

Dartford Borough Council

Planning Policy: Local Development Scheme July 2021

1. Purpose of this Document

- 1.1 A Local Development Scheme (LDS) is a project management document produced to set out and maintain an up-to-date and relevant planning strategy.
- 1.2 It confirms Dartford's existing and emerging planning policy framework. The LDS clarifies how Dartford Council intends to tackle the need to review and refresh policies for the Borough's long-term development. The LDS sets out the council's timetable for preparation and adoption of future Local Plan documents over the following three years.
- 1.3 A clear planning policy programme explains both:
 - Current and forthcoming documents. This identifies their overall role and scope and the issues they are expected to address, see the outline in sections 2 and 3.
 - The key stages in producing policy. Landowners are thereby informed of the introduction of new policy approaches. Moreover, this provides organisations and the public with notice of opportunities to get involved in Local Plan production. This and the summary timetable are illustrated in section 5.
- 1.4 Effective involvement of organisations and local communities improves planning policies, and is a requirement of producing sound Local Plans. Clarity on planning policy production can be seen as important to supporting the legal requirement for effective co-operation on Local Plan production between public bodies (Duty to Cooperate).
- 1.5 Planning ahead needs to account for recent changes, but also to have regard to likely future opportunities and risks. These matters are considered in section 4.
- 1.6 This LDS outlines the planning policy programme put forward in response to all these matters for Dartford.

2. Current Planning Policy Documents

2.1 In general, planning policies with full Development Plan status comprise Borough Local Plan(s), any Neighbourhood Plans successfully produced, and Minerals and Waste Local Plans prepared and adopted by the County Council.

2.2 Development Plan status documents in the Borough produced by Dartford Council are currently made up of:

- **The Dartford Core Strategy (2011).**
- **The Dartford Development Policies Plan (2017), and new Policies Map.**

2.3 The Ebbsfleet Development Corporation has been responsible for dealing with most planning applications in its area since 2015; however it cannot produce Local Plans. Dartford's current and emerging planning policies apply within the Ebbsfleet part of the Borough.

2.4 The key planning documents that have produced by the Borough can be shown as follows:



2.5 *Supplementary Planning Documents (SPDs)* expand or add details to policies laid out in Local Plan documents. SPDs produced since the Core Strategy was adopted are:

- The Dartford Town Centre Framework SPD 2018
- The Dartford Housing Windfall SPD 2014
- The Parking Standards SPD 2012
- The Northern Gateway SPD 2012

These have been accorded significant weight, having been through the formal process and consultation set out in the relevant legislation. Their status and the need for updating should be kept under review in future.

2.6 *The Dartford Community Infrastructure Levy (CIL)* came in to force on 1st April 2014. The Borough's CIL Charging Schedule, introduced after viability testing, public consultation and Examination in Public, sets out £/sqm levies on certain types of development to help fund infrastructure. The future of this is discussed below.

2.7 *The Authority Monitoring report (AMR)* will continue to be produced annually to report on the performance and relevance of policies and Local Plans, and to provide data on against economic, environmental and social objectives. The AMR reports on ongoing Duty to Cooperate activity. As with the Five Year Supply of housing land, which is updated annually, this is an outcome of monitoring at the close of the financial year.

2.8 Other important Dartford documents:

- **The Brownfield Land Register** is a requirements of new regulations. It identifies potential housing sites on applicable land, as a statutory document it can be significant tool. In particular, placing land on Part2 of the register after public consultation can grant a planning consent.
- **The Dartford Statement of Community Involvement (SCI)** is a wider document that sets out how the crucial process of public engagement will shape planning in the district. A wholly new user friendly SCI was adopted in December 2017 following public consultation, with an updated version adopted January 2021.

2.9 Planning policy that may apply within Dartford produced by other organisations:

- The Kent Minerals and Waste Local Plan 2013-2030 (KMWLP) was adopted by Kent County Council (KCC) in 2016. Several of its policies were subject to an early partial review and, at the same time, KCC produced a Minerals Sites Plan (MSP). Both the amended KMWLP and the MSP were adopted by KCC in 2020. Both documents form part of the development plan for the Borough, though there are no proposed minerals sites within Dartford Borough.
- A neighbourhood planning area for Stone was confirmed in 2015. This follows the former boundaries of Stone Parish. If progressed successfully, a Neighbourhood Plan for the area covered by the former boundaries of Stone Parish would be made as part of Dartford's development plan, likely by the end of period covered by this LDS (2023).

