

## **Inspector's Matters, Issues and Questions**

### **Issue 1: Whether the Council has complied with the Duty to Co-operate in the preparation of the Dartford Local Plan**

### **Response by Dartford Borough Council**

**13 May 2022**

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## Housing needs, the housing requirement and housing provision

### Question 1.1

**1.1 Other than Gravesham Borough Council, were any other requests made to Dartford Borough Council from other authorities to accommodate any unmet housing need? If so, from who and when were any such requests made?**

1. Yes, the following requests were made to Dartford Borough Council:
  - Croydon London Borough made a request on 5 November 2015
  - Sevenoaks District Council made a request on 11 April 2019
  - Elmbridge Borough Council made a request on 27 January 2020 (repeated 8 October 2021).

The Croydon and Elmbridge requests and DBC's responses to them are included as Appendix 1 to this document. The Sevenoaks request and DBC's response to it is included as Appendix 7A of DBC's Response to the Inspector's Initial Questions 2-7 (pages 154-156 of [EXAM-3](#)).

2. Figure 1 below shows the location of these authorities in relation to Dartford Borough and Kent County and Greater London Authority areas. Sevenoaks District Council neighbours DBC and is within Kent County. However Croydon lies within the Greater London area and Elmbridge is located in Surrey County.

**Figure 1: Location of Other Authorities which have made requests to DBC**



3. It is apparent Croydon London Borough and Elmbridge are non-adjointing, and a relatively significant distance from DBC.

4. Elmbridge and Croydon do not relate to the DBC housing market area as established in the Dartford and Ebbsfleet Residential Needs Assessment and Update (pages 9-19 of [HOU-7](#) and 11-13 of [HOU-8](#)). Notwithstanding this, the current position is set out.
5. Further to these requests, Croydon Council subsequently adopted its Local Plan on 27 February 2018 and it is also relevant to note that a new London Plan is now also in place. There has been no subsequent discussion or communication in relation to unmet need with Croydon.
6. Since making the requests to DBC, Elmbridge Borough Council has progressed towards its draft Local Plan for publication under Regulation 19 which was agreed on 22 March 2022. Elmbridge Borough Council did not enter into any further correspondence or discussions with DBC prior to agreeing its draft Local Plan for publication.
7. Full correspondence with the two authorities is set out in the Appendix below. To confirm, neither Croydon nor Elmbridge responded to any of DBC's Regulation 18 or Regulation 19 Local Plan consultations.
8. The request from Sevenoaks District Council and DBC's response in April 2019 (pages 154-156 of [EXAM-3](#)) is no longer considered extant.
9. The issue is addressed in paragraph 3.13 of the Duty to Cooperate Compliance Statement (page 21 of [COR-11](#)). The request from Sevenoaks related to a Local Plan which was subsequently aborted, and with Sevenoaks re-commencing work on a new Plan it is not clear at present to DBC if or when there will be a request from Sevenoaks to its neighbouring authorities to meet unmet need, if unmet need is demonstrated to arise.
10. The submitted 2022 Sevenoaks DBC Statement of Common Ground (SOCG) makes clear that: Sevenoaks is now updating its evidence base to support its emerging Local Plan; there is no shared housing market but there are some functional cross-boundary housing links between parts of the two areas; the Publication Dartford Local Plan includes provision to make a contribution towards unmet housing needs in the wider area should there be a need for DBC to assist with some unmet needs from SDC in the future. Meetings will continue to consider if and how to positively facilitate new housing provision (pages 2, 5 and 6 of [SCG-3](#)).
11. Therefore, the Sevenoaks request related to the aborted Local Plan. No request has been received in relation to its current plan, and its current housing needs are as yet unconfirmed. Further engagement will take place at an appropriate time in relation to the new Sevenoaks Local Plan.
12. Further information on replies and actions following these requests is set out in answer to question 1.5.

