

Planning Policy
Dartford Borough Council
Civic Centre
Home Gardens
Dartford
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Date: 3rd February 2017

PROPOSED MODIFICATIONS CONSULTATION - DARTFORD DEVELOPMENT POLICIES PLAN: POLICY DP14

Thurrock Borough Council has considered the consultation on the Proposed Modifications to the Dartford Development Policies Plan and in particular the Main Modifications to Policy DP14 (MM19, MM20 and MM22) and sets out below its formal response at this stage.

Thurrock Council considers the Main Modifications do not change the Council's original objections to Policy DP14 as being unsound and the modifications to the policy and supporting text are in themselves unsound lacking clarity and effectiveness. The comments set out below on the Main Modifications should also therefore be considered in conjunction with the Council's previous submissions.

Modification MM19 – Status of Bluewater

As part of new supporting text to be added as a paragraph after 12.7 the following statement is included:

“.....As an identified centre in Dartford's existing Development Plan, Bluewater is subject to the same NPPF provisions as traditional town centres and development proposals for retail and leisure within the centre are not subject to a sequential test.”

It is considered that the above text introduced in this modification is inconsistent with both the adopted Core Strategy Policy C12 and national policy in that it implies that Bluewater has the same status as town centres under policy.

It is recognised in the adopted Dartford Core Strategy Policy CS12(1) and Table 3 that Bluewater is identified as a shopping centre. The policy refers to “A network of complementary shopping centres” but does not refer to Bluewater as a town centre unlike Dartford. In fact elsewhere in the Core Strategy (including paragraph 2.32) Bluewater is referred to as a “out of centre regional shopping centre”, whilst Table 3 refers to Bluewater as a Specialist regional comparison Centre (South East Plan). This latter status would have reflected the position to ensure that Policy CS12 and the Core strategy was in conformity with the South East Plan (now revoked).

There was no review and change of status of the role of Bluewater before the RSS was revoked. The revocation of the South East Plan itself does not change the status of Bluewater. Since the revocation of the South East Plan there has been no formal review or alteration of the Core Strategy to change the status of Bluewater. Therefore it is considered that the status of Bluewater remains as an “out of centre” regional shopping centre.

Furthermore due to the function and significance of Bluewater it is considered that any change in its status would be a strategic matter subject to Duty to Cooperate. To date such an approach on this specific issue has not taken place in detail although a Strategic Retail Group with adjoining authorities has recently been set up and begun to consider a range of retail and town centre matters.

It is considered that the text of the modification should be reworded to reflect the difference in status of Bluewater as out of centre regional shopping centre and the circumstances of the application of the sequential test.

Modification MM19 and MM21 – Conformity with the NPPF

Main Modification 19 includes the following statement included in text of a new Paragraph intended to be inserted after 12.7:

“.....As an identified centre in Dartford’s existing Development Plan, Bluewater is subject to the same NPPF provisions as traditional town centres and development proposals for retail and leisure within the centre are not subject to a sequential test.”

Main Modification 21 replaces Policy DP14 clause 2 with:

Confirmation of CS12

2. Core Strategy policy CS12 identifies a network of shopping centres, including Dartford Town Centre and Bluewater, where shopping and leisure activity will be supported. The policy is compliant with national policy, continues to be appropriate and will be applied in the determination of planning applications. Policy CS12:5d, in particular, will be applied in the determination of proposals at Bluewater.

It is considered the text included in both Main Modifications MM19 and MM21 is incorrect in that potentially both the adopted Core Strategy CS12 and draft Policy DP14 are not consistent with the NPPF with Policy CS12 being out of date in respect of some elements of national policy.

In particular:

Policy CS12 pre-dates the NPPF and does not clearly define Primary Shopping Areas (PSA) for both Dartford Town Centre and other centres including Bluewater. The PSA is now also not defined in DP14 and both plans are considered inconsistent with the NPPF in this respect. The Primary Shopping Areas should be shown on the Proposals Map as complete areas rather than lines to allow correct determination of the sequential test and to clarify what is within the PSA as opposed to the centre boundary.

It is also questioned whether Policy CS12 and thereby DP14 are consistent with the NPPF in requiring the retail impact test for Dartford Town centre as set out in CS12 (4).

Additional Modification AM34 - Bluewater – Deletion of Primary Shopping Area from Bluewater Map.

It is unclear why the proposed Primary Shopping Area (PSA) for Bluewater is now intended to be deleted from the Proposals Map and why due to the potential significance in the interpretation of policy this is treated as an Additional Amendment as opposed to a Main Modification.

Thurrock Council had previously objected to the nature of the notation of the Primary Shopping Area (PSA) for Bluewater (represented as a line based on the shop frontages) rather than the principle of designation of the PSA itself. It is considered that removal of the PSA from the plan for Bluewater creates uncertainty as to the extent of the shopping area and the determination of applications in relation to the centre boundary and retail area.

It is considered the Primary Shopping Area for Bluewater should be retained but notated for the area of the shopping units rather than based upon the shop frontages.

Yours sincerely

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