3. Scope of Future Dartford Planning Policy

3.1 There are options in legislation to prepare a Local Plan jointly with other authorities. If feasible, this would likely address Duty to Cooperate legislation. However regard has to be had to the actual context and practicalities to ensure plans can be delivered:

- Dartford is a well-connected Borough with both strong east-west transport links, however it also has other influential strategic connections e.g. the north-south M25. Direct trains from Borough go to central London, through it to places like Luton, and also go to the other end of Kent (Folkestone) and onwards internationally. This relates to a complex overall functional picture with a wide economic area that does not necessarily match strategic housing flows.
- The Borough is also located at a cross-roads in an administrative sense. In the northwest of Kent, Dartford borders two other upper-tier authorities: Greater London and Thurrock (a unitary authority not within Essex County Council). Several Boroughs also border Dartford.
- Dartford is in the Thames Estuary area and in the London Travel To Work Area, however these have not formed a viable basis for producing strategic plans, particularly as the London Plan has its own well defined legislative and organisational extent.
- After reviewing evidence, the Dartford & Ebbsfleet Residential Needs Assessment, recommended that, in housing market terms, Dartford best be handled and seen in its own right.

3.2 It has been noted before there is likely to be, due to factual circumstances arising from the location of the Borough, a lack of clarity on the terrain over which a multi authority strategic Local Plan could arise and prove to be effective in strategic planning; and as to how it could logically and robustly be produced. Collective arrangements are in place for Greater London (Dartford has actively participated in discussions on the London Plan's relationship with wider southeast England). Little potential has been confirmed elsewhere eg in north/ west Kent, for a joint Local Plan, and no Borough has put forward the notion to Dartford for consideration.

3.3 In any event, it is considered attempting to coordinate an alignment of Local Plan arrangements, to begin possible Joint Plan production, is likely to be over a period of years rather than months. Further delay may then occur if the cross-boundary working relationship is not maintained when the Plan reaches key decision-taking stages. There is also uncertainty following the 2020 Planning White Paper's proposal for the Duty to Cooperate to be removed.

3.4 In conclusion, it the case (perhaps more than ever) that a move to a joint Local Plan is likely to result in significant delay in delivering housing, economic development, and the regeneration of the Borough. This is unacceptable given the development activity in the Borough and its regeneration potential. Duty to Cooperate dialogue will continue and a Dartford Local Plan should be completed, whereupon legislation and development/ infrastructure issues should be reviewed to guide the approach to future plan formation. Currently a Dartford Borough Local Plan is considered justified and necessary, and can provide coordinated strategic planning as:

- Borough officers have forged a positive working relationship to inform Dartford plan-making with the principal cross-boundary development/ regeneration body in the area, the Ebbsfleet Development Corporation. There is regular scheduled liaison with the EDC, KCC and Gravesham.
- The Borough has already adopted and been applying a successful strategy in line with national policy and the need for regeneration in Dartford. It is proposed the Borough should be allowed to the opportunity to maintain its proven strategy of delivering new homes and better neighbourhoods through an updated Local Plan for Dartford Borough.

3.5 Monitoring and review of the LDS, and cooperative cross-boundary actions, will be carried out through the Authorities Monitoring Report (AMR). This is important to enable communities and interested parties to be aware of progress.

3.6 The planning policy focus will therefore be on:

- Seeking to progress the Dartford Local Plan to 2037 towards adoption.

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- Consequent planning policy action, which is likely to include a review of the Borough's CIL Charging schedule.
- The set requirement to review the Statement of Community Involvement in planning.

3.7 This is outlined in section 5, culminating in the timetable chart setting out actions by quarter of calendar year 2021, 2022, 2023. There is also likely to be activity on SPDs (or potentially Design Codes) however they do not fall within the direct scope of a Local Development Scheme.

3.8 The council is aware that timetabling information, including on CIL and SPDs, is useful so will ensure applicable details are made available for information purposes through the council's website. Estimating specific dates for all future stages are considered unrealistic. They will be confirmed and publicised via the website. A reasonable projection of expected broad dates has been featured in the LDS timescale.

