

Email only

Planning Policy Team
Dartford Borough Council
Civic Centre
Home Gardens
Dartford DA1 1DR

Email

28 September 2021

Dear Sir / Madam

**Dartford Local Plan Pre- Submission (Publication) Document September 2021
Town and Country Planning (Local Planning) England Regulations 2012 – Regulation 19
Former Landfill Site, London Road, Greenhithe**

On behalf of our clients', PMG Regeneration Ltd 'PMG', please find enclosed **objections** to the Dartford Local Plan Pre- Submission (Publication) Document September 2021 in respect of:

- Policy S1: Borough Spatial Strategy (pp 21 to 27)
- Policy S2: Infrastructure Planning Strategy (pp 28 to 36)
- Policy S4: Borough Development Levels (pp. 41 to 49)
- Policy M2: Environmental and Amenity Protection (pp 112 to 115)
- Policy M9: Sustainable Housing Locations (pp 140 to 143)
- Policies Map: 1 Site Allocations - Omission Site: 'Former Biffa Landfill site at Greenhithe' September 2021 (in the event the Inspector directs the need for additional formal site specific allocations to be made)
- Sustainability Appraisal.

PMG has been consistently promoting the site for residential development of between 300 and 500 homes since 2007 having previously submitted representations to both the Council's previous Strategic Housing Land Availability Assessment (2010 SHLAA) and current SHLAA (2021 SHLAA), the Core Strategy (2011) and the Dartford Development Policies Plan (July 2017). The site has also been the subject of two formal pre-application submissions and discussions with the Borough Council in June 2015 (LPA ref. 15/00855/EMAIL) and 27 March 2018 (LPA ref. 17/00611/PREAPP) and informed discussions with the Planning Policy team which took place in August 2019 and again on the 7 September 2020.

This submission comprises:

- Completed Representation forms
- Omission Site Supporting Statement and Sustainability Appraisal
- Core Documents as set out in the schedule at Appendix A of the Omission Site Supporting Statement

The Omission Site supporting statement sets out a full justification for the identification / allocation of the site for residential development within the Plan.

We look forward to acknowledgement of receipt of these representations. In the meantime, please do not hesitate to contact David Phillips of this office should you have any queries.

Yours faithfully

David Phillips
BA(Hons) MSc MRTPI
Director

Encl.

Email cc.

Brian Crook – PMG Regeneration

DPV Consult

DPV/20007/210407 – Former Biffa Site, London Road, Greenhithe, Document Library

Omission Site: Pit 11 West of Knockhall Chase, Greenhithe (I.D 34). Dartford Council Strategic Housing Land Availability Assessment (SHLAA, 2021)

Ref	Document / Plan	Seen by LPA	Cross-Reference
CD1.0	Correspondence with DBC		
CD1.1	Pre-application 1: Letter from Maddox Associates (3 June 2015)	Yes	CD2.0 (all) & CD6.1
CD1.2	Pre-application 1: Letter from Maddox Associates (17 July 2015)	Yes	CD2.0 (all) & CD6.1
CD1.3	Pre-application 1: Response from Dartford BC (24 July 2015)	Yes	CD2.0 (all) & CD6.1
CD1.4	Pre-application 2: Letter from Strutt and Parker (27 March 2017)	Yes	CD2.0 (all), CD3.1 & CD6.2, CD6.3 & CD6.4
CD1.5	Pre-application 2: Response from Dartford BC (15th June 2017)	Yes	CD2.0 (all), CD3.1 & CD6.2, CD6.3 & CD6.4
CD1.6	Letter to DBC Planning Policy from Strutt & Parker (15 October 2019)	Yes	CD1.7, CD4.1 & CD4.2
CD1.7	Planning Note to DBC Planning Policy from Strutt & Parker (15 October 2019)	Yes	CD1.6, CD4.1 & CD4.2
CD1.8	Letter to DBC Planning Policy from Strutt & Parker (29 October 2019)	Yes	CD4.3, CD4.4, CD4.5 & CD4.6
CD1.9	Letter to DBC Planning Policy from DPV Consult (8 December 2020)	Yes	CD4.8
CD2.0	Plans and Drawings (GSA Architects)		
CD2.1	Site Location Plan 1274 C 101	Yes)
CD2.2	Site Location Plan 1274 O 100	Yes)
CD2.3	Parameter Plan 2 - Land Use 1274 O 102	Yes)
CD2.4	Parameter Plan 3 - Building Heights 1274 O 103	Yes)
CD2.5	Parameter Plan 4 - Density 1274 O 104	Yes)
CD2.6	Parameter Plan 5 - Open Space 1274 O 105 1	Yes)
CD2.7	Parameter Plan 6 - Movement Framework 1274 O 106	Yes) CD1.1, CD1.2, CD1.3, CD1.4 & CD1.5
CD2.8	Parameter Plan 7 - Drainage 1274 O 107	Yes)
CD2.9	Opportunities & Constraints Plan 1274 O 108	Yes)
CD2.10	Conceptual Opportunities Plan 1274 O 109	Yes)
CD2.11	Illustrative Layout - 350 Units 1274 O 110	Yes)
CD2.12	Character Area Plan 1274 O 111	Yes)
CD2.13	Illustrative Layout - 350 Units -Wider Context 1274 O 117	Yes)
CD2.14	Illustrative Layout - 376 Units 1274 O 118	Yes)
CD3.0	Previous Developed Land		
CD3.1	Previously Developed Land Statement, Strutt & Parker (October 2017)	Yes	CD1.4 & CD1.5
CD3.2	Baseline Landscape Appraisal (662361/06102 Rev 01) prepared by RSK (May 2019)	No	N/A
CD3.3	Case Law on PDL	No	N/A
CD4.0	Contamination (Gassing & Controlled Waters)		
CD4.1	Addendum to Preliminary Technical Assessment of Development Potential, RSK (11 October 2010)	Yes	CD1.6
CD4.2	Review of Regional Hydrogeology at Former Greenhithe Landfill, RSK (ref. 660976 R01 (02)) (May 2017)	Yes	CD1.6
CD4.3	Letter from RSK to DBC referencing environmental and geotechnical conditions (10 September 2019)	Yes	C81.8
CD4.4	Asbestos in Soil - Interpretive Report, On Advice Ltd. (January 2015)	Yes	CD1.8
CD4.5	Factual report on Stage 1 Intrusive Ground Investigation, Structural Soils Ltd. (June 2014)	Yes	CD1.8
CD4.6	Factual Report on Stage 2 Intrusive Ground Investigation, Structural Soils Ltd. (November 2014)	Yes	CD1.8
CD4.7	Controlled Waters Assessment Report (ref 340147 R01 (01)), RSK (submitted to EA) (January 2020)	Yes	LPA copied in
CD4.8	Site Assessment and Ground Condition Report (ref 340147-R02(00), RSK (November 2020)	Yes	CD1.9
CD4.9	High Court decision in R (Judson) v Amber Valley Borough Council EWHC 517 (6 March 2020)	n/k	LPA aware
CD4.10	Surface Water Drainage Technical Note (G SW01), WSP (March 2021)	Yes	CD5.1
CD5.0	Environmental Impact Assessment (Screening & Scoping)		
CD5.1	Formal EIA Screening Opinion request prepared by RSK submitted (18 October 2016)	Yes	N/A
CD5.2	Scoping Opinion response provided by Dartford BC (18 November 2016)	Yes	N/A

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CD6.0	Transport & Sustainability		
CD6.1	Transport Strategy, WSP Parsons Brinkerhoff (June 2015)	Yes	CD1.4 & CD1.5
CD6.2	Transport Assessment Scoping Report, WSP Parsons Brinckerhoff, (March 2017)	Yes	CD1.4 & CD1.5
CD6.3	Draft Housing Windfall Sustainability Assessment, March 2017 (Strutt & Parker)	Yes	CD1.4 & CD1.5
CD6.4	Commentary on Hedge Place Road Appeal Decision and Judgment, March 2017 (Strutt & Parker)	Yes	CD1.4 & CD1.5

Updated 7 April 2021

DPV Consult

**Dartford Local Plan Pre- Submission (Publication)
September 2021 Town and Country Planning (Local
Planning) England Regs 2012 – Reg 19**

**Former Landfill Site, London Road, Greenhithe
Pit 11 West of Knockhall Chase, Greenhithe (I.D 34).
Dartford Council Strategic Housing Land Availability
Assessment (SHLAA, September 2021)**

**Omission Site Supporting Statement and
Sustainability Appraisal**

28 September 2021

Prepared by:

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DPV ref: DP/20007

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Appendices

- A. Core Document Library Schedule (documents submitted separately)

1. Introduction

- 1.1. This Omission Statement responds to the consultation on the Dartford Local Plan Pre-Submission (Publication) Plan and Policies maps and is prepared by DPV Consult on behalf of PMG Regeneration Ltd (PMG).
- 1.2. This Omission Site representation is made specifically in respect of land under the control of PMG. The site falls to the north of the A2 and is identified in the draft Local Plan within the Urban Area neighbourhood of Greenhithe where additional development will occur (draft Policy S1).
- 1.3. PMG has objected to the draft Plan and has submitted representations on the following matters:
 - Policy S1: Borough Spatial Strategy (pp 21 to 27)
 - Policy S2: Infrastructure Planning Strategy (pp 28 to 36)
 - Policy S4: Borough Development Levels (pp. 41 to 49)
 - Policy M2: Environmental and Amenity Protection (pp 112 to 115)
 - Policy M9: Sustainable Housing Locations (pp 140 to 143)
 - Policies Map: 1 Site Allocations - Omission Site: 'Former Biffa Landfill site at Greenhithe' (in the event the Inspector directs the need for additional formal site specific allocations to be made)
 - Sustainability Appraisal
- 1.4. This Statement does not restate the matters which have already been presented in those representations. Its primary purpose is to demonstrate why the site should be included as an Omission Site within the housing land supply on the basis that it is both 'deliverable and developable'.

- **Supporting evidence**

- 1.5. The supporting evidence behind this submission is extensive and contains information that has in the main been shared with the Council. It is considered that the information provided far exceeds the normal threshold limits for local plan purposes and is considered to be both appropriate and proportionate evidence.
- 1.6. A full schedule of available 'core documents' (CD) is contained at **Appendix A**.

- **About PMG**

- 1.7. PMG Regeneration Ltd is promoting the 'Former Biffa Landfill site at Greenhithe'. The site is referenced within the Dartford Council Strategic Housing Land Availability Assessment (SHLAA, 2021) as Pit 11 West of Knockhall Chase, Greenhithe (I.D 34).
- 1.8. PMG is a business founded on a commitment to the sustainable development of brownfield and contaminated land in the UK. The business through its expertise in assessing risk and providing subsequent remediation strategies, has presented a model for attracting investment to

regenerate brownfield sites typically outside the scope of conventional housebuilders and developers. Based on a longstanding relationship with companies such as Biffa Waste Services, sites have been brought forward in the planning process for redevelopment. The team has exceptional experience and capability in dealing with landfills including toxic waste sites and are currently engaged in regenerating three closed landfills in the South East of England. The team were involved in successfully securing planning permission for the redevelopment of a gassing landfill site at Brades Rise, Sandwell in 2006 for housing.

- 1.9. PMG has been consistently promoting the site for residential development of between 300 and 500 homes since 2007 having previously submitted representations to both the Council' previous Strategic Housing Land Availability Assessment (2010 SHLAA) and current SHLAA (2021 SHLAA), the Core Strategy (2011) and the Dartford Development Policies Plan (July 2017).

- **Engagement with DBC Officers**

- 1.10. The site has also been the subject of two formal pre-application submissions and discussions with the Borough Council in June 2015 and 27 March 2018 and informed discussions with the Planning Policy team which took place in August 2019 and again on the 7 September 2020 (**Appendix A** CD1.0, CD2.0 and CD3.0).
- 1.11. Despite this, they have not supported the principle of residential development, which given the evidence presented to them is disappointing.

- **Findings of the September 2021 SHLAA**

- 1.12. As with the 2010 SHLAA the September 2021 SHLAA maintains that the site is physically unsuitable for development on the grounds of its former use as a landfill sites and that insufficient evidence has been provided to demonstrate that the redevelopment of the site due to the presence of landfall gas and groundwater would not pose an unacceptable risk to human health.
- 1.13. Setting this aside the SHLAA accepts that the site is well served by public transport and suitable within the context of meeting community and open space objectives.
- 1.14. It will be demonstrated, with reference to the evidence contained in CD4.0 (**Appendix A**), that the Council has wrongly concluded that the site is physically unsuitable in terms of its potential impacts on human health. Furthermore, it will be shown that there are no other overriding constraints arising from address transport, air quality, drainage, heritage, landscape and ecology issues as set out in documents provided at CD5.0, CD6.1 and CD6.2 (**Appendix A**).

- **The Core Case**

- 1.15. PMG seek:
- The inclusion of the site within the identified housing land supply on the basis that it is both 'deliverable and developable'; or
 - A formal allocation as a housing site within the Local Plan

- **Qualifying Criteria**

- 1.16. The selection of the site is predicated on compliance with draft policies S1, S2, S4, M2 and M9 and broadly based on whether:
- i. The site is “brownfield land”, notwithstanding that very significant weight should be attributed to supporting opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land
 - ii. The site is located in a sustainable location given its position within the urban area neighbourhood of Greenhithe and whether development can be accommodated within the capacity of existing infrastructure given there is no evidence to suggest that it does not, or that adequate capacity would not be provided through on site provision or the operation of the CIL and planning obligations regime
 - iii. There are any other overriding constraints that would otherwise preclude the development of the site for housing including potential harm to public health given the previous use of the site as landfill

- **Propositions**

- 1.17. This statement, supported by the evidence of others (**Appendix A**), demonstrates that there can be little doubt that the site qualifies as an identified housing site on the grounds that it meets all of the above criteria.
- 1.18. In summary these benefits are:
- Provision of much need housing for local people, including affordable housing, in a sustainable location
 - The potential to deliver other community benefits either through on-site provision or through the existing CIL and planning obligations regime
 - The redevelopment of a previously developed former landfill site with associated “clean up” benefits
 - Ability to support the use of sustainable modes of transport due to the proximity of the site to neighbouring amenities and services
 - Providing access to new public open space, enhancements to biodiversity and improved linkages to the existing community on a site that is currently closed
 - Development that would not have a detrimental impact on the existing highway network and local infrastructure
 - Deliver significant social, economic and environmental benefits for new residents and the existing wider community

- **Structure of Statement**

1.19. This Statement is set out as follows:

- Section 2: Site Description
- Section 3: Local Services and Accessibility
- Section 4: Plans and Commitments
- Section 5: Operational and Planning History
- Section 6: The Proposed Allocation
- Section 7: Justification for the Proposals
- Section 8: Sustainability Appraisal and Conclusions

2. Site Description

- 2.1. A detailed description of characteristics of the site is set out in CD3.2.
- 2.2. The 'brownfield' former closed landfill site is located within the urban area neighbourhood of Greenhithe. It is bounded to the north by London Road, to the west by Mounts Road, to the east by Knockhall Chase and to the south by existing housing.
- 2.3. The site is approximately 9.5 hectares (23 acres) and slopes from its high point at approximately 43m above ordnance datum (AOD), grading down to approximately 21m AOD at the north west corner.
- 2.4. The site characteristics are typical of a former landfill, consisting of an engineered domed landform with retained landfill infrastructure. The grassland of the site is currently used for grazing horses and is bounded by hedgerows. The hedgerows are of varying heights and appear unmanaged in character; there is no substantial vegetation located within the site itself other than grass cover.
- 2.5. The site is overlooked by a number of residential properties that lie close to the site boundary. Apart from this there are few publicly available locations from where the site can be viewed.



- **Site Boundaries and Enclosure**

- 2.6. The site is roughly rectangular in shape and is well enclosed by mature native hedgerow and hedgerow trees and urban form. London Road runs along the northern boundary with the railway line running underneath the road next to the northeast corner of the site. Knockhall Chase runs along the eastern boundary with residential properties either side. Residential properties continue along the cul-de-sacs Port Avenue and The Crescent to the southern boundary. Residential properties also face the site across Mounts Road which is located to the western boundary.

- **Site Designations**

- 2.7. The site is not the subject of any statutory or non-statutory designations.
- 2.8. The site is not located within any national or local landscape, cultural heritage or natural environment designations.
- 2.9. The Greenhithe Conservation Area is located 0.25km to the north of the site.
- 2.10. The site is also located within 5-10 km of European protected sites to the east located on the North Kent coast, namely the Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar; Medway Estuary and Marshes SPA and Ramsar; and the Swale SPA/Ramsar sites.

3. Local Services and Accessibility

3.1. Details of the site's proximity to local services and accessibility are contained at CD6.1, CD6.2 and CD6.3.

3.2. Significant amenities are available in the local area and are accessible via sustainable travel modes. The accessibility of these facilities and amenities are summarised below.

- **Local Primary Healthcare Facilities**

3.3. There are 6 GP surgeries within a 3.2 km radius of the site:

Surgery	Distance (km)	No. GPs	Patient: GP ratio	Accepting new patients
Ivy Bower	0.32	2	16,243	Yes
Greenhithe	0.50	6	19,026	Yes
Horns Cross	1.44	1	8,974	Yes
Swanscombe	2.30	4	19,026	Yes
The New Surgery	2.70	2	8,974	Yes
St Clements HC	2.90	2	11,553	Yes

3.4. There are 5 dentists within a 3.2 km radius of the site as follows:

Dentist	Distance (km)	Accepting new NHS patients
Greenhithe	0.29	Yes by referral from a dental practitioner
Hews House	1.90	No
Swanscombe	2.25	Yes by referral from a dental practitioner
Grove House	2.89	Yes by referral from a dental practitioner
St Clements	2.89	Yes only children up to the age of 18

3.5. Within a 4.82 km radius of the site, there are 3 hospitals. Darrent Valley Hospital provides the greatest range of services, including Accident and Emergency services.

Hospital	Distance (km)
Darent Valley Hospital	3.20
Little Brook Hospital	3.40
Livingstone Community Hospital	4.30

- **Local Education Provision**

- *Early years*

3.6. There are 3 nurseries within a 1.6 km radius of the site as follows:

Surgery	Distance (km)	Age Range	No. Places	Capacity
The Montessori Group	0.20	2 to 5 yrs	24	No capacity until September 2020 and have waiting lists.
Bright Horizons Swanscombe Day Nursery and Pre-school	1.30	3m to 5 yrs	144	Currently have 127 children per day so have capacity for 17 children. However, it is expected there will be even less capacity from September 2019.
Kids Inc Day Nursery	2.50	3m to 5 yrs	162	No capacity until October 2019 and have waiting lists.

- *Primary*

- 3.7. There are 10 primary schools within a 3.2 km radius of the site. The table below summarises these local primary schools using pupil net capacity data as at January 2018 from the Department for Education (DFE).

Primary School	Distance (km)	Places	Number on roll	Net cap	Surplus capacity
Knockhall PS	0.35	630	485	145	23.0%
The Craylands School	1.40	420	301	119	28.3%
Stone St Mary's CofE	1.80	630	608	22	3.4%
Manor Community PS	2.50	630	629	1	0.1%
Cherry Orchard PA	2.25	210	173	37	17.6%
The Brent PS	2.75	630	522	108	17.1%
Bean PS	2.90	210	203	7	3.3%
West Thurrock Academy	2.95	510	486	24	4.7%
The Gateway PA	3.50	210	213	-3	-1.4%
Fleetdown PS	3.75	630	631	-1	-0.15%

- 3.8. The table above demonstrates that there is currently the capacity for 459 primary school pupils across the 10 primary schools.

- *Secondary*

- 3.9. There are 9 secondary schools within a 4.8 km radius of the site. The table below summarises these local primary schools using the most recent pupil net capacity data at January 2018 from the Department for Education (DFE).

Secondary School	Distance (km)	Places	Number on roll	Net cap	Surplus cap
The Ebbsfleet Academy	2.70	950	570	380	40.0%
Harris Academy Riverside	4.00	900	126	774	86.0%
Harris Academy Chafford Hundred	4.00	1330	1282	48	3.6%
The Leigh Academy	4.60	1500	1175	325	21.6%
National College for the Creative and Cultural Industries	4.80	No data	No data	No data	No data
The Leigh UTC	5.00	960	392	568	59.1%
Northfleet Technology College	5.25	1020	819	201	19.7%
Northfleet School for Girls	5.50	1098	774	324	29.5%
Grays Convent High School	5.75	620	582	38	6.1%

- 3.10. There is currently the capacity for 2,658 secondary school pupils across the 8 secondary schools that there is data for.

