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

Design and Layout of Stadium

58. The stadium and the "Marketplace" shall not be constructed and Occupied other than in accordance with relevant Reserved Matters Approval.

Reason: *To ensure the Development is fit for purpose and sustainable and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.*

Artificial Grass Pitch

59. In the case of the inclusion of an Artificial Grass Pitch within the Development hereby permitted, no development on the 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 Pro Pitch 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 in accordance with Policy CS13 of the Gravesham Local Plan Core Strategy 2014.*

Community Use Agreement

60. No public community infrastructure or facility hereby permitted shall be brought into use or Occupied until a detailed community use management plan for that particular infrastructure or facility has been submitted to and approved in writing by the Local Planning Authority. The details shall include, but not be limited to the following, where applicable:

- a) Community use, access and arrangements;
- b) In the case of the stadium only, management and maintenance arrangements including the football stadium for members and non-members;
- c) Hours of operation;
- d) Detailed management and operating costs and how these will be financed, including details of user charges;
- e) Complaints procedure; and
- f) Monitoring and review mechanism.

Any public community infrastructure or facility shall thereafter be managed and operated in accordance with the approved Community Use Management Plan.

Reason: To ensure the holistic and proactive management and maintenance of the infrastructure and to ensure its efficient and viable operation, in accordance with Policies CS06, CS10 and CS13 of the Gravesham Local Plan Core Strategy 2014.

Cycle Parking

61. No development shall commence on any Plot (save for Enabling Works) until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- a) provision and permanent retention of one cycle parking space per bedroom for the residential use, and where communal cycle parking is provided, this should include provision for adapted bikes; and,
- b) provision of cycle parking for the non-residential uses and visitors to the Development, to be provided in line with cycle parking standards applicable at the time of submission of the associated application for Reserved Matters approval and which 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 Plot 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.

Submission of External Materials

62. No development above ground level, excluding any earthworks or land raising, shall take place within any Plot (save for Enabling Works) until a full schedule of all external materials, including sample panels where requested by the Local Planning Authority, for all proposed buildings for that Plot have been submitted to and approved in writing by the Local Planning Authority. The details shall include but not be limited to details of weatherproofing, brick, render, 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 Plot of the Development.

Where brickwork is proposed sample panels of the brickwork to be used shall (where requested by the Local Planning Authority) be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used. The panel(s) shall be retained until a minimum of 2 square metres of wall of the approved Development has been completed in accordance with the approved sample.

Reason: In order to ensure an acceptable standard of development upon completion, in accordance with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy 2014.

Anti-terrorism Measures

63. No above ground works (save for Enabling Works) in respect of the stadium and market place buildings hereby permitted and access thereto shall commence until details of anti-terrorism measures for the stadium and market place buildings and access thereto have been submitted to and approved in writing by the Local Planning Authority. The approved anti-terrorism measures shall be implemented prior to the first use of the stadium and market place buildings and maintained permanently thereafter.

Reason: *In the interests of public safety and to ensure a satisfactory standard of development and in the interests of security and the prevention of crime.*

Plant and equipment relating to residential and commercial use buildings

64. No development above ground level, excluding any earthworks or land raising or Enabling Works, shall take place in connection with any Plot until full details of the installation of any external plant and servicing equipment on any buildings, including but not limited to roof top plant, lift overruns, solar PV or solar thermal equipment, within that Plot, but excluding tenant related plant for retail and food and beverage / drinking establishment uses, have been 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 Policies CS18 and CS19 of the Gravesham Local Plan Core Strategy 2014.*

Submission of Signage and Way Finding Strategy

65. No development above ground level, excluding any earthworks or land raising or Enabling Works, shall take place until a Wayfinding and Signage Strategy prepared in alignment with the commitments set out in the Design Code Rev F (09 June 2025) for the whole site has been submitted to and approved in writing by the Local Planning Authority.

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 Policies CS13 CS19 of the Gravesham Local Plan Core Strategy 2014.*

66. Applications for the approval of the Reserved Matters in respect of any Plot or area of Open Space shall be in accordance with the approved site wide Public Realm, Wayfinding and Signage Strategy in so far as relevant to the Development that the Reserved Matters relate.

A Compliance Statement shall be submitted with each application for the approval of Reserved Matters in respect of any Plot or area of Open Space that demonstrates the proposals are in compliance with this document or (in exceptional circumstances and where relevant) explaining why they are not.

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 Policies CS13 CS19 of the Gravesham Local Plan Core Strategy 2014.*

Lighting forming part of the Development

67. No development above ground level, excluding any earthworks or land raising or Enabling Works, shall take place within any Plot or area of Open Space until a lighting scheme and assessment in respect of all artificial lighting proposed for the relevant that Plot or area of Open Space including but not limited to road, area lighting, floodlighting, security lighting, signage, parking and the illumination of the buildings at night has been submitted to and approved in writing by the Local Planning Authority.

