

**GENERAL ASSEMBLY OF THE COUNCIL**  
**15 DECEMBER 2008**

**DARTFORD TOWN CENTRE AREA ACTION PLAN**

**Town and West Hill Wards**

In accordance with Standing Order 48(4)(b), the Mayor, in consultation with the Leader of the Council, has agreed that this report can be considered as an urgent item because of special circumstances relating to the request by the Planning Inspector appointed for the public examination of the Town Centre Area Action Plan that the Council announces by Friday 19 December 2008, its decision on whether or not it wishes to proceed with the public examination.

1. Summary

- 1.1 This report considers factors which have a bearing on the Council's Town Centre Area Action Plan, and which render the current production timetable untenable. The report recommends that the Government Office for the South East be requested to advise the Secretary of State to direct withdrawal of the submission draft of the plan. This will allow the Council to consider the planning implications of the recent Glaxo Smith Kline announcement and to bring forward proposals which take these implications into account, together with an updated evidence base.

2. RECOMMENDATIONS

- 2.1 That the recent changes of circumstances relating to the Town Centre Area Action Plan be noted.
- 2.2 That the Government Office for the South East be notified of these changes, and be requested to advise the Secretary of State to direct withdrawal of the Town Centre Area Action Plan.

3. Background and Discussion

- 3.1. The Dartford Town Centre Area Action Plan is one of a suite of documents which will form the Council's Local Development Framework. The regulations governing the preparation of Local Development Frameworks require that a Core Strategy is prepared which sets out the overall planning strategy for an area, with other Development Plan Documents providing more detailed and specific policy where this is necessary.
- 3.2. Given the relationship between the Core Strategy and other Development Plan Documents, it is expected that a local planning authority will bring forward its Core Strategy first, to provide a framework within which other documents can fit. Government regulations and policy guidance anticipate this sequence of plan

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preparation, although there are circumstances in which a different approach can be taken.

- 3.3. When the Council prepared its Local Development Scheme (the document which sets out the Council's programme for bringing forward Development Plan Documents) it proposed that the Dartford Town Centre Area Action Plan be produced in advance of the Core Strategy.
- 3.4. The Council considered that there were exceptional reasons why it was necessary to adopt this approach. At the time, the town centre was in urgent need of investment, both to strengthen its limited retail offer and to broaden its overall range of activities. Without this, the prosperity of the town centre would continue to decline.
- 3.5. Two areas of the town had been identified which were capable of significant regenerative development. These were the large tract of land north of the railway line, including redundant parts of the Glaxo Smith Kline site and adjoining areas, collectively known as the Northern Gateway, and the Lowfield Street site.
- 3.6. To ensure that development on these sites was brought forward in a way which would maximise the benefit to the town centre and meet key planning objectives, it was considered vital to provide a statutory planning framework for the town as quickly as possible.
- 3.7. It should be borne in mind that at the time these decisions were taken, much of the Northern Gateway was already vacant, the owners of the land were preparing to offer it to the market, and the market conditions at the time were strong, giving a prospect of early development if an appropriate planning framework could be established. Indeed, without such a framework it would be difficult to deal with planning applications for the Northern Gateway at all, although in the case of Lowfield Street the existing statutory Local Plan provides an adequate policy framework.
- 3.8. It should also be recalled that the Government were at this time urging local authorities to accelerate housing delivery in the Thames Gateway, and were actively encouraging the early identification of sites for housing, especially in town centres and other accessible locations which offered good prospects for sustainable development.
- 3.9. There were further reasons for urgency. The Government had announced funding for projects in the Thames Gateway which would support sustainable development and housing delivery, but this funding was only available over a three-year funding horizon determined by the Comprehensive Spending Review.
- 3.10. In order to maximise the economic and social value of this funding it was necessary to identify projects which would support wider planning and regeneration aims. A town centre Area Action Plan was the appropriate vehicle for this, bringing together spatial, social and

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economic considerations in a single plan which could then identify opportunities for structural change and improvement in the town.