- **Community Facilities**

- 3.11. There are 7 community centres/halls within a 3.2 km radius of the site. These are:

Community centre/hall	Distance (km)
Greenhithe Community Centre	0.75
Stone Veterans Hall	1.50
The Grove Hall	2.00
Church Road Hall	2.00
Castle Hill Community Centre	2.25
Fleetdown Community Centre	3.00
Northfleet Central	3.50

- 3.12. There are 3 leisure centres within a 4.8 km radius of the site. These are:

Leisure centres	Distance (km)	Facilities
Swanscombe Leisure Centre	1.28	Gym, pool, health suite including a spa, sauna and steam rooms
Fairfield Leisure Centre	4.50	Gym, pool, sports hall, squash courts, indoor climbing wall, café
Gravesham Community Leisure Centre	4.82	Gym, pool, health suite including a spa, sauna and steam rooms

- **Retail**

- 3.13. The nearest retail facilities are summarised below.

Description	Distance (km)
Convenience Store	
On the run (Esso Service Station)	0.18
Premier Stores, Knockhall Chase-	0.06
Londis	1.40
Shopping Centre	
Bluewater	2.70
Supermarket	
Asda	1.10
Marks & Spencer (Bluewater)	2.70

- **Open and Play Space**

- 3.14. There are two major parks within the Borough. Hesketh Park, some 3.4 km distant from the site mainly consist of sports facilities and it is home to the Dartford Cricket and Bowls Clubs. Central Park, 4 km away, has a well-equipped children's playground including swings, climbing equipment and a bike track. It also has a mix of sports facilities, a playground, open space and gardens.
- 3.15. There are other parks in closer proximity to the Site. Worcester Park is situated 800 m west of the site and Darenth Country Park is located 2.6 km south of the site. Bluewater

Nature Trail is located approximately 1.4 km southwest of the Site which has a 45-minute nature trail as well as a children's play area, a lake and an array of wildlife.

- 3.16. Within a 3.2 km radius of the site, there are 10 playgrounds which provide various facilities for a wide age range.

- ***Access to Alternative Modes of Transport***

- 3.17. The site is extremely well served by means of public transport including:

- The local bus network including access to Fastrack with bus stops located along London Road and Mounts Road providing regular services to Bluewater Shopping Centre, Northfleet, Dartford town centre and Gravesend
- Proximity to Greenhithe rail station, located 800m to the north west of the site, which provides multi hour services to London, Gravesend and the Medway towns.

- 3.18. Pedestrian and cycle accessibility is generally good providing ease of access to:

- Local public transport access points (bus stops and rail stations) as described above
- The key local facilities and amenities as described above.

- **Planned Commitments**

- 3.19. Sections 4 and 7 summarises major planned commitments within 3.2 km of the site. Whilst this includes a significant number of new homes it is also important to highlight proposed new social infrastructure to accommodate growth including:

- X 2 new primary schools (2 form entry) at Whitecliffe (formerly known as Eastern Quarry)
- X 1 new primary school (2 form entry) at Ebbsfleet Green
- X 1 new primary school (2 form entry) at St James Pitt
- X 1 new secondary school (8 form entry) at Whitecliffe
- X 1 new secondary school (8 form entry) at Stone Lodge
- X 2 potential sites identified in Stone and Greenhithe for major new primary healthcare facilities.

4. Planned Commitments

4.1. Potential cumulative impacts arising from other proposed or committed developments considered to be significant in scale i.e. over 50 units in the vicinity of the site (within 3.2 km) are summarised in this section.

4.2. The proposed or committed schemes are:

- **Sites with planning permission**

Site Name	Distance (km)	Units	Description
Croxton Garry Site (east of Ingress Park)	850 m	233	OPP was granted on the 12/12/2018 (EDC/17/0110). Latest RM application is for a development of 233 units lodged on the 10/2020 (EDC/20/0154). Development to be begun by 12/12/21.
Eastern Quarry 'Whitecliffe'	1 km	6,250	OPP was granted in under DA/03/01134/OUT in November 2007 with 2 further variations in 2013 and 2018. Planning permission is being implemented under various RM approvals with almost 1,000 completions to date. 2 new primary schools (capacity for 480 pupils) and 1 x secondary school (2,200 student capacity) are proposed. One of the primary schools (2-form entry with capacity for 440 students) and the secondary school (8-form entry) and a childrens' nursery will be located within the new Alkerden CoE Academy education which is scheduled to open in 2023.
St James Lane Pit (Stone Pitt II)	1.7 km	870	OPP was granted 30/10/17 (05/00221). Development to be begun by 30/10/22 or 2 years after expiration of last of the RM submissions. Former quarry and landfill site and proposals include 2 FE primary school & social facilities.
Ebbsfleet Green	2.4 km	950	OPP was granted 31/03/2014 (05/00308). Planning permission has been implemented under various RM approvals. Ebbsfleet Green PS, a 2-form entry primary school (440 pupils) opened in September 2020.
Phase 1 and Phase 2 St Clements Valley	550 m	343	187 units 12/01404/FUL(Phase 1) 156 units 14/01344/FUL(Phase 2)
Stone Lodge	1.8 km	85	OPP granted 24/04/2019 (18/01074/OUT) for up to 140 dwellings and 8 FE secondary school (capacity for circa. 2,200 students). Various RM application and approvals have been made.
Land North of St Mary's Road Stone	1.3 km	258	FPP for erection of 258 flats granted 16 June 2021 (20/00043/FUL)

- **Planning Applications Pending**

Site Name	Distance (km)	Units	Description
Little Hithe (North London Road)	0.25 km	187	Full planning application lodged under LPA ref. 19/01557 for 187 dwellings (registered November 2019).

- **Pre-submission draft Allocations**

Site Name	Distance (km)	Units	Description
Ebbsfleet Central Allocation (Policy E4)	3.1 km	2,000	To include a full mix of activities including employment, health/ education, retail/ leisure, and residential development which is well integrated in the wider area; and supported by new open and public spaces, and major new transport and community infrastructure.
Land north of Swanscombe Area (Policy E6)	2.5 km	0	The site forms The London Resort NSIP comprising an entertainment resort, expected to consist of events spaces, themed rides and attractions, entertainment venues and hotels, along with associated transport and parking infrastructure, as well as flood defence works and habitat enhancement. Policy E6 (Land North of Swanscombe Location) of the Local Plan acknowledges this proposal and states that a Local Plan Review will be required if it is to go ahead.

5. Site History

- 5.1. Full details of the site's operational and full planning history are contained at CD3.1 (Section 4 and App D) and CD4.8 (Section 2).

- **Operational history**

- 5.2. The site was formed as a mineral extraction quarry which was subsequently infilled with waste materials. The site's present status is a 'disused closed landfill'.
- 5.3. Quarrying started on the site around the mid 1800's for the extraction of, initially, sand and gravel, then later chalk. Mineral extraction had been completed before 1931. After a period of dormancy, the void was subsequently licensed for landfilling, between 1954 and 1967, by FT Everard and Sons and subsequently with CT Olley and Sons (Erith) Ltd. The current owner commenced waste disposal operations in this site in 1967 for industrial, commercial and inert wastes. Vegetation was stripped back from the surface of the site, in preparation for landfilling under the conditions of the modified waste disposal licence. The owner's closed site report indicates that the site was filled in one lift and not cells.
- 5.4. A review of the waste licences indicates the site received predominantly construction and inert waste. Permission was given for relatively small volumes of asbestos to be deposited in the south western quadrant of the site. This waste, in accordance with the Kent County Council's regulations would have been covered immediately and would not lie within 15m of the site boundary or within about 4m of the current surface of the site.
- 5.5. A gas collection and flaring system was installed in 1990, by Biffa Waste Services Ltd, as part of their management and good practice for closed landfills.
- 5.6. The site was closed, and the licence returned in 1992, in accordance with waste licencing regime at that time.
- 5.7. Biffa Waste Services Ltd have retained ownership of the site and in addition to the gas monitoring system, they commissioned the installation of three groundwater boreholes in December 2006. The boreholes were drilled to provide a triangulation for monitoring groundwater flow, direction and water quality both upstream and downstream of the site.

- **Planning history**

- 5.8. The pertinent planning history of the site with relevant documentation retrieved from Biffa's and the Borough Council's records (CD3.1 (Section 4 and App D)) comprises:

- Numerous consents associated with tipping activities dating from the early 1950's following the discontinuation of chalk quarrying activities
- Planning approvals relating to capping of the landfill following closure
- Planning applications including the granting of planning permission for a major mixed-use redevelopment encompassing the site and other land in the 1980s and a planning application for a supermarket in the early 1990s which was subsequently withdrawn.

6. The Proposed Allocation

6.1. The redevelopment of the site would provide for between 300 and 500 homes. Whilst the precise form of development is still evolving there will also be ancillary and associated development including access, parking provision, servicing, formal and informal open space provision and landscaping. As part of the associated development provision may or may not be made for a small amount of community facilities to meet a local need.

6.2. Indicative residential led proposals are detailed on the plans contained within CD2.0 with specific reference to the following drawings prepared by Gardner Stewart Architects (GSA):

- Site Location Plan 1274 C 101
- Site Location Plan 1274 O 100
- Parameter Plan 2 - Land Use 1274 O 102
- Parameter Plan 3 - Building Heights 1274 O 103
- Parameter Plan 4 - Density 1274 O 104
- Parameter Plan 5 - Open Space 1274 O 105 1
- Parameter Plan 6 - Movement Framework 1274 O 106
- Parameter Plan 7 - Drainage 1274 O 107
- Opportunities & Constraints Plan 1274 O 108
- Conceptual Opportunities Plan 1274 O 109
- Illustrative Layout - 350 Units 1274 O 110
- Character Area Plan 1274 O 111
- Illustrative Layout - 350 Units -Wider Context 1274 O 117
- Illustrative Layout - 376 Units 1274 O 118

6.3. The illustrative layout options (1274 O 117 and 1274 O 118) show alternative approaches to the arrangement of internal streets and housing parcels which follow the site topography to deliver a range of character areas and a very distinctive townscape. The location of open space creates a strong landscape led character, to optimise the views towards the Thames and the QE2 bridge.

6.4. Common to both options is a range of dwellings on a net developable area of circa 7 ha. Average densities would be between 42 to 72 dw/ha. The proposals would make provision for at least 20% public open space and there would be planned connectivity through the site.

• Development scenarios

6.5. This development could potentially generate a number of different development scenarios. This is related to not only the ultimate number of dwellings, but also the type and size of units dwellings.

6.6. Assuming average household sizes and Kent CC child yield multipliers four potential scenarios are.

- **Scenario A: 500 dwellings (125 1 bed apartments and 375 2 bed+ apartments/houses)**
- Total resident population 1,180 (assuming 2.36 occupants per household)
- Child yield: 105 primary school age pupils (assuming 0.28 pupils per 2 bed plus units (375))
- Child yield: 75 secondary school age pupils (assuming 0.2 pupils per 2 bed plus units (375))
- Child yield: 38 early year's age pupils (assuming 0.09 children per flat and 0.03 children per house)

- **Scenario B: 355 dwellings (88 1 bed apartments and 267 2 bed+ apartments/ houses)**
- Total resident population 838 (assuming 2.36 occupants per household)
- Child yield: 75 primary school age pupils (assuming 0.28 pupils per 2 bed plus units (267))
- Child yield: 54 secondary school age pupils (assuming 0.2 pupils per 2 bed plus units (267))
- Child yield: 27 early year's age pupils (assuming 0.09 children per flat and 0.03 children per house)

- **Scenario C: 376 dwellings (71 1 bed apartments and 305 2 bed+ apartments/ houses)**
- Total resident population 888 (assuming 2.36 occupants per household)
- Child yield: 86 primary school age pupils (assuming 0.28 pupils per 2 bed plus units (305))
- Child yield: 61 secondary school age pupils (assuming 0.2 pupils per 2 bed plus units (305))
- Child yield: 34 early year's age pupils (assuming 0.09 children per flat and 0.03 children per house)

- **Scenario D: 254 dwellings (47 1 bed apartments and 207 2 bed+ apartments/ houses)**
- Total resident population 600 (assuming 2.36 occupants per household)
- Child yield: 58 primary school age pupils (assuming 0.28 pupils per 2 bed plus units (207))
- Child yield: 42 secondary school age pupils (assuming 0.2 pupils per 2 bed plus units (207))
- Child yield: 20 early year's age pupils (assuming 0.09 children per flat and 0.03 children per house)

6.7. If the Inspector recommends the omission site for housing identification or allocation, PMG will be pleased work with the Borough Council through the pre-application and consultation process.

7. Justification for Identification or Allocation

7.1. This section of the Statement outlines the key issues in respect of the identification or allocation of the site in the Local Plan.

- **The Material Planning Issues**

7.2. The material planning considerations identified under the qualifying criteria in para. 1.16 of this Statement are now addressed as follows.

- i. **Whether the site is “brownfield land”, notwithstanding that very significant weight should be attributed to supporting opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land**

7.3. With reference to:

- The Previously Developed Land Statement (CD3.1)
- The Baseline Landscape Appraisal (CD3.2)
- Case Law (CD3.3)

there can be little doubt that the site constitutes ‘previously developed land’ or ‘brownfield land’.

7.4. There is an interesting history to the definition of PDL (CD3.3). The 7 March 2000 version of PPG3 contained a longer definition than appears in the current version of the Framework which appeared to have two tests. That formulation of language was considered by Mr Justice Sullivan in *Dodds and Hands v Secretary of State for the Environment, Transport and the Regions* [2002] EWHC 84 (CD3.3i) which found the “clear reason” that could outweigh the reuse of the site was a separate distinct test. Subsequently, the June 2011 version of PPS3 dropped the second limb of the test but kept the same language in respect of the provisions relating into “... **blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings)**...”. The 2012 version of the Framework dropped the words in brackets from its predecessor definition. The 2018 version of the Framework dropped the words “... **in the process of time**...”. The 2019 version maintains that wording, thus the present definition is “... **and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape**...”.

7.5. The approach to the interpretation of PDL has been considered by the Courts on a number of occasions. Dartford Borough Council themselves recently took a related point to the Court of Appeal in *Dartford Borough Council v Secretary of State for Communities and Local Government and others* (2017) EWCA Civ 141 (CD3.3ii). Essentially the language is to be given its ordinary common sense meaning in context. There is no need to look at previous iterations of policy in order to understand the meaning of the language used in its current context.

- 7.6. The relevant context is that the current Framework provides significant emphasis and importance to the reuse of Previously Developed Land, especially in urban areas. Para. 118 (c) requires substantial weight to be given to the value of using suitable brownfield land within settlements; paragraph 68 confirms the importance of using brownfield registers to identify housing land; para. 84 encourages the use of PDL for employment uses; even in the greenbelt paragraph 145(g) facilitates the complete redevelopment of PDL.
- 7.7. Although the language surrounding the concept of "blended into the landscape" has been reduced there is absolutely no reason to suppose that the trimming down of the language has altered its meaning or the policy. The fact that the phrase **"...to the extent that it can be reasonably considered as part of the natural surroundings..."** has been deleted does not alter its meaning. The words **"...blended into the landscape..."** must mean that a relevant site has blended into something to which it is adjacent ie, the surrounding landscape. This point has been before the Courts in R (Bristol City Council v First Secretary of State (i) and Edward Ware Urban Renewal Limited (ii) 2004 EWHC 1934 (Admin) (CD3.3iii). In that case an Inspector had referred to the fact that the subject site was within an urban area and that **"...there are no natural surroundings..."**. It was suggested by the Claimants (para. 16) that this was a misapplication of National Policy (then in Annexe C PPG3) and was irrational. Mr Justice Sullivan dismisses the argument (see paras. 18 and 19) confirming that the test is **"...not to be applied in a mechanistic way..."**. In concluding that there were no **"...natural surroundings..."** the Inspector had not been purporting to lay down some principle of general application but this was a factor that could be taken into account. The Court dismissed the challenge.
- 7.8. The phrase **"...permanent structure" is deliberately not confined to buildings..."**. Thus, an artificial dome of a landfill would constitute such a structure in and of itself. The words **"...fixed surface structure..."** would also clearly include plant and equipment such as a landfill gas equipment / vents which are still readily apparent on the site. The Dodd and Hands case dealt with railway sidings. In Mrs Olive Mrs Edwards v Rhondda Cynon Taff County Borough Council [2014] UKUT 0435 (CD3.3iv) the Court considered whether a disused railway cutting would qualify under the PDL definition. In both cases it is clear that 'structures' which create an artificial land form are plainly considered to qualify. Likewise, the Inspector's appeal decision referred to in the PDL Statement (3.1) and at Tunstall, Stoke on Trent (CD3.3v) dealt with a former mineral site and the artificial structures of what remained qualified under the definition of PDL.
- 7.9. Furthermore, the Council suggest that the **"...blended in..."** point is an independent point so that where the prior exclusions are avoided, a site might still be excluded where it has blended into the landscape. Such an approach is considered to be inconsistent with the context and the overall objective of promoting the redevelopment of brownfield land.

- 7.10. The Council's approach (CD1.3 and CD1.5) is a literal interpretation consistent with its context which for reasons set out in the context of this omission site is wrong.
- 7.11. The first relevant exclusion in this case is that the omission site is **"...land that has been developed for mineral extraction or waste disposal by landfill, where provision for the restoration has been made through development management procedures..."**. However, at least part of the site was to be restored to an urban brownfield field use. Table A of the PDL report (CD3.1) refers to application 86/00687/OUT04 which grants permission to a significant development including a supermarket and garden centre with a 300 space car park. The report also appends an officer's report to committee of 13 June 1988 dealing with restoration proposals which clearly refers to **"...the north east corner of this site which is identified for a retail superstore and garden centre (for which outline planning permission has been granted)..."**.
- 7.12. The Council's position (CD1.3 and CD1.5) appears to be that the approval of any restoration scheme would be sufficient to trigger this first exclusion. However, such an interpretation would run counter to the fundamental aims of the policy itself. In the case of *R (Lee Valley Regional Park Authority v Broxbourne Borough Council)* [2015] EWHC 185 (CD3.3vi) the discussion centred on whether a former agricultural building should still be excluded by the definition of PDL even if some other lawful use had been granted planning permission. The Court was keen to avoid **"...some very odd consequences..."** from an overly strict interpretation which ignored the context of the key policy objectives. Thus, a site should not be excluded from the definition of PDL simply because there was 'any' restoration scheme, including one that envisaged a brownfield end use. It would be a nonsense to exclude land from the definition of PDL where a brownfield use was always intended and/or in fact delivered. Likewise, for the policy to make sense the relevant **"...provision for restoration..."** must be practically capable of securing a greenfield end state for the site. A restoration scheme which either did not intend that objective or failed to achieve it would not serve to trigger the exclusion.

- ***Applying the definition in the present case***

- (I) Provision for restoration*

- 7.13. The PDL report (CD3.1) deals with the planning history and the restoration provisions cogently. The report points out that the restoration conditions did not prescribe a greenfield end state or use nor could the site now be subject to enforcement to secure such an outcome.
- 7.14. Para 4.8 of the Council's pre-application advice (CD1.5) suggests that simply because **"...provision for restoration has been made through development control procedures..."** the site is by definition excluded. This simply overlooks the detailed points made in the PDL report about the nature of any proposed restoration. Whilst the 28 July 1976 permission simply prescribed that the site be evenly graded with 300ml of cover (condition viii) this was

superseded by the variation ultimately requiring the submission of a landscape scheme to restore to an appropriate use. It is clear from the Officers Report Committee dated 13th June 1988, that the then intention was to restore this partly to use as open space but the north east corner was to be restored for use as a retail superstore and garden centre. The report confirms that the question of what the appropriate after use was going to be should be left to the submission of the scheme which would include some top soiling, planting and provision of aftercare. It is understood that there are no further records available.