For the purpose of the above referred to lighting scheme and assessment the site is described by the following lighting environmental lighting zones with associated lighting control requirements as detailed within the Institution of Lighting Professionals (ILP) Guidance note GN01/21 'The reduction of obtrusive light':

- a) The Site of Special Scientific Interest (SSSI) is classified as lighting environmental zone E2;
- b) The River Thames is classified as lighting environmental zone E2;
- c) The remaining development lies within a lighting environmental zone E4.

The lighting scheme submission shall include (in so far is relevant to the Plot or are of Open Space to which it relates) but not be limited to:

- a) Details of adherence to best practice lighting standards for the tasks being lit, including for sports grounds and wildlife (in particular with regards to lighting impacts from residential blocks adjacent to the Site of Special Scientific Interest boundary on breeding bird, bats and invertebrate assemblages);
- b) Details of adherence to obtrusive lighting mitigation and controls to comply with:
 - (i) ILP Guidance note GN01/21 The reduction of obtrusive light, relevant to the lighting environmental zone;
 - (ii) ILP Professional Lighting Guide PLG05/ Brightness of illuminated advertisements including digital displays, relevant to the lighting environmental zone;
 - (iii) CIBSE LG04 'Sports Lighting' (2023) and Sport England 'Artificial Sports Lighting Design Guidance Note' (stadium only).
- c) Purpose and functions of proposed lighting and the uses it supports e.g. for recreation facilities;
- d) Lighting design details including:
 - (i) Plan(s) detailing all proposed artificial lighting, including but not limited to luminaire locations, mounting heights, tilts, aiming angles, luminaire light sources, specifications and details.
 - (ii) A illuminance (lux) plan(s) for the lit areas showing conformance with the required lighting standards for the task areas being illuminated.

- (iii) Where required under the Standards, luminance (cd/m²) plan(s) for the lit areas showing conformance with the required lighting standards for the task areas being illuminated.
- (iv) Curfew details of areas where the task lighting will be adapted, turned off or lighting levels reduced due to a change in task activity or event ending.
- e) Lighting obtrusive / environmental impact design details (design maintenance factor set to unity (1.0)), pre- and post-curfew where a curfew is proposed, to include:
 - (i) Illuminance (lux) plan(s) for all the lit areas including spill light assessments, iso-contours at regular levels down to 0.5 lux.
 - (ii) Source intensity calculations for all existing (external to development) and potential sensitive receptors (within the development).
 - (iii) Vertical illuminance contour plan(s) for areas with sensitive receptors such as the SSSI, River Thames and windows of premises, iso-contours at regular levels down to 0.5 lux.
 - (iv) Details of any proposed screening measures towards areas with sensitive receptors.
- f) 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 site, including light source colour temperature, colour rendering index, tuneable LED sources etc.;
- g) Details of all illuminated advertisements and digital media displays, evidencing compliance with ILP PL05 including luminance, curfews, optical control and for digital displays the images formats to be displayed.

The relevant Plot or area of Open Space shall not be Occupied until the approved lighting scheme in respect of it has been carried out in accordance with the approved details and the lighting forming part of the Plot or area of Open Space shall be retained as approved thereafter.

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.*

Lighting sources external to the site

68. Prior to the submission of any application(s) for reserved matters approval in respect of plots 12, 13, 14, 15, 17, 18 and 19 (as shown on Drawing no. NFH-CGL-MAST-DR-1004 R01 (Plots Plan) an assessment of external lighting must be undertaken by a suitably qualified person to determine whether any external lighting provided in connection with operations on the BRM Land gives rise to instances in which the Artificial Light Limits are predicted to be exceeded for future occupiers of those Plots. Where the Artificial Light Limits are predicted to be exceeded, suitable mitigation measures must be set out within the assessment.

Where any such lighting provided in connection with operations the BRM Land is predicted to give rise to an exceedance of the Artificial Light Limits for future occupiers of those Plots suitable mitigation measures must be incorporated into the design of the relevant Plot and/or provided via a scheme of works to re-direct or replace or modify the lighting on the BRM Land which shall consider measures to

avoid an exceedance of the Artificial Light Limits on any wall of a building within the Site (or a relevant Plot within the Site) which contains windows in the following order:

- A. installation of backshields on existing luminaires;
- B. re-aiming and/or re-location of existing luminaires, should the installation of backshields prove insufficient to adequately control light spill; and
- C. where the re-aiming and/or re-location of existing luminaires prove insufficient to provide the required operational task lighting levels or adequately control light spill, upgrading the existing luminaires to LED lighting or replacing the existing luminaires to ensure appropriate illumination of external work areas on the BRM Land while maintaining effective optical control for reducing obtrusive light.

