



The Planning
Inspectorate

Report to Dartford Borough Council

by **Ian Broyd** MRICS Dip TP

an Inspector appointed by the Secretary of State for Communities and Local Government

1 August 2011

PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

REPORT ON THE EXAMINATION INTO THE DARTFORD CORE STRATEGY

DEVELOPMENT PLAN DOCUMENT

Document submitted for examination on 7 February 2011

Examination hearings held between 17 May and 23 May 2011

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Abbreviations Used in this Report

AA	Appropriate Assessment
AH	Affordable Housing
AHVA	Affordable Housing Viability Assessment
CIL	Community Infrastructure Levy
CD	Core Document
CS	Core Strategy
CSH	Code for Sustainable Homes
CSR	Comprehensive Spending Review
DBC	Dartford Borough Council
DCLG	Department of Communities & Local Government
DPD	Development Plan Document
EB	Evidence Base
FPC	Further Proposed Change
ha	Hectares
HMA	Housing Market Area
HRA	Habitats Regulations Assessment
LD	Local Background Document
LDS	Local Development Scheme
LP	Local Plan
LPA	Local Planning Authority
MDS	Major Developed Site
NE	Natural England
PC	Proposed Change
PDL	Previously Developed Land
PPG	Planning Policy Guidance
PPS	Planning Policy Statement
RD	Regional, Sub Regional and County Documents
RPG	Regional Planning Guidance
RS	Regional Strategy
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SPD	Supplementary Planning Document
sqm	Square metres
SRA	Strategic Regeneration Area
STIP	Strategic Transport Infrastructure Programme

Non-Technical Summary

This report concludes that the Dartford Core Strategy Development Plan Document provides an appropriate basis for the planning of the Borough over the next 15 years. The Council has sufficient evidence to support the strategy and can show that it has a reasonable chance of being delivered.

A limited number of changes are needed to meet legal and statutory requirements. These can be summarised as follows:

- Amend the text to acknowledge that the South East Plan will continue to form an ongoing part of the development plan until the government's proposal to abolish Regional Strategies becomes law.
- Amend the text to explain the action to be taken following an updated assessment that has been carried out under the Habitats Regulations relating to the decline in bird population in North Kent.
- Amend the text to ensure that the references to phasing and housing and job numbers reflect extant planning permissions.
- Amend the text to clarify the type of development that will be acceptable at Bluewater Regional Shopping Centre.
- Amend the text to reflect the contingency measures and mechanisms that will be applied to development schemes as a result of reduced public spending following Comprehensive Spending Review.
- Amend the text so that it better reflects PPG13's requirement for the protection of existing or potential sites that could be critical in developing infrastructure for the movement of freight by road, rail or water.
- Amend text of policy for controlling emissions to ensure that it will be more flexible and, in respect of water management, to reflect local conditions.

All of the changes recommended in this report are based on proposals put forward by the Council in response to points raised in writing or as a result of suggestions discussed during the public examination. The changes do not alter the thrust of the Council's overall strategy.

Introduction

1. This report contains my assessment of the Dartford Core Strategy (CS) Development Plan Document (DPD) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004. It considers whether the DPD is compliant in legal terms and whether it is sound. Planning Policy Statement (PPS) 12 (paragraphs 4.51-4.52) makes clear that to be sound, a DPD should be justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the submitted draft Core Strategy (7 February 2011) (CD01) together with the accompanying post publication Proposed Changes (CD04).
3. My report deals with the changes that are needed to make the DPD sound and they are identified in bold in the report (**PC** or **FPC**). All of these changes have been proposed by the Council and are presented in Appendix A. None of these changes should materially alter the substance of the plan and its policies, or undermine the sustainability appraisal and participatory processes undertaken.
4. Following submission of the CS, the Borough Council published an additional schedule of Further Proposed Changes (FPCs) (CD09 and CD10). The further changes address points raised in representations and raised by me. Many of the changes put forward by the Council are factual updates, corrections of minor errors or other minor amendments in the interests of clarity. As these changes do not relate to soundness they are generally not referred to in this report although I endorse the Council's view that they improve the plan. These are shown in Appendix B. I am content for the Council to make any additional minor changes to page, figure, paragraph numbering and to correct any spelling errors prior to adoption.
5. In May 2011 the Council commissioned an addendum report to carry out a Sustainability Appraisal on its proposed changes; this was the subject of consultation¹. All of the changes that the Council has put forward have been publicised on the Council's web-site and notified to all representors. I have taken account of any responses to these changes made in writing or at the hearing sessions.

Assessment of Soundness

Preamble

6. The submitted CS was prepared on the basis that the South East Plan had been revoked following the Secretary of State's announcement on 6 July 2010². Following a challenge in the High Court a judgement was issued retaining Regional Strategies as part of the development plan until their

¹ CD07-Addendum to SA-May 2011

² Parliamentary statement by Rt Hon Eric Pickles MP (Secretary of State for Communities & Local Government – dated 6 July 2010; DCLG)

proposed revocation is passed into law and come into force. In order to make the CS sound, changes to the text are required to confirm that the South East Plan remains part of the development plan until abolished. Proposed change **FPC147**, which I endorse, brings the CS into line with that judgement.