7.15. As the Strutt and Parker PDL report confirms:

- There is no physical evidence that demonstrates that there has been an overall restoration strategy implemented for the site including soil remediation, a full landscaping scheme or full provision for aftercare
- Immediately below the substrata the ground is principally made up of hard core and rubble associated with the previous landfill use which is not consistent with the normal restorative approach associated with appropriate remediation conditions
- The site has a very unnatural and artificial landform as a result of its previous uses
- The uneven landform bears no relation to any part of its surroundings, which is housing in terms of level and urban appearance. It could not reasonably be considered to be part of the natural surroundings
- There is no recognised long term after use noting that the landowner has granted informal access for the grazing of horses on an intermittent basis.

7.16. Thus, an ultimate greenfield end state/use of the site has not been secured through restoration conditions. The site is therefore not excluded from the definition of PDL via this means.

(ii) Blended In

7.17. The Strutt and Parker PDL Report (CD3.1) makes clear the physical condition of the land assumes all the characteristics of an unnatural man-made feature.

7.18. This conclusion is endorsed by the findings of the Baseline Landscape Appraisal (para. 5.2 (pp. 21) CD 3.2) where the landscape assessor concluded that:

“The engineered domed landform of the site is a requirement of any landfill design in order to ensure that ponding of water does not occur on its surface; such ponding could increase water ingress to within the landfill which is to be avoided as part of any landfill design. The topography of the landform is therefore entirely a response to an engineering requirement for the site and not for the site to ‘blend’ with surrounding topography or landuse. The nature of this landform varies but is clearly recognisable by at times steeply engineered slopes and remnant site infrastructure. The current use of land for horse grazing is again a response to the current site conditions and does not lend itself to incorporating the landform successfully to the existing built form that surrounds it; there is little else that the site could be used for in its current condition.

The site is therefore somewhat of an anomaly in its current condition and use and clearly remains identifiable as PDL”.

- 7.19. The overwhelming impression formed when visiting the site is that from every approach the site clearly appears as an artificial dome structure. Indeed, back in 1988 objectors suggested that **“...the landform would be out of character with the surrounding area and would be a permanent eyesore...”** (para. 4.22, CD3.1).
- 7.20. As referenced in the PDL report the height of the dome was regarded as a significant issue at the time. The original proposal was to surcharge the height of the crown to 49 metres AOD. However, this was modified during the process to procure a pre-settlement maximum contour at 46 metres OAD. Although there was some doubt expressed about the rate of settlement the applicant suggested that the final level would be 43 metres OAD at the crown. This appears to have been remarkably prescient as the topographical survey dated 26 September 2014 shows the peak of the crown at 43.73 metres OAD. It is clear that even at this height the dome was to be regarded as an artificial landform. The Officer considered the scale of the final landform will not be "unduly" intrusive on the surrounding areas.
- 7.21. By contrast the Council suggest at para. 4.9 of their pre-application advice note (CD1.5) that the site has blended into the landscape. However, none of the Council's analysis addresses the issue of the artificial nature of the dome nor does it provide any description of the surrounding topography or landscape (which is townscape) into which the dome could be said to have blended. These conclusions do appear to be rather surprising. The author of the note also states "during the site visit I observed no fixed structures that may have been connected with previous use". This must surely have been an error given that there are quite a number of such structures clearly visible on site.
- 7.22. It is within this context, notwithstanding in any event the site is a closed landfill site with clear national policy guidance giving very significant weight to remediating them and restoring them to a productive use, that the site is without question 'previously developed'.
- ii. **Whether the site is located in a sustainable location given its position within the urban area neighbourhood of Greenhithe and whether development can be accommodated within the capacity of existing infrastructure given there is no evidence to suggest that it does not, or that adequate capacity would not be provided through on site provision or the operation of the CIL and planning obligations regime**
- 7.23. With reference to Section 3 and the:

- Formal EIA Screening Opinion Request (CD5.1)
- Transport Strategy (CD6.1)
- Transport Assessment Scoping Report (CD6.2)
- Draft Housing Windfall Sustainability Assessment (CD6.3)
- Commentary on Hedge Place Road Appeal Decision (CD6.4)

the site is located in a highly sustainable location for the reasons described below.

- ***The development is within walking distance of a range of public community facilities***

7.24. Section 4 of the Transport Assessment Scoping report (CD6.2) demonstrates that there are a comprehensive number of amenities and facilities in the local area that are accessible via sustainable travel modes with specific reference to:

- Education
- Health and welfare
- Retail
- Employment
- Entertainment and recreation

7.25. As part of the consented Eastern Quarry development, effectively a new town, a range of new education, health and welfare, retail, employment and entertainment & recreation facilities will be provided some 1-2 km from the site.

- ***The development would have sufficiently good public transport access to encourage modal shift away from car use.***

7.26. Section 5 of the Transport Assessment Scoping report demonstrates that the site benefits from excellent bus access with local bus services connecting to Dartford, Gravesend and Bluewater Shopping Centre. The 480/490 and 455 are accessible from the London Road bus stops immediately adjacent to the site.

7.27. Fastrack B is accessible from either Ingress Park Avenue or Greenhithe Rail Station 500m or 600m away respectively; a 6-8 minute walk; the choice of stop would depend on a residents particular location within the site. Fastrack A is available from Greenhithe Rail Station 600m away; an 8-minute walk.

7.28. The 480/490 and Fastrack routes serve very similar destinations. A resident would therefore have the choice of routes and as each service has a headway of just 10 minutes, a resident could afford to 'turn up and wait' rather than plan for a specific bus; a typical wait time for a bus at any of the local stops would be 5 minutes.

7.29. Section 6 of the Transport Scoping report details rail accessibility. Greenhithe Station provides services to destinations including Dartford, London, Gravesend and the Medway Towns. The station is some 600m to the north west of the site and is accessible by foot along London Road,

using the existing signal controlled crossing turning north at the St Clement's Way roundabout. Fastrack bus routes A and B are also accessible from the station.

- 7.30. Pedestrian, cycle and highway connections as reported in sections 7 to 9 to the site are also considered to be good with improvements proposed as part of the development.

- ***The proposal would include transport improvements, including public transport and Fastrack, new footpaths and cycleways that will contribute to the sustainability of the development***

- 7.31. Transport Assessment Scoping report confirms the presence of existing commitments to extend Fastrack and in the future the site will be served by Fastrack services A, B and D providing direct connections to Ebbsfleet Central for Ebbsfleet International Station, Gravesend and Dartford town centres and rail stations, Eastern Quarry for secondary schools and other amenities and Bluewater shopping centre.

- ***The proposal would provide for uses other than residential as part of the development (normally applicable to relatively large sites) e.g. community services and facilities, business and employment space***

- 7.32. Table 1 (pp. 45 and 46) of the Pre-submission draft Local Plan sets out timescales and locations of development over the Plan Period including need for employment, retail and local services and community infrastructure to accommodate the proposed number of new homes across the Borough. The need for 1(+) primary healthcare facility, 1 primary school and 1 secondary school is identified in the Stone / Greenhithe Area. This is proposed to be delivered through:

- Securing further developer contributions to funding
- Securing on-site new provision where appropriate
- Working in partnership to retain land for timely service delivery

- 7.33. No specific need for additional infrastructure is identified within the Stone / Greenhithe area as being required for employment or retail and local services.

- 7.34. Diagram 2: Infrastructure Diagram on page 29 of the Pre-submission draft Local Plan identifies broad areas of search for the provision of additional infrastructure. The site falls outside of these search areas.

- 7.35. Dartford's Infrastructure Delivery Plan (IDP) outlines the main Borough infrastructure projects currently being actively planned, and gives further details of when they are expected to be provided, responsibility for their delivery and how they will be funded.

- 7.36. The current draft Infrastructure Delivery Plan (Living Document) was updated in December 2020 and categorizes identified projects as:

- Projects where the full level of funding has been identified (including direct provision by developers)
- Projects where the application of CIL funding could help to unlock delivery. Through ongoing liaison with delivery partners
- Other projects which may be needed to support development but currently need to be further defined to confirm delivery timescale

7.37. Reconciling the identified additional education and health provision needs for Stone / Greenhithe against the IDP it is clear that:

- A new 8 form of entry secondary school i.e. capacity for 240 pupils per year group is to be built in Stone. A site has been identified and the project is fully funded. It is due to be fully completed by 2023
- A new 2 form of entry primary school is identified as part of the St James Lane Pitt development at Stone to meet demand from planned development of St James Lane Pit development site and other new development in the area and to take account of demographic changes. It is further stated that additional CIL funding may be required to support the project
- The potential need for an additional 2 x 1 form of entry Primary School expansions within the north of the borough to address the need for additional school places from existing and future development across The Bridge and Dartford Northern Gateway
- To provide new facilities for existing GP practices in the Stone / Greenhithe area to meet rising demand from existing communities and new development at Stone and St Clements, Greenhithe. 2 potential locations for the new facilities have been identified

7.38. Section 2 indicates 4 different development scenarios which would deliver a range of between 600 and 1,180 new residents (assuming an average household size of 2.36 persons per household). This would generate a need for between 58 and 105 primary school places, 42 and 75 secondary school places and circa. 20 to 38 nursery school places.

7.39. Section 3 identifies 6 GP surgeries located within 3.2 km of the site with a combined total patient role of 83,796 patients. The new development based on existing patient numbers set out above of between 0.71% and 1.4% (i.e. 600 or 1,180 expressed as a percentage of the 83,796 existing patients registered at the above surgeries).

7.40. Looking at the level of existing community facilities and services (Section 3), the cumulative impact (Section 4) and the planned infrastructure set out in the IDP 'living document' (paras. 7.32 to 7.37 above) it is clear that apart from a potential shortage of primary school places the allocation of the site for housing can be achieved within the capacity of existing infrastructure. Looking at cumulative development the larger sites including Ebbsfleet Quarry, Ebbsfleet Green, St James's Pit have planned provision for significant new infrastructure including new schools and healthcare facilities to be provided on site. These in themselves with CIL contributions from the potential allocation of the site will not only meet the needs arising from

their own development but could also accommodate the needs arising from other schemes including this proposed omission site.

7.41. The site is well related to various sources of employment, both close by, (such as Crossways Boulevard employment area and Bluewater Shopping Centre) and further afield. Accordingly, new homes will be developed in a location where a close interrelationship can be established with existing complementary uses, therefore reducing the need to travel, minimising car use and making the most effective use of the transport network.

7.42. The proposals will contribute to the Green Grid and provide recreational facilities and access that will promote improved connectivity between existing and new communities.

7.43. The site is extremely well located to existing infrastructure and can contribute, through the CIL and planning obligations regime to delivering the planned new infrastructure identified under para. 5.37. As previously discussed with officers PMG are also open to the potential to facilitating an element of community infrastructure on-site.

- ***Whilst this is a matter for detailed consideration the proposal could act as an exemplar of sustainable development for energy and/or water efficiency***

7.44. The proposals will be designed to combat climate change and this would be demonstrated through a future planning application submission.

7.45. In respect of the economic dimension the development would be deliverable in the immediate future and would increase the supply and choice of housing.

7.46. Moreover, the scheme would make a significant contribution to infrastructure in the form of a CIL payment and future Council Tax payments. This represents a significant contribution towards infrastructure in the wider area.

- iii. Whether there are any other overriding constraints that would otherwise preclude the development of the site for housing including potential harm to public health given the previous use of the site including ground stability and contamination, transport, air quality, drainage, heritage, landscape and ecology issues.***

7.47. These matters are dealt with under the following headings.

- ***Ground Stability and Contamination***

7.48. With reference to:

- Addendum to Preliminary Technical Assessment of Development Potential (CD4.1)
- Review of Regional Hydrogeology (CD4.2)
- Letter from RSK to DBC referencing environmental and geotechnical conditions (CD4.3)
- Asbestos in Soil - Interpretive Report (4.4)
- Factual report on Stage 1 Intrusive Ground Investigation (4.5)
- Factual Report on Stage 2 Intrusive Ground Investigation (CD4.6)
- Controlled Waters Assessment Report (CD4.7)
- Site Assessment and Ground Condition Report (CD4.8)
- High Court decision in R (Judson) v Amber Valley Borough Council (CD4.9)
- Surface Water Drainage Technical Note (CD4.10)
- EIA Screening Opinion (CD6.1)
- Scoping Opinion response (CD6.2)
- Further Scoping Opinion response (CD6.3)

the Council's conclusions contained within the 2021 SHLAA that the site is not physically suitable for development is fundamentally flawed.

- 7.49. As set out in paras. 5.56 and 5.7 below it is clear that the Council has not considered this evidence in any detail, which for the avoidance of doubt has been submitted to officers over a sustained period now exceeding 10 years. In fact, the evidence dates back to the Examination of the current Core Strategy which was adopted in 2011.
- 7.50. At the time of that Examination and on the back of evidence presented to the Inspector by PMG the Council were directed to amend the 2010 SHLAA by changing the site's status from 'not developable' to not 'currently developable'.
- 7.51. The Inspector noting that the principal issue centred on the Council's concerns over the allocation of the site for housing due to its previous use as a landfill site. In the event, during the course of the Examination, the Council accepted that the site could come forward as a "windfall site" should further review conclude that the site is appropriate for housing i.e. that there are no overriding geotechnical issues that would preclude development.
- 7.52. In terms of housing the Inspector stated in para. 31 of his report on the Examination into the Dartford Core Strategy DPD (August 2011) that:

"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 site."

- 7.53. The starting point for further assessment is the September 2021 SHLAA. The status of the SHLAA is heightened in importance in this case as the Council are relying on it to allocate sites whereas national guidance is clear that under normal circumstances the status of a SHLAA is that of evidence and not policy recognising that it is an assessment of facts assembled about sites and conclusions reached about the suitability, availability and achievability of housing in future years based on those facts at a very broad level. It is an assessment of potential at the time of preparation.
- 7.54. PMG welcomes the flexibility of identifying sites through the SHLAA. However, in seeking to effectively “bypass” the site allocation process and not carrying out a “sustainability assessment” for each site it has identified as ‘deliverable and developable’ there needs to be certainty that the approach adopted will deliver the number of homes that as a minimum meet its objectively assessed needs.
- 7.55. Accordingly, for the Plan to meet the tests of “soundness” there needs to be a greater level of scrutiny of the September 2021 SHLAA than would otherwise be the case if the Council were using it in the ‘normal way’ that is very much as a sieving exercise to inform more detailed analysis that would ultimately lead to the allocation of sites.
- 7.56. As with the 2010 SHLAA the September 2021 SHLAA maintains that the site is currently physically unsuitable because:

“Physical outcome: Unsuitable

Physical overview: Brief Summary

“This is an example of one of the remaining former landfill sites in Dartford that are typically capped, grassed and undulating, but may remain unstable and subject to gas emissions due to the gradual degradation of the waste. In this instance, it has not been established that landfill gas will not form a hazard to future development on the site and/or existing residential development in the vicinity or that adverse impacts on groundwater will not be caused. There would be a need for the developer to carry out and submit the results of site investigations in this regard to indicate whether the land could be safely and satisfactorily developed. Development would also need to address transport, air quality, drainage, heritage, landscape and ecology issues” (Pit 11 West of Knockhall Chase, Greenhithe (I.D 34), *Summary Site Compendium*).

- 7.57. Paras. 2.38 and 2.39 of the 2021 SHLAA Methodology (September 2021) reports on the SHLAA approach to assessing landfill sites stating that:

“Suitability Third Step-Physical [Environmental] Factors

.....

2.38 Ground conditions were taken into account. Those submitting sites were asked to supply full information in relation to underground considerations, including contamination from previous uses, land safety and stability and buried infrastructure. It was noted that significant constraints in these areas were likely to have material implications for the assessment.

2.39 The approach outlined in policy M2:3 is important in the evaluation of former landfill sites. Under policy M2:3, previously filled/ contaminated land in the Borough may be unsuitable for residential development in the shorter term due to delivery issues. An assessment for the future has to be made from robust evidence on current physical suitability. Clear evidence was sought that landfill gas or land stability would not present a hazard and that such sites would not adversely impact groundwater. Policy M2:3 states that for contaminated sites to be considered suitable, it must be clearly demonstrated that it will avoid risks to neighbouring uses/ the wider area and that it will not compromise the achievement of design quality, infrastructure provision, affordable housing and other policy requirements as a result of high remediation costs or uncertain timescales for delivery.”

- 7.58. Given the specific evidence presented to the Council (paras. 5.47) PMG are surprised to learn with reference to para. 2.10 of the SHLAA Findings document (September 2021) that:

“Representations on the draft SHLAA were made by developers/ landowners on suitability of sites 34 [PMG’s interest], 87, 213 & 215. However no additional information was supplied as to why the suitability criteria should not apply or were incorrectly assessed. These sites therefore remain unsuitable.”

- 7.59. There is no justifiable basis for the Council ignoring PMG’s evidence and the Inspector is respectively requested to direct the Council to reassess the site taking into full consideration this evidence as summarised below.

- 7.60. A logical starting point is Chapter 10 ‘Soil and Ground Conditions’ of the EA Screening Opinion (CD6.1). The report recognises that ground conditions will need to be scoped as part of any Environmental Assessment due to the site being a former landfill. Contamination risks need to be investigated before the land can be deemed fit for residential use. Ground stability and geology will need to be investigated through a geophysical investigation which will need to be undertaken prior to the construction phase (Section 10.1). The Legislation and policy context is set out in Section 10.2).

- 7.61. Para. 3.21 of DBC’s Scoping Opinion Response, dated 18 November 2018 (CD6.2) confirms that:

“We are broadly satisfied with the proposed contaminated land assessment methodology, however before a final method is approved, we would request that details of the current and past gas monitoring programme undertaken at the site and the results of this monitoring are submitted for assessment by the Council”.

7.62. The Site Assessment and Ground Condition Report (CD4.8) is a detailed report which compiles all of the assessments carried out at the site.

7.63. The main conclusions of the report are:

- The historical maps show that quarrying started on the site prior to 1867 to extract initially sand and gravel and subsequently chalk. Mineral extraction had been completed before 1931. The site was subsequently operated as a landfill by Biffa, between 1967 and 1990, when the site was closed, and the waste disposal licence surrendered.
- The details of the site licences have been reviewed and indicate the site to receive only commercial, industrial and inert wastes; putrescible household and special wastes were not permitted.
- The landfill was developed by Biffa in accordance with best practice in the 1970s and 1980s. When landfilling was completed, the surface was profiled and seeded with grass. The site's current use rough grazing.
- Stage 1 and Stage 2 site investigations have been carried out at the site. The composition of the site is extensively of construction waste including large pieces of concrete. Laboratory analysis of the 29 soil samples taken from both, shallow trial pits and deep boreholes, show the site has very little contamination and can be considered inert.
- Settlement of the site was assessed through topographic records and recent surveys. The site owner predicted the final level of the site in 1990 would be 43m AOD at the crown. This appears to have been remarkably prescient as the topographical survey dated 26 September 2014 shows the peak of the crown at 43.73m AOD. The site is currently stable and consistent with the type of construction waste deposited.
- A gas collection system was installed on the site in 1990, firstly through in-waste perimeter wells, which collected insufficient combustible gases to ignite at the flare stack. Additional wells were installed in 1992, including a line into the centre of the site. Reviewing all of the gas sampling data shows; methane and carbon production in the wells had reduced to zero. The centre wells have been monitored for methane, carbon dioxide, hydrogen sulphide and oxygen since 2016, and reported as zero methane, carbon dioxide and hydrogen sulphide. In addition, total organic carbon content in the made ground did not detect the presence of a substrate that would support biodegradation in the future. The conclusion being that there is not a source of degradable waste at the site.
- The investigation of the site indicates that currently no insurmountable physical barriers to redevelopment of the site have been identified. Indeed, materials within the site, although thicker than originally envisaged, have potentially better compaction characteristics. Settlement of the landfilled materials will still have to be carefully considered during subsequent phases of investigation. Consideration will have to be given to both differential and absolute settlement resulting from imposed loading. The topographic surveys have

indicated that there has been no recent consolidation or self-weight settlement of the site. The potential for further settlement would be mitigated during the redevelopment works.

7.64. For the avoidance of doubt ground condition stability and contamination is reported in detail within the submitted evidence, noting particularly CD4.2, CD4.3, CD4.5, CD4.6 and CD4.8.