Evidence of how any predicted exceedances of the Artificial Light Limits for future occupiers of a relevant Plots have been mitigated, or will be mitigated by incorporation into the design of the relevant Plot, must be provided prior to the approval reserved matters I in respect of plots 12, 13, 14, 15, 17, 18 and 19 (as shown on Drawing no. NFH-CGL-MAST-DR-1004 R01 (Plots Plan) (as relevant).

The relevant Plot shall not be Occupied until the approved mitigation has been carried out in accordance with the approved details and the mitigation shall be retained as approved thereafter.

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

Sustainability and Energy

69. No development above ground level, excluding any earthworks or land raising or Enabling Works, shall take place within any Plot until full and up-to-date technical details of proposed sustainability, water and energy measures, and low carbon technologies, including but not limited to air source heat pumps, photovoltaic (PV) arrays and rainwater harvesting, and any necessary electricity sub-station or other energy installations, in respect of that Plot of the Development have been submitted to and approved in writing by the Local Planning Authority.

The details shall comply with the principles, concepts and standards set out in the approved Framework Sustainability and Energy Statement.

The installations and energy saving measures as approved for each Plot shall be implemented and maintained at all times thereafter.

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)

70. No development above ground level, excluding any earthworks or land raising or Enabling Works, shall take place within any Plot or area of Open Space until full details of Designing Out Crime measures in respect of that Plot or area of Open Space have been submitted to and approved in writing by the Local Planning Authority.

The Designing Out Crime measures shall cover (as relevant), but shall not be limited to:

- a) CCTV;
- b) Security Lighting;
- c) Location, access and design of post-boxes, utility meters and entry systems;
- d) Details of shuttering to any opening;
- e) Details of secure refuse storage and home composting facilities;
- f) Communal areas;
- g) Boundary treatments; and
- h) Secure vehicle and cycle parking.

Any security measures shall comply as far as is practicable with the recommendations in the Kent Police letter dated 22 September 2022 and shall seek to achieve the 'Secured by Design' accreditation award.

The approved Designing Out Crime measures shall be implemented prior to the first Occupation of the relevant Plot or area of Open Space and shall be maintained thereafter.

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.*

Residential Noise Mitigation Measures

71. No development above ground level, excluding any earthworks or land raising or Enabling Works, shall take place within any Plot until full details of the acoustic design for internal areas of residential properties and for external amenity areas of residential properties in respect of that Plot have been submitted to and approved in writing by the Local Planning Authority.

The details shall include external building fabric and glazing specifications for all buildings, ventilation details and designs for private gardens, balconies and public open space / communal amenity areas that form an intrinsic part of the design of the Plot. The acoustic design shall demonstrate that external noise intrusion into residential properties meet the following under normal ventilation conditions (and windows shall be fixed where necessary to achieve the relevant criteria):

- a) 35 dB LAeq,1h between the hours of 07:00 and 23:00 in living rooms and bedrooms;
- b) 40 dB LAeq,1h between the hours of 07:00 and 23:00 in dining rooms and other habitable rooms;
- c) 30 dB LAeq,1h between the hours of 23:00 and 07:00 in bedrooms; and

d) 45 dB LAFmax,1min (not to be exceeded more than 10 times per night) in bedrooms between hours of 23:00 and 07:00.

In addition, the acoustic design shall demonstrate that noise intrusion into residential properties from dredgers meet the following under normal ventilation conditions (and windows shall be fixed where necessary to achieve the relevant criteria):

e) LZ,63Hz 50 dB in any habitable room at any time.

The acoustic design shall take account of sound from all activities that are consented, even if they do not occur at the time of the submission.

The occupants of each residential plot are to be provided with external amenity (private or shared) where noise levels do not exceed 55 dB LAeq,16h during the day.

The Development shall be constructed in accordance with the approved details for each Plot, and the approved measures shall be maintained for the lifetime of the Development. For the avoidance of doubt this condition shall take into account condition 63 (Submission of External Materials).

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

Vibration

72. No development above ground level, excluding any earthworks or land raising or Enabling Works, shall take place within any Plot until a scheme of vibration mitigation has been submitted to and approved by the Local Planning Authority demonstrating that vibration levels within each Plot do not exceed the vibration dose value criterion 'Low probability of adverse comment' as defined within BS 6472-1: 2008. Each plot shall be constructed in accordance with the approved scheme and any mitigation or design measures shall be maintained thereafter.