- 3.11. Several projects have been identified and have secured funding as a result of this holistic approach, driven by the background work on the Town Centre Area Action Plan. These include land assembly by SEEDA in the Northern Gateway, the Darenth Valley Path Improvements, the environmental improvements in front of The Orchard Theatre and linking through to the High Street, the planned replacement of Dartford Station, and the recently-announced North Kent Parklands programme, which includes a scheme for enhancement of Central Park.
- 3.12. Before deciding to press ahead with a Town Centre Area Action Plan in advance of its Core Strategy, the Council considered whether to do so would prejudice any issues which ought more properly to be considered in the context of the Core Strategy, particularly the scale of residential development, the selection of sites for housing development, and the balance of retail development as between the town centre and other sites.
- 3.13. The conclusion reached was that this would not be the case. Discussions were held with the Government Office for the South East about the proposed sequence of plan-making, at which the Council's reasoning was generally accepted.
- 3.14. Work has continued on the preparation of both the Town Centre Area Action Plan and the Core Strategy, as a result of which the Area Action Plan has now been submitted and a public examination is programmed to take place in February 2009, while the Core Strategy is due to be submitted early in 2009, subject to approval by the General Assembly of the Council.
- 3.15. In November 2008, some weeks after the Area Action Plan was submitted, Glaxo Smith Kline announced their intention to vacate their Dartford site by 2013. This was not foreseen by the Council, and was not mentioned in discussions with Glaxo Smith Kline leading up to the preparation of the Area Action Plan. Therefore the impact of this land use change was not tested as part of the plan preparation, which assumed that Glaxo Smith Kline would release the southern part of its site while continuing to manufacture its products on the northern part, outside the plan boundary.
- 3.16. The complete closure of the site raises issues which could have a significant bearing on the Area Action Plan. In the first place, the plan had assumed that the COMAH (Control of Major Hazards Regulations 1999) safeguarding zone which restricts the use of land within specified distances of a hazardous installation (of which Glaxo Smith Kline is one) would remain in place. If the company withdraws from the site completely, and depending on other factors, the COMAH zone could be removed or redrawn, making those parts of the site within the Area

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Action Plan boundary currently constrained by the COMAH, potentially suitable for residential and community uses.

- 3.17. In addition, if the whole Glaxo Smith Kline site is now to be regarded as available for development, a different approach to the disposition of uses within the Area Action Plan boundary may be required, together with different access arrangements and greater community infrastructure requirements. This inter-relationship makes it more difficult to isolate planning considerations within the Area Action Plan boundary from those outside it, and therefore more difficult to deal with the Area Action Plan in advance of the Core Strategy.
- 3.18. On 9 December 2008 an exploratory meeting was held with the Inspector who has been appointed to undertake the public examination of the Area Action Plan. The purpose of the meeting was to address a number of concerns which had been raised by the Inspector, flowing from the accelerated programme for the Town Centre Area Action Plan. These were mainly to do with the possibility of prejudging Core Strategy issues, and the completeness of the evidence base.
- 3.19. The implication of the Glaxo Smith Kline announcement was discussed at the meeting. It was generally agreed that the announcement was an important consideration which had not been taken into account, and the options for dealing with it were discussed alongside the other matters.
- 3.20. It very quickly became apparent that the Inspector would not allow significant changes to the Area Action Plan to be dealt with simply by delaying the examination while they were introduced. This is because any changes introduced in this way would not have been taken through the formative stages of public involvement and consideration of issues and options.
- 3.21. The option of removing the Northern Gateway from the Area Action Plan boundary and proceeding with the remainder of the plan on the current timetable was discussed, but the Inspector made it clear that he would be likely to regard this as too fundamental a change to the plan to be dealt with in this way.
- 3.22. This leaves the only practicable options to be i) to continue with the Area Action Plan in its present form, with some minor changes to the Northern Gateway policies so as to allow the flexibility to respond as and when the implications of the balance of the land are better understood, or ii) withdrawing the plan, either to replace it with a revised plan at a later date, or possibly to deal with more of the town centre issues in the Core Strategy.
- 3.23. The first of these alternatives is not tenable. The potential implications of having a larger area of land released than originally envisaged are so far-reaching that they require proper understanding and analysis. They cannot be dealt with by flexibility alone. In any case, this approach would result in the southern part of the Glaxo Smith Kline

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development land being inside the Area Action Plan boundary and the remainder outside, while in reality the two parts are now inseparable.