7. On 23 March 2011, a Ministerial Statement "Planning for Growth"³ was issued and, on 4 April 2011 representors were consulted on it. The comments received following that consultation have been taken into account in this report.

Overview

8. The CS is an ambitious plan setting out the Council's strategy for delivering its share of the economic and population growth envisaged in the long-standing objective to concentrate a substantial part of the sub-region's planned growth along the Thames corridor. The framework for that approach was first mooted in Regional Planning Guidance (RPG) 9a (1995). That guidance was given fresh impetus in the Thames Gateway Delivery Plan published in 2007. Many of the opportunities for development identified in RPG9a have been either completed or commenced or have planning permission. The long term nature of the RS and Thames Gateway strategy continue to underpin and influence the nature of the plan.
9. The CS sets out the portrait of the Borough, describes its pivotal position between Greater London and Kent; and to Essex across the River Thames. It highlights the key issues to be addressed and sets out the Council's vision for the area together with its strategic objectives. The CS plans for substantial growth and sets out the means for managing it in a sustainable way while creating strong and prospering communities. The CS is supported by an extensive evidence base, including an Infrastructure Delivery Plan⁴.
10. Given the scale of growth that will be required to achieve the strategy's objectives, there will be a need for substantial investment in infrastructure from both private and public sectors to bring it about. The prospect of much reduced public funding announced in the government's Capital Spending Review (October 2010) presents a serious challenge to the pace of delivery of the components of the strategy and, possibly, to its eventual outcome. The CS seeks to deal with the uncertainties imposed by that situation⁵.
11. Finally, the CS considers the spatial implications of its strategy. The proposed increase in homes and jobs is substantial with up to some 15,000 additional homes and 23,700 new jobs planned over the period of the plan (2011-2026). This represents an increase of some 37 % and 42% respectively over the 2011 position.

Main Issues

12. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified seven main

³ Ministerial Statement by Rt Hon. Greg Clark MP-23 March 2011

⁴ EB48-Infrastructure Delivery Plan & Background Paper 2011

⁵ See Issue 6 below

issues upon which the soundness of the plan depends.

Issue 1 – Whether the CS represents a clear spatial vision for the borough, delivering sustainable development consistent with national and regional policies, having regard to the plans of neighbouring authorities and founded on a robust and credible evidence base.

Whether the CS represents a Clear Spatial Vision

13. In accordance with the regeneration objectives for the Borough contained in the Thames Gateway vision and supported by the Kent & Medway Structure Plan⁶, the Council has granted planning permission for the development of large tracts of former mineral worked land and previously developed land.
14. Thus a large reserve of developable land exists, with the benefit of planning permission, for housing, employment uses and supporting infrastructure. This historical context largely dictates the spatial distribution of development that the Council now seeks to adopt in its CS.
15. Indeed, so large is the bank of planning permissions already granted, particularly around the international railway station at Ebbsfleet and in the Ebbsfleet Valley (Eastern Quarry and Northfleet West Sub-station site), that even at above average rates of growth, the building out of the proposed neighbourhoods and business areas is expected to extend well beyond the end date of the plan in 2026.
16. Development will focus on 3 Priority Areas to the north of the A2, where the main urban settlements are located, while preserving and protecting the open, mainly agricultural land within Metropolitan Green Belt to the south of that main artery.
17. The 3 Priority Areas comprise: Dartford Town Centre and Northern Gateway, Thames Waterfront and the largest of the 3, Ebbsfleet to Stone. They cover an extensive swathe of the northern part of the Borough consisting of a series of clusters of sites that either have the benefit of planning permission or have been identified as having potential for development through the evidence base⁷. The strategy will consolidate the existing pattern of urban settlement north of the A2. The spatial vision is clearly stated and presented.

Whether Sustainable Development will be delivered

18. Given the scale of development proposed, the strategy represents the most sustainable option to bring about the regeneration of the derelict and under-used former mineral worked land along Thames riverside and beyond. While the Sustainability Appraisal (SA)⁸ inevitably found negative effects arising from such a large increase in population and employment, it accepted that the CS will make a significant contribution to the progression of sustainable development objectives for Dartford within Thames Gateway. Concerns are expressed that the SA did not consider the impact of development beyond

⁶ RD13

⁷ List of Core Documents

⁸ Sustainability Appraisal Main Report & Appendices (EB02)

2026. A decision on whether a need will arise for a further SA to be carried out will depend on the pace of delivery of the main drivers of regeneration and whether a review of the plan is judged to be necessary as part of the monitoring process.