Reason: *To safeguard the amenity of occupants in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.*

Stadium Accessibility

73. Prior to commencement of any above ground works relating to the Stadium hereby permitted a report that details arrangements for accessibility to the Stadium, covering matters detailed in the approved Part D - Design Code Rev. F (09 June 2025), shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangements for accessibility to the Stadium shall be carried out prior to Occupation of the stadium and maintained thereafter.

Reason: *To ensure satisfactory inclusive access is provided to the Development and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.*

Prior to Occupation

Verification report (contamination)

74. Prior to any Plot or area of Open Space being first Occupied, a verification report in respect of that Phase within which the Plot or area of Open Space is located demonstrating the completion of works set out in the approved remediation strategy in so far as relevant and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall be consistent with the details approved under condition 48 and shall include quality assurance certificates issued which evidence that the works have been carried out in full in accordance with the approved methodology and 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 and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.*

Surface Water Drainage Verification Report

75. Prior to any Plot or area of Open Space of the Development being Occupied/used, a verification report in respect of that part of the Development, pertaining to the surface water drainage system and prepared by a suitably competent person, shall be submitted to and approved in writing by the Local Planning Authority. The report shall demonstrate that the surface water drainage system constructed is consistent with the details approved under condition 50. The verification 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, in accordance with Policies CS18 and CS19 of the Gravesham Local Plan Core Strategy 2014.*

Parking

76. Applications for the approval of Reserved Matters shall where appropriate to the element of Development which is proposed for Reserved Matters Approval include details of the provision and permanent retention of vehicle parking spaces for the non-residential and residential uses across the Development. These details shall ensure provision of a total of 950 vehicle parking spaces for the non-residential uses within the whole Development and 0.5 vehicle parking spaces per residential unit, as a minimum.

The approved parking spaces shall be brought into use prior to the first Occupation/use of the part of the Development which they are intended to serve.

For the avoidance of doubt, 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.*

Parking Management Plan

77. Prior to the first Occupation of any particular approved Phase, a vehicle Parking Management Plan (PMP) in respect of that Phase of the Development shall be submitted to and approved in writing by the Local Planning Authority. The PMP shall set out the means of managing parking demand and enforcement within the Phase. The parking provision in the relevant Phase of the Development shall be implemented and managed in accordance with the relevant PMP.

Each PMP shall include but not be limited to the following:

- a) parking provision for each land use, including number and location of standard bays, visitor bays, disabled bays, motorcycle bays, car club bays, coach bays, taxi pick up/drop off bays, and service and delivery bays;
- b) number, location and type of electric vehicle charging points and facilities;
- c) managing parking demand including monitoring and review;
- d) details of parking restrictions to be implemented;
- e) details of parking management and enforcement;
- f) details of any barrier controls;
- 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; and
- i) details of football match day parking provision.

The Parking Management Plan(s) shall be implemented as approved 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 and to minimise the use of private car and promote the use of sustainable modes of transport in accordance with the Framework and paragraph 40 of DfT Circular 01/2022.*

Transport – Electric vehicle charging

78. Prior to the first Occupation of any approved Plot, details of electric vehicle charging infrastructure for that Plot shall be submitted to and approved in writing by the Local Planning Authority. Details shall include, but not be limited to, the number, location, type of charger, installation and management of the electric vehicle charging points.

The approved electric vehicle cabling infrastructure and charging points in respect of each Plot shall be implemented prior to Occupation of the relevant Plot and maintained thereafter.

REASON: *To promote the use of sustainable forms of transport in accordance with Policy CS11 of the Gravesham Local Plan Core Strategy 2014.*

Service and Delivery Plan

79. Prior to the first Occupation of any Plot, a Service and Delivery Plan (S&DP) developed in line with the Framework Delivery and Servicing Plan at ES Volume 3, Appendix: Traffic and Transport, Annex 1: Transport Assessment, Appendix O setting out the servicing and delivery arrangements required for that Plot (if any) shall be submitted to and approved in writing by the Local Planning Authority. Each S&DP shall include (as appropriate) but not be limited to the following:

- 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 for delivery and servicing vehicles;
- 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.

The details within the approved S&DPs shall be implemented as approved 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.*

Mobility Hub

80. The details submitted as part of any application for Reserved Matters application for a relevant Plot containing the location of the Temporary Mobility Hub or Permanent Mobility Hub) should contain (as appropriate) but not be limited to the following: 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.

Either a Temporary Mobility Hub or Permanent Mobility Hub shall be brought into use prior to the Occupation of the 50th dwelling or of the first non-residential use building (whichever comes first), or as agreed via the Phasing Plan (whichever comes first) and shall be retained thereafter. Any temporary Mobility Hub(s) shall be removed within 12 months of the permanent Mobility Hub becoming operational.

If a Temporary Mobility Hub is brought into use then the Permanent Mobility Hub shall be brought into use prior to the Occupation of the 1,500th dwelling, or as agreed via the Phasing Plan (whichever comes first) and shall be retained 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.