## Question 1.2

**1.2 From which authorities' is the proposed 40 dwellings per annum (d.p.a) 'contribution to unmet housing need in the wider area' intended to meet? What proportion of this unmet housing need is proposed to be accommodated from each?**

### The contribution to unmet housing need

13. The DBC contribution to unmet housing need in the wider area is expected to contribute towards meeting unmet needs of one or more of London Borough of Bexley, Gravesham Borough Council and/ or Sevenoaks District Council should a need arise. It was confirmed that DBC's other neighbouring authority, Thurrock, in Essex, will plan to meet their own housing needs ([COR-14](#) Duty to Cooperate Statement of Compliance Appendix 6, page 81).
14. DBC has optimised its urban housing capacity, through a positive and flexible policy framework complementing strategic allocations, and a robust range of sites identified through comprehensive evidence gathering (see [EXAM-4](#) paragraphs 2.5 and Appendix B1), exceeding Local Housing Need and contributing towards unmet housing needs in the wider area should they arise. DBC has maximised non-Green Belt residential development options (as further illustrated in answer to questions 1.3 and 1.21).
15. The resultant housing trajectory is Appendix C of the Local Plan (page 218 of [COR-1](#)), outlined in paragraphs 4.1 to 4.3 of [EXAM-5](#). This demonstrates when, over the plan period, the surplus would arise and be available to meet housing needs of the broader area. Given the complexity and housing market dynamics in the wider area, it is not possible to apportion the surplus to any particular neighbouring authority, but it would be expected that take up would be in line with the functional relationships identified in DBC's recent assessments (see paragraphs 19-20 below).
16. The trajectory is drawn from the housing supply information in the SHLAA ([HOU-2](#) Appendix D). This housing trajectory is based on DBC setting its requirement at a flat rate of 790pa dwellings in the Local Plan. Using the same SHLAA supply information, but applying the 750pa dwellings local housing need (LHN) rate, calculates the scale of the surplus available towards unmet needs elsewhere over time. These figures are provided in Appendix 2 to this document.
17. As with the trajectory in the Local Plan against the set housing requirement (Appendix C on page 218 of [COR-1](#) Appendix C), there are fluctuations in the prospective contribution. The DBC housing supply means that, against LHN in the period, the yearly surplus of housing delivery reaches 824 dwellings at (March) 2025 and 1,162 dwellings at 2026, before decreasing and then increasing again to hit 1,215 by 2035, and (finally) decreasing once more.
18. This means, in summary, some of the key years in Appendix 2 showing how much can be contributed towards unmet needs elsewhere and when - whilst still meeting DBC's own LHN over time - are year 2024 (412 dwellings) and 2032 (an additional 610 minus 412 dwellings), and then a further small amount by the end of the plan period.

Housing market areas, data availability, and apportionment.

19. DBC's up to date evidence indicates a stronger relationship with the London Borough of Bexley than with any other neighbouring authority (discussed at EXAM-3 paragraphs 5.12 to 5.13). It was anticipated, with the robust understanding of DBC's housing market area and strongest functional connections ([HOU-7](#) and [HOU-8](#)), that take up of this additional housing contribution in DBC would be strongest from Bexley and this is further discussed in response to question 1.5.
20. DBC's housing need assessment concludes ([HOU-7](#) page 19 paragraph 1.30): "...It is interesting to note that the flows between Dartford and Bexley are strong both ways. Whilst the Gravesham SHMA concluded that Dartford was part of a housing market area with Gravesham and Medway, the latest information on market flows suggest that the interaction between Dartford and Gravesham is reducing. In fact, the authority with which Dartford appears most aligned appears to be Bexley, not only for the number of people moving between the areas, but the similarity of the housing markets..." The proportion of people moving into Dartford annually who are from Gravesham has successively declined from year 2011 to 2017 to 2019, falling to a total of 6.9% of those moving into Dartford in 2019. In terms of ranking the authorities from which people have moved to Dartford in 2019, Bexley is first, Greenwich second, and Gravesham third (as calculated in Tables 1.3 and 3.2, page 13, of [HOU-7](#) and [HOU-8](#) respectively).
21. Gravesham's SHMA presented a housing market area covering the authorities east and west of Gravesham i.e. stretching from Medway to Dartford, however this is dated 2016, some five years older than DBC's most recent assessment ([HOU-8](#)).
22. No neighbouring Local Plans have been sufficiently progressed during DBC's plan making stages to provide confirmation of unmet needs. As set out in answer to question 1.5 below, the Local Plan progress of Bexley and Sevenoaks has not been fully clear in respect of housing needs. Notwithstanding this prevailing uncertainty, DBC's additional housing contribution will be available to neighbouring authorities should need arise.
23. In this context, and as discussed in later questions, there has been significant and continuing uncertainty over Gravesham's housing strategy and the level/ presence of unmet needs. This was the case when Gravesham published figures in their 2018 Regulation 18 consultation, and remained so in their last consultation (2020 Regulation 18) and subsequently; in spite of DBC's continuing engagement on the issue and requests for data (see, for example, [EXAM-3](#): page 7 Table 3, page 20 paragraphs 4.2 and 4.3).
24. DBC was unable to ascertain with any reasonable certainty the extent (or other necessary information such as timescale) of any unmet needs from Gravesham in preparing its submitted plan. Gravesham have unfortunately been unable to share essential information, including the capacity of their green belt to accommodate need. However, and importantly, it remains open to Gravesham in principle to utilise DBC's surplus if it can establish the necessary functional link between its own needs and the likely take up of that surplus or part of the surplus in determining how its own needs can be met. DBC will continue to cooperate with Gravesham in order to assist Gravesham with its evidence base in this regard.
25. It remains the case that there is no defined current unmet housing need figure for any of DBC's neighbouring authorities to determine whether, and to what extent, Dartford's surplus will need to be relied on by them as a means of addressing their future needs should they arise.