19. However, it has been noted in an updated Habitats Regulations Assessment (HRA) that a decline in bird populations at European sites outside the Borough boundary has taken place. There is insufficient evidence to conclude that there will be no adverse effects on European sites from development proposed within Dartford. To deal with that situation Natural England (NE) has suggested a precautionary approach is required. It suggests introducing a number of mitigation measures should further investigations indicate they are needed.
20. The HRA has identified, in particular, issues of recreational pressure and water quality as possibly impacting on the integrity of sites. Suggested mitigation measures to deal with these issues refer to the CS's strong policies for provision of green infrastructure which will provide space for further alternative recreation activities in Dartford as well as management actions at the sites themselves. Where specific mitigation measures and strategic management actions are unable to address development impacts arising from Dartford on European protected sites, a partial or full review of the plan would need to be undertaken (PC120). Proposed changes to the supporting text (**PC4, PC5, PC117, PC120 & FPC186**) are included in response to NE and others concerns. With these changes and the cautionary provisions outlined, which I endorse, I find the CS sound.
21. Proposed changes **PC31, FPC160, FPC161 & FPC162** to Policy CS5 (Ebbsfleet Valley Strategic Site) clarifies the distribution, scale and mix of uses that will be at the heart of the "villages" that are to form the centres of the new neighbourhoods on that site, including phasing of community facilities. The change also brings the proposed quantum of development into line with extant planning permissions. I endorse the proposed changes.

Regard to neighbouring authorities plans

22. Gravesham and Medway Councils have made representations in respect of the impact of proposals to expand Bluewater Regional Shopping Centre. I deal with this concern under Issue 5 below. With the change proposed by the Council in respect of that issue, the CS would cause no significant harm to the plans of neighbouring authorities.
23. Concern is also registered regarding the lack of quantification of commercial leisure uses that is likely to be acceptable under the CS for fear that an excess of provision could impact on other centres outside Dartford, particularly given the scale of commitment to the provision of leisure uses at Ebbsfleet and Eastern Quarry.
24. PPS4 (Planning for Sustainable Economic Growth) encourages the location of leisure uses in Town Centres⁹. Proposed change PC55 confirms that the leisure provision at Ebbsfleet/Eastern Quarry would be to serve the local and

⁹ PPS4-paragraph 10

daytime population and support its role as a regional hub. Proposed change (PC39) clarifies that the outdoor leisure uses to be encouraged under Policy CS6, point 7, would only be acceptable where they are compatible with adjoining uses and in their impact on town centres. These changes, together with the conditions that are required to be applied by LPA's in determining applications for development of leisure uses under PPS4¹⁰ should be adequate to ensure that proposals do not unacceptably harm the vitality and viability of Dartford Town Centre and the town centres of adjoining authorities.

Evidence Base

25. The evidence base is impressive in both scope and depth. It has a regional and local dimension and notwithstanding that the government proposes to abolish Regional Strategies, research and studies carried out under the South East Plan for the regeneration of the Kent Thames Gateway continue to be relevant and support the spatial dimension envisaged in the CS. Nevertheless, the strategy is backed by an extensive local evidence base, which included local consultation and sustainability appraisal. The Council has striven to keep the evidence base up to date on all of the main issues. It is both robust and credible.

Issue 2 – Whether the strategy will deliver the number of homes to meet the RS requirement; whether the CS is consistent with PPS3; whether the locations identified for the supply of housing are the most appropriate when considered against the alternatives; whether there is an over-reliance on previously developed land; whether the provision of affordable housing is consistent with PPS3

The RS's Housing Requirement & Consistency with PPS3

26. The South East Plan's housing requirement for Dartford is 17,340 dwellings for the period 2006-2026 with an annual average of 867 units. The Core Strategy proposes a supply of up to 17,300 homes for the 20 year period. The period 2006-2011 is expected to provide up to 2,300 homes and up to 5,100 between 2011-2016, with the balance provided over the remainder of the plan period¹¹. The proposed housing supply is consistent with the RS requirement. It is generally accepted that to achieve this rate of delivery will be challenging. That delivery, however, notwithstanding that a high proportion of housing capacity making up the supply is in the form of extant planning permissions, will depend on the pace of economic recovery and, in the medium to longer term, on the availability of infrastructure funding. Nevertheless, despite the present depressed market conditions, the balance of the evidence leads me to conclude that the plan, as amended, sets out a justified and reasonably effective strategy for meeting the housing requirement in accordance with national policy over the 15 years period of the plan and in this respect it is sound.
27. PPS3 requires that LPAs should plan for a mix of housing on the basis of the different types of households that are likely to require housing over the plan

¹⁰ PPS4, conditions EC1.4(a),(c), (d) and EC16.1(d)

¹¹ CS-Table 2-Phasing of Housing Delivery

period¹². Policy CS18 (Housing Mix) aims to keep an approximate ratio of 70:30 between houses and flats over the period of the plan. The evidence base supports this ratio¹³. A requirement for the provision of a preponderance of family housing in development at Eastern Quarry is consistent with the planning permission for that site¹⁴. The Council proposes to include in its Development Management DPD details as to how it will require developers to demonstrate that they are providing the maximum proportion of homes built to Lifetime Homes standards¹⁵.

28. The broad indications of density that are expected under Policy CS17 (Design of Homes), particularly on the major development sites, are related to a site's accessibility to public transport. Monitoring will ensure that the build out of schemes keeps in step with market and AH needs. The policy is sound.

First 5 Years Supply

29. The Council confirms that, at April 2011, it had a supply of deliverable land sufficient to achieve the first 5 years housing supply under normal market conditions¹⁶. This meets the PPS3 requirement.