BREEAM Standards

81. Design assessments specifying a minimum BREEAM level of Excellent for each non-residential building forming part of the Development shall be submitted with each Reserved Matters application for layout in relation of each Plot containing non-residential buildings.

Each non-residential building within each Plot shall not be Occupied until a completion certificate confirming compliance with the minimum BREEAM level of Excellent in respect of the relevant building has been approved in writing by the Local Planning Authority.

Reason: To ensure an increased level of sustainability across the Development as a whole in accordance with Framework Sustainability and Energy Framework in accordance with Policies CS18 and CS19 of the Gravesham Local Plan Core Strategy 2014.

Details of Extraction Equipment

82. Parts of the stadium, hotel, and any commercial units 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) shall not 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, noise and vibration attenuation measures and odour control measures relating to the particular unit, have been submitted to and approved in writing by the Local Planning Authority.

All extraction/ventilation systems shall be designed in accordance with the latest version of the EMAQ/DEFRA Publication 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems'. Each relevant part of the Development shall be carried out in accordance with the approved details prior to its first Occupation and the measures provided shall be retained thereafter in accordance with the approved details.

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

83. The particulars submitted as part of any relevant application for the approval of Reserved Matters shall include full details of the glazing specification for all buildings, including mechanical ventilation and heat recovery details. The

Development shall be carried out in accordance with the approved details prior to the first Occupation of the relevant part of the Development and the measures provided shall be retained thereafter in accordance with the approved details.

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

Noise Controls over Commercial/Residential Uses

84. The particulars submitted as part of any relevant application for the approval of Reserved Matters shall include a sound insulation assessment for elements separating (e.g. party walls and floors) commercial units from residential dwellings. Each sound insulation assessment shall include details 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 55 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 55 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 the first Occupation of the relevant part of the Development.

The measures provided shall be maintained for the lifetime of the Development in accordance with the approved details.

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.*

Post Completion Testing

85. Prior to the first Occupation of any Plot containing dwellings, a post completion noise survey shall be undertaken by a suitably qualified acoustic consultant, and a post completion noise report shall be submitted to and approved in writing by the Local Planning Authority.

The post completion testing shall assess performance of the noise mitigation measures approved in accordance with the details submitted under condition 71 and shall also include the performance of any ventilation and cooling/heating system that has been installed.

If the noise levels set out in the relevant report approved under condition 71 are exceeded, additional noise mitigation measures to ensure the appropriate noise levels can be met shall be submitted to and approved in writing by the Local Planning Authority and implemented in full prior to the first Occupation of the relevant Plot.

The final approved noise mitigation scheme shall be implemented in accordance with the approved details and maintained thereafter.

Reason: *In order to safeguard conditions of amenity in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.*

Events Management Plan

86. Prior to the first Occupation of the stadium, an Events Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Events Management Plan should include but not be limited to the following details:

- a) Site management including staff numbers, staff training, protocols and first aid;
- b) Safety and security including risk assessment procedures for all events;
- c) Crowd and Incident Management for use of all areas of scheme including arrival and departure details and routing for crowds;
- d) Emergency and evacuation procedures;
- e) Noise Management Plan, including details of the setting up and taking down of events, number of stadium events per year, noise limits at receptors and a Noise Monitoring Plan to demonstrate limits are being adhered to;
- f) The Commercial Travel Plan for the Stadium as referred to in the Section 106 Agreement;
- g) Traffic Management Plan, including details of access for all modes, parking provision, travel information presented to visitors, and any access restrictions;
- h) Expected number of visitors for each event type;
- i) Details of event specific wayfinding strategy; and
- j) The mechanism for and timing of a review of the Events Management Plan.

Events at the stadium shall be managed in accordance with the approved Events Management Plan at all times 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 Address System

87. Full details, including location and noise levels of any visual display, Public Address System (PA), or amplified sound system for the stadium shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the stadium.

The approved PA system shall only be utilised during events that take place within the Stadium two hours prior to the event commencing (apart from for testing purposes) and within 30 minutes of the completion of the event. No PA system, other than for transmission and travel information or emergency use shall take place outside the stadium building. The PA system shall be operated in accordance with the approved details.

Reason: *To minimise impacts on the surrounding environment, to ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.*

Coach Parking and Taxi

88. Prior to the first use of the Stadium, details of arrangements for and management of coach parking, and taxi pick up and drop off areas for the visitors to the stadium shall be submitted to and approved in writing by the Local Planning Authority. The approved details of those arrangements shall be implemented as approved.