- 3.24. Withdrawal of the Area Action Plan appears at face value to be a more appropriate response to the change in circumstances. However the implications need to be considered.
- 3.25. One obvious implication is that there will be a delay in bringing forward a new statutory framework for development in the town centre. As set out in paras. 3.3 to 3.13 above, the urgent need for an Area Action Plan stemmed very largely from the need to put in place a framework for the Northern Gateway. If the Northern Gateway proposals now need reconsideration, there is no point pressing on with the original plan, and therefore little is lost by withdrawing it.
- 3.26. The Lowfield Street comprehensive development proposals also require a planning context, but as stated in para. 3.7 above, there are saved policies in the adopted statutory Local Plan which provide adequate policy guidance in general terms to deal with planning applications in this part of the town centre.
- 3.27. Funding has also now been secured for many of the projects envisaged in the draft Area Action Plan. To a large extent, the urgent need to provide a framework for short-term public sector investment in the town centre has now been met by the work already undertaken.
- 3.28. It is also relevant to consider the changed economic circumstances since the original plan programme was set. At that time, developers were anxious to bring sites forward for development as soon as possible, and the Government were insistent that sustainable development should not be frustrated by planning delays. The Council's response to this was an accelerated Area Action Plan. These conditions no longer prevail, and the case for urgency is now worth less when weighed against the risks of continuing with an accelerated programme than it was when the programme was originally set.
- 3.29. Withdrawing the plan would also present the Council with an opportunity to consider how the other issues raised by the Inspector in his exploratory meeting might be addressed.
- 3.30. In all these circumstances, officers are of the view that the most sensible course of action is to withdraw the Area Action Plan, and to consider what additional work is needed to resolve the issues raised by the inclusion of the additional Glaxo Smith Kline land, the possible removal of the COMAH zone and related matters. This will involve reconsideration of some broader issues in the Core Strategy, such as overall residential development capacity. It is hoped that any impact on the timetable for the Core Strategy can be kept to a minimum.
- 3.31. The Inspector has requested that the Council announce its intentions in respect of the Town Centre Area Action Plan by Friday 19 December

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2008, in order to give interested parties adequate notice in respect of future hearing dates.

- 3.32. A Development Plan Document can only be withdrawn on the direction of the Secretary of State, as advised by the relevant Government Office. Officers have discussed with officials from the Government Office for the South East the issues raised in this report. Their view is that withdrawal of the plan is the best course of action, and they have indicated that a request for withdrawal of the plan would receive favourable consideration.

Relationship to the Corporate Plan

ED2            Improve the economic performance of Dartford Town Centre against the standard range of health check indicators

ED2(a)        Produce finalised Area Action Plan for the Town Centre

4.            Financial, legal, staffing and other administrative implications and risk assessments

Financial Implications	There is provision in the Identified Initiatives Reserve for the costs of a public examination of the Area Action Plan in 2009/10. This expenditure will not be necessary if the plan is withdrawn, although it may be necessary to incur examination expenses in future years if a revised or alternative document is brought forward. This will be considered as part of the Local Development Scheme.
Legal Implications	Government regulations determine the processes which have to be followed in withdrawing the Plan.
Staffing Implications	None
Administrative Implications	None
Risk Assessment	If the Council continues with the current programme for the Area Action Plan, the risk of the plan being found unsound is very high.  There is a risk that without an up-to-date statutory plan in place, some planning decisions may be more difficult to make, and more proposals may be called in for decision by the Secretary of State. In reality, with the economic downturn dampening the pace of development there are few imminent developments where this risk is likely to materialise. In the case of Lowfield

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	Street, existing policies provide an adequate basis for planning, while in the case of the Northern Gateway, the change in circumstances forces reconsideration of this proposal in any event.
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6. Details of Exempt Information Category  
Not applicable

7. Appendices

None

**BACKGROUND PAPERS**

<u>Documents consulted</u>	<u>Date / File Ref</u>	<u>Report Author</u>	<u>Section and Directorate</u>	<u>Exempt Information Category</u>
		Rob Scott (01322) 343632	Regen	N/A