### Question 1.3

#### **1.3 Was engagement with Gravesham Borough Council on the quantum of unmet housing need to be accommodated in the Dartford Local Plan constructive, active and ongoing during the plans' preparation?**

26. Yes, engagement with Gravesham Borough Council on the quantum of unmet housing need to be accommodated in the Dartford Local Plan was constructive, active and ongoing during the preparation of the Submission Dartford Local Plan. DBC has however been limited in its ability progress the issue given the lack of clarity from Gravesham about the quantum of its unmet housing need and when it will arise. Furthermore, DBC has consistently questioned the sufficiency of the evidence to establish the existence and extent of Gravesham's posited unmet housing need. DBC also considers that Gravesham needs to address other development options that could help to meet housing needs and this is addressed in response to question 1.4.
27. The paragraphs below set out a summary chronology of some of the most relevant activities. This shows the actions carried out in the period from 2014 to 2017 which informed DBC's understanding but occurred when DBC had not commenced public consultation on its new Local Plan. It then outlines the sequence of events from 2018 onwards, when work was focused on drafting the new Dartford Local Plan.

#### 2014 to 2017

28. As set out on page 121 of [EXAM-3](#), the adopted Gravesham Core Strategy September 2014 set out a need for at least 6,170 new dwellings during the plan period 2011 – 2028. It did not identify sufficient land to meet this level of housing need over the plan period but committed to carrying out a revised Strategic Land Availability Assessment to identify additional land to meet the Borough's housing needs. It stated that this would be informed by a review of development opportunities and by a Green Belt boundary review, a commitment which was included in policy CS02 of the Core Strategy. In addition, there was reference to undertaking a new Strategic Housing Market Assessment. The Core Strategy did not provide any indication that DBC would be approached to meet any of Gravesham's needs at that stage. On this basis, DBC had a reasonable belief that Gravesham would likely be seeking to meet its own needs for the housing set out in the Core Strategy.
29. The GBC letter dated 8 June 2015 in respect of unmet housing needs was therefore unanticipated (pages 28-30 of [EXAM-3](#)). It referred to the overall housing needs in the Core Strategy. It also made reference to the 2012-based household projections which showed that the number of households was projected to increase in Gravesham to 8,000 by 2028 and the fact that this could result in the need to provide for a greater number of dwellings during the plan period. Whilst it sought to enter into preliminary discussions with the objective of securing agreement for DBC to accept some of Gravesham's housing need, it did not specify the extent of unmet need. In fact, it referred to further work being undertaken in respect of Gravesham's housing needs and land supply.
30. DBC responded on 5 August 2015 (pages 31-32 of [EXAM-3](#)). This was constructive in requesting an understanding of the individual studies being undertaken which underpin Gravesham's housing requirements and allocations and in suggesting the need for a framework for duty to cooperate discussions. However, DBC considered that it was premature to respond without this information. DBC offered to provide proposals for continuing and future engagement. Following consultation with

Gravesham and others, DBC published and discussed "The Duty to Cooperate: A Protocol for Action and Communications" in December 2015 (pages 24-25 of [COR-12](#)). This was a constructive and active effort by DBC to set out some practical actions for the duty to cooperate, including openly sharing evidence programming and gathering.

