

Dartford Borough Council-Natural England
Statement of Common Ground
November 2021

List of Parties Involved

This Statement of Common Ground (SOCG) has been prepared by Dartford Borough Council (DBC) and Natural England (NE).

DBC is the plan making authority for the area but the development management function within Ebbsfleet Garden City (within DBC) is carried out by the Ebbsfleet Development Corporation (EDC).

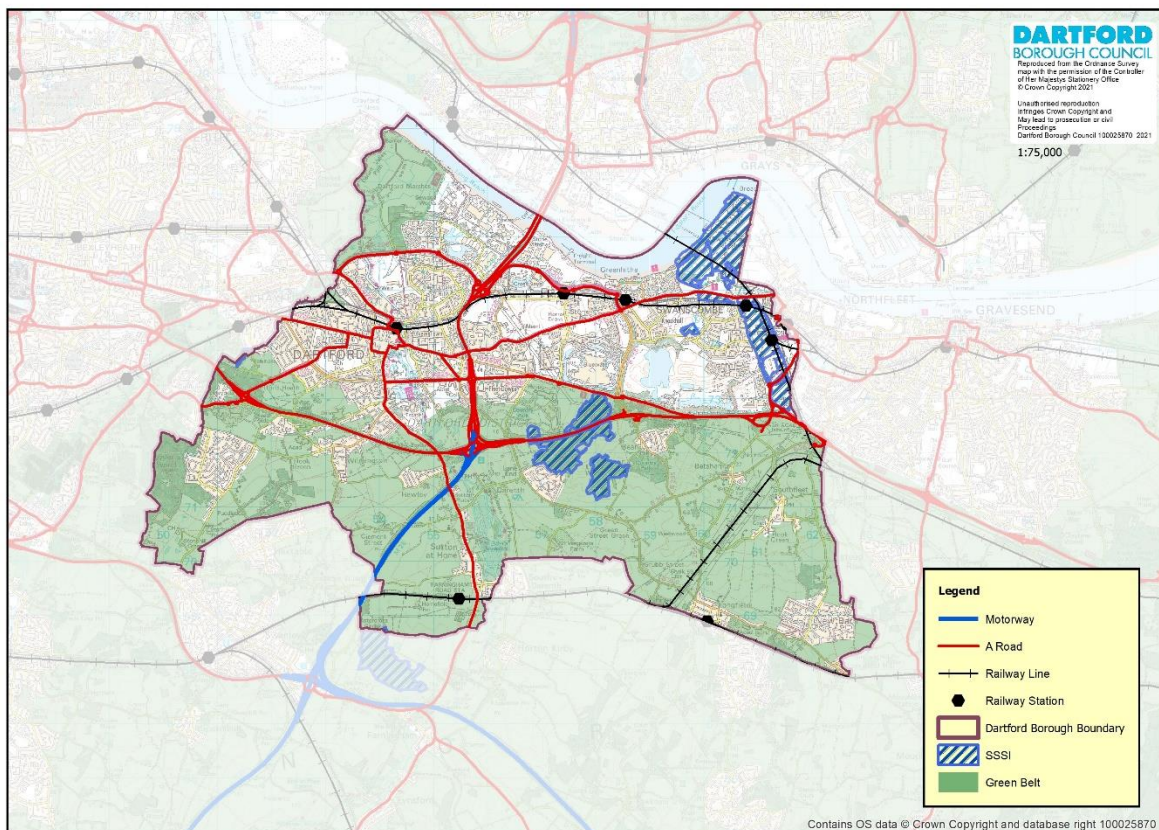
NE is the government's adviser for the natural environment. Established by an Act of Parliament in 2006, NE's purpose is to help conserve, enhance and manage the natural environment for the benefit of present and future generations, thereby contributing to sustainable development. NE is responsible for notifying (designating) sites of special scientific interest (SSSIs) when it believes that a site has features of special interest in relation to wildlife, geology and/or landform. NE's objective is to achieve 'favourable condition' status for all SSSIs. Favourable condition means that the SSSI's habitats and features are in a healthy state and are being conserved by appropriate management.