Whether the locations for new housing are the most appropriate

30. The Sustainability Appraisal/Strategic Environmental Assessment (SA/SAE)¹⁷ concluded that focusing housing development on 3 Priority Areas was the most sustainable distribution option. The alternative of allowing development to encroach into the Green Belt performed less well, having greater constraints, most notably under landscape and land and soil quality impacts.
31. Infill development in urban areas north of the A2 and within settlements in the Green Belt (about 200 units) will make some contribution to housing supply. Both options are provided for in the CS. Some sites have been identified in the SHLAA as currently not developable. However, should any subsequent review of the SHLAA or, in determining an application for planning permission the Council decide that a site is appropriate for housing development, it could come forward as either part of the identified land supply or as a windfall site¹⁸.

Whether there is an over-reliance on previously developed land

32. A breakdown of the land required to deliver the CS housing target of 17,300 dwellings shows some 26% of sites will be located on despoiled land, 63% on previously developed land (PDL) and 11% on green field sites¹⁹. Given the scale of PDL available in the Borough, its location in the most sustainable locations and the objectives of national and regional policies set out in PPS3²⁰,

¹² PPS3, paragraph 21

¹³ Strategic Housing Market Assessment (EB28)

¹⁴ LD19, Eastern Quarry 2 Site Wide Design and Access Statement, page 38

¹⁵ Proposed Change PC86

¹⁶ DBC's Statement on Matters 3a-e, Appendix 1

¹⁷ CD02 - Sustainability Appraisal Main Report & Appendices 2010

¹⁸ DBC's Statement on Matter 2a-e, paragraph 6.3

¹⁹ EB15 Housing Implementation Strategy February 2011, paragraphs 4.5-4.9 & Fig 4

²⁰ PPS3, paragraphs 40 & 41

the South East Plan²¹ and the Thames Gateway Strategy²², the utilisation of the existing large bank of PDL is entirely appropriate.

Whether the requirements for the provision of Affordable Housing are consistent with PPS3

33. The CS seeks to secure 30% of housing as Affordable Housing (AH) on sites of 15 units or more or sites of 0.5ha or more (Policy CS19). Due to the limited size of sites in rural areas the threshold is lowered to 2 or more units where the target will be 50% of private housing to be affordable. The Dartford Affordable Housing Viability Assessment²³ supports the CS targets based on normal market conditions. Application of the policy would automatically take into account the availability of grant and the viability of individual sites to contribute AH. The policy will be applied flexibly. It is sound and in conformity with PPS3 and is consistent with the South East Plan²⁴.

Gypsies & Travellers

34. The Council will work jointly with Kent authorities to agree a sub-regional distribution of Gypsy and Travellers pitches. Meanwhile, the CS contains a criteria based policy (CS20) for identifying sites to meet an agreed requirement. This approach is sound.

Issue 3 – Whether the evidence base supports the targets for dealing with climate change and are in accordance with paragraph 33 of the Supplement to PPS1, including any impact on the viability and deliverability of development.

Whether the evidence base supports the targets for dealing with climate change

35. Policy CS23 sets out the Council's approach to minimising carbon emissions and reducing energy consumption. The policy contributes to the aspiration for the Thames Gateway to be the UK's first Eco Region²⁵. The carbon reduction targets contribute to national targets and, given the scale of development envisaged in the CS, it is not unreasonable that implementation seeks to go beyond current Building Regulation mandatory targets. The evidence base supports that objective²⁶. The number of large sites identified for development provides excellent opportunities and scope for introducing carbon reducing measures in large schemes, both residential and commercial. The plan, rightly, sets ambitious targets and mechanisms for securing those objectives. It will apply to developments of more than 100 dwellings and will be applied flexibly and will allow adjustments to be made for planning applications determined prior to 2013²⁷.

²¹ RD03-South East Plan, Policy SP3

²² RD01-RPG9a-Thames Gateway Planning Framework & RD11-Thames Gateway: The Delivery Plan

²³ EB31-Affordable Housing Viability Assessment 2010

²⁴ SE Plan, Policy KTG4

²⁵ RD11-Thames Gateway: The Delivery Plan

²⁶ EB14, paragraphs 3.8-3.17; 3.35-3.36 and 4.5-4.12 as well as various other sources – see Council's statement on Matter 4 at paragraph 2.2

²⁷ DBC Statement-Matter 4, paragraph 3.7

36. By the time that the early phases of construction commence (2013-2016) the higher Building Regulation emission reduction will be in force and, provided developments are carefully designed from the outset, the potential for later retrofitting of zero and low carbon technologies in homes should be achievable. The evidence base, which draws on the DCLG's Cost Review for Sustainable Homes, shows that the achievement of this objective is likely to be both feasible and cost effective on large housing sites where development commences prior to introduction of CSH Level 6²⁸.
37. Proposed change (**PC105**) to Item 4 of the policy will introduce flexibility by "seeking" rather than "requiring" low/zero carbon Combined Heat and Power (CHP) to be provided, on or off the site, in respect of the 4 sites named in the policy. The promotion of CHP as a cost effective and efficient means of heating is not overly prescriptive. It is acknowledged as being the cheapest and most effective technology²⁹. Where the requirements impact on viability, prioritisation of planning requirements can be considered under Policy CS26 (Delivery & Implementation). I endorse the change and it renders the policy sound.