3.9 In addition to current uncertainties, the fact remains that on submission to the Secretary of State, steps forward are in the hands of the Planning Inspectorate, who have their own resource constraints and will decide on steps necessary to finalise documents.

4. Review and Risks

4.1 Dartford Borough faces a combination of potential future changes or areas of uncertainty in its long-term development, including very large developments underway within the Borough, and anticipated to remain under construction for ten or more years ahead. There are also major new infrastructure schemes that may occur in, or with impacts on, the Borough. And as noted above, there is a need to undertake cross-boundary planning in the context of an increasingly complex set of strategic functional relationships with a number of other administrative areas and organisations. To set out a new Local Development Scheme timetable to update planning policies as necessary, these uncertainties, and potential risks to progressing plan production, need to be assessed.

4.2 This scheme is put forward during an era of unprecedented uncertainty and rapid change:

- Unparalleled events and wide structural shifts due to changing international relationships, and the pandemic, have led to major 'shocks' to the economic system impact in particular; but may also produce more fundamental long term shifts in working patterns, housing preferences, and consumer lifestyles, often facilitated by new technology.
- The government are putting forward ever more wide-ranging ideas for restructuring of planning, particularly with the objective of further increasing housing supply.
- Dartford is well advanced down a path of local change and renewal, often resulting from the need to overcome the loss of the historic industrial base of urban economies. At the current stage, some large strategic proposals are emerging as are (possibly) some very large infrastructure proposals.

4.3 It is considered this raises many risks and challenges for planning, however it potentially increases the value of getting an updated policy framework and Local Plan update in place for the Borough.

4.4 Therefore Dartford has decided to push ahead its Local Plan production, working in cooperation with public agencies/councils and those delivering infrastructure and development in the Borough. With this positive approach the risks identified in revising policy need to be balanced against risks of a 'no new Plan situation': insufficient guidance being available to support bids for new infrastructure and for the major proposals e.g. at Dartford Town Centre and Ebbsfleet. It is essential a suitable local framework is in place for decision takers. In preparing this, close regard is had the scale of risks and scale of implications arising, alternative scenarios and opportunity costs, and mitigating actions.

4.5 Before considering local factors, the implications of changing national planning legislation and policy for Local Plans needs evaluation.

4.6 There is now the prospect of a major shift in planning policy tools and to the nature of Local Plans. The 2020 White Paper proposed:

- Changes to the content and appearance of Local Plans, and how they are to be produced including public consultation stages. The Duty to Cooperate legal requirement may be abolished. In particular the role of interactive versions of the Policies Map was emphasised. Local Plan content is expected to have a strong site/ area focus, with lesser emphasis on development management policies than some Local Plans have had in the past.
- Reliance on local design codes. A design code is a set of written and graphic rules that establish principles aimed at delivering better quality places, for example the relationships between street, block, massing, and landscaping requirements, and so forth; without prescribing the overall outcome. These are expected to be the focus of major local engagement. There is the possibility of design codes having at least SPD status.
- A new levy on development to replace CIL and section 106 agreements, aiming to capture greater infrastructure funding. Unlike CIL this would have a wider base and charge based directly on development value.

4.7 Subsequent to the launch of the White Paper, it is believed that proposals should be seen as long-term ideas for discussion and consideration. In particular, it is understood from government that extensive review is required of all the legal and practical issues associated with replacing section 106 agreements/CIL and refining levies on development.

4.8 Nevertheless it is concluded prudent to aim for a new Local Plan now: one that has a suitable strategic focus – especially an emphasis on identifying regeneration areas and aiming to set up as clear as possible policy for the delivery of sites. Also, allowance should be made in programming for future production of additional design details.