Save for the stadium parking management arrangements set out above, no Occupation of any relevant Plot shall commence until details of arrangements for taxi pick up and drop off areas for that Plot (if any), including any coach parking necessary for the hotel, has been submitted to and approved in writing by the Local Planning Authority.

The parking management arrangements (if any) shall be implemented as approved before Occupation of the relevant Plot.

Reason: *In the interests of highway and pedestrian safety in accordance with Policy CS11 of the Gravesham Local Plan Core Strategy 2014.*

Public Art and Heritage

89. The particulars submitted as part of any application for the approval of Reserved Matters shall include a public art and heritage strategy, setting out how public art and local heritage will be incorporated into the public realm. The public art strategy shall include a Public Art Delivery Plan for the Development, which shall include but not be limited to:

- a) strategic approach outlining the rationale behind why the developer is proposing a particular scheme – how it relates to the site and its uses;
- b) artist's brief/s including locations of public art;
- c) proposed approach to community engagement / involvement;
- d) proposed implementation plan; and
- e) proposed approach to commissioning, management and maintenance.

The details shall also ensure further opportunities for enhancing the understanding and appreciation of the historic environment, and may include public art that references heritage, interpretation boards and online digital information about the heritage and archaeology of the site.

The public art and heritage strategy shall be implemented prior to the first Occupation or use of the Reserved Matters Development to which the strategy and shall be maintained thereafter in accordance with those details.

Reason: *To ensure that the appearance of the Development is acceptable and contributes towards a high-quality built environment that reflects the past heritage of the site, in accordance with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy 2014.*

Litter and Refuse Collection

90. The particulars submitted as part of any relevant application for the approval of Reserved Matters for any Plot containing residential dwellings shall include a litter and refuse collection strategy in respect of that Plot.

The details shall include but not be limited to the facilities to be provided, method of storage and disposal of litter and waste materials for that Plot, routing details, lockable containers, secure bin stores and refuse collection points, together with a management and maintenance plan for ongoing refuse and servicing arrangements.

The approved details shall be implemented prior to the first Occupation of the relevant Plot to which the refuse collection strategy and management plans relate and maintained thereafter in accordance with those details.

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

Flood Risk Assessment

91. 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:

- a) Finished floor levels shall be set in line with 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;
- b) 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;
- c) riparian area 16 m from waterfront to be free from buildings;
- d) top of flood defence level set at 8.00mAOD;
- e) edges to tie into defences on either end of the wall to ensure continuous defence
- f) minimum 100-year design life from when the last dwelling is expected to be completed;
- g) existing river wall considered sacrificial from a flood defence perspective meaning that the design of the new flood wall will ignore passive resistance reliant on the existing river wall;
- h) 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;

- i) 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 F, dated 09 June 2025);
- j) The undeveloped buffer zone from the top of the riverbank on the eastern side of the daylighted river channel shall be provided in line with section 3.42 of the submitted FRA. No cantilevered elements shall overhang this undeveloped buffer zone;
- k) A minimum 8-metre undeveloped buffer zone on the western side of the channel shall be provided, in line with paragraph 3.42 of the submitted FRA; and
- l) 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 in accordance with the approved details prior to the first Occupation of the relevant part(s) of the Development which they are to be provided in connection with as relevant and shall be retained and maintained thereafter throughout the lifetime of the Development.

Where the requirements of the Flood Risk Assessment and Surface Water Drainage Strategy cannot be met, any application for the approval of Reserved Matters in either Flood Zone 2 or 3 shall include a site specific flood risk assessment which shall be approved in writing by the Local Planning Authority prior to the commencement of the relevant Development (save for any Enabling Works) and the Development shall be carried out in accordance with any details approved pursuant to any such assessment.

Reason: *To reduce the risk of flooding to the proposed Development and in accordance with Policy CS18 of the Gravesham Local Plan Core Strategy 2014.*

On-going Conditions/Compliance

Remediation Strategy Watching Brief

92. If, during the construction of any Phase, contamination not previously identified is found to be present, then no further development on that Phase 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. Any 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 accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.*

Drainage

93. No drainage systems infiltration of surface water drainage into the ground is permitted.

Where relevant, prior to the commencement of any works for proposed discharges to ground and surface water drainage on any Phase, details of such drainage works shall be submitted to and approved in writing by the Local Planning Authority. The

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

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 accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.*

Waste Water Capacity

94. Occupation of the Development shall align with the delivery by the water undertaker of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain each part of Development in advance of its Occupation.