31. Throughout 2015 and 2016, work was being carried out on Gravesham's Strategic Housing and Economic Needs Assessment (SHENA). DBC constructively engaged with this by attending duty to cooperate workshops on 11 March 2015, 17 July 2015, 22 October 2015 and 11 August 2016<sup>1</sup>. The October 2015 workshop set out Gravesham's housing needs of 450-475 dwellings per annum and referred to insufficient capacity in Gravesham. The August 2016 workshop referred to: a need for 6,930 dwellings in Gravesham over the 2014-2028 remaining plan period; capacity and likely shortfalls in provision, without stating quantum; and the fact that a strategic land availability assessment was underway. The SHENA was not published until Gravesham's first Regulation 18 Local Plan consultation took place in April 2018 but the SHMA (which formed part of it) was dated June 2016 and was already outdated.
32. DBC actively sought further information from Gravesham on an ongoing basis between 2015 and 2018 as demonstrated in the meetings and correspondence on pages 33-53 of [EXAM-3](#). (including the letter dated 11 November 2017 directly requesting sight of key evidence informing the Gravesham Local Plan, such as the SHENA, [EXAM-3](#) page 47 to 48). However, it was not until the Gravesham Local Plan Stage 1 Regulation 18 consultation took place in April 2018 that Gravesham published any evidence or provided any figures, as discussed below.

#### 2018 to 2021

33. The Gravesham Issues and Options Regulation 18 took place from April to July 2018 (pages 124-125 of [EXAM-3](#)). It referred to a need for 7,905 dwellings from 2011-2028 (using information from the SHENA) rather than the 6,170 in the Core Strategy, to a current shortfall of 1,340 dwellings and to using a 2,000 dwelling shortfall as a guide to account for uncertainties and to maintain a 5 year land supply. It set out six potential options for growth and referred to additional technical work including appraising the capacity and economics of developing sites.
34. DBC responded to the Gravesham Issues and Options Regulation 18 consultation on 11 July 2018 (pages 59-72 of [EXAM-3](#)). DBC supported paragraph 1.27 of the consultation document that acknowledged that before significant duty to cooperate progress is made, Dartford would "need to see the options for Gravesham to try and meet its own need and fully understand the implications of such a move for them". However, DBC considered Gravesham had not been sufficiently transparent; consultation information did not assist in demonstrating that Gravesham was exploring all reasonable means of meeting its own need, and noted that there will need to be full sharing of evidence. Paragraph 2.7 of DBC's response set out the matters that needed to be addressed to progress a discussion on housing need as being:
  - the logic for 'exporting' Gravesham's housing need to Dartford such as the direction of established migration movements;
  - the implications for infrastructure; and
  - the implications for development management.

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<sup>1</sup> Information on these forms put of GBC's evidence base contained in SHENA 6: Integrated Needs Assessment Technical Paper available at:  
<https://localplan.gravesham.gov.uk/sareg18/consultationHome>