7.65. Detailed information on controlled waters is contained separately within CD4.8.

7.66. It is imperative that the Inspector is fully informed of PMG and their advisers continuing efforts to engage with both the LPA and the Environment Agency to further understand, in the light of the clear evidence already presented that demonstrates the site is developable now given:

- The investigative work already carried out demonstrates the site is suitable for residential use taking account of ground conditions and land instability, and proposals for mitigation have been appropriately identified including for land remediation and taking account of potential impacts on the natural environment arising from that remediation
- After remediation, as a minimum, the land will not be capable of being determined as contaminated land under Part IIA of the Environmental Act 1990
- Adequate site investigation information, prepared by a competent person, has been presented

7.67. Following a meeting with the LPA and the Environment Agency on the 7 September 2020 (referenced in CD1.6, CD1.7 and CD1.8) the Site Assessment and Ground Condition Report was submitted to the Council and the Environment Agency on the 8 December 2020 (CD4.8). This was prepared by RSK.

7.68. The purpose of the report, which is effectively a detailed collation of the evidence already available (i.e. CDs 4.1 to CD4.7 and CD6.1) was to further demonstrate by a 'competent person' that the level of detail provided in the report is sufficiently robust that beyond any reasonable doubt:

- Gassing would not pose a risk to public health and that the prevalent ground conditions do not provide an overriding constraint to development
- That the proposals can be dealt with in outline planning application form subject to the imposition of appropriately worded conditions on any subsequent grant of planning permission

7.69. These 2 points are addressed in turn the following headings.

- **Site Assessment and Ground Condition Report**

7.70. The report (CD4.8) discusses all the site and intrusive site investigation works that have been undertaken to date and presents information that is to be used in the planning, design, and construction of the prospective future development of the site for up to 500 dwellings.

7.71. The report details the risk assessments that have been carried out. Specifically, it:

- Provides information on the ground conditions
- Identifies the presence of any contamination
- Determines the prevalent ground gas conditions
- Provides recommendations on appropriate gas protection measures

7.72. This report discusses the work undertaken and presents information that may be used in the planning, design, and construction of the development. The report is comprehensive and provides proportionate and sufficient site investigation information to determine the nature and extent of contamination, the risks it may pose and those subject to the risk so that the risks can be assessed and satisfactorily reduced to an acceptable level. The report concludes that any proposals will be geotechnically stable and environmentally secure. The report also includes a chapter detailing the proposed further investigations and proposed strategy to redevelop the site.

7.73. The risks associated with a closed landfill of this type have been highlighted in the report. It acknowledges that, although gas generation is well past peak, indeed currently negligible, the proposed development on the site will be protected by engineering works. No leachate has been encountered to date but further boreholes are planned as part of the development works. Engineering works will bind the surface of the proposed development preventing generation of any further significant amounts of leachate. It is expected that mitigation of these environmental risks would be a condition of any outline planning approval to be addressed at the approval of details / reserved matter stages.

- **Appropriateness of an Outline Application**

7.74. With reference Policy of DP5 of the adopted Development Management Plan and to the High Court decision in R (Judson) v Amber Valley Borough Council EWHC 517 (6 March 2020), (CD4.9) there is no legal or policy basis which would preclude outline planning permission being granted for landfill or former land fill sites subject to appropriately worded conditions.

7.75. The relevant paras. in the Lewis J judgement:

“The Statutory Provisions

“11. Section 70 of the Town and Country Planning Act 1990 (“the 1990 Act”) provides for a local planning authority to grant or refuse applications for planning permission. Outline planning permission may be granted, that is, permission may be granted for the development but conditional upon the development not being commenced until reserved matters (that is, matters not specified in the application for planning permission) have been approved: see section 92 of the 1990 Act. Applications for planning permission must be determined in accordance with the development plan adopted by the local planning authority unless material considerations indicate otherwise: see section 38(6) of the Planning and Compulsory Purchase Act 2006

.....”

“The Framework

15. The Framework is a material planning consideration. Paragraph 121 of the Framework provides that:

“121 Planning policies and decisions should also ensure that:

- The site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;**
- After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and**
- Adequate site investigation information, prepared by a competent person, is presented.**

The PPG

16. The Ministry of Housing, Communities and Local Government have published an online document, the PPG, on land affected by contamination. The heading indicates that the documents provides guiding principles on how planning can deal with land affected by contamination. The text deals, amongst other things, with applicants bringing forward proposals for a site that could be contaminated. The text refers to the obligation to identify contaminated land under the EPA. It says that if there is a reason to believe contamination could be an issue, developers should provide proportionate but sufficient site investigation information to determine the existence or otherwise of contamination, its nature and extent, the risks it may pose and those subject to the risk so that the risks can be assessed and satisfactorily reduced to an acceptable level. The investigation, it says, should identify the potential sources, pathways and receptors of pollutants and evaluate the risk. It says that this will enable the local planning authority to determine whether more detailed investigation is required or whether any proposed remediation is necessary. It says at this stage an applicant “may be required to provide at least the report of a desk study and site walk over”. It says that unless this initial assessment clearly demonstrates that the risk from contamination can be satisfactorily reduced to an acceptable level, further site investigations will be needed before the application can be determined.

17. The text considers whether an outline planning application requires less information. It notes that the information sought should be proportionate to the decision at the outline stage but, before granting outline permission, a planning authority will, amongst other things, need to be satisfied that it understands the contaminated state of the site, that the proposed development is appropriate as a means of remediating it, and it has sufficient information to be confident that it will be able to grant permission in full at a later stage. The text considers whether planning permission should be refused if there are concerns about land contamination and says that local planning authorities should work with developers

to find acceptable ways forward. Examples given are granting planning permission subject to conditions or obligations. It notes that local planning authorities should be satisfied that a proposed development will be appropriate for its location and not pose an unacceptable risk. It deals with the use of conditions to ensure that development is not commenced until the identified stages in delivering a remediation scheme have been discharged.

30. There is nothing in the wording of, or the purpose underlying, paragraph 121 of the Framework to suggest that a local planning authority cannot, in appropriate circumstances, require investigations to be carried out as a condition of the grant of outline planning permission. The paragraph applies to "Planning policies and decisions". It sets a number of aims for such policies and decisions. It is not setting out a sequential framework whereby all of those aims must be achieved in a particular way, or at a particular time, e.g. before the grant of outline planning permission if, in fact, those aims can be appropriately met in other ways."

7.76. Within the context of the Site Assessment and Ground Condition Report (CD4.8) it would be entirely appropriate for conditions to be attached to any grant of outline planning permission for residential development of the site. These would be constructed to ensure that, before the land is developed for residential use, detailed tests are carried out to see if there is any contamination present and, if so, to identify appropriate remedial and mitigation measures. That is intended to ensure that the site is suitable for residential use. The site will not be capable of being developed for that use unless it is suitable from the point of view of pollution arising from the former landfill site. It should ensure that, if any pollution is encountered, there will be appropriate remediation. That, too, should contribute to ensuring the land will not, after any remediation, satisfy the definition of contaminated land in Part IIA of the EPA. Finally, the decision taken (to grant outline planning permission subject to the requirement for a scheme of detailed investigations to be approved and carried out prior to development) should ensure that adequate site information is prepared. There is nothing in paragraph 121 of the Framework or indeed within Development Management Policy DP5 of the current Local Plan to require that information to be provided, prior to the grant of outline planning permission.

7.77. Furthermore, the PPG does not prohibit the Council dealing with the carrying out of investigations by way of a condition attached to outline planning permission. In that regard, the provisions of current Development Plan Policy DP5 do not materially differ from the provisions of the PPG.

7.78. From knowledge of other historic landfill sites, already granted planning permission elsewhere within the borough and based on similar levels of information we have provided, on matters of potential contamination DBC has accepted that applications can be granted conditionally. Whilst still awaiting determination no in principle objections appear to have been raised to the planning application known as Little Hithe (LPA ref (DA/1901557/FUL and EA ref. KT/2019/126369/01-L01). This site sits on the north side of London Road opposite the subject site.

7.79. Finally, requiring potential contamination issues to be resolved prior to the grant of outline permission rather than by way of conditions would for all practical purposes be perverse. It would involve a radical departure from the usual way of dealing with such matters and would deter developers who might wish to know that a proposed development was acceptable in principle, subject to detailed investigations of certain matters before the development could be commenced.

7.80. The omission site is a former quarry which was subsequently used as a 'closed' landfill site until circa 1989. Since the site was closed there have been a significant number of investigations and reports prepared on the site regarding land contamination, ground conditions and gas. Taking the results of these reports into account, the technical evidence presented demonstrates that the site is suitable for residential development.

7.81. The remediation approach set out in the proposed further investigations and proposed strategy chapter of the Site Assessment and Ground Condition Report is based upon widely used technical guidance.

- **Other *environment al* considerations**

7.82. With reference to the:

- EIA Screening Opinion (CD5.1)
- Scoping Opinion response (CD5.2)
- Further Scoping Opinion response (CD5.3)
- Surface Water Drainage Technical Note (see CD4.10)
- Transport Strategy (CD6.1)
- Transport Assessment Scoping Report (CD6.2)

there are no overriding physical constraints either individual or cumulatively in terms of:

- Air quality (see Chapter 5 CD5.1, CD5.2 and CD5.3 (EIA))
- Archaeology (see Chapter 6 CD5.1, CD5.2 and CD5.3 (EIA))
- Cultural heritage (see Chapter 7 CD5.1, CD5.2 and CD5.3 (EIA))
- Ecology (see Chapter 8 CD5.1, CD5.2 and CD5.3 (EIA))
- Flood risk and drainage (see Chapter 9 CD5.1, CD5.2 and CD5.3 (EIA) and CD4.10 (Surface Water Drainage Technical Note))
- Noise and vibration (see Chapter 11 CD5.1, CD5.2 and CD5.3)
- Landscape and visual impact (see Chapter 12 CD5.1, CD5.2 and CD5.3 (EIA))
- Transport (see Chapter CD5.1, CD5.2 and CD5.3 (EIA), CD6.1 (Transport Strategy and CD6.2 Transport Statement))

that would preclude the identification or allocation of the site for residential development.

- **Summary**

7.83. Based on the foregoing, having taken account of the proportionate evidence base that sits behind the proposals it is evident that residential development would be:

- On land of the right type, i.e. 'previously developed' despoiled land formerly used as a 'closed landfill' and is available
- In the right place being located within the urban neighbourhood of Greenhithe
- Delivered at the right time to support growth generally

7.84. The next section provides the Sustainability Appraisal for this omission site.

8. Sustainability Appraisal and Conclusions

8.1. The Sustainability Appraisal of the Dartford Local Plan has been prepared by LUC on behalf of the Council. It comprises:

- Sustainability Appraisal of Dartford Local Plan (Final Report, July 2021)
- Sustainability Appraisal Non-Technical Summary (Final Report, July 2021)

8.2. It draws together the evidence presented in the preceding sections of this report using the same methodology and criteria adopted in the Council's own draft Sustainability Appraisal of the Pre-submission Draft Plan (September 2021).

- **Sustainability Criteria**

8.3. For absolute clarity and to avoid any ambiguity the 15 SA Framework criteria and scoring matrix are rehearsed as follows:

- SA 1: To ensure that everyone has the opportunity to live in a decent home. Does the site:
 - Deliver the range of types, tenures and affordable homes the Borough needs over the Plan Period?
- SA 2: To ensure ready access to essential services and facilities for all residents. Does the site:
 - Provide sufficient local services and facilities to support new and growing communities (e.g. schools, employment training and lifetime learning facilities, health facilities, recreation areas and services in local centres)?
 - Provide housing within proximity to existing services and facilities that are accessible for all, if not to be provided on site?
 - Does the plan impact on the quality and extent of existing recreational assets, including formal and informal paths?
- SA 3: To strengthen community cohesion. Does the site:
 - Will the Plan help deliver cohesive neighbourhoods with high levels of pedestrian activity/ outdoor interaction, where people mix?
 - Will the Plan facilitate the integration of new neighbourhoods with existing neighbourhoods?
 - Promote developments that benefit and are used by existing and new residents in the Borough, particularly for the Borough's most deprived areas?
 - Will the Plan help to reduce levels of crime, anti-social behaviour and the fear of crime?
- SA 4: To improve the population's health and reduce inequalities. Does the site:

- Promote health and wellbeing by maintaining, enhancing, connecting and creating multifunctional open spaces, green infrastructure, recreation and sports facilities?
 - Protect health and wellbeing by preventing, avoiding and mitigating adverse health effects associated with, noise, vibration, pollution/contamination, and odour?
 - Promote healthy lifestyles by encouraging and facilitating walking and cycling?
 - Safeguard human health and well-being by promoting climate change resilience through sustainable siting, design, landscaping and infrastructure?
- SA 5: Facilitate a sustainable and growing economy and a vital and viable town centre. Does the site:
 - Provide an adequate supply of land and infrastructure to meet the Borough's forecast employment needs with sufficient flexibility to respond to uncertainties and changing economic circumstances?
 - Support opportunities for the expansion and diversification of business and inward investment?
 - Maintain and enhance the economic vitality and vibrancy of the Borough's town centre?
 - Provide new and improved education facilities leading to a work ready population of school and college leavers?
- SA 6: To reduce the need to travel and encourage sustainable and active alternatives to motorised vehicles to reduce congestion. Does the site:
 - Promote the delivery of integrated, compact communities made-up of a complementary mix of land uses?
 - Support the maintenance and expansion of public transport networks including areas with sufficient demand for the introduction of new public transport?
 - Facilitate new and enhanced walking and cycling links?
 - Help to address road congestion and its causes?
- SA 7: To conserve the Borough's mineral resources. Does the site:
 - Ensure nsure adequate consideration is given to balancing the need for development with safeguarding resources?
- SA 8: To conserve the Borough's soils. Does the site:
 - Does the Plan prioritise the development brownfield land over greenfield land?
 - Does the Plan take an appropriate approach to dealing with the potential health and economic risks potentially associated with despoiled land?
 - Does the Plan avoid development on the Borough's best and most versatile agricultural land?

- SA 9: To maintain and improve the quality of the Borough's waters. Does the site:
 - Minimise inappropriate development in source protection zones?
 - Ensure there is sufficient waste water treatment capacity to accommodate the new development?

- SA 10: To reduce air pollution and ensure improvements in air quality. Does the site:
 - Avoid, minimise and mitigate the effects of poor air quality?
 - Contain measures which will help to reduce congestion, particularly involving HGVs?
 - Minimise increases in traffic in the Air Quality Management Areas?

- SA 11: To avoid and mitigate flood risk. Does the site:
 - Minimise development in areas prone to Flood risk and areas prone to increasing Flood risk elsewhere, taking into account the impacts of climate change?
 - Minimise Flood risk and promote the use of SuDS and other flood resilient design?

- SA 12: To minimise the Borough's contribution to climate change. Does the site:
 - Promote energy efficient design?
 - Encourage the provision of renewable energy infrastructure where possible?
 - Minimise greenhouse gas emissions from transport?

- SA 13: To conserve, connect and enhance the Borough's wildlife, habitats and species. Does the site:
 - Conserve and enhance designated and undesignated ecological assets within and outside the Borough, including identification of opportunities for improvements to the conservation, connection and enhancement of ecological assets and achievement of biodiversity net gain?
 - Ensure ecological networks are not compromised, and future improvements in habitat connectivity are not prejudiced, taking into account the impact of climate change?
 - Ensure that the biodiversity value of brownfield sites is identified, protected and enhanced?
 - Provide and manage opportunities for people to come into contact with resilient wildlife places whilst encouraging respect for and raising awareness of the sensitivity of such locations?
 - Conserve priority habitats within and outside the Borough and identify opportunities to enhance and connect them?

- SA 14: To conserve and/or enhance the significant qualities, fabric, setting and accessibility of the Borough's historic environment. Does the site:

- Conserve the Borough's designated and undesignated heritage assets, including their setting and their contribution to wider local character and distinctiveness?
 - Outline opportunities for improvements to the conservation, management and enhancement of the Borough's historic environment, particularly at risk heritage assets?
 - Promote access to, as well as enjoyment and understanding of, the local historic environment for the Borough's residents and visitors?
- SA 15: To conserve and enhance the special qualities, accessibility, local character and distinctiveness of the Borough's settlements, countryside and landscape. Does the site:
 - Protect the Borough's sensitive and special landscapes and townscapes?
 - Encourage development that will have a positive effect on the character of the Borough's neighbourhoods, countryside and settlements?
- **Scoring Symbols and Colour Coding**

8.4. The same key symbols and colour coding used in the SA of Darftord's Local Plan are applied as follows:

++	The option is likely to have a significant positive effect on the SA objective(s)
++/-	The option is likely to have a mixture of significant positive and minor negative effects on the SA objective(s)
+	The option is likely to have a minor positive effect on the SA objective(s)
0	The option is likely to have a negligible or no effect on the SA objective(s)
-	The option is likely to have a minor negative effect on the SA objective(s)
-/+	The option is likely to have a mixture of significant negative and minor positive effects on the SA objective(s)
--	The option is likely to have a significant negative effect on the SA objective(s)
?	It is uncertain what effect the option will have on the SA objective(s)
+/- or ++ / --	The option is likely to have an equal mixture of both minor or both significant positive and negative effects on the SA objective(s)

- **SA Findings**

8.5. The table below summarises the SA scores for Former Landfill Site, London Road, Greenhithe.

SA 1: Housing	++	The option is likely to have a significant positive effect on the SA objective(s)
SA 2: Services and facilities	++/--	The option is likely to have an equal mixture of both minor or both significant positive and negative effects on the SA objective(s)
SA 3: Community cohesion	++	The option is likely to have a significant positive effect on the SA objective(s)
SA 4: Health and inequality	++/-	The option is likely to have a mixture of significant positive and minor negative effects on the SA objective(s)
SA 5: Economy	++	The option is likely to have a significant positive effect on the SA objective(s)
SA 6: Sustainable travel	++/-	The option is likely to have a mixture of significant positive and minor negative effects on the SA objective(s)
SA 7: Mineral resources	0	The option is likely to have a negligible or no effect on the SA objective(s)
SA 8: Soil	++	The option is likely to have a significant positive effect on the SA objective(s)
SA 9: Water quality	0	The option is likely to have a negligible or no effect on the SA objective(s)
SA 10: Air pollution	++/-	The option is likely to have a mixture of significant positive and minor negative effects on the SA objective(s)
SA11: Flood risk	0	The option is likely to have a negligible or no effect on the SA objective(s)
SA 12: Climate change	++/-	The option is likely to have a mixture of significant positive and minor negative effects on the SA objective(s)
SA 13: Biodiversity	++/-	The option is likely to have a mixture of significant positive and minor negative effects on the SA objective(s)
SA 14: Historic Environment	0	The option is likely to have a negligible or no effect on the SA objective(s)
SA 15: Landscape	++	The option is likely to have a significant positive effect on the SA objective(s)

- **Conclusions**

8.6. This Omission Statement demonstrates that the Former Landfill Site, London Road, Greenhithe fulfills all the key criteria in the draft Plan to justify selection either as an identified site given it is both 'deliverable and developable' or as a site allocation in its own right should the Inspector direct the Council to make additional allocations.

1.20. The identification or allocation of the site will deliver the following key benefits:

- Provision of much need housing for local people, including affordable housing, in a sustainable location

- The potential to deliver other community benefits either through on-site provision or through the existing CIL and planning obligations regime
- The redevelopment of a previously developed former landfill site with associated “clean up” benefits
- Ability to support the use of sustainable modes of transport due to the proximity of the site to neighbouring amenities and services
- Providing access to new public open space, enhancements to biodiversity and improved linkages to the existing community on a site that is currently closed
- Development that would not have a detrimental impact on the existing highway network and local infrastructure
- Deliver significant social, economic and environmental benefits for new residents and the existing wider community.

8.7. The site is:

- Suitable
- Available
- Deliverable
- Developable
- Viable
- Consistent with the strategic objectives of the Pre-submission draft Local Plan

8.8. In essence:

- i. The site is “brownfield land”, notwithstanding that very significant weight should be attributed to supporting opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.
- ii. The site is located in a sustainable location given its position within the urban area neighbourhood of Greenhithe and where development can be accommodated within the capacity of existing infrastructure given there is no evidence to suggest that it does not, or that adequate capacity would not be provided through on site provision or the operation of the CIL and planning obligations regime.
- iii. There are no other overriding constraints that would otherwise preclude the development of the site for housing including potential harm to public health given the previous use of the site as landfill.

- **Changes required to the draft local plan to make it sound**

8.9. The evidence set out in PMG's objections, supporting evidence (**Appendix A**), demonstrates that the draft plan is currently unsound.