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 accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.*

Visibility Splays

95. Visibility splays shown on the approved Site Access Plans referred to in condition 7 (or any subsequent plans agreed by the Local Planning Authority in accordance with condition 33) shall be implemented prior to the first Occupation of the Phase to which they relate and maintained thereafter for the lifetime of the Development. The visibility splays should be 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.*

Removal of PD Rights

96. 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.*

Stadium Use

97. The football pitch within the Stadium shall only be played on for association football and used for events as follows:

- a) Ebbsfleet Football Club first team competitive league games in accordance with fixture lists as agreed by the relevant football authorities (e.g. Football League);
- b) Ebbsfleet Football Club first team cup games in accordance with fixtures agreed by the relevant football authorities (e.g. the Football Association);
- c) Ebbsfleet Football Club pre-season friendlies, reserve, youth and ladies team matches;
- d) Local community matches including local leagues and schools; and
- e) Events agreed in the Events Management Plan.

No other professional competitive sport or other events shall be permitted on the pitch.

If any other competitive sport or other use of the football pitch is proposed at any time, details of this sport or use, including relevant dates and times, shall be submitted to and approved in writing by the Local Planning Authority (which may include updates to the Events Management Plan for such events), and the sport or other use of the football pitch shall be carried out in accordance with the approved details.

Reason: To minimise disruption to the local environment, to ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

Restriction on Commercial Use

98. 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, any floorspace within the Development constructed and Occupied for a particular use within Use Class E shall not subsequently be used for any other use within Use Class E unless otherwise agreed in writing by the Local Planning Authority.

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/Stadium

99. The stadium shall operate only between the hours of 07.00 and 23.00 on Sunday to Wednesday (inclusive) and 07.00 to 24.00 on Thursday to Saturday (inclusive),

and any deliveries or collections to the stadium shall also only take place within those stipulated times.

Convenience units within Class E(a) shall operate only between the hours of 07.00 and 23.00, and any deliveries or collections to such units shall also only take place within those stipulated times.

Comparison units within Class E(a) shall operate only between the hours of 10.00 and 21.00 on weekdays and Sundays and bank holidays and 09.00 and 21.00 on Saturdays, and any deliveries or collections to such units shall also only take place within those stipulated times.

Food and drink units within Class E(b) shall operate only between the hours of 07.00 and 23:00 on Monday to Wednesday (inclusive), 07:00 and 24:00 on Thursday to Saturday (inclusive), and 07:00 and 22:00 on Sundays, and any deliveries or collections to such 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.*

Archaeological Mitigation Fieldwork

100. Within 12 months of the completion of any required archaeological mitigation fieldwork on a part of the site (including any further mitigating fieldwork, identified to be required in accordance with Condition 37) a Post-Excavation Assessment report relating to that fieldwork 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 shall include:

- a) A description and assessment of the results of all archaeological investigations that have been undertaken;
- b) A description of the arrangements to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same; and
- c) A description of the arrangements for providing and maintaining an archaeological site archive and its deposition following completion of all archaeological works.

The measures outlined in the approved Post-Excavation Assessment report shall, in respect of the Phase of Development to which it relates, be implemented in full and in accordance with the approved timetable in (b).

Reason: *To ensure appropriate assessment analysis, reporting and archiving of the archaeological investigations associated with the Development and to record and advance understanding of the site's archaeological conditions and mitigation and to make this evidence (and any archive generated) publicly accessible, in accordance with saved Policy TC7 of the Gravesham Local Plan First Review 1994 and Policy CS20 of the Gravesham Local Plan Core Strategy 2014.*

Other Miscellaneous Matters

Stadium Capacity

101. No more than 6,000 persons (for the avoidance of doubt in respect of visitors to any single event) shall be permitted to enter the stadium for any event, until a Supplementary Transport Assessment has been submitted to and approved in writing by the Local Planning Authority. This assessment shall assess the impact of any proposed increase to the number of attendees permitted to enter the stadium for any event on the highway network and identify any additional highway mitigation measures required in connection with this increase for higher capacity events, up to a maximum of 8,000 persons.

Any mitigation measures identified must be delivered prior to any proposed higher attendance capacity being implemented.

Following the approval of the supplementary Transport Assessment and the implementation of any mitigation measures, no more than 8,000 persons (for the avoidance of doubt in respect of visitors to any single event) shall be permitted to enter the stadium for any event.

The permanent mitigation measures identified within the supplementary Transport Assessment once provided shall be maintained for the lifetime of the development and any temporary mitigation measures shall be provided in connection with all event capacities in respect of which they assessed to be required.

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.*

Retail Unit Capacity

102. In line with the Transport Assessment, the maximum floorspace of any retail unit shall not exceed 560sqm.

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.*

Water Efficiency

103. 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.*

Telecommunications

104. Notwithstanding the provisions of Classes B, C and D of Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking or re-enacting that Order with or without modification, no aerials, antennae or related telecommunications equipment, as defined under Part 16 of The Town and Country Planning (General Permitted Development) (England) Order 2015, shall be erected or installed on any part of the Development.