35. DBC carried out its own Strategic Issues Regulation 18 consultation in June/July 2018 ([CON-5](#)). This referred to the Borough's housing requirement under the proposed national standard housing methodology as being 778 dwellings per annum. This was an early stage consultation prior to outputs from housing studies, and DBC did not then know its requirement or capacity to accommodate housing need. The consultation document set out all available key data, including housing monitoring data. DBC held a Local Plan Duty to Cooperate Workshop on 12 July 2018 to coincide with this consultation on the Strategic Options (see pages 36-37 of [COR-11](#)). Gravesham attended this and had the opportunity to input into the discussions on the Dartford Local Plan work. The content is set out in Appendix 3 of the Duty to Cooperate Compliance Statement ([COR-13](#) pages 2 to 35). Notably it covers:
- Directly highlighting housing as a cross boundary issue and, in particular, illustrating the varying outcomes of the new standard method for adjoining authorities (pages 10 to 11 [COR-13](#)).
  - Exploration in some detail of duty to cooperate and statements of common ground (SoCGs) in the context of the wider area (pages 21 to 29 of [COR-13](#)).
36. The letter from Gravesham's leader dated 3 August 2018 did not respond to DBC's information requests or provide any further information on the extent of Gravesham's unmet needs (pages 80-86 of [EXAM-3](#)). It referred to current evidence suggesting that it would not be possible to accommodate all the required development in the urban area or inset villages as per the conclusion reached by the Planning Inspector in examining the Gravesham Core Strategy. It also referred to continued work on the evidence base to make as much use as possible of suitable brownfield sites and under-utilised land and to optimise the density of development. Crucially, it stated: "If after following due process and continuing to gather the necessary evidence that conclusion remains unaltered, we will be formally approaching neighbouring authorities to meet any potential unmet need – including Dartford..."
37. Therefore, it was still not clear to DBC at this stage whether Gravesham would have unmet needs and how much this would amount to; whether or when a formal approach may occur and what it would specifically request.
38. Nevertheless, DBC continued to be active in relation to this issue by requesting further information from Gravesham in meetings held throughout 2019 (pages 87-103 of [EXAM-3](#)) as it was progressing work on its Local Plan. One particular example from a list of requested information by DBC that Gravesham agreed to supply starts with "clarity on the amount requested" (see [EXAM-3](#) page 97). Overall, DBC's documented efforts, for instance [EXAM-3](#) Table 3 (pages 7 to 8) indicate repeated requests to help establish functional links in the context of housing market area data and the scale/presence of unmet needs Gravesham was requiring DBC to accommodate.
39. DBC continued to seek housing needs information from Gravesham in 2020 and beyond, for example at the meeting 27 January 2020 (pages 44 to 46 of [COR-14](#)).
40. DBC had been carrying out work on its Residential Needs Assessment which was published in January 2020 to accompany the Local Plan Preferred Options. Paragraph 2.39 of the Assessment indicated a Local Housing Need for 797 dwellings per year using the standard method (page 35 of [HOU-7](#)). DBC and the consultants carrying out the Residential Needs Assessment had previously conducted a duty to cooperate event in August 2019 prior to the finalisation of the Assessment. This was focussed on housing needs, national policy and local evidence and included discussions on the overall housing figures for DBC and other authority updates (pages 118-168 of [COR-13](#)). Housing needs issues discussed included migration patterns and DBC housing

figures. At that event in 2019, Gravesham advised that: "GBC will update their housing needs evidence as the SHENA is out of date. This work has not yet been commissioned."

41. DBC published its Local Plan Preferred Options for consultation in January/February 2020 ([CON-4](#)). This set out a requirement for DBC to provide 797 dwellings per annum in line with the government's standard method and in accordance with the outputs from DBC's Residential Needs Assessment. It included options to plan for the provision of 797-865 homes per year or an alternative upper figure (page 48 of [CON-4](#)). This is discussed in more detail in response to questions 1.21 and 1.22 on the Sustainability Appraisal. At this stage, DBC published a draft Strategic Housing Land Availability Assessment (SHLAA). The draft SHLAA Findings indicated future SHLAA sites housing land availability of 12,577 dwellings or more (this future supply was for the 18 years left in the plan period). It also indicated an additional 2,046 dwellings had been delivered in the first two years of the plan period, and one other site of 54 dwellings under construction. Therefore, at that stage, there was a total projected supply of 14,677 dwellings or more. It should be noted some potentially developable sites in Central Dartford had capacities that were still to be confirmed at that stage so DBC was working on the basis that the developable dwelling figures would increase following the completion of capacity based work. Neither the draft SHLAA nor the Preferred Options Local Plan included any provision for windfall development from small sites at that stage. In this respect, paragraph B19 of the Preferred Options stated that the Local Plan "will reflect that existing planning permissions and sufficient new sites have been identified in the draft SHLAA to provide a varied range of new housing sites over the plan period" (page 48 of [CON-4](#)).
42. DBC held a further Local Plan Duty to Cooperate Workshop on 6 February 2020 to coincide with the consultation on the Preferred Options Local Plan (see pages 36-37 of [COR-11](#) and 38-117 of [COR-13](#)). An officer from Gravesham attended this and was given the opportunity, along with all the other participants, to ask questions in relation to the presentations and participate in the collective discussion on the next practical measures needed to take further duty to cooperate actions in Kent, Greater London/ Essex. DBC outlined that it was now meeting Core Strategy minimum housing needs (annualised at 585 dwellings per annum) and delivering within the 'up to' adopted housing policy target; and went through the emerging findings from the SHLAA on new urban housing sites (pages 64 to 81 of [COR-13](#)).
43. Gravesham responded to the Dartford Preferred Options consultation on 20 February 2020 (pages 104-113 of [EXAM-3](#)). Gravesham did not comment in respect of the role of the Dartford Local Plan in meeting its housing needs and only included the following statement:

"DBC is well aware of the situation in Gravesham where delivery of housing is below the Local Plan Core Strategy adopted targets and below the Objectively Assessed Housing Need figure. This authority will be providing further evidence in this respect in due course, having already formally asked your authority as to whether it can assist."
44. As DBC were progressing towards the Regulation 19 Publication plan, and in light of the further evidence work that Gravesham were doing in respect of housing needs, DBC continued to engage with Gravesham, e.g. a meeting held on 30 June 2020 (pages 47-48 of [COR-14](#)).
45. However, no further information from GBC on housing numbers was released until GBC carried out its consultation of the Gravesham Emerging Local Plan Partial Review and Site Allocations Regulation 18 stage 2 consultation in October 2020 (page 129 of

[EXAM-3](#)). This stated that Gravesham was now planning for 10,480 dwellings at an annual rate of 655 dwellings per annum (using the Government's standard method formula) for a different plan period of 2020-2036. The document referred to having a current land supply of 4,600 dwellings and the identification of sites for a further 3,000 dwellings in the urban area and 3,800 dwellings in the rural area.

46. This Regulation 18 stage 2 Local Plan consultation did not include any information in respect of unmet housing need. No clarity was provided on housing need to DBC. Indeed, even at this stage it was uncertain if Gravesham would be applying the standard method LHN figure for housing need. The approach to the spatial strategy, housing needs and capacity to accommodate housing needs still remained unclear.
47. DBC responded on the Gravesham Regulation 18 stage 2 Local Plan consultation on 31 December 2020 (pages 116-119 of [EXAM-3](#)). DBC was clear that Gravesham had still failed to provide necessary information and again raised the issue that:  
"there still have been no updates in relation to this Council's serious reservations regarding Gravesham's historic request (several years ago, prior to evidence gathering) for Dartford to take Gravesham's housing need. Dartford Council made detailed comments on this...when responding to the Regulation 18 Stage 1 Consultation Part 1 Site Allocations Issues and Options on 11 July 2018, many of which remain relevant and need to be addressed."
48. Specifically, the penultimate paragraph (8.6) of DBC's December 2020 comments in response to Gravesham's last consultation states: "It is unclear if Gravesham's past request for Dartford to take housing need remains applicable, necessary or credible, or the scale or time period over which this applies." (page 19 of [EXAM-3](#)).
49. In January 2019 DBC provided detailed written information to Gravesham on the emerging Dartford Local Plan. The last paragraph of this states: "Critically, acceptance of need from another authority will require that Dartford has capacity over and above meeting its own housing needs, as per the standard methodology. As you are aware, this has not yet been established and quantified. You should also note that authorities are not obliged to accept needs from other areas where it can be demonstrated it would have an adverse impact when assessed against policies in the National Planning Policy Framework (PPG Plan-making, Sept 2018). This is yet to be assessed." (page 95 of [EXAM-3](#)).
50. DBC was deriving its final housing trajectory and requirement throughout 2020. Outputs from this work indicated that there was no capacity on urban sites as set out in paragraphs 52 and 53 below for DBC going beyond Local Housing Needs other than a modest allowance (ultimately confirmed as the '40 dwellings per annum contribution', see question 1.2).
51. Ongoing dialogue continued with Gravesham despite DBC seeking to progress towards the submission of the Dartford Local Plan. There were six meetings with Gravesham in 2021 (pages 49-61 of [COR-14](#)) but, despite a full awareness of DBC's need for data, Gravesham still did not provide any further information in relation to potential unmet needs that could be considered before either the first or second Publication Dartford Local Plans published in February 2021 and September 2021 respectively.
52. The final Dartford SHLAA submitted with the Publication Dartford Local Plan included updated information in relation to housing land supply ([HOU-2](#)). Page 30 indicated a future housing land supply comprising:

- 12,455 dwellings from deliverable/ developable SHLAA sites illustrated in Appendix B1 on page 19 of [EXAM-4](#) (including a 4,721 deliverable supply – [HOU-6](#) page 25).
- 491 future dwellings from other planning permissions and the allowance for small sites windfalls

This future supply was for the 16 years left in the plan period. Local plan total supply also includes 3,191 dwellings from delivery in first four years of plan period. Accordingly as set out in Appendix D of the SHLAA there is in the submitted Local Plan a total housing land supply of 15,646 dwellings for the whole plan period (pages 52-63 of [HOU-2](#), as updated in page 1 of [HOU-3](#)).