8.10. Paragraph 35 of the NPPF requires local plans to be:

- Positively prepared to meet objectively assessed development and consistent with achieving sustainable development
- Justified where the plan should be the most appropriate strategy when considered against reasonable alternatives based on proportionate evidence
- Effective and deliverable over the plan period
- Consistent with national policy delivering sustainable development in accordance with policies in the NPPF.

8.11. Accordingly, this omission site should be identified / allocated for housing (in the case of a formal allocation identified on the Policies maps).

Appendix A

Omission Site: Pit 11 West of Knockhall Chase, Greenhithe (I.D 34). Dartford Council Strategic Housing Land Availability Assessment (SHLAA, 2021)

Ref	Document / Plan	Seen by LPA	Cross-Reference
CD1.0	<i>Correspondence with DBC</i>		
CD1.1	Pre-application 1: Letter from Maddox Associates (3 June 2015)	Yes	CD2.0 (all) & CD6.1
CD1.2	Pre-application 1: Letter from Maddox Associates (17 July 2015)	Yes	CD2.0 (all) & CD6.1
CD1.3	Pre-application 1: Response from Dartford BC (24 July 2015)	Yes	CD2.0 (all) & CD6.1
CD1.4	Pre-application 2: Letter from Strutt and Parker (27 March 2017)	Yes	CD2.0 (all), CD3.1 & CD6.2, CD6.3 & CD6.4
CD1.5	Pre-application 2: Response from Dartford BC (15th June 2017)	Yes	CD2.0 (all), CD3.1 & CD6.2, CD6.3 & CD6.4
CD1.6	Letter to DBC Planning Policy from Strutt & Parker (15 October 2019)	Yes	CD1.7, CD4.1 & CD4.2
CD1.7	Planning Note to DBC Planning Policy from Strutt & Parker (15 October 2019)	Yes	CD1.6, CD4.1 & CD4.2
CD1.8	Letter to DBC Planning Policy from Strutt & Parker (29 October 2019)	Yes	CD4.3, CD4.4, CD4.5 & CD4.6
CD1.9	Letter to DBC Planning Policy from DPV Consult (8 December 2020)	Yes	CD4.8
CD2.0	<i>Plans and Drawings (GSA Architects)</i>		
CD2.1	Site Location Plan 1274 C 101	Yes)
CD2.2	Site Location Plan 1274 O 100	Yes)
CD2.3	Parameter Plan 2 - Land Use 1274 O 102	Yes)
CD2.4	Parameter Plan 3 - Building Heights 1274 O 103	Yes)
CD2.5	Parameter Plan 4 - Density 1274 O 104	Yes)
CD2.6	Parameter Plan 5 - Open Space 1274 O 105 1	Yes)
CD2.7	Parameter Plan 6 - Movement Framework 1274 O 106	Yes) CD1.1, CD1.2, CD1.3, CD1.4 & CD1.5
CD2.8	Parameter Plan 7 - Drainage 1274 O 107	Yes)
CD2.9	Opportunities & Constraints Plan 1274 O 108	Yes)
CD2.10	Conceptual Opportunities Plan 1274 O 109	Yes)
CD2.11	Illustrative Layout - 350 Units 1274 O 110	Yes)
CD2.12	Character Area Plan 1274 O 111	Yes)
CD2.13	Illustrative Layout - 350 Units -Wider Context 1274 O 117	Yes)
CD2.14	Illustrative Layout - 376 Units 1274 O 118	Yes)
CD3.0	<i>Previous Developed Land</i>		
CD3.1	Previously Developed Land Statement, Strutt & Parker (October 2017)	Yes	CD1.4 & CD1.5
CD3.2	Baseline Landscape Appraisal (662361/06102 Rev 01) prepared by RSK (May 2019)	No	N/A
CD3.3	Case Law on PDL	No	N/A
CD4.0	<i>Contamination (Gassing & Controlled Waters)</i>		
CD4.1	Addendum to Preliminary Technical Assessment of Development Potential, RSK (11 October 2010)	Yes	CD1.6
CD4.2	Review of Regional Hydrogeology at Former Greenhithe Landfill, RSK (ref. 660976 R01 (02)) (May 2017)	Yes	CD1.6
CD4.3	Letter from RSK to DBC referencing environmental and geotechnical conditions (10 September 2019)	Yes	C81.8
CD4.4	Asbestos in Soil - Interpretive Report, On Advice Ltd. (January 2015)	Yes	CD1.8
CD4.5	Factual report on Stage 1 Intrusive Ground Investigation, Structural Soils Ltd. (June 2014)	Yes	CD1.8
CD4.6	Factual Report on Stage 2 Intrusive Ground Investigation, Structural Soils Ltd. (November 2014)	Yes	CD1.8
CD4.7	Controlled Waters Assessment Report (ref 340147 R01 (01)), RSK (submitted to EA) (January 2020)	Yes	LPA copied in
CD4.8	Site Assessment and Ground Condition Report (ref 340147-R02(00)), RSK (November 2020)	Yes	CD1.9
CD4.9	High Court decision in R (Judson) v Amber Valley Borough Council EWHC 517 (6 March 2020)	n/k	LPA aware
CD4.10	Surface Water Drainage Technical Note (G SW01), WSP (March 2021)	Yes	CD5.1

CD5.0	Environmental Impact Assessment (Screening & Scoping)		
CD5.1	Formal EIA Screening Opinion request prepared by RSK submitted (18 October 2016)	Yes	N/A
CD5.2	Scoping Opinion response provided by Dartford BC (18 November 2016)	Yes	N/A

CD6.0	Transport & Sustainability		
CD6.1	Transport Strategy, WSP Parsons Brinkerhoff (June 2015)	Yes	CD1.4 & CD1.5
CD6.2	Transport Assessment Scoping Report, WSP Parsons Brinckerhoff, (March 2017)	Yes	CD1.4 & CD1.5
CD6.3	Draft Housing Windfall Sustainability Assessment, March 2017 (Strutt & Parker)	Yes	CD1.4 & CD1.5
CD6.4	Commentary on Hedge Place Road Appeal Decision and Judgment, March 2017 (Strutt & Parker)	Yes	CD1.4 & CD1.5

Dartford Local Plan Pre- Submission (Publication) September 2021 Town and Country Planning (Local Planning) England Regulations 2012 – Regulation 19

Representation Form

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- Part 1: Your details
- Part 2: Your representation(s). Please fill out a separate sheet for each representation you wish to make. However, only fill in Part A once and send all representations in together.
- Part 3: Declaration

If you have any queries about this consultation, please contact the Planning Policy Team by emailing localplan@dartford.gov.uk or by phoning 01322 343213.

You only need to fill this section out once

Part 1: Your details

You only need to fill this section out once

	1. Personal details	2. Agent details (if applicable)
Title	Dr	Mr
Name	Brian Crook	David Phillips
Organisation / group	PMG Regeneration Ltd	DPV Consult Ltd
Address 1		2
Address 2		
Address 3		
Postcode		

Telephone number		
Email address		

If you are replying on behalf of a group, how many people does it represent?

No

Part 2: Representation

For office use only

Consultee ID:

Agent ID:

Date Received: :

Please use a separate sheet for each representation

Name or Organisation:	DPV Consult Ltd representing PMG Regeneration
-----------------------	---

1. To which part of the Local Plan does this representation relate?

Paragraph

5.24 to 5.27

Policy

M2

Policies Map

2. Do you consider the Local Plan is:

Please mark with a cross in the boxes as appropriate

(1) Legally compliant

Yes

☐

No

☐

(2) Sound

Yes

☐

No

☒

(3) Complies with the duty to co-operate

Yes

☐

No

☐

3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Background

This objection to Policy M2 has been prepared by DPV Consult Ltd on behalf of PMG Regeneration Ltd. The site is referenced within the Dartford Council Strategic Housing Land Availability Assessment (SHLAA, 2021) as Pit 11 West of Knockhall Chase, Greenhithe (I.D 34).

This representation should also be read in conjunction with our submissions to:

- Policy S1: Borough Spatial Strategy (pp 21 to 27)

- Policy S2: Infrastructure Planning Strategy (pp 28 to 36)
- Policy S4: Borough Development Levels (pp. 41 to 49)
- Policy M9: Sustainable Housing Locations (pp 140 to 143)
- Policies Map: 1 Site Allocations - Omission Site: 'Former Biffa Landfill site at Greenhithe' (in the event the Inspector directs the need for additional formal allocations to be made)
- Sustainability Appraisal

Context

PMG has been consistently promoting the site for residential development of between 300 and 500 homes since 2007 having previously submitted representations to both the Council's previous Strategic Housing Land Availability Assessment (2010 SHLAA) and current SHLAA (2021 SHLAA), the Core Strategy (2011) and the Dartford Development Policies Plan (July 2017). The site has also been the subject of two formal pre-application submissions and discussions with the Borough Council in June 2015 (LPA ref. 15/00855/EMAIL) and 27 March 2018 (LPA ref. 17/00611/PREAPP) and informed discussions with the Planning Policy team which took place in August 2019 and again on the 7 September 2020.

As with the 2010 SHLAA the 2021 SHLAA recognises that the site falls within a sustainable location. However, the Council continue to maintain that the site is physically unsuitable for development and the site is discounted based on its previous use as a landfill site despite no evidence that development, subject to appropriate mitigation, would pose an unacceptable risk to public health.

Basis of this Objection

With reference to:

- Statute
- The National Planning Policy Framework (July 2021)
- The National Planning Policy Guidance (March 2014 and updated ad-hoc)
- The Council's current evidence base including:
 - Sustainability Appraisal, LUC (Final Report, July 2021)
 - The SHLAA, DBC (September 2021)
 - The Infrastructure Delivery Plan Update (December 2020)
- The High Court decision in R (Judson) v Amber Valley Borough Council EWHC 517 (6 March 2020)

Policy M2 is flawed for the following reasons.

- ***Policy M2 does not present a positive framework that is consistent with national policy and the very significant weight that should be attached to supporting opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land***

Policy M2:3 and supporting text does not present a positive framework for growth that is consistent with the Framework and National Planning Policy Guidance. Although strategic Policy S1 aims to direct development to "...brownfield land and sites with good access by public transport and walking / cycling to a range of local supporting services/infrastructure", which is welcome as it is positive, but it becomes clear with reference to subsequent policies and principally Policy S2: Infrastructure Planning Strategy, Policy S4: Borough Development Levels, Policy M2 Environmental and Amenity Protection and M9 Sustainable Housing Locations that the overall strategy is focused on constraining growth with the expectation being that growth will be kept in check and not permitted to go beyond a pre-determined set level. This is not consistent with the NPPF and specifically is in clear conflict with:

- Para. 16 and particularly parts (b) insofar as plans should be “prepared positively” (d) clearly written and unambiguous and (f) serve a clear purpose
 - Paras. 11 and 35 and the presumption in favour of sustainable development and directing plans to “as a minimum, provide for objectively assessed needs” (11 (b) and 35(a))
 - Paras. 120(c) and 174 (f) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.
- ***Policy M2 is overly prescriptive in the level of detail it is seeking to accompany applications. This is not proportionate and is inconsistent with statute, national policy and guidance. The policy is not positively prepared insofar as it fails to promote the remediation of despoiled, degraded, derelict, contaminated or unstable land***

With reference to Policy of M2 of the adopted Development Management Plan and to the High Court decision in R (Judson) v Amber Valley Borough Council EWHC 517 (6 March 2020), a copy is attached , there is no legal or policy basis which would preclude outline planning permission being granted for landfill or former land fill sites subject to appropriately worded conditions.

The relevant paras. in the Lewis J judgement:

“The Statutory Provisions

“11. Section 70 of the Town and Country Planning Act 1990 (“the 1990 Act”) provides for a local planning authority to grant or refuse applications for planning permission. Outline planning permission may be granted, that is, permission may be granted for the development but conditional upon the development not being commenced until reserved matters (that is, matters not specified in the application for planning permission) have been approved: see section 92 of the 1990 Act. Applications for planning permission must be determined in accordance with the development plan adopted by the local planning authority unless material considerations indicate otherwise: see section 38(6) of the Planning and Compulsory Purchase Act 2006

.....”

“The Framework

15. The Framework is a material planning consideration. Paragraph 121 [now 183] of the Framework provides that:

“121 Planning policies and decisions should also ensure that:

The site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;

After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

Adequate site investigation information, prepared by a competent person, is presented.

The PPG

16. The Ministry of Housing, Communities and Local Government have published an online document, the PPG, on land affected by contamination. The heading indicates that the documents provides guiding principles on how planning can deal with land affected by contamination. The text deals, amongst other things, with applicants bringing forward proposals for a site that could

be contaminated. The text refers to the obligation to identify contaminated land under the EPA. It says that if there is a reason to believe contamination could be an issue, developers should provide proportionate but sufficient site investigation information to determine the existence or otherwise of contamination, its nature and extent, the risks it may pose and those subject to the risk so that the risks can be assessed and satisfactorily reduced to an acceptable level. The investigation, it says, should identify the potential sources, pathways and receptors of pollutants and evaluate the risk. It says that this will enable the local planning authority to determine whether more detailed investigation is required or whether any proposed remediation is necessary. It says at this stage an applicant “may be required to provide at least the report of a desk study and site walk over”. It says that unless this initial assessment clearly demonstrates that the risk from contamination can be satisfactorily reduced to an acceptable level, further site investigations will be needed before the application can be determined.

17. The text considers whether an outline planning application requires less information. It notes that the information sought should be proportionate to the decision at the outline stage but, before granting outline permission, a planning authority will, amongst other things, need to be satisfied that it understands the contaminated state of the site, that the proposed development is appropriate as a means of remediating it, and it has sufficient information to be confident that it will be able to grant permission in full at a later stage. The text considers whether planning permission should be refused if there are concerns about land contamination and says that local planning authorities should work with developers to find acceptable ways forward. Examples given are granting planning permission subject to conditions or obligations. It notes that local planning authorities should be satisfied that a proposed development will be appropriate for its location and not pose an unacceptable risk. It deals with the use of conditions to ensure that development is not commenced until the identified stages in delivering a remediation scheme have been discharged.

30. There is nothing in the wording of, or the purpose underlying, paragraph 121 of the Framework to suggest that a local planning authority cannot, in appropriate circumstances, require investigations to be carried out as a condition of the grant of outline planning permission. The paragraph applies to “Planning policies and decisions”. It sets a number of aims for such policies and decisions. It is not setting out a sequential framework whereby all of those aims must be achieved in a particular way, or at a particular time, e.g. before the grant of outline planning permission if, in fact, those aims can be appropriately met in other ways.”

Furthermore, the PPG does not prohibit the Council dealing with the carrying out of investigations by way of a condition attached to outline planning permission. In that regard, the provisions of Policy M2 materially differ from the provisions of the PPG.

Finally, requiring potential contamination issues to be resolved prior to the grant of outline permission rather than by way of conditions would for all practical purposes be perverse. It would involve a radical departure from the usual way of dealing with such matters and would deter developers who might wish to know that a proposed development was acceptable in principle, subject to detailed investigations of certain matters before the development could be commenced.

- **Policy M2 is inconsistent with national planning policy insofar as the economics of provision of e.g. affordable housing should be assessed on a case by case basis subject to the individual circumstances of a site and weighed in the overall planning balance. The Council has provided no evidence to demonstrate that the development of landfill sites will be compromised e.g. in terms of design quality and in any event these detailed impacts will be assessed with regard to other relevant policies in the Plan.**

We accept that the redevelopment of landfill sites for residential purposes in certain circumstances may involve abnormal costs, particularly in relation to remediation that may be required to make the site safe for residential use.

The economics of provision is a material consideration and national planning is clear that developers should only be expected to contribute contributions to a level development can support and it would be entirely reasonable to off-set normal contributions for the greater good e.g. affordable housing when weighed against other scheme benefits including putting back previously used land to productive use and the very significant benefits a particular scheme may have.

Para: 007 Reference ID: 10-007-20180724 [Revision date: 24 07 2018] of the NPPG states:

“Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.

Such circumstances could include, for example where development is proposed on unallocated sites of a wholly different type to those used in viability assessment that informed the plan; where further information on infrastructure or site costs is required; where particular types of development are proposed which may significantly vary from standard models of development for sale (for example build to rent or housing for older people); or where a recession or similar significant economic changes have occurred since the plan was brought into force”.

In such circumstances, in accordance with national planning policy, a viability appraisal should be submitted in support of application proposals and assessed by the determining authority.

- ***The description of landfill sites as ‘greenfield’ land is inappropriate and unjustified as it fails to recognise the significant weight supporting their redevelopment.***

The general characterisation of “landfill sites” as “greenfield” is at best unhelpful and at worst factually incorrect. It fails to recognise that in almost all respects they will, within the NPPF definition, comprise “previously developed” land, unless provision for restoration has been made through development management procedures. It is also likely that in most cases there will remain evidence of the remains of permanent structures that will not have blended into the landscape. Without full restoration of former landfill to a pre-developed state will mean that these sites will remain despoiled with varying degrees of contamination. In accordance with national planning policy Policy M2 should seek to prioritise, rather than discourage, the redevelopment of these sites, particularly those located within the urban area.

Policy M2 and supporting text as currently drafted is contrary to the principles of sustainable development and the very substantive weight that Council's should attach to supporting appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

Accordingly, Policy M2:3 and supporting text at paras. 5.24 to 5.27 must be redrafted in their entirety to ensure the Policy is justified and effective.

(Continue on a separate sheet / expand box if necessary)

4. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 3 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

- **Proposed changes to supporting text**

Page 112

*"5.17 Development should not be located where site conditions make it unsuitable for its intended use, **unless it can be demonstrated** these can be remediated or mitigated **as part of the development**. Sites where there is uncertainty about the safety or practicability of development might include development on or adjacent to landfill sites, within areas of poor air quality, or in close proximity to sites used for the storage of hazardous substances."*

Pages 105 and 106

Delete paras. sub-title and 5.23 to 5.27

"Landfill Sites"

~~*"5.23 Some areas in the north of the Borough are characterised by open land set between existing residential communities. These areas often have been previously used for landfill purposes and have remained open land for many years due to ground stabilisation issues, gas emissions and potential groundwater contamination associated with degrading landfill waste. Many of the sites are unsuitable for development in the short to medium term. In most instances, these sites are regarded as greenfield land, and are not part of the planned housing land supply during the plan period. Detailed site investigations would be needed to indicate whether the land could be safely developed. Attempts to bring forward satisfactory development at these sites can present a range of special environmental and economic challenges that need to be recognised from the outset."*~~

~~*5.24 In the event that proposals emerge, full and detailed planning applications will be expected. Assessment of proposed development on gassing landfill sites will take into consideration the potential migration of the gas to adjacent areas and the resultant impact on public safety. There will also be a need to ensure that groundwater quality will not be adversely affected."*~~

~~*5.25 The first priority in assessing proposals is to ensure that development is appropriate; especially that any new residential development meets legislative requirements for safety. It is also very important that there is robust information so that all the issues of feasibility and potential uncertainty are recognised at the point of determining planning applications and that there is detail available to support reasonable confidence that the planned benefits will be realised if development commences."*~~

~~*5.26 Without major technical requirements clearly addressed upfront, there may be continuing uncertainty regarding the extent of gas emissions and/ or land stabilisation. Local experience suggests that the programme to bring forward satisfactory development in full can then become a longer term endeavour than initially identified. This is due to changing delivery timescales/ cost and viability, with potential impacts on meeting policy requirements, and the need to provide mitigations necessary to achieve sustainable growth in the Borough. For these reasons, sites which need to address potential gassing and land*~~

~~stabilisation issues will not be prioritised in decisions over sites where there are no such land conditions and associated viability implications.~~

Replace with:

“Landfill and Contaminated Land

5.23 The Borough promotes the development of landfill sites and other previously developed or previously used land, particularly where vacant, derelict or underused. It is recognised that redevelopment is likely to result in the remediation of land affected by contamination and therefore is an important issue to address when delivering new development in the Borough.

5.24 Where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner. It is therefore vital that land contamination is dealt with properly and in an appropriate manner to ensure that development is 'suitable for use' and does not present any unacceptable risks to people, property or the wider environment. The remediation of land contamination which may affect ground or surface waters must be dealt with in a manner consistent with established risk management procedures such as BS10175 Investigation of Potentially Contaminated Sites – Code of Practice and/or the latest equivalent UK guidance.