Issue 4 – Whether the proposed changes to the Green Belt boundary to accommodate development are justified by exceptional circumstances; whether the CS needs to provide for a review of the GB boundaries beyond that proposed. Whether the open space provisions in the CS are sound.

Whether the proposed change to the Green Belt boundary is justified

38. The CS proposes to remove from the Green Belt the sites at Eastern Quarry, the Northfleet West Sub Station and St Clement's Valley, a total of some 341ha. The removal of Eastern Quarry from the Green Belt is a long standing proposal. It was first put forward as part of the regional strategy for the South East in 1995³⁰ to complement Ebbsfleet as an "economic transformer" for this part of Kent. The Kent & Medway Structure Plan³¹ proposed the deletion of all 3 sites from the Green Belt and planning permissions have been granted for substantial mixed development schemes on both the Eastern Quarry and the Northfleet West Substation sites, subject to a S106 Agreement for the latter. The long standing commitment to develop these sites contained in the RS and Structure Plan for the regeneration of this part of Kent Thames Gateway amounts to exceptional circumstances and justifies their deletion from the Green Belt.

Whether the CS needs to provide for a review of the Green Belt

39. With the removal of the above 3 sites from the Green Belt, sufficient land is available to meet the South East Plan's development requirements on sequentially preferable sites. The Borough has such a generous supply of land either with the benefit of planning permission or within the identified strategic sites and Priority Areas that it is capable of supporting all of the likely housing and commercial floorspace needs to well beyond the end of the plan period.

²⁸ DBC Statement-Matter 4, paragraphs 3.7-3.11

²⁹ DBC Statement-Matter 4, paragraph 3.15

³⁰ RD01-RPG9a Thames Gateway Planning Framework

³¹ RD13-Kent & Medway Structure Plan-2006

There is no need to take more open land from the Green Belt.

40. A number of representors argued for release of individual sites within the Green Belt for development. The Council's evidence base is robust in supporting its decision that no change is justified or necessary³². Farm yards and their buildings are appropriate development in the Green Belt. Their proximity to a settlement is no reason to include them within a settlement boundary.
41. The Bean Triangle makes a positive contribution to the Green Belt and continues to reinforce the already narrow gap of predominantly open land that separates the settlement of Bean from Swanscombe and proposed development to the north of Watling Street. Its exclusion from the Green Belt is not justified.
42. I see no conflict between the objectives of either Green Belt policy or Policy CS22 (Sports, Recreation & Cultural Facilities). It would not be appropriate for a particular sport or recreation use to be identified in either policy. Applications for buildings for food production and large scale agricultural facilities will be considered against PPG2 (Green Belt) and PPS7 (Sustainable Development in Rural Areas).
43. The need for rural affordable housing can be met by a combination of using re-lets of existing social housing, infilling, development at Axton Chase and within the urban area given its close proximity to all parts of rural Dartford. There is no need to change Green Belt boundaries to meet this need³³.
44. Those sites eligible to be treated as Major Developed Sites (MDSs) in the Green Belt³⁴ have already been so identified. There is no convincing evidence that there remain further sites that would meet the PPG2 definition of MDSs³⁵. Policy CS13 is sound as drafted.

Whether the open space provisions in the CS are sound

45. Policy CS14 (Green Space) sets out the Council's intentions for facilitating the creation of some 300ha of new or improved green spaces. The policy is founded on an assessment of need³⁶ of the existing and proposed population. The Development Management DPD and/or future Supplementary Planning Documents (SPDs) will provide guidance on quality, quantity and delivery of the components of the open space package.
46. However, the amount of open space required under the policy (30% on sites of 20ha+) is challenged in respect of the Ebbsfleet Valley strategic site. I note that has been a long term requirement since the planning brief for Eastern Quarry was drawn up in 2002³⁷. It was also acknowledged as a requirement

³² EB38-Green Belt (Land South of the A2) Technical Paper, paragraphs 3.2.6-3.2.10 and EB08-Spatial Strategy, paragraphs 3.3.3-3.3.5

³³ EB38-Green Belt Technical Paper, Section 2.9 and 3.3

³⁴ PPG2, Annex C, paragraphs C1 and C2

³⁵ PPG2, Annex C

³⁶ EB40-DBC Open Space Technical Paper-2010 and EB12-DBC Open Space Technical Paper Update -2011

³⁷ LD14 – Eastern Quarry Planning Brief - 2002, paragraph 3.6

for development of the site in the prospective developer's pre-application booklet³⁸ and was a condition of the outline planning permission granted in 2007³⁹. Viability is already a key consideration in the provision of infrastructure, which includes green infrastructure, under Policy CS26 (Delivery & Implementation). Given this long established requirement and the support given to it in the Council's evidence base⁴⁰, Policy CS5 (Ebbsfleet Valley)⁴¹ as proposed for change is sound.