This SOCG is intended to reflect the current position at this stage of the local plan making process. It sets out the key strategic issues and areas of agreement on them.

Strategic Geography

DBC is a second tier local authority which lies to the south of the River Thames within Kent County Council's area. The location of DBC, together with the area where planning applications are administered by the EDC is shown in figure 1 below.

Figure 1: Dartford Borough Map



Much of the area to the north of the A2 within the Borough is of an urban character. The main settlement is Dartford but there is a series of smaller settlements running along the A226 – Stone, Greenhithe and Swanscombe. Ebbsfleet Garden City is centred around Ebbsfleet International Station and the Ebbsfleet Valley.

The area to the south of the A2 is more rural. Much of this is designated as Green Belt. There are no sites of international biodiversity importance (Special Protection Areas, Special Areas of Conservation, Ramsar Sites) within DBC. It should be noted that the Thames Estuary and Marshes Special Protection Area and Ramsar site are within 10km of the Borough boundaries to the east.

There are a number of nationally important Sites of Special Scientific Interest (SSSI) within DBC which are shown on the map above. This includes the Swanscombe Peninsula SSSI on which NE notified DBC on 11 March 2021. The Swanscombe SSSI was approved by Natural England's Board on 10 November 2021 with some minor changes to the boundaries.

There are current proposals for a London Resort at Swanscombe Peninsula which is being taken forward as a Nationally Significant Infrastructure Project. An application for a Development Consent Order for the London Resort was submitted to the government in December 2020. Large parts of the area affected by the proposals are within the notified Swanscombe Peninsula SSSI.

Planning Documents – Current Status

Dartford Local Plan

DBC's current adopted Local Plan comprises the adopted Dartford Core Strategy 2011 and the adopted Dartford Development Policies Plan 2017. DBC is preparing a new Local Plan which will replace these documents. Information on the consultations which have taken place and the expected timescales for the new Local Plan is contained in the table below.

Reg 18 consultations	Reg 19 consultations	Target Submission Date	Target Adoption Date
Strategic Issues Jun-Jul 2018	First Publication Feb-Apr 2021	Dec 2021	2022 (covering period to 2037)
Preferred Options Jan-Mar 2020	Second Publication Sep-Oct 2021		

Strategic Issues

Habitats Regulations Assessment

The Publication Local Plan was subject to Screening and Appropriate Assessment of the policies and allocations under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations). The international designated sites considered within the Appropriate Assessment for impact pathways that could not be screened out at the screening stage were:

- Thames Estuary & Marshes SPA/Ramsar
- Medway Estuary & Marshes SPA/Ramsar

The Habitats Regulations Assessment (HRA) considered a number of impact pathways and recreational pressure could not be screen out at the screening stage and was therefore further discussed within the Appropriate Assessment. It concluded that, subject to the inclusion of additional supporting text to policy M15, the Dartford Local Plan will contain

sufficient policy framework to ensure no adverse effects on the integrity of international designated sites will occur in isolation or in combination with other projects and plans.

The text recommended by the HRA is contained in paragraph 5.134 second Publication Dartford Local Plan. This cross refers to the “Habitats Regulations and Large sites in Dartford Borough – Guidance for Developers” document, updated in September 2021, an approach first agreed between DBC and NE in 2017.

Points of Agreement

- Whilst NE did not respond to the policy approach towards sites of international biodiversity importance set out in policy M15 (Biodiversity and Landscape), paragraph 5.134 of the Local Plan and the “Habitats Regulations and Large sites in Dartford Borough – Guidance for Developers” document at the second Publication stage of the Local Plan, both parties consider that this approach is sound and accords with the requirements in the NPPF and the Habitats Regulations.