5.25 Where it is known or suspected that land stability may have an impact on any development or works to upgrade the local environment, planning applications must be accompanied by sufficient proportionate information to determine the extent of the instability.

5.26 The Borough encourages applicants and developers on potentially contaminated sites to discuss the possible nature and extent of the contamination present and measures needed to address it at the pre-application stage so that sufficient, relevant information can form part of documents and supporting information to be submitted alongside any planning application.

- **Proposed changes to Policy M2**

Pages 115

“Policy M2: Environmental and Amenity Protection

Delete part 3

~~3. Planning applications on or in the immediate vicinity of landfill sites must be accompanied by a full technical analysis of the site and its surroundings, in accordance with Environmental Health and Environment Agency requirements for permitted sites. Analysis must establish that landfill gas will not represent a hazard on development of the site or that development will not cause adverse impacts on groundwater. Development must clearly demonstrate that it can be safely, satisfactorily and fully achieved, including:~~

- ~~a) avoidance of risks to neighbouring uses/ the wider area; and~~
- ~~b) design quality, infrastructure provision, affordable housing and other policy requirements are not compromised as a result of high remediation costs or to allow for delivery uncertainties.”~~

Replace with:

"3. Development will be permitted for proposals involving the reclamation and/or re-use of former landfill sites, derelict, unstable and contaminated land subject to the following.

i. Where it is suspected or known that land is contaminated and/or unstable, the applicant provides sufficient, relevant information to enable a proper assessment of the proposal to be made in the determination of an application. Where planning permission is granted, conditions may be placed which require the applicant to undertake further action in relation to:

- **provision of a risk assessment and options appraisal**
- **formulation of a sustainable remediation strategy**
- **implementation and verification of a remediation strategy**
- **the sustainable remediation of contaminated land not previously identified**

The Borough Council will require the remedial or mitigating measures to be carried out as part of the development.

ii. Where it is known or suspected that land stability may have an impact on any development or works to upgrade the local environment, planning applications must be accompanied by sufficient proportionate information to determine the extent of the instability.

The developer will be required to undertake an assessment of the potential of such works to mitigate against, or ensure that there are no significant adverse impacts on controlled waters and geological features of value."

(Continue on a separate sheet / expand box if necessary)

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

☐

Yes, I wish to participate in hearing sessions(s)

☒

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.

The matters raised in this submission are complex and a hearing session to thoroughly examine them would assist the Inspector in fully appreciating the issues involved.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they may wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Part 3: Declaration

Data Protection

The personal information you provide on this form will be processed in accordance with the Data Protection Act 2018 and the Privacy and Electronic Communications (EC Directive) Regulations 2003. The information you provide will only be used for the purposes of the preparation of the Local Plan as required by the Planning and Compulsory Purchase Act 2004, and may be used by the Council to contact you, if necessary, regarding your submission. Under Regulation 22, we have a duty to send all representations to the appointed Planning Inspector. Your name, organisation name (if relevant), comments and town/parish of residence will be made available for public inspection when displaying and reporting the outcome of the statutory consultation stage and cannot be treated as confidential. You will not be asked for any unnecessary information and we will not publish any personal data beyond what is stated in this declaration.

Please sign and date this form. Forms signed electronically will be accepted.

Declaration:

By completing and signing this form, I agree to my name, organisation, town/parish of residence and representations being made available for public inspection.

Signature:

Date:

28 September 2021

Dartford Local Plan Pre- Submission (Publication) September 2021 Town and Country Planning (Local Planning) England Regulations 2012 – Regulation 19

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You only need to fill this section out once

	1. Personal details	2. Agent details (if applicable)
Title	Dr	Mr
Name	Brian Crook	David Phillips
Organisation / group	PMG Regeneration Ltd	DPV Consult Ltd
Address 1		
Address 2		
Address 3		
Postcode		

Telephone number		
Email address		

If you are replying on behalf of a group, how many people does it represent?

No

Part 2: Representation

For office use only

Consultee ID:

Agent ID:

Date Received: :

Please use a separate sheet for each representation

Name or Organisation:	DPV Consult Ltd representing PMG Regeneration
-----------------------	---

1. To which part of the Local Plan does this representation relate?

Paragraph

5.24 to 5.27

Policy

M9

Policies Map

2. Do you consider the Local Plan is:

Please mark with a cross in the boxes as appropriate

(1) Legally compliant

Yes

☐

No

☐

(2) Sound

Yes

☐

No

☒

(3) Complies with the duty to co-operate

Yes

☐

No

☐

3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Background

This objection to Policy M9 has been prepared by DPV Consult Ltd on behalf of PMG Regeneration Ltd. The site is referenced within the Dartford Council Strategic Housing Land Availability Assessment (SHLAA, 2021) as Pit 11 West of Knockhall Chase, Greenhithe (I.D 34).

This representation should also be read in conjunction with our submissions to:

- Policy S1: Borough Spatial Strategy (pp 21 to 27)

- Policy S2: Infrastructure Planning Strategy (pp 28 to 36)
- Policy S4: Borough Development Levels (pp. 41 to 49)
- Policy M2: Environmental and Amenity Protection (pp 112 to 115)
- Policies Map: 1 Site Allocations - Omission Site: 'Former Biffa Landfill site at Greenhithe' (in the event the Inspector directs the need for additional formal allocations to be made)
- Sustainability Appraisal

Context

PMG has been consistently promoting the site for residential development of between 300 and 500 homes since 2007 having previously submitted representations to both the Council's previous Strategic Housing Land Availability Assessment (2010 SHLAA) and current SHLAA (2021 SHLAA), the Core Strategy (2011) and the Dartford Development Policies Plan (July 2017). The site has also been the subject of two formal pre-application submissions and discussions with the Borough Council in June 2015 (LPA ref. 15/00855/EMAIL) and 27 March 2018 (LPA ref. 17/00611/PREAPP) and informed discussions with the Planning Policy team which took place in August 2019 and again on the 7 September 2020.

As with the 2010 SHLAA the 2021 SHLAA recognises that the site falls within a sustainable location. However, the Council continue to maintain that the site is physically unsuitable for development and the site is discounted based on its previous use as a landfill site despite no evidence that development, subject to appropriate mitigation, would pose an unacceptable risk to public health.

Basis of this Objection

Please refer to objections to Policy S1, S2, S4 and M2. as these form the same basis for objections to Policy M9.

4. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 3 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

• ***Proposed changes to supporting text***

Page 140

*"5.75 New dwellings on sites of all sizes should be sustainably located. To identify sustainable locations, the Dartford Strategic Housing Land Availability Assessment 2021 (SHLAA) defines criteria to identify sites which are suitable, deliverable and developable for residential development. **The SHLAA, is to be a live document to be updated in real time to take account of new evidence demonstrating the suitability of sites.** This land has been assessed through clear criteria consistent with this plan's strategic objectives, including access to local facilities and public transport, and has been found to be in a sustainable location and deliverable/ developable.*

.....

5.79 There is a strong imperative for all sites, large and small, to maintain the Borough's priority for development to be focussed on the re-use of brownfield, despoiled, degraded or previously used land. National policy gives substantial weight to suitable brownfield land within settlements and, in Dartford Borough, it is expected that greenfield land will only be needed exceptionally. Inappropriate windfall developments are a clear threat to achieving the plan's 80% brownfield land target (policy S4).

5.81 The individual or aggregate impact of larger windfall sites can have real potential to have an adverse impact on maintaining sustainable development. These sites may present challenges to infrastructure planning and, potentially, brownfield land re-use requirements. They can compromise the achievement of Local Plan regeneration, and healthy and walkable neighbourhood/ sustainable transport objectives. These have not been accounted for in infrastructure planning with no ability to plan ahead for sufficient capacity (e.g. to secure land nearby for a new school expansion/ site). Even with the possibility of land on-site, major windfall developments risk undermining planning by the Council and infrastructure providers to ensure that sufficient timely and accessible infrastructure is prioritised and delivered, to allow urban regeneration/ the identified development locations to be realised."

Proposed changes to Policy M9

Page 143

"Policy M9: Sustainable Housing Locations

....

Delete Policy M9 text and replace with policy text:

1. Sites that have been planned and shown to be deliverable or developable in the current SHLAA or through a planning application will be supported for residential development, in accordance with the principles of sustainable development.
2. New homes should be focussed on the planned development locations and within the Urban Area neighbourhoods of Dartford, Stone, Greenhithe and Swanscombe. Unplanned windfall residential development will be acceptable if it is in a sustainable location and the benefits of the proposal outweigh the disbenefits. Windfall development involving a net gain of five or more dwellings must also demonstrate:
 - a) It is located on brownfield, despoiled, degraded or previously used land (unless it has been shown that the site is necessary to rectify a lack of five year supply of deliverable housing land);
 - b) It is within easy walking distance of a range of community facilities including schools, shops, leisure and recreation services, and is well located with respect to walking/ cycling and good public transport to a choice of employment opportunities; and
 - c) In the case of major development, it is also shown to be sufficiently served by infrastructure, after allowing for the infrastructure requirements of the sites identified in the housing land supply."

....."

(Continue on a separate sheet / expand box if necessary)

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions. After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

☐

Yes, I wish to participate in hearing sessions(s)

☒

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.

The matters raised in this submission are complex and a hearing session to thoroughly examine them would assist the Inspector in fully appreciating the issues involved.
--

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they may wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Part 3: Declaration

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Please sign and date this form. Forms signed electronically will be accepted.

Declaration:

By completing and signing this form, I agree to my name, organisation, town/parish of residence and representations being made available for public inspection.

Signature:

Date:

28 September 2021

Dartford Local Plan Pre- Submission (Publication) September 2021 Town and Country Planning (Local Planning) England Regulations 2012 – Regulation 19

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You only need to fill this section out once

Part 1: Your details

You only need to fill this section out once

	1. Personal details	2. Agent details (if applicable)
Title	Dr	Mr
Name	Brian Crook	David Phillips
Organisation / group	PMG Regeneration Ltd	DPV Consult Ltd
Address 1		
Address 2		
Address 3		
Postcode		

Telephone number		
Email address		

If you are replying on behalf of a group, how many people does it represent?

No

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For office use only

Consultee ID:

Agent ID:

Date Received: :

Please use a separate sheet for each representation

Name or Organisation:	DPV Consult Ltd representing PMG Regeneration
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1. To which part of the Local Plan does this representation relate?

Paragraph

Policy

Policies Map

1: Site Allocations

2. Do you consider the Local Plan is:

Please mark with a cross in the boxes as appropriate

(1) Legally compliant

Yes

No

(2) Sound

Yes

No

(3) Complies with the duty to co-operate

Yes

No

3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Background

This objection to Policies Map 1: Site Allocation - Omission Site: 'Former Biffa Landfill site at Greenhithe' has been prepared by DPV Consult Ltd on behalf of PMG Regeneration Ltd. The site is referenced within the Dartford Council Strategic Housing Land Availability Assessment (SHLAA, 2021) as Pit 11 West of Knockhall Chase, Greenhithe (I.D 34).

This representation should also be read in conjunction with our submissions to:

- Policy S1: Borough Spatial Strategy (pp 21 to 27)
- Policy S2: Infrastructure Planning Strategy (pp 28 to 36)
- Policy S4: Borough Development Levels (pp. 41 to 49)
- Policy M2: Environmental and Amenity Protection (pp 112 to 1115)
- Policy M9: Sustainable Housing Locations (pp 140 to 143)
- Sustainability Appraisal

Context

PMG has been consistently promoting the site for residential development of between 300 and 500 homes since 2007 having previously submitted representations to both the Council' previous Strategic Housing Land Availability Assessment (2010 SHLAA) and current SHLAA (September 2021 SHLAA), the Core Strategy (2011) and the Dartford Development Policies Plan (July 2017). The site has also been the subject of two formal pre-application submissions and discussions with the Borough Council in June 2015 (LPA ref. 15/00855/EMAIL) and 27 March 2018 (LPA ref. 17/00611/PREAPP) and informed discussions with the Planning Policy team which took place in August 2019 and again on the 7 September 2020.

As with the 2010 SHLAA the September 2021 SHLAA recognises that the site falls within a sustainable location. However, the Council continue to maintain that the site is physically unsuitable for development and the site is discounted based on its previous use as a landfill site despite no evidence that development, subject to appropriate mitigation, would pose an unacceptable risk to public health.

Basis of this Objection

Please Refer to:

Former Landfill Site, London Road, Greenhithe, Pit 11 West of Knockhall Chase, Greenhithe (I.D 34). Dartford Council Strategic Housing Land Availability Assessment (SHLAA, September 2021)
Omission Site Supporting Statement and Sustainability Appraisal.

4. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 3 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please Refer to:

Former Landfill Site, London Road, Greenhithe, Pit 11 West of Knockhall Chase, Greenhithe (I.D 34). Dartford Council Strategic Housing Land Availability Assessment (SHLAA, September 2021)
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5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

☐

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Date:

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Address 2		
Address 3		
Postcode		

Telephone number		020 83518051 / 07875 765527
Email address		davidphillips@dpvconsult.co.uk

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1. To which part of the Local Plan does this representation relate?

Paragraph

2.4 to 2.14

Policy

S1

Policies Map

2. Do you consider the Local Plan is:

Please mark with a cross in the boxes as appropriate

(1) Legally compliant

Yes

No

X

(2) Sound

Yes

No

X

(3) Complies with the duty to co-operate

Yes

No

X

3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Background

This objection to Policy S1 has been prepared by DPV Consult Ltd on behalf of PMG Regeneration Ltd. The site is referenced within the Dartford Council Strategic Housing Land Availability Assessment (SHLAA, 2021) as Pit 11 West of Knockhall Chase, Greenhithe (I.D 34).

This representation should also be read in conjunction with our submissions to:

- Policy S2: Infrastructure Planning Strategy (pp. 28 to 35)

- Policy S4: Borough Development Levels (pp. 41 to 49)
- Policy M2: Environmental and Amenity Protection (pp 112 to 115)
- Policy M9: Sustainable Housing Locations (pp 140 to 143)
- Policies Map: 1 Site Allocations - Omission Site: 'Former Biffa Landfill site at Greenhithe' (in the event the Inspector directs the need for additional formal allocations to be made)
- Sustainability Appraisal

Context

PMG has been consistently promoting the site for residential development of between 300 and 500 homes since 2007 having previously submitted representations to both the Council's previous Strategic Housing Land Availability Assessment (2010 SHLAA) and current SHLAA (2021 SHLAA), the Core Strategy (2011) and the Dartford Development Policies Plan (July 2017). The site has also been the subject of two formal pre-application submissions and discussions with the Borough Council in June 2015 (LPA ref. 15/00855/EMAIL) and 27 March 2018 (LPA ref. 17/00611/PREAPP) and informed discussions with the Planning Policy team which took place in August 2019 and again on the 7 September 2020.

As with the 2010 SHLAA the 2021 SHLAA recognises that the site falls within a sustainable location. However, the Council continue to maintain that the site is physically unsuitable for development and the site is discounted based on its previous use as a landfill site despite no evidence that development, subject to appropriate mitigation, would pose an unacceptable risk to public health.

Basis of this Objection

With reference to:

- The National Planning Policy Framework (July 2021)
- The National Planning Policy Guidance (March 2014 and updated ad-hoc)
- The Council's current evidence base including:
- Sustainability Appraisal, LUC (Final Report July 2021)
- The SHLAA, DBC (September 2021)
- Residential Requirement Report, DBC (September 2021)
- Dartford's Duty to Co-operate Update and Addendum, DBC (September 2021)
- The Infrastructure Delivery Plan Update (December 2020)

Policy S1 and supporting text is flawed for the following reasons.

- ***The Plan's vision, objectives and overall strategy is confusing and does not present a positive framework that is consistent with national policy and will not contribute to the achievement of growth and sustainable development.***

Policy S1 and supporting text does not present a positive framework for growth that is consistent with the Framework and National Planning Policy Guidance. Although strategic Policy S1 aims to direct development to "...brownfield land and sites with good access by public transport and walking / cycling to a range of local supporting services/infrastructure", which is welcome as it is positive, but it becomes clear with reference to subsequent policies and principally Policy S2: Infrastructure Planning Strategy, Policy S4: Borough Development Levels, Policy M2 Environmental and Amenity Protection and M9 Sustainable Housing Locations that the overall strategy is focused on constraining growth with the expectation being that growth will be kept in check and not permitted to go beyond a pre-determined set level. This is not consistent with the NPPF and specifically is in clear conflict with:

- Para. 16 and particularly parts (b) insofar as plans should be “prepared positively” (d) clearly written and unambiguous and (f) serve a clear purpose
- Paras. 11 and 35 and the presumption in favour of sustainable development and directing plans to “as a minimum, provide for objectively assessed needs” (11 (b) and 35(a))
- Paras. 120(c) and 174 (f) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

The Plan’s strategy does not reflect the vision as there seems to be no discussion on the role of how the borough will take advantage of its strategic relationship with the Ebbsfleet Development Corporation. The primary way that the borough can do this is through the development of increased levels of development including the appropriate levels of housing to support this growth. However, the plan only proposes 790 new homes per annum, which although technically in line with meeting its objectively assessed needs does not recognise the true potential of the borough to deliver so much more given the significant amounts of brownfield, despoiled, degraded, derelict, contaminated and unstable land that would be suitable for recycling and which remains a significant under-utilised resource in the borough.

So far the Council has not provided clear and robust evidence to demonstrate how it intends to fulfil its statutory Duty to Co-operate and assist in meeting the needs of neighbouring authorities. Based on the limited evidence so far produced it has held discussions with Sevenoaks and Bexley and in the case of Sevenoaks concludes that there is not a functional relationship and accordingly there should be no expectation that it should agree to meet any of Sevenoak’s requirement – we respectfully disagree.

In fact, Dartford shares clear and strong functional economic and spatial relationships, including a common housing market area with Sevenoaks, Tunbridge Wells, Tonbridge and Malling and Gravesham as well as LB Bexley.

The draft Local Plan makes no provision for identified unmet housing need arising from these neighbouring authorities. However, the NPPF states that local planning authorities should meet the objectively assessed need within their housing market areas. This requires cooperation between the authorities in neighbouring areas (para, 11d, NPPF) to ensure that the need is met. Almost all the land outside of Sevenoaks, Tunbridge Wells, Tonbridge and Malling and Gravesham built up areas is either in the Green Belt or AONB or both. Dartford, even allowing for its own Green Belt is significantly less constrained.

This is reflected in the large number of planning approvals and sites shown in the latest SHLAA on previously developed and despoiled sites. In reality the Borough has the ability to deliver far in excess of its objectively assessed need without having to rely on greenfield and Green Belt sites outside of its main urban areas. Accordingly, it has the ability to greatly assist in making up the unmet needs of adjoining local authorities.

Making no allowance in Dartford for unmet housing need in the HMA is therefore not a sound position.

The underprovision in these adjoining authorities exists now and has been growing from the start of their respective plan periods; it needs to be addressed. It is true that any review of Sevenoaks, Tunbridge Wells, Tonbridge and Malling and Gravesham local plans will provide an opportunity to re-examine housing opportunities and adjust its assessment of unmet need against a new OAN calculation. However it is very clear from reviewing the neighbouring authorities evidence and from the obvious constraints imposed by Green Belt and AONB around Sevenoaks, Tunbridge Wells, Tonbridge and Malling and Gravesham, that there remains a significant delivery shortfall

against housing needs in these authorities. These authorities will very probably remain unable to accommodate a significant proportion of its OAN in future.

That said, Dartford should not be expected to accommodate the full amount of unmet need from neighbouring authorities. However, it should engage with these authorities now to at least explore a reasonable quantum of additional housing development it could reasonably take.

Accordingly, PMG contends that remaining within the minimum objectively assessed needs targets in the context of the development constraints of Sevenoaks, Tunbridge Wells, Tonbridge and Malling and Gravesham as well as neighbouring London Boroughs including Bexley fails to meet the objectives of NPPF, particular with regard to para. 35.

- ***The Plan's strategic objectives do not provide a clear and cohesive framework for the future growth and development of Dartford***

Policy S1 when read in conjunction with Policy S2: Infrastructure Planning Strategy, Policy S4: Borough Development Levels, Policy M2 Environmental and Amenity Protection and M9 Sustainable Housing Locations serve to artificially constrain growth. The key focus of the Plan should be to establish a framework for development to take place, instead of placing barriers that stop growth.