Issue 5 – Whether the CS provides sufficient land to provide the number of jobs required by the RS; whether the proposed locations for additional jobs are in the most appropriate locations; whether the proposed distribution of retail floorspace is the most appropriate and in conformity with PPS4

Whether the CS provides sufficient land to meet RS requirement and in the most appropriate locations

47. The RS does not set a district job requirement but an indicative estimate for Kent Thames Gateway for the period 2006-2026 of 58,000 net additional jobs⁴². The evidence base⁴³ estimates that there is a potential for generating a net increase of between 25,799 and 27,103 jobs for the period of the plan depending on whether there is a low or high take up employment land. The lower figure would meet Dartford's portion of the wider Kent Thames Gateway RS indicative figure.
48. The proposed employment locations, with the exception of some which have extant planning permissions, are in the Priority Areas and have been selected to accord with PPS4 (Planning for Sustainable Growth), PPG13 (Transport) and the RS. Employment sites are well located in relation to the strategic road network, the river, the main population concentrations and existing and proposed public transport links. The locations also make the most efficient and effective use of previously developed or degraded and despoiled land.
49. Policy CS7 (Employment Land & Jobs) seeks to encourage job growth on the large mixed use sites and to phase their provision together with, or in advance of, the delivery of homes. This is a sensible approach and is supported by the Sustainability Appraisal. Notwithstanding the scale of expansion proposed, the Council's employment report supports the protection of existing employment sites as making a valuable contribution to the Boroughs stock of employment floorspace⁴⁴. The CS is sound on the number of jobs proposed, their location and in seeking to phase their provision with the delivery of housing.
50. Concern has been raised that cargo handling facilities based on the river might

³⁸ LD15-Eastern Quarry 2 Outline Planning Permission Application Booklet-2006, paragraph 3.9.2

³⁹ LD16-Eastern Quarry 2 Decision Notice & Conditions, condition 5(g).

⁴⁰ EB12-Open Space Technical Paper Update and DBC's Statement-Matter 7a-e, paragraph 2.7 & Appendix A

⁴¹ PC31

⁴² RD03-South East Plan, paragraph 19.6

⁴³ EB25-Dartford Economy & Employment Technical Report & Appendices, paragraphs 4.9-4.28

⁴⁴ EB25-paragraph 3.22

be lost to non-water based development contrary to PPG13⁴⁵. The Council proposes Further Proposed Changes (**FPC164, FPC165, FPC178, FPC200, FPC219, FPC220, FPC221 & FPC223**) that identify existing wharves and what studies and measures will be expected to be undertaken to assess viability before permission would be granted for development that does not require access to the river for cargo handling or sustainable river transport uses. I endorse the proposed changes as meeting national guidance for protection of water based transport facilities.

Whether the proposed distribution of retail floorspace is appropriate and in conformity with PPS4

51. The proposed distribution of retail floorspace in the CS is guided by PPS4 and the Council's Retail and Commercial Leisure Study⁴⁶. The study identifies a need for additional floorspace in Dartford Town Centre to meet qualitative and quantitative deficiencies and, at Bluewater, to meet a quantitative need⁴⁷. The breakdown and apportionment of floorspace is set out in Table 4 of the CS. The policy (CS12-Network of Shopping Centres) confirms that an early review of retail policies will be undertaken to monitor changing patterns of expenditure and population. The Council's Further Proposed Changes **FPC203 & FPC206**, which I endorse, will ensure that the increase in floorspace proposed at Bluewater does not harm the vitality and viability of town centres in Dartford, Gravesham and Medway. With those changes I find the retail provisions in the CS are sound and in conformity with PPS4.
52. Concerns following the publication of the proposed further changes sought that the words "exceeding the guidance levels" be deleted from item 3 of the Bluewater section of Policy CS12. This was on the basis that increases in population or real expenditure might not justify an additional 5,000sqm comparison shopping floorspace proposed for that centre. Under proposed change FPC206, expansion at Bluewater, up to 2016, would be limited to the larger space users that would only be attracted to Regional Shopping Centres⁴⁸. They would be of a type that would be distinct from the comparison retail offer available in nearby town centres. Notwithstanding that population growth and expenditure on non-food goods may not reach the Retail Study's forecast⁴⁹ I would not expect expansion that is restricted to large space users to impact adversely on nearby town centres. Accordingly, I consider that no further amendment to the CS is necessary.
53. PPS4 requires LPAs to define a network and hierarchy of centres that is resilient to anticipated future economic changes⁵⁰. Notwithstanding this requirement, the need for flexibility and the difficulty in defining the proposed regional hub at Ebbsfleet are sufficient reasons for not setting out a fixed hierarchy of centres at Ebbsfleet and Eastern Quarry⁵¹. In practice the ceiling placed on the retail floorspace to be provided in the proposed centres in

⁴⁵ PPG13, paragraphs 45-47

⁴⁶ EB37-Dartford Retail and Commercial Leisure Study-2010

⁴⁷ EB37

⁴⁸ Bluewater's Statement on Matter 6d-paragraphs 16-22

⁴⁹ EB37

⁵⁰ PPS4, Policy EC3.1(b)

⁵¹ See Table 3, as amended by PC55 and FPC175

conditions attached to extant planning permissions will determine a particular centre's place in the hierarchy⁵².