Sites of Special Scientific Interest

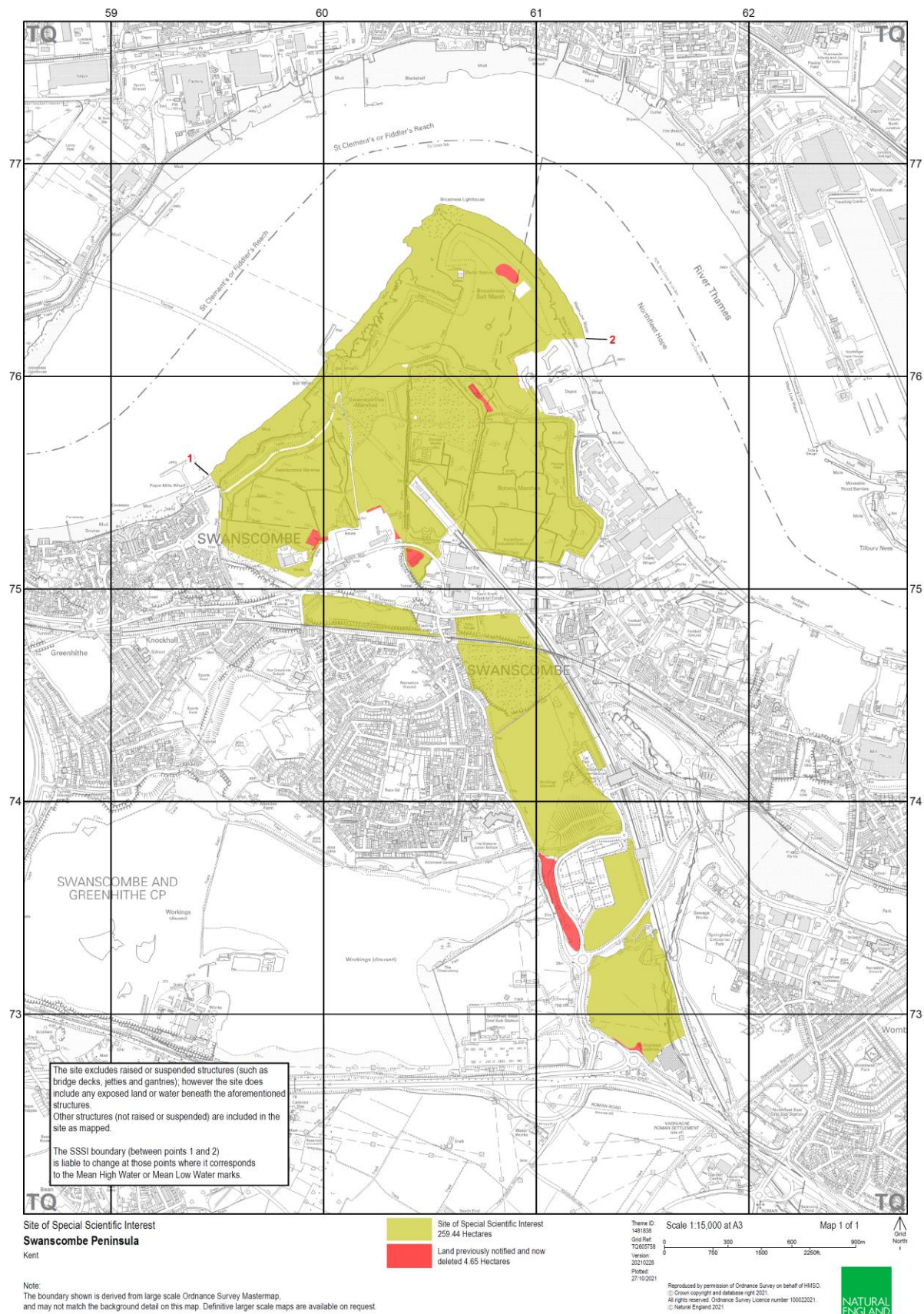
Policy M15 (Biodiversity and Landscape) of the second Publication Dartford Local Plan sets out policy to protect sites of biodiversity value, including Sites of Special Scientific Interest (SSSIs). In its response on the second Publication Local Plan, NE did not object to the policy approach set out towards sites of biodiversity value in policy M15.