Part 1 of Policy S1 states that “sustainable development will occur at planned locations” and part 6a makes reference to additional residential development at sites identified in the housing land supply, but with reference to Policy S4: Borough Development Levels the sources of supply with a significant focus on bringing forward 2,500 “Further identified sites: SHLAA (deliverable/developable), including permissions, excluding allocated sites” are not at all clear. Further it is evident when scrutinising the Plan and supporting evidence base that no tangible work has yet taken place to demonstrate that specific infrastructure has been identified to accommodate all of the 2,500 “further identified sites” and 5,800 homes to be delivered on allocated sites D4, D5, D6, E4 and E5 (E5 is a dubious allocation in itself given a significant element of this allocation forms part of the historic planning permission for Ebbsfleet Quarry “Whitecliffe” and a significant proportion of the development has already been implemented which raises a concern that the Council are effectively double counting). The Plan and its contents are of no use if they are not deliverable and do not put in place the mechanisms to deliver the level of homes needed.

On the basis of the foregoing Policy S1 as currently drafted is not justified, effective or consistent with national policy. More fundamentally we question whether the draft Plan complies with the statutory Duty to Co-operate.

With the changes proposed below the Policy and supporting text, and with reference to developing a flexible approach to delivering sites advocated by our proposed revisions to Policy S4, the Plan would be much more effective in seeking to optimise housing delivery as oppose to constraining growth and would be consistent with the principle of “the presumption in favour of sustainable development” as embedded in the NPPF. It would also be consistent with the proposed reforms to the planning system as set out in the MCHLG “Planning for the Future” White Paper (August 2020).

4. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 3 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

In front of supporting text to and Policy S1 insert “model” supporting text and policy on the presumption in favour of sustainable development to reflect the Framework as follows:

- *Proposed new text to address the presumption in favour of sustainable development:*

“X.X. In accordance with the National Planning Guidance this Plan has included a “Model Policy” which highlights that through all the Local Plan Policies and Policies Map the Council’s key aim will be to promote and take a positive approach to achieving sustainable forms of development within the Borough.

X.X. The delivery of sustainable development is at the heart of the Council’s Local Plan and is a cross cutting theme of this Plan. The Council considers that development at a local level can have a wider impact and therefore requires an integrated approach to new development, which promotes an innovative and productive economy, services and facilities that are socially inclusive and balanced communities in ways, which protect and enhance the wider environment and minimise the use of resources and consumption of energy. These policy objectives cut across all of the policies within this document.”

- *Proposed New Policy*

“Policy SX: Presumption in Favour of Sustainable Development

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). It will also work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in this Plan will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant planning permission unless material considerations indicate otherwise-taking into account whether; any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or specific policies in the NPPF indicate that development should be restricted”

- *Proposed changes to supporting text to Policy S1*

Page 19:

“Objectives for infrastructure and economic investment:

- I1: Continuing urban regeneration through optimising the re-use of accessible and suitable brownfield land **and the redevelopment of despoiled, degraded, derelict, contaminated and unstable land, including former landfill sites, that are suitable for recycling** primarily within the north of the Borough to meet future local housing and employment needs, and delivering new infrastructure for travel, schools/ skills, health, and other local services.

.....”

Page 21

“2.5 ... In particular:

- redevelopment of brownfield land sites in and near Dartford Town Centre is progressing, but it still contains huge untapped potential; ~~and~~
- plans for under-used land around Ebbsfleet International Station are not currently in delivery, but are now moving forward; **and**
- **redevelopment of despoiled, degraded, derelict, contaminated and unstable land, including former landfill sites, that are suitable for recycling which remains a significant under-utilised resource**

- **Proposed changes to Policy S1**

Pages 26 and 27

“Policy S1: Borough Spatial Strategy

- 1. Sustainable Development will occur at planned and **other sustainable** locations in the Borough to meet, **as a minimum**, assessed needs, securing new infrastructure provision where necessary to serve the needs of that development and **re-using** brownfield, **despoiled, degraded or previously used land that is suitable for recycling** ~~land re-use~~, creating neighbourhoods resilient and adaptive to climate change. Development should provide a diverse and complementary balance of uses and services within settlements, and minimise the necessity to travel by private vehicles.**
- Development is directed to:
 - a) brownfield **and despoiled or previously used land that is suitable for recycling** ~~land~~ not within the Green Belt; and
 - b) sites with good access by public transport and walking/ cycling to a range of local supporting services/ infrastructure.
- 3. There is a presumption in favour for the redevelopment of despoiled, degraded, derelict, contaminated and unstable land for housing within Ebbsfleet Garden City and central Dartford and in the Urban Area neighbourhoods of Dartford, Stone, Greenhithe and Swanscombe and other sustainable locations, provided the land is suitable taking account of ground conditions and land instability, including from natural hazards or former activities such as landfill, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation. The Borough will actively work with developers to find acceptable ways forward.**
- 4. The overriding priority for development in the Borough is the provision of new and improved infrastructure and the strategic mixed use developments planned within Ebbsfleet Garden City and central Dartford with sustainable development also supported at the Urban Area neighbourhoods of Dartford, Stone, Greenhithe and Swanscombe.**

- 5.** *Heritage assets will be conserved and enhanced in a manner appropriate to their significance.*
- 6.** *Designated sites of biodiversity value will be protected, and improvement of ecological sites and networks maximised.*

Urban Area Principles

- 7.** *The Urban Area is defined as the area to the north of the A2 and outside the Green Belt. Within this area, additional to strategic growth at central Dartford and Ebbsfleet Garden City, developments with permission will be completed and additional development will occur at the Urban Area neighbourhoods of Dartford, Stone, Greenhithe and Swanscombe. This will include:*
- a) Residential development at sites identified in the housing land supply, **and other brownfield and despoiled or previously used land that is suitable for recycling and which is demonstrated to be developable during the lifetime of this Plan;***
 - b) Provision of infrastructure, including for education and health facilities, and improvements to walking and cycling links, railway stations and the bus/ Fastrack networks;*
 - c) Provision or enhancement of Green and Blue Infrastructure and Green Grid links;*
 - d) Protection of shops and services at identified district and local centres and improvement of the quality of their environment where opportunities arise; and*
 - e) Enhancements to the Rivers Thames and Darent for outdoor recreation, small- scale river related leisure uses, walking and cycling, and ecology where possible.”*

(Continue on a separate sheet / expand box if necessary)

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1. To which part of the Local Plan does this representation relate?

Paragraph

2.15 to 2.34

Policy

S2

Policies Map

2. Do you consider the Local Plan is:

Please mark with a cross in the boxes as appropriate

(1) Legally compliant

Yes

No

(2) Sound

Yes

No

X

(3) Complies with the duty to co-operate

Yes

No

3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Background

This objection to Policy S2 has been prepared by DPV Consult Ltd on behalf of PMG Regeneration Ltd. The site is referenced within the Dartford Council Strategic Housing Land Availability Assessment (SHLAA, 2021) as Pit 11 West of Knockhall Chase, Greenhithe (I.D 34).

This representation should also be read in conjunction with our submissions to:

- Policy S1: Borough Spatial Strategy (pp. 21 to 27)

- Policy S4: Borough Development Levels (pp. 41 to 49)
- Policy M2: Environmental and Amenity Protection (pp 112 to 115)
- Policy M9: Sustainable Housing Locations (pp 140 to 143)
- Policies Map: 1 Site Allocations - Omission Site: 'Former Biffa Landfill site at Greenhithe' (in the event the Inspector directs the need for additional formal allocations to be made)
- Sustainability Appraisal

Context

PMG has been consistently promoting the site for residential development of between 300 and 500 homes since 2007 having previously submitted representations to both the Council's previous Strategic Housing Land Availability Assessment (2010 SHLAA) and current SHLAA (2021 SHLAA), the Core Strategy (2011) and the Dartford Development Policies Plan (July 2017). The site has also been the subject of two formal pre-application submissions and discussions with the Borough Council in June 2015 (LPA ref. 15/00855/EMAIL) and 27 March 2018 (LPA ref. 17/00611/PREAPP) and informed discussions with the Planning Policy team which took place in August 2019 and again on the 7 September 2020.

As with the 2010 SHLAA the 2021 SHLAA recognises that the site falls within a sustainable location. However, the Council continue to maintain that the site is physically unsuitable for development and the site is discounted based on its previous use as a landfill site despite no evidence that development, subject to appropriate mitigation, would pose an unacceptable risk to public health.

Basis of this Objection

With reference to:

- The National Planning Policy Framework (July 2021)
- The National Planning Policy Guidance (March 2014 and updated ad-hoc)
- The Council's current evidence base including:
 - Sustainability Appraisal, LUC (Final Report, July 2021)
 - The SHLAA, DBC (September 2021)
 - Residential Requirement Report, DBC (September 2021)
 - The Infrastructure Delivery Plan Update (December 2020)

Policy S2 and supporting text is flawed for the following reasons.

- ***The IDP as drafted provides no evidence that the delivery of the 'deliverable and developable' sites contained within the SHLAA have been planned within the capacity of proposed infrastructure.***

The IDP is a 'living document' broken down into 3 parts:

- Fully funded i.e. projects with identified sites and fully funded
- Projects on identified sites with the potential to be unblocked by CIL
- Other schemes to be further defined including borough wide transport and other infrastructure improvements, education and health provision

It is also noted that the draft Policies maps contain no more information than broad areas of search for potential new school or health facilities and other potential social infrastructure.

On this basis while Policy S2 seeks to focus on the need to provide associated infrastructure based around the delivery of the planned spatial strategy, on central Dartford and the Ebbsfleet Garden City which is fine in itself. However there appears to be no clear rationale for restricting

development elsewhere to the identified 'deliverable and developable' sites within the SHLAA. These sites have not been subjected, any more than the 'rejected' sites, to separate sustainability appraisals which have identified specific infrastructure requirements forming part of any future housing development on these sites.

- ***Policy S2 fails to provide sufficient guidance on the role of planning obligations and CIL in delivering infrastructure needed to support growth***

Many of the 'other schemes to be further defined' in the IDP are capable of being delivered through planning obligations and CIL and are not in themselves site-specific requirements that have been specifically identified within the current SHLAA identified 'deliverable and developable' sites.

Policy S2 needs, in line with the presumption of sustainable development, to:

- Provide sufficient guidance on the role of planning obligations and CIL in delivering infrastructure needed to support growth
- Make sure development within the urban neighbourhoods is approved without delay provided there is appropriate infrastructure in place to meet the needs of the development – the development should not be expected to address existing shortfalls within the borough
- Provide clarity on the definition of a 'large site' as the need for master planning and phasing is generally inappropriate for sites of 500 homes or less as this can cause unnecessary delays in the delivery of housing.

The NPPF advises that there are three dimensions to sustainable development; economic, social and environmental. The provision of infrastructure on the majority of sites under 500 units would largely be dealt with through the Community Infrastructure Levy (CIL) or through planning obligations with any other on-site requirements negotiated through the planning application process and it would be entirely appropriate within the context of sites other than those identified as 'deliverable and developable' to come forward provided they are:

- Within a sustainable location
- On land of the right type (including but not necessarily limited to whether previously developed or previously used)
- Supported by infrastructure (irrespective of whether it can be delivered in the capacity of existing infrastructure, through planning obligations including on-site provision or through CIL)

4. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 3 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

- ***Proposed changes to supporting text to Policy S2***

Page 32

"Dartford's infrastructure planning regime:

.....

"2.29 Achievement of sustainable development and the associated infrastructure set out in the IDP is based around the successful delivery of the planned spatial strategy, focused on central Dartford and the Ebbsfleet Garden City and within the Urban Area neighbourhoods of Dartford, Stone, Greenhithe and Swanscombe. This means actively managing the location/level of development. Unanticipated All residential development proposals will be carefully considered against Policy M9."

- **Proposed changes to Policy S2**

Page 34

"1. ~~Borough development will be plan-led, and m~~Major proposals, greater than 500 dwellings, will be subject to masterplanned masterplanning and phased phasing, in order to ensure the co-ordinated delivery of new infrastructure, but only where it is necessary to serve the needs of that development, and that demand is managed to remain within capacity as far as possible until necessary new infrastructure is provided. ~~New services and facilities will be provided to meet Dartford Borough's needs, with land retained within applicable large development for essential community, travel, flood defence and green infrastructure uses.~~

....."

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

☐

Yes, I wish to participate in hearing sessions(s)

☒

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.

The matters raised in this submission are complex and a hearing session to thoroughly examine them would assist the Inspector in fully appreciating the issues involved.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they may wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Part 3: Declaration

Data Protection

The personal information you provide on this form will be processed in accordance with the Data Protection Act 2018 and the Privacy and Electronic Communications (EC Directive) Regulations 2003. The information you provide will only be used for the purposes of the preparation of the Local Plan as required by the Planning and Compulsory Purchase Act 2004, and may be used by the Council to contact you, if necessary, regarding your submission. Under Regulation 22, we have a duty to send all representations to the appointed Planning Inspector. Your name, organisation name (if relevant), comments and town/parish of residence will be made available for public inspection when displaying and reporting the outcome of the statutory consultation stage and cannot be treated as confidential. You will not be asked for any unnecessary information and we will not publish any personal data beyond what is stated in this declaration.

Please sign and date this form. Forms signed electronically will be accepted.

Declaration:

By completing and signing this form, I agree to my name, organisation, town/parish of residence and representations being made available for public inspection.

Signature:

Date:

28 September 2021

Dartford Local Plan Pre- Submission (Publication) September 2021 Town and Country Planning (Local Planning) England Regulations 2012 – Regulation 19

Representation Form

Representations on the Dartford Local Plan should be submitted by **5pm on Wednesday 27th October 2021**. Late representations will not be accepted.

Representations should be made using this form and submitted to Dartford Borough Council by email to localplan@dartford.gov.uk or sent to: Planning Policy Team, Dartford Borough Council, Civic Centre, Home Gardens, Dartford, Kent DA1 1DR.

Additional copies of the form can be obtained from the Council's website at: <https://www.dartford.gov.uk/by-category/environment-and-planning2/new-planning-homepage/planning-policy/new-local-plan>. Photocopies of blank forms can also be made.

Advice on how to make representations is provided in the guidance notes which accompany this form. You are strongly advised to read the guidance notes before completing this form. ***Please note that if you responded to the previous version of the Pre-Submission Local Plan February 2021, your previous representation will not be automatically carried forward and you will need to respond again.***

This form comprises 3 parts:

- Part 1: Your details
- Part 2: Your representation(s). Please fill out a separate sheet for each representation you wish to make. However, only fill in Part A once and send all representations in together.
- Part 3: Declaration

If you have any queries about this consultation, please contact the Planning Policy Team by emailing localplan@dartford.gov.uk or by phoning 01322 343213.

You only need to fill this section out once

Part 1: Your details

You only need to fill this section out once

	1. Personal details	2. Agent details (if applicable)
Title	Dr	Mr
Name	Brian Crook	David Phillips
Organisation / group	PMG Regeneration Ltd	DPV Consult Ltd
Address 1		
Address 2		
Address 3		
Postcode		

Telephone number		
Email address		

If you are replying on behalf of a group, how many people does it represent?

No

Part 2: Representation

For office use only

Consultee ID:

Agent ID:

Date Received: :

Please use a separate sheet for each representation

Name or Organisation:	DPV Consult Ltd representing PMG Regeneration
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1. To which part of the Local Plan does this representation relate?

Paragraph

2.49 to 2.57

Policy

S4

Policies Map

2. Do you consider the Local Plan is:

Please mark with a cross in the boxes as appropriate

(1) Legally compliant

Yes

No

(2) Sound

Yes

No

X

(3) Complies with the duty to co-operate

Yes

No

3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Background

This objection to Policy S4 has been prepared by DPV Consult Ltd on behalf of PMG Regeneration Ltd. The site is referenced within the Dartford Council Strategic Housing Land Availability Assessment (SHLAA, 2021) as Pit 11 West of Knockhall Chase, Greenhithe (I.D 34).

This representation should also be read in conjunction with our submissions to:

- Policy S1: Borough Spatial Strategy (pp. 21 to 27)
- Policy S2: Infrastructure Planning Strategy (pp. 28 to 36)
- Policy M2: Environmental and Amenity Protection (pp 112 to 115)
- Policy M9: Sustainable Housing Locations (pp 140 to 143)
- Policies Map: 1 Site Allocations - Omission Site: 'Former Biffa Landfill site at Greenhithe' (in the event the Inspector directs the need for additional formal allocations to be made)
- Sustainability Appraisal

Context

PMG has been consistently promoting the site for residential development of between 300 and 500 homes since 2007 having previously submitted representations to both the Council's previous Strategic Housing Land Availability Assessment (2010 SHLAA) and current SHLAA (2021 SHLAA), the Core Strategy (2011) and the Dartford Development Policies Plan (July 2017). The site has also been the subject of two formal pre-application submissions and discussions with the Borough Council in June 2015 (LPA ref. 15/00855/EMAIL) and 27 March 2018 (LPA ref. 17/00611/PREAPP) and informed discussions with the Planning Policy team which took place in August 2019 and again on the 7 September 2020.

As with the 2010 SHLAA the 2021 SHLAA recognises that the site falls within a sustainable location. However, the Council continue to maintain that the site is physically unsuitable for development and the site is discounted based on its previous use as a landfill site despite no evidence that development, subject to appropriate mitigation, would pose an unacceptable risk to public health.

Basis of this Objection

With reference to:

- The National Planning Policy Framework (July 2021)
- The National Planning Policy Guidance (March 2014 and updated ad-hoc)
- The Council's current evidence base including:
- Sustainability Appraisal, LUC (Final Report, July 2021)
- The SHLAA, DBC (September 2021)
- Residential Requirement Report, DBC (September 2021)
- The Infrastructure Delivery Plan Update (December 2020)

Policy S4 and supporting text is flawed for the following reasons.

- ***Policy S4 should refer to the overall housing requirement as a minimum and a net figure***

As set out in our objections to Policy S1, with reference to paras. 11 b.) and 35 a) and b) of the NPPF the Policy must refer to the overall housing requirement as a minimum and a net figure. This would create a positive approach to housing delivery and to ensure that decision makers are aware that permissions can be granted that will mean the Council delivering beyond their stated requirement.

- ***The Plan does not identify sufficient land to enable the minimum housing requirement of 11,900 (790 dwellings per annum) to be delivered over the Plan period***

Whilst the flexibility of identifying 'deliverable and developable' sites through the SHLAA is welcomed, the Policy must be clear that this should not be applied to a single point in time i.e. as

of September 2021 in the event that sites do become 'deliverable and developable'. Without this flexibility the Council's approach to identifying its housing land supply lacks both clarity and certainty and as such is neither justified or robust.

- ***The Council's identified housing commitments is not transparent.***

To inform Table 1, Dartford's Five-Year Deliverable Housing Land Supply, (November 2020) document should clearly set out its sources of housing land supply. It does not. It is not transparent and there can be no confidence in the figures to demonstrate for example that there has been no double counting between dwellings delivered on sites within the last 3 years i.e. 2017/18 to 2019/20 and remaining commitments i.e. houses with planning permission but not yet implemented. The LPA will undoubtedly have a detailed breakdown of this information on a site by site basis and there is no justifiable reason for not releasing it.

By way of example outline planning permission was granted for Ebbsfleet Green (formerly Northfleet West) under LPA ref. 05/00308/OUT on the 31 March 2014 for 950 dwellings. Since that time a number of reserved matter applications have been made and substantive development has commenced on site. However, the Council have not published details of individual site completions. Therefore, without performing an extensive review of the Council's records there would appear to be no easily discernible way of finding out the:

- Net number of completions between 2014/15 and 2016/17 i.e. in the previous plan period to calculate the residual number of units to be carried forward into the current plan.
- Net number of completions between 2017/18 and 2019/20 i.e. part of the current plan period to calculate the residual number of units to be delivered within i. the next 5 years, and ii. the remaining plan period.