54. There is no need to define, in the Core Strategy, the Primary and Secondary shopping frontages in Dartford Town Centre or to identify Use Classes appropriate within them. That detail will be carried out as part of a yet to be prepared Development Management DPD⁵³.

Issue 6—Whether the key infrastructure requirements to deliver the strategy are identified in the plan; whether the infrastructure requirements are deliverable and, if there is uncertainty, whether contingency plans are in place; whether the CS is consistent with PPS25 (Development & Flood Risk)

Whether the key infrastructure requirements are identified in the plan

55. Key infrastructure components are set out in the Infrastructure Delivery Plan (IDP)⁵⁴. This is summarised in Appendix 2, Figure 1 of the CS. Indicative phasing of individual components of strategic infrastructure required to support planned development is set out in this schedule. The plan proposes a range of physical, social, community and green infrastructure components to enable the sustainable delivery of planned growth. These are identified and described throughout the plan under the policies setting out the proposals for the individual Priority Areas. The CS meets the requirements of paragraphs 4.7-4.8 of PPS12 and is sound.

Whether the infrastructure requirements are deliverable

56. As confirmed under Issue 2, the Council is satisfied that the first 5 years of housing supply will not be constrained by uncertainty over the delivery of infrastructure. That view holds good whether that supply is to be supported by public or private funding⁵⁵.
57. However, public sector funding to support housing and other development, particularly in the Ebbsfleet to Stone and Thames Waterfront Priority Areas, in the medium to long term, is less certain following the government's Comprehensive Spending Review (CSR).
58. The estimate of the cost of increasing transport capacity to accommodate the cumulative impacts of developments in Kent Thameside is some £200m. Of this figure, about half would be expected to come from developers and half from public funds. In order to deal with the planned growth in a comprehensive way, a Strategic Transport Infrastructure Programme (STIP) has been set up to manage, monitor and deliver the necessary infrastructure. As an indication of the scale of development involved, that proposed for the Ebbsfleet Valley, the majority of which already has planning permission, will deliver some 10,000 dwellings and 395,000sqm of employment floorspace⁵⁶

⁵² PPS4, Annex B-Definitions & EB23 Ebbsfleet Valley Strategic Site Background Paper 2010

⁵³ CS, Policy CS2, point 13

⁵⁴ EB48-Infrastructure Delivery Plan-February 2011

⁵⁵ DBC Statement-Matter 3-paragraphs 2.5-2.7 & Appendix 1

⁵⁶ EB13-Ebbsfleet Valley Strategic Site Addendum 2011-Tables 1 and 2

(providing about 16,700 jobs). Only about half of the dwellings and 9,500 jobs are expected to be provided within the 15 years period of the plan⁵⁷.

59. The CSR failed to confirm the provisional commitment of about 80% (£80m) of the public funding for the Kent Thames Gateway STIP. However, the Council is hopeful that restrictions on public sector funding will ease in the later stages of the plan period. In order to deal with the failure to commit public funding to STIP in the early years of the plan the Council has put in place contingency measures. These include an in depth review of the transport schemes within the STIP as well as a review of funding options⁵⁸. These contingency measures are provided for in proposed changes to Policies CS16 (Transport Investment) and CS26 (Delivery & Implementation). The changes clarify and explain how infrastructure contributions will be sought and handled pending, and following, the introduction of CIL.
60. The changes explain how the Council intends to work with its partners to make good any identified shortfall in STIP funding and ensure that the programme is as cost effective as possible and more flexible, including the acceptance of developers' contributions, in kind, proportionally and allowing renegotiation of S106 agreements. I endorse proposed changes **PC78, PC79, PC113, PC114 PC115, FPC155, FPC180 & FPC185**, which render the CS sound and as robust and certain as is practicable in the current, straitened economic climate.
61. Concerns were expressed that the CS is unsound in the way it deals with the uncertainty following withdrawal of government funding and fails to provide the certainty required by PPS12 (paragraph 4.10). The fear is that developers would be unable to proceed with development, even if they could make their contributions. The absence of public funding would make the STIP unfit for purpose. Changes were suggested to meet this criticism.
62. Most of the suggestions for improving flexibility and creating certainty are already provided for in the CS as proposed for change or by arrangements for managing the STIP that are in place or are being prepared outside the CS⁵⁹. The use of Grampian type conditions is not ruled out by the Council. However, it was precisely to deal with the problems of piecemeal remediation measures brought about by a reliance on Grampian conditions that the STIP was devised⁶⁰. The CS, as proposed for change, has the support of the Highways Agency and the Kent County Council. In the absence of more certain and practicable measures for dealing with a shortfall in public funding, the Council's contingency plans need to be given time to work and tested before the STIP is dismissed as being unfit for purpose.
63. The requirement for community facilities, including health, education and social services to support the scale of development proposed have been quantified and translated into specific requirements within CS policies⁶¹. Delivery of these facilities, too, will be affected by reduced public spending and

⁵⁷ CS, Policy CS5 (Ebbsfleet Valley Strategic Site), as amended by PC31

⁵⁸ DBC Statement-Matter 7, paragraphs 3.8-3.17

⁵⁹ DBC response to Barton Willmore's Statement-0776-Matter 7, Appendix RM3

⁶⁰ EB10-paragraphs 2.1-2.3

⁶¹ EB48-Infrastructure Delivery Plan & Background Paper

development values. However, the proposed changes to Policy CS26 will provide flexibility to deal with viability issues for individual developments and will allow for prioritisation of infrastructure requirements where they cannot be met in full in early stages. Included, would be an option of deferring payments linked to rising sales values.