Reason: *To ensure the visual impact of telecommunications equipment can be properly considered, in accordance with Policy CS19 of Gravesham Local Plan Core Strategy 2014.*

Cease Works

105. In the event that development should stall or cease for a period in excess of two years on any Phase and or/ individual Plot of Development following the date of commencement or re-commencement of development on that Phase or Plot, site restoration shall be carried out in accordance with a Site Restoration Scheme (to include a reasonable timescale for implementation and completion) for that particular Phase or Plot which has first been submitted to and approved in writing by the Local Planning Authority.

The Site Restoration Scheme shall identify measures to improve the amenity of the land and any unoccupied or partly constructed buildings or structures, including site hoardings, within or enclosing that Phase or Plot and shall include a reasonable timescale for implementation and completion.

Reason: *In the interest of visual and environmental amenity, in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.*

Unrecorded Drainage Infrastructure

106. In the event that any unrecorded drainage infrastructure is encountered during any below ground works, the relevant below ground works shall cease until a detailed investigation of the drainage infrastructure has been carried out to ascertain whether it requires protection or diversion. A report setting out the details of the investigation, and any measures to protect or divert the drainage infrastructure, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: *In order to protect drainage apparatus in the interests of public health in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.*

Provision of Parking Spaces

107. All parking and/or garaging spaces as approved in any Reserved Matters Approval shall be laid out, surfaced and made available for use before the particular building/use to which it relates is first Occupied.

Thereafter the said parking or garaging spaces shall only be used for the parking of motor vehicles and for no other purpose.

No development (whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any provision equivalent to that Order revoking and re-enacting that Order with or without modification) shall be carried out on the site in such a manner or in such a position as to preclude the use of or access to the spaces reserved for vehicle parking.

Reason: *In order to ensure adequate parking provision to avoid adverse impacts on the safe and free flow of traffic and general amenity, in accordance with Policies CS11 and CS19 of the Gravesham Local Plan Core Strategy 2014.*

Fibre to the premises

108. Prior to the first Occupation of any dwelling, the stadium, or commercial unit (respectively), a 'fibre to the premises' (FTTP) Statement for the relevant Phase or Plot shall be submitted to and approved in writing by the Local Planning Authority, to include details for the installation of a high speed wholly FTTP connection or alternative provision to each dwelling or use within that Phase or Plot. The FTTP infrastructure or alternative provision for ultrafast broadband in the absence of FTTP shall be laid out in accordance with the approved FTTP Statement at the same time as other services during the construction process and be available for use on the first Occupation of each dwelling or use hereby approved.

Reason: *To provide high quality digital infrastructure in new developments in accordance with Policies CS02 and CS19 of the Gravesham Local Plan Core Strategy 2014.*

Swanscombe Peninsula SSSI Protection

109. Notwithstanding the maximum extent of built development shown on drawing ref. NFH-CGL-MAST-DR-1010 R02 (Built edge deviation plan Ground Floor – Podium levels), no part of the development or any activities associated with the construction of the Development shall take place within the Swanscombe Peninsula SSSI with the exception of removal of the Existing Parking and Lorry Marshalling Facilities operated in connection with the Britannia Refined Metals facility from the SSSI and any works which are required within the Swanscombe Peninsula SSSI identified within the approved LEMP or BEP.

Reason: *To ensure satisfactory protection for biodiversity in accordance with the requirements of Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (2014) and in interests of nature conservation pursuant to chapter 15 of the National Planning Policy Framework (December 2024).*

Unexploded Ordnance (UXO)

110. The development shall not be commenced until a Detailed Risk Assessment and UXO Survey, has been submitted to, and approved in writing by, the local planning authority. The approved Detailed Risk Assessment and UXO Survey shall characterise the site and include a detailed assessment of the risk to all receptors that may be affected by the development, including all off site receptors.

The development shall not be commenced until a Risk Mitigation and Verification Plan has been submitted to, and approved in writing by, the local planning authority. The approved Risk Mitigation and Verification Plan shall take full account of the Detailed Risk Assessment and UXO Survey approved under part (a) of this condition and shall include full details of the mitigation measures required and the methods and timescales for undertaking them.

The development shall not be commenced until details attaining to an Operational UXO Emergency Response Plan; and UXO Safety & Awareness Briefings have been submitted to, and approved in writing by, the local planning authority.

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

Reason: *To ensure that appropriate arrangements are in place in the event of the discovery of UXO and to ensure that environmental and health risks have been satisfactorily managed so that the site is deemed suitable for use; in accordance with the aims of the National Planning Policy Framework and with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).*

***** END OF CONDITIONS *****



Ministry of Housing, Communities & Local Government

www.gov.uk/mhclg

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, King's Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.