SSSIs are also shown on the existing Policies Map and the proposed changes to the Policies Map September 2021 include the Swanscombe Peninsula SSSI boundaries as notified in March 2021. At its Board meeting on 10 November 2021, NE approved the designation of the Swanscombe Peninsula SSSI with minor amendments to the boundaries. These are shown in figure 2 overpage but are not reflected in figure 1 above.

Points of Agreement

- Whilst NE did not respond on the policy approach towards Sites of Special Scientific Interest in policy M15 (Biodiversity and Landscape), both parties consider that this is sound and accords with the requirements in the NPPF.
- The Pre-Submission (Publication) Local Plan Policies Map Changes September 2021 reflect the Swanscombe Peninsula SSSI boundaries as notified by NE in March 2021. The boundaries of the designated SSSI now differ from this. If the Inspector considers that minor or major modifications to the Local Plan are required, both parties agree that the Policies Map should be changed to reflect the final boundaries of the designated SSSI.

Figure 2: Swanscombe Peninsula SSSI boundary amendments



Ebbsfleet Garden City

Parts of Ebbsfleet Garden City are affected by the recent designation of the Swanscombe Peninsula SSSI. This affects much of Swanscombe Peninsula and part of Ebbsfleet Central to the west of Ebbsfleet International Station.

NE notified DBC of the SSSI when the consultation on the first Publication Dartford Local Plan was being carried out and subsequently responded that policies E1 (Ebbsfleet Garden City Strategy), E4 (Ebbsfleet Central Allocation) and E5 (Land North of Swanscombe Area) were not sound on the basis that they had not taken account of the recently notified Swanscombe Peninsula SSSI. NE and DBC had a duty to cooperate meeting to discuss this issue on 26 May 2021. This was followed by emails and comments between NE and DBC on potential amendments to policies E1, E2, E4 and E6.

The second Publication Dartford Local Plan includes amendments to the policies and allocations in the plan to reflect the SSSI notification and these are incorporated in the second Publication Dartford Local Plan. The key changes are:

- The wording of policies E1 (Ebbsfleet and Swanscombe Strategy), E2 (Ebbsfleet Garden City Development Principles), E4 (Ebbsfleet Central Allocation) and E6 (North of London Road Area, Swanscombe) have been amended to reflect the need to conserve and enhance the Swanscombe Peninsula SSSI
- The boundary for the Ebbsfleet Central Allocation (policy E4) has been amended to exclude the area notified as SSSI as shown in Diagram 11 of the second Publication Local Plan and the Local Plan Policies Map Changes
- The boundary for the North of London Road Area, Swanscombe (policy E6) has been amended to exclude the area notified as SSSI as shown in Diagram 13 of the second Publication Local Plan

Points of Agreement

- Both parties consider that the text relating to the Swanscombe Peninsula SSSI contained in policies E1 (Ebbsfleet and Swanscombe Strategy), E2 (Ebbsfleet Garden City Development Principles), E4 (Ebbsfleet Central Allocation) and E6 (North of London Road Area, Swanscombe) is sound and accords with the requirements in the NPPF.
- It is agreed that NE and DBC have cooperated over the amendments to policies E1, E2, E4 and E6 between the first and second Publication Local Plans and that the text contained in these policies has taken on board NE's comments.
- If the Inspector considers that minor or major modifications to the boundaries for policies E4 (Ebbsfleet Central Allocation) and E6 (North of London Road Area, Swanscombe) shown on Diagram 11, Diagram 13 and/or the Policies Map should be made in light of the approved SSSI boundary, both parties agree that these will not have an adverse impact ecological and geological interest of the SSSI so long as they do not encroach on it.

Signatories

Signed on behalf of Natural England	Signed on behalf of Dartford Borough Council
Position: Manager – Kent & Sussex	Position: Head of Planning Services
Date: 01.12.2021	Date: 1-12-2021