4.9 The timetable set out in this LDS is considered to be appropriate to allow updating of policies in keeping with the above principles. Other potential local risk factors include:

- **Medium chance/ high levels of implications:** *strategic scale proposals for new infrastructure/ developments not led through the Local Plan process* (e.g. London Resort, Abbey Wood to Ebbsfleet Connectivity- potential Crossrail extension). Where the timescale is relevant, these need to be directly mitigated through the Local Plan, with appropriately flexible arrangements in place.
- **Medium chance/ medium levels of implications:** *additional resources needed* following new government policy. An open future approach is needed towards commitments over aspects such as design codes, which are likely to require significant new software and expertise.
- **Low chance/ high levels of implications:** *recent recruitment and retention* issues could return, presenting difficulties in the recognised context of skills shortages in the planning profession, and the lesser resilience of a small team.
- **Low chance/ medium levels of implications:** *political change*; Dartford's local elections are scheduled for May 2023. The risks of most changes in national policy are discussed directly here, and there appears no current prospect of an early General Election after 2019's majority government was formed.
- **Low chance/ medium levels of implications:** *a direct clash with resource implications between key stages in finalising the Dartford Local Plan and Stone Neighbourhood Plan*. Consideration is appropriate of possible knock on impacts of the progression of the Stone Neighbourhood Plan towards examination is appropriate, however at present this looks improbable, on balance.

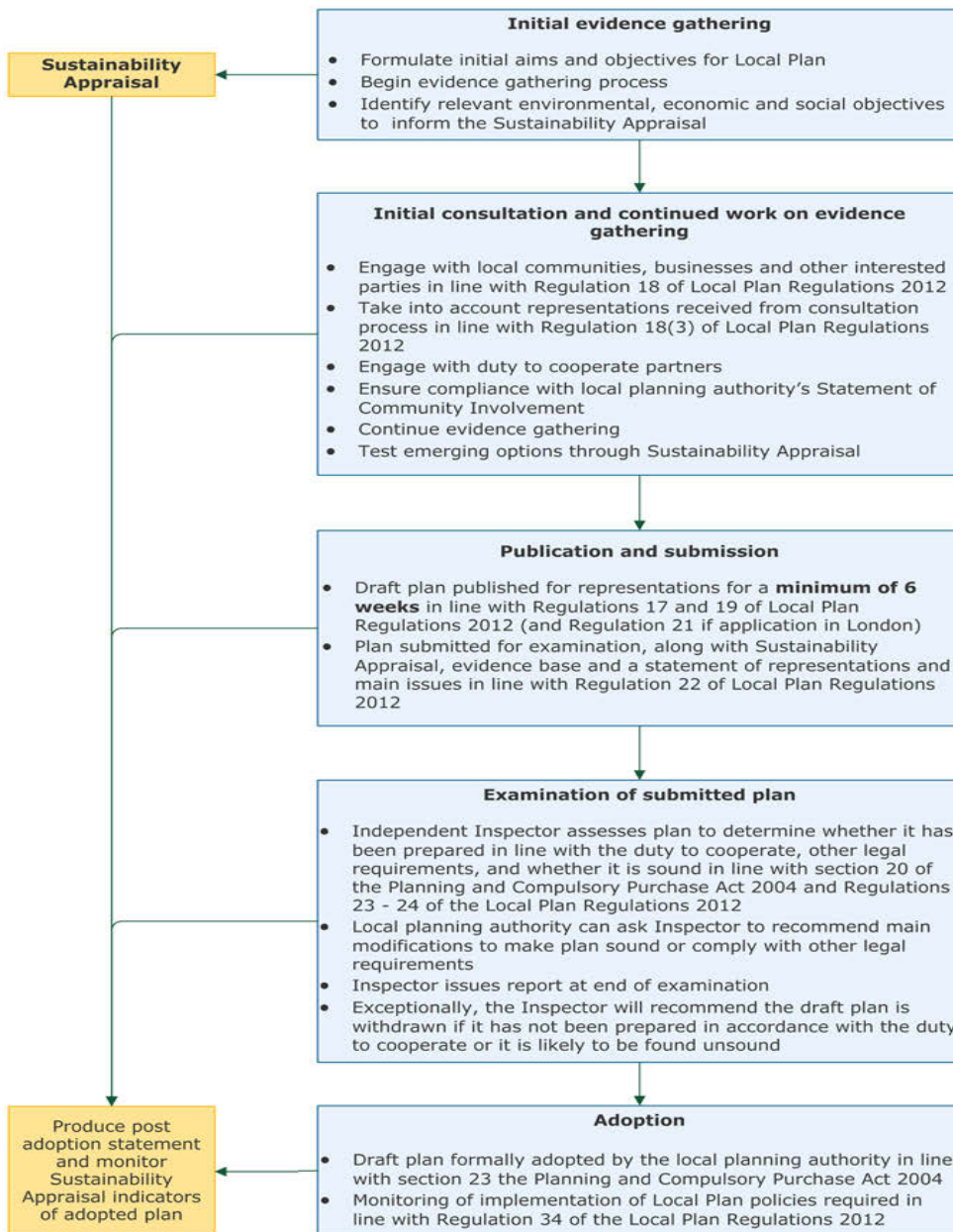
4.10 The pandemic is a current overall risk factor to general future planning, but specifically for planning particular implications on transport, economy and housing. At present it appears that the overall permanent impact may be an acceleration of existing trends e.g. retail, increase in home working days, which should be reflected as best possible (i.e. in technical evidence). It suggests an increased significance for monitoring and policy review.