64. Further adjustments to the CS may be required and a review of the plan may be necessary if it becomes clear that the overall provision will not be achievable within the 15-year timescale. There is little doubt that development partners' efforts will need to be sustained and new ways of pump-priming delivery of infrastructure will be required in order to achieve the target. Dartford is not alone in having to deal with that situation.

Whether the CS is consistent with PPS25

65. The requirements of PPS25 have guided the objectives set out in Policies CS24 (Flood Risk), CS2 (Dartford Town Centre), CS3 (Northern Gateway) and CS6 (Thames Waterfront). Parts of these areas lie within Flood Risk Zones 2 or 3a⁶². A Strategic Flood Risk Assessment⁶³ has been carried out and a PPS25 Borough-wide Assessment Flood Risk Sequential Test⁶⁴ has been undertaken. It has been fed into the Sustainability Appraisal's site sustainability appraisals in guiding the locations identified for development within the CS.
66. This part of Kent is identified as an area suffering from "serious water stress"⁶⁵. The Environment Agency (EA) urges the adoption of a higher standard of water management in order to ease that stress. These local circumstances justify a higher standard than applies nationally. The higher standard is confirmed in proposed change **FPC210**, which I endorse. The change deals with the need for all new dwellings to achieve at least CSH Level 4 in advance of mandatory requirements. Flexibility is provided in that, where it can be demonstrated that a development is unable to meet the standard, compensatory water saving measures can be made elsewhere in the Borough. I find that the CS is consistent with PPS25.

Issue 7 – Whether the CS contains clear arrangements for managing and monitoring the delivery of the strategy.

67. The CS provides a strong monitoring framework that will measure the progress being made to achieve the plan's vision and objectives. It will provide early warning of adverse impacts, the triggers that will invoke action and identifies what steps are required to deal with adverse outcomes⁶⁶. The framework provides key performance targets and monitoring indicators, which are linked to specific policy objectives and requirements. Management actions range between reviewing implementation issues, liaising with providers and stakeholders, partnership working, through to a partial or full review of the CS. Changes are proposed that will sharpen the focus of key indicators to better monitor over- or under- performance. The monitoring provisions of the

⁶² CS Map 10

⁶³ EB53-Strategic Flood Risk Assessment of Kent Thameside-2005 (2009 SFRA Update attached as Appendix J to EB52 Kent Thameside Water Cycle Study Phase 1)

⁶⁴ EBB55-PPS225 Flood Risk Sequential Test Dartford's Borough-wide Assessment, 2010

⁶⁵ EA's Statement on Matter 7- Infrastructure & Flood Risk, paragraph 3.3.5 and Appendix 4

⁶⁶ CS, Table 5

CS are sound.

Other Matters

68. Both policies CS6 (3) (Thames Waterfront) and CS22 (Sports, Recreation & Culture Facilities) support new development incorporating waterside activities, including boating facilities along the River Thames. However, given the difficulty of meeting the detailed development management requirements in finding an appropriate site for a marina on Thameside, a specific location has not been identified. Prospective developers would need to carry out their own site-searches and pursue proposals for development in the normal way through negotiation with land owners and the LPA. The policies are not unsound because a specific site for a marina is not identified.

Legal Requirements

69. My examination of the compliance of the Core Strategy with the legal requirements is summarised in the table below. I conclude that the Core Strategy meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Core Strategy is identified within the approved LDS February 2011 which sets out an expected adoption date of September 2011. The Core Strategy's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in 2006 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed changes (PC) and further proposed changes (FPC).
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report July 2010 has been updated by an Addendum Report (Version 2 - 6.5.11). The Addendum Report sets out what steps need to be taken to keep the matter of bird decline in North Kent under review and the mitigation measure that may be necessary if developments in Dartford are identified as resulting in adverse impacts. Proposed Changes PC4, PC5, PC117, PC120 & FPC186 refer. With these changes the CS meets the requirements of the Habitats Regulations AA.
National Policy	The Core Strategy complies with national policy except where indicated and changes are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act and Regulations (as amended)	The Core Strategy complies with the Act and the Regulations.

Regional Strategy (RS)	The Core Strategy is in general conformity with the RS.
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Overall Conclusion and Recommendation

70. I conclude that with the changes proposed by the Council, set out in Appendix A and which are identified in Bold in this report satisfy the requirements of s20(5) of the 2004 Act and meets the criteria for soundness in PPS12. I recommend that the plan be changed accordingly. And for the avoidance of doubt, I endorse the Council's proposed minor changes that are set out in Appendix B.

Ian Broyd

Inspector

This report is accompanied by:

Appendix A (separate document) Council Changes that go to soundness

Appendix B (separate document) Council's Minor Changes