The Council's evidence base must therefore include a detailed housing trajectory for each housing site showing:

- The baseline net total number of homes to be delivered at the start of the relevant plan period (i.e. the residual of housing units carried over from the previous plan period)
 - The net total of homes delivered on that site for the period 2017/18 to 2020/21
 - The residual net number of dwellings to be delivered from 2021 to 2036/37 broken down into a clear trajectory from:
 - Years 1 to 5
 - Years 6 to 10
 - Years 11 to 15
- ***Extant planning permissions have not been disaggregated from further identified sites and this has simply been added to further identified 'deliverable and developable' SHLAA sites***

On a related point to the above, Dartford's Five-Year Deliverable Housing Land Supply, (November 2020) document identifies 2,583 houses with planning permission which would leave 4,217 to be delivered through 'deliverable and developable' SHLAA sites i.e. accounting for more than 35% of its housing land requirement effectively through windfall (almost 37% if including the 200 unit allowance for non-SHLAA sites).

Firstly, in the interests of full disclosure and transparency the Council must articulate in its evidence base its sources of future housing land supply by providing a clear schedule of all sites without planning permission that it has identified as 'deliverable and 'developable'. This should include total unit numbers for each site with projected delivery to be clearly set out in its housing trajectory.

The 'windfall' estimate in any event requires an extremely high level of reliance on sites coming forward that are not identified in the Local Plan and significantly above what one would expect – a figure of between 5% to 10% is a much more usual expectation, and with reference to para. 70 of the NPPF cannot be justified without compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends.

- ***The Council's conclusions in the selection of “developable and deliverable” sites within the SHLAA is flawed and calls into question the identification of sites to be included in the housing land supply***

This section should be read in the context of PMG's objections to Policies Map 1: Site Allocation - Omission Site: 'Former Biffa Landfill site at Greenhithe' and the Core Documents referred to at Appendix A of this Statement

The status of a SHLAA is that of evidence and not policy recognising that it is an assessment of facts assembled about sites and conclusions reached about the suitability, availability and achievability of housing in future years based on those facts at a very broad level. It is an assessment of potential at the time of preparation. Conversely where planning policy exists which controls the provision and release of housing land, a SHLAA cannot change that policy. Neither can a SHLAA second guess what future housing policy might be. The proper use of a SHLAA is to help inform future planning policy on housing supply. This may be an iterative process because as new planning policy emerges through preparation of subsequent changes to policy, this will inform future updates of the SHLAA.

The Council has consequently elected not to allocate sufficient sites to meet the entirety of its housing land supply that it wants to build in flexibility to the identification of sites which is supported on the proviso that “the presumption in favour of sustainable development” will be applied to all sites shown to be developable and deliverable within the SHLAA either at the current point in time in the future (demonstrated either through a planning application or review of the SHLAA).

However, in seeking to effectively “bye pass” the site allocation process there needs to be certainty that the approach adopted will deliver the number of homes that as a minimum meet its objectively assessed needs.

For the policy to be effective it will require either:

- A greater level of scrutiny of the 'deliverable and developable' sites identified within the SHLAA than would normally be required given that the Council are intending that the SHLAA is written into policy rather than merely informing it
- Sites that have been shown to be deliverable or developable in the current SHLAA or through a planning application housing land supply will be supported at any time

As currently drafted my client has two principal concerns.

Firstly, the SHLAA does not correctly identify all deliverable and developable sources of supply. My client's land interest is a case in point. As with the 2010 SHLAA the September 2021 SHLAA recognises that the site falls within a sustainable location. However, the Council continue to maintain that the site is physically unsuitable for development and the site is discounted based on its previous use as a landfill site despite no evidence that development, subject to appropriate mitigation, would pose an unacceptable risk to public health.

It is the application of the methodology that is fundamentally flawed, rather than the methodology itself, and a case in point is the failure of the Council to correctly identify my clients land interest, Pit 11 West of Knockhall Chase, Greenhithe (I.D 34) as suitable for development.

Paras. 2.38 and 2.39 of the 2021 SHLAA Methodology (September 2021) reports on the SHLAA approach to assessing landfill sites stating that:

“Suitability Third Step-Physical [Environmental] Factors

.....

2.38 Ground conditions were taken into account. Those submitting sites were asked to supply full information in relation to underground considerations, including contamination from previous uses, land safety and stability and buried infrastructure. It was noted that significant constraints in these areas were likely to have material implications for the assessment.

2.39 The approach outlined in policy M2:3 is important in the evaluation of former landfill sites. Under policy M2:3, previously filled/ contaminated land in the Borough may be unsuitable for residential development in the shorter term due to delivery issues. An assessment for the future has to be made from robust evidence on current physical suitability. Clear evidence was sought that landfill gas or land stability would not present a hazard and that such sites would not adversely impact groundwater. Policy M2:3 states that for contaminated sites to be considered suitable, it must be clearly demonstrated that it will avoid risks to neighbouring uses/ the wider area and that it will not compromise the achievement of design quality, infrastructure provision, affordable housing and other policy requirements as a result of high remediation costs or uncertain timescales for delivery.”

Notwithstanding our strong objections to the level of detail that would be required to satisfy Policy M2:3 (see separate submission) which is unjustified as it fails to support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land, within the context of national planning policy guidance we further note that in the separate SHLAA Findings document (September 2021) it is reported at para. 2.11 that:

“Representations on the draft SHLAA were made by developers/ landowners on suitability of sites 34 [my client’s interest], 87, 213 & 215. However no additional information was supplied as to why the suitability criteria should not apply or were incorrectly assessed. These sites therefore remain unsuitable.”

This is wrong. In coming to this conclusion, the Council has failed to take into consideration detailed reports submitted to the Council since 2010 and more recently on the 15 October 2019, in response to the SHLAA consultation process and on the 8 December 2020.

The 15 October submission comprised the following site investigation and characterisation reports:

- Letter from RSK to Mr J Fox summarising environmental and geotechnical conditions at the former landfill site (10 September 2019)
- Asbestos in Soil - Interpretive Report, On Advice Ltd., January 2015.
- Factual report on Stage 1 Intrusive Ground Investigation at Former Greenhithe Landfill, Structural Soils Ltd., June 2014.
- Factual Report on Stage 2 Intrusive Ground Investigation at Former Greenhithe Landfill, Structural Soils Ltd., November 2014.

The Land Contamination Management report for the site (November 2020) was prepared by RSK. And was submitted to the Council on the 8 December 2020.

The report discusses all the site and intrusive site investigation works that have been undertaken to date and presents information that is to be used in the planning, design, and construction of the prospective future development of the site for up to 500 dwellings.

The report details the risk assessments that have been carried out. Specifically, it:

- Provides information on the ground conditions
- Identifies the presence of any contamination
- Determines the prevalent ground gas conditions
- Provides recommendations on appropriate gas protection measures

In conclusion the report demonstrates that gassing would not pose a risk to public health and that the prevalent ground conditions do not provide an overriding constraint to development.

It is on this basis that the conclusions of the September 2021 SHLAA should be amended to reflect that the site is physically suitable for development and on this basis is deliverable and developable and should therefore be included within the Council's housing land supply (Table 1).

Reference is also made to other former landfill sites identified in the SHLAA as evidence that the Council has not applied any consistency to its evaluation of such sites and in respect of others concluded that they are suitable. 3 examples are:

- Ebbsfleet Central Allocation (SHLAA ref. 1)
- Disused Pit South Of London Road And East Of Craylands Lane (The Tank), Swanscombe (SHLAA ref. 26)
- Land East of Stanhope Road adjacent Railway (part of Bamber Pit), Swanscombe (SHLAA ref. 133)

In none of these, albeit sites 26 and 133 have been disqualified for other reasons, has the Council discounted the sites on grounds of not being physically suitable for development despite all 3 being former landfills. PMG are not aware of evidence that has been provided to demonstrate that matters of contamination can be satisfactorily dealt with.

It is also contended that the level of evidence provided by PMG on matters of gassing and groundwater are as a minimum equivalent to that provided in support of application proposals at:

- St James Lane Pit (Stone Pitt II) (SHLAA ref. 12)
- Stone Lodge (SHLAA ref. 21)

These sites have secured planning permission for major residential proposals under LPA refs. OPP: 05/00221 and 18/01074/OUT respectively.

Secondly, Policy S4, with reference to our proposed amendments to strategic policies SO1 and SO2 and development management Policy M9, should not act as a policy of restraint. In line with the presumption in favour of sustainable development it should be open for any site not currently identified in the SHLAA as currently not developable to come forward either through 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 and can forward at any time within the capacity of existing infrastructure or providing necessary additional infrastructure where necessary to serve the needs of that development.

Indeed, this was the conclusion of the Inspector appointed to conduct the 2011 Core Strategy Examination noting that the principal issue centred on the Council's concerns over the allocation of the site for housing due to its previous use as a landfill site. In the event, during the course of the Examination, the Council accepted that the site could come forward as a "windfall site" should further review conclude that the site is appropriate for housing i.e. that there are no overriding geotechnical issues that would preclude development.

In terms of housing the Inspector stated in para. 31 of his report on the Examination into the Dartford Core Strategy DPD (August 2011) that:

“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 site.”

In the event the appointed Inspector determines on the grounds of soundness that it is not appropriate to have such a large percentage of windfall sites making up the overall housing land supply, the site is submitted as an omission site in the event of the Council having to formally identify additional housing allocations.

- ***There has not been an application of a 20% lapse rate to outstanding planning and a greater lapse rate applied to sites without planning permission which is neither justified and supported by evidence.***

MCHLG analysis suggests to expect a lapse rate of between 10% to 20% to committed and SHLAA identified sites. This lapse rate would allow for changing circumstances which may lead to some sites not being brought forward.

Given the Council’s reliance on “windfall supply” a bespoke approach to lapse rate should be applied based on consideration to be given to sites that have a history of repeat applications and non-delivery and to sites where constraints have been identified.

4. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 3 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

- ***Proposed changes to supporting text***

Pages 41 to 45

“Residential growth

*2.57 A Borough housing requirement of **an absolute minimum** an average of 790 dwellings per year is set out in this Local Plan¹⁷. This level, and the associated spatial strategy:*

.....

~~*2.59 The requirement of 790 homes a year would be a large uplift on long term delivery in Dartford Borough (i.e. an increase of 32% from a previous average delivery rate of approximately 600 homes a year). An increase of this order, allied with policy M7, brings the prospect of increased affordable housing delivery, and supports economic development.*~~

2.61 The identified Dartford housing land supply is almost exclusively made up of existing developable permissions plus sites found deliverable or developable in the Strategic Housing Land Availability Assessment (SHLAA)¹⁸ **[predicated on a commitment to review the SHLAA annually]**. The SHLAA looks ahead long term, with sites identified and delivery projections made to 2037, and there are opportunities for responding to actual housing delivery as sites may materialise earlier. As a result of this, the housing requirement will continue to be satisfied and will be kept up to date and flexibly managed through planning permissions, Brownfield Land Register sites, **“live real time” SHLAA updates** and reflected in regular five year deliverable housing land supply statements and monitoring.

“2.63 The projected breakdown of supply to 2031/32 (the first 15 years of the plan) is set out in Table 1 below. **Table 1 sets out the Borough’s indicative housing land supply up to 2031/32 (the first 15 years of the plan). This is subject to review on an annual basis in order to update the housing trajectory and supply of specific deliverable sites, reported within the Council’s Strategic Housing Land Availability Assessment (SHLAA), Brownfield Register and Annual Monitoring Report (AMR).**

Table 1: Sources of Housing Supply and Numbers of Homes Source of housing supply:	Total contribution to 2017/18 to 2031/32 (inclusive) homes:
Delivered so far (last 3 years) <u>(2017/18 to 2019/20 (3 years))</u>	2,600 <u>2,584*</u>
Allocated sites delivery policies D4, D5, D6 & E4 & E5)	5,800 <u>3,220</u>
<u>Sites with planning permission</u>	<u>2,583*</u>
SHLAA identified (including permissions), excluding permissions and allocated sites.	<u>DBC to provide this information but must include include up to 500 dwellings for the subject site]**</u>
Other permissions and non-identified sites delivery allowance	400
<u>Further sites to find and be brought forward to take account of lapse rates – assume 20% buffer to be added to commitments</u>	<u>1,667</u>
<u>TOTAL housing supply</u>	<u>DBC to confirm 11,800</u>
<u>TOTAL Minimum housing requirement: 15 years at 790 homes per annum</u>	<u>11,900</u>

“

Notes:

[* Dartford Five Year Deliverable Housing Land Supply, Planning Policy Team, November 2020 (DBC)

** to also include all sites that have been incorrectly identified as not deliverable or developable in the SHLAA

Detailed housing land supply figures and trajectory detailing individual site performance to be provided]

- **Proposed changes to Policy S4**

Pages 46

“Policy S4: Borough Development Levels

*1. Decisions on planning applications will ensure that levels of future development delivery are sufficient to provide for a **minimum** of Dartford’s **planned housing requirements** ~~assessed housing needs~~ and other development requirements, including for economic regeneration, and take account of infrastructure provision.*

*2. Large developments should be delivered at a phased rate in accordance with agreed masterplanning, **where it is necessary to serve the needs of that development**, to provide a flow and complementary range of development, facilities and infrastructure. Achieving genuine variety within residential developments, through differentiation of housing tenures and types/ design will create vibrant places, and also help maintain rates of new home delivery and Borough housing supply as planned.*

Housing requirement

*3. New homes are required to be delivered at a **minimum** rate of 790 per annum **over the plan period**, with planning permissions and delivery closely monitored and managed. Decisions will be based on this requirement, the housing land supply and housing needs in order to ensure a steady availability of deliverable land, and achievement of the planned supply at sustainable locations supported by infrastructure.*

~~4. Planning decisions will have regard to the target for 80% of the Borough’s new homes in the plan period to be located on brownfield land.~~

5. A rolling five year deliverable supply of housing land will be maintained, including the applicable supply buffer (brought forward from within the Plan period, to the level as required in the Housing Delivery Test).

.....”

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

☐

Yes, I wish to participate in hearing sessions(s)

☒

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.

The matters raised in this submission are complex and a hearing session to thoroughly examine them would assist the Inspector in fully appreciating the issues involved.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they may wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Part 3: Declaration

Data Protection

The personal information you provide on this form will be processed in accordance with the Data Protection Act 2018 and the Privacy and Electronic Communications (EC Directive) Regulations 2003. The information you provide will only be used for the purposes of the preparation of the Local Plan as required by the Planning and Compulsory Purchase Act 2004, and may be used by the Council to contact you, if necessary, regarding your submission. Under Regulation 22, we have a duty to send all representations to the appointed Planning Inspector. Your name, organisation name (if relevant), comments and town/parish of residence will be made available for public inspection when displaying and reporting the outcome of the statutory consultation stage and cannot be treated as confidential. You will not be asked for any unnecessary information and we will not publish any personal data beyond what is stated in this declaration.

Please sign and date this form. Forms signed electronically will be accepted.

Declaration:

By completing and signing this form, I agree to my name, organisation, town/parish of residence and representations being made available for public inspection.

Signature:

Date:

28 September 2021

Dartford Local Plan Pre- Submission (Publication) September 2021 Town and Country Planning (Local Planning) England Regulations 2012 – Regulation 19

Representation Form

Representations on the Dartford Local Plan should be submitted by **5pm on Wednesday 27th October 2021**. Late representations will not be accepted.

Representations should be made using this form and submitted to Dartford Borough Council by email to localplan@dartford.gov.uk or sent to: Planning Policy Team, Dartford Borough Council, Civic Centre, Home Gardens, Dartford, Kent DA1 1DR.

Additional copies of the form can be obtained from the Council's website at: <https://www.dartford.gov.uk/by-category/environment-and-planning2/new-planning-homepage/planning-policy/new-local-plan>. Photocopies of blank forms can also be made.

Advice on how to make representations is provided in the guidance notes which accompany this form. You are strongly advised to read the guidance notes before completing this form. ***Please note that if you responded to the previous version of the Pre-Submission Local Plan February 2021, your previous representation will not be automatically carried forward and you will need to respond again.***

This form comprises 3 parts:

- Part 1: Your details
- Part 2: Your representation(s). Please fill out a separate sheet for each representation you wish to make. However, only fill in Part A once and send all representations in together.
- Part 3: Declaration

If you have any queries about this consultation, please contact the Planning Policy Team by emailing localplan@dartford.gov.uk or by phoning 01322 343213.

You only need to fill this section out once

Part 1: Your details

You only need to fill this section out once

	1. Personal details	2. Agent details (if applicable)
Title	Dr	Mr
Name	Brian Crook	David Phillips
Organisation / group	PMG Regeneration Ltd	
Address 1		
Address 2		
Address 3		
Postcode		

Telephone number		
Email address		

If you are replying on behalf of a group, how many people does it represent?

No

Part 2: Representation

For office use only

Consultee ID:

Agent ID:

Date Received: :

Please use a separate sheet for each representation

Name or Organisation:	DPV Consult Ltd representing PMG Regeneration
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1. To which part of the Local Plan does this representation relate?

This is an objection to the Sustainability Appraisal.

Paragraph

Policy

Policies Map

2. Do you consider the Local Plan is:

Please mark with a cross in the boxes as appropriate

(1) Legally compliant

Yes

No

(2) Sound

Yes

No

(3) Complies with the duty to co-operate

Yes

No

3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Background

This objection to the Sustainability Appraisal is prepared by DPV Consult Ltd on behalf of PMG Regeneration Ltd. The site is referenced within the Dartford Council Strategic Housing Land

Availability Assessment (SHLAA, September 2021) as Pit 11 West of Knockhall Chase, Greenhithe (I.D 34).

This representation should also be read in conjunction with our submissions to:

- Policy S1: Borough Spatial Strategy (pp 21 to 27)
- Policy S2: Infrastructure Planning Strategy (pp 28 to 36)
- Policy S4: Borough Development Levels (pp. 41 to 49)
- Policy M2: Environmental and Amenity Protection (pp 112 to 115)
- Policy M9: Sustainable Housing Locations (pp 140 to 143)
- Policies Map: 1 Site Allocations - Omission Site: 'Former Biffa Landfill site at Greenhithe' (in the event the Inspector directs the need for additional formal allocations to be made)

Context

PMG has been consistently promoting the site for residential development of between 300 and 500 homes since 2007 having previously submitted representations to both the Council's previous Strategic Housing Land Availability Assessment (2010 SHLAA) and current SHLAA (September 2021), the Core Strategy (2011) and the Dartford Development Policies Plan (July 2017). The site has also been the subject of two formal pre-application submissions and discussions with the Borough Council in June 2015 (LPA ref. 15/00855/EMAIL) and 27 March 2018 (LPA ref. 17/00611/PREAPP) and informed discussions with the Planning Policy team which took place in August 2019 and again on the 7 September 2020.

As with the 2010 SHLAA the September 2021 SHLAA recognises that the site falls within a sustainable location. However, the Council continue to maintain that the site is physically unsuitable for development and the site is discounted based on its previous use as a landfill site despite no evidence that development, subject to appropriate mitigation, would pose an unacceptable risk to public health.

Basis of this Objection

The Sustainability Appraisal process has not been robustly undertaken. It fails to assess the sustainability of any of the sites 'supposedly' identified as 'deliverable and developable' in the Council's housing land supply (Table 1 of the Pre-submission draft Local Plan). It also fails to assess them against reasonable alternatives to the chosen spatial distribution.

4. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 3 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

To make Policy S4 sound within the context of para, 35 of the NPPF, the Sustainability Assessment needs to be revised so that:

- It carries out sustainability assessment of all identified 'deliverable and developable' sites including against alternative options
- Sustainability Appraisal is carried out for PMG's land interest comprising the Former Biffa Landfill site at Greenhithe'

This would help to ensure the Plan is sound within the context of para. 35 of the NPPF in terms of being:

- Positively prepared to meet objectively assessed development and consistent with achieving sustainable development
- Justified where the plan should be the most appropriate strategy when considered against reasonable alternatives based on proportionate evidence
- Effective and deliverable over the plan period
- Consistent with national policy delivering sustainable development in according with policies in the NPPF.

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Part 3: Declaration

Data Protection

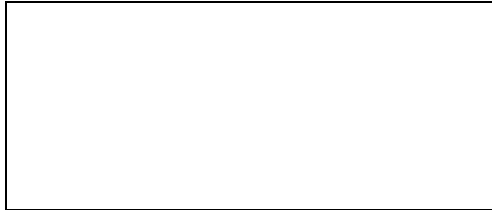
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Please sign and date this form. Forms signed electronically will be accepted.

Declaration:

By completing and signing this form, I agree to my name, organisation, town/parish of residence and representations being made available for public inspection.

Signature:



Date:

28 September 2021