4.11 The legislative need and political commitment to have up-to-date plans in place remains firmly in place. In future Plans may be more focused but more effective. A flexible strategy to planning policy production is

possible within Dartford and can deal with both short term pressures and longer term expectations. This philosophy has influenced the programme proposed here.

5. Stages in the Local Development Scheme Timetable

5.1 Local Plans are produced through an iterative process structured by national regulations, with public consultation/ examination at milestone stages. This is outlined in the diagram below, extracted from the online national planning policy guidance. The parallel process of Sustainability Appraisal is also highlighted:



5.2 Supporting statutory processes for Local Plans are significant, such as The Duty to Cooperate, Habitats Regulations Assessment and testing of Local Plan options by formal Sustainability Appraisal. Similarly CIL Charging Schedules and Statements of Community Involvement are guided by regulations and stages of public input.

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5.3 It is proposed to build in to the Local Plan triggers for potential review of the plan, accounting for some of the infrastructure/ development uncertainties facing the Borough. In any event, reviews are increasingly commonly featured in Local Plans. Government regulations now require that: *“a local planning authority must review a local development document within the following time periods- in respect of a local plan, the review must be completed every five years, starting from the date of adoption of the local plan.”*

5.4 All this has been considered and is illustrated in the following timetable summary:

Local Development Scheme 2021: Summary Timetable

	2021				2022				2023			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
• Dartford Local Plan												
1. Publication												
2. Submission												
3. Examination												
4. Adoption												
5. Reviews												
• CIL Charging Schedule Update												
6. Evidence												
7. Draft/ reps												
8. Examination												
9. Adoption												
• Ongoing Monitoring & Annual Reporting												
10. Fieldwork												
11. Reporting												

5.5 Stage by stage notes:

Dartford Local Plan

1. Regulation 19 'Publication' (second version) Expected September - October 2021:
 - a. Preparation of 'final draft' plan and formal supporting documents
 - b. GAC (full council) confirm plan is considered sound by DBC
 - c. Then a 6 week period for representations to be made on its 'soundness' by public.
2. Submission: documentation, including publication representations on Plan 'soundness' sent to SoS, with full evidence base.
3. Examination, expected before the end of 2021:
 - a. SoS appoints independent Planning Inspector (PINS) to consider the soundness and legal compliance of the Plan
 - b. Inspector set schedule for Examination in Public including hearing days
 - c. Inspector commonly requires a period for further consultation on modifications
4. Regulation 26 Adoption, targeted before end of 2022:
 - a. Requires Inspector (SoS) confirmation of soundness.
 - b. GAC confirm the Plan and Policies Map is legally in force.
5. Review: The impact of triggers are likely to need to be considered under the provisions of the plan (if adopted).

CIL Charging Schedule Update

6. Evidence gathering: drawing insight from Local Plan evidence/ examination, and independent work to be commissioned.
7. Draft/ reps: a minimum of one round of public consultation is necessary on draft new CIL rates.
8. Examination: Charging Schedule and public representations will be examined by and independent Inspector.
9. Adoption: Dartford Council can determine for the new CIL rates to come into force, if supported by the Inspector.

Ongoing Monitoring & Reporting

10. Fieldwork: New monitoring commences at the end of the financial year, with desktop research topped up by fieldwork as necessary.
11. Reporting: AMR, 5yr Housing Supply updates and Brownfield Land Register (Required by end of financial year) are produced.