53. Table 7 in Appendix C of the Dartford SHLAA lists the sites found to not be deliverable or developable and the stage in the assessment that they were unsuccessful (pages 36-43 of [HOU-2](#)). Further information for each site is set out in the SHLAA Sites Summary Compendium ([HOU-4](#)). Sites were found to be non-deliverable/ developable as a result of being:
- unavailable
  - unachievable
  - unsuitable due to their location/ accessibility
  - unsuitable for physical/ environmental reasons (which includes large former landfill sites that are problematic due to contamination); or
  - unsuitable for essential policy reasons.
54. In the absence of information in relation to the extent of the Gravesham shortfall and without a firm indication from GBC of the actual extent to which it was unable to meet its need through green belt releases, any attempt by DBC to consider spatial options in its Plan to address these needs would have been speculative. Should there have been a need to identify further capacity in the Green Belt, this would raise further issues which would need to be addressed such as assessing sustainability by reference to matters such as spatial considerations, infrastructure provision and timing of provision. This would have been complicated still further by the need to understand the dynamics of the broader housing market and the extent to which the release of green belt in Dartford Borough would assist Gravesham in meeting its needs. All of these considerations would also be material to the exceptional circumstances test.

## Question 1.4

### **1.4 What evidence is there of the attempts made to reach agreement between Dartford Borough and Gravesham Borough Council in respect of unmet housing need?**

55. The evidence of attempts made to reach agreement between Dartford Borough and Gravesham Borough Council in respect of unmet housing need can chiefly be found in the response to the inspector's initial questions 2-7 ([EXAM-3](#)) and the Duty to Cooperate Compliance Statement Appendix 6 ([COR-14](#)). The relevant parts of these documents are set out below.
56. The response to question 1.3 outlined the chronology of meetings, workshops and correspondence between DBC and Gravesham in relation to unmet housing need between 2014 and 2021 and the paucity of information made available.
57. The response to this question focuses on DBC's attempts to reach agreement and address issues arising from Gravesham's evidence and the development options that Gravesham has considered, and DBC's efforts to engage GBC in order to reach agreement in respect of unmet housing need. It also refers to discussions on the Statement of Common Ground.

### Gravesham Evidence and Information

58. DBC sought evidence and information directly from Gravesham to support its June 2015 housing need request, including as follows:
- 5 August 2015 letter sought an understanding of the individual studies being undertaken which underpin Gravesham's housing requirements and allocations (pages 31-32 of [EXAM-3](#));
  - 13 November 2015 meeting sought further information/ evidence, including inputs and outputs on the North Kent SHENA and land supply, and the practical issues that arise if one LPA takes another's housing need (page 36 of [EXAM-3](#));
  - 25 September 2017 email referred to not having had sight of Gravesham's final SHMA, developable SHLAA sites or viability work which made it hard to understand Gravesham's needs and opportunities (page 46 of [EXAM-3](#));
  - 1 November 2017 letter requested sight of GBC's key evidence, including the full Gravesham set of publications arising from the Gravesham & Medway SHENA (page 47 of [EXAM-3](#));
  - 11 July 2018 response to Gravesham Local Plan Stage 1 Regulation 18 consultation repeated the need for information on the cross boundary practicalities of meeting housing need (the logic of exporting Gravesham's housing need to DBC, the implications for infrastructure and the implications for development management operations), the fact that the evidence released has not helped demonstrate that Gravesham is sustainably trying to meet its own need, and the need for full sharing of evidence and assumptions (pages 60-62 of [EXAM-3](#));
  - 23 January 2019 letter reiterated the need for further information including in relation to the capacity of settlements in Gravesham to accommodate its housing need, the need to revisit viability assumptions, the potential to redevelop employment land, the functional justification/ logic, infrastructure needs and development management issues (pages 93-95 of [EXAM-3](#));
  - 16 April 2019 meeting sought clarity on the amount being requested, the period this is required to cover, the evidence based justification for this (rationale for focus on DBC, robust explanation in relation to Gravesham's need and capacity), infrastructure and DM impacts/ funding, and consideration of opportunities to meet need further out in Kent (pages 97-98 of [EXAM-3](#)).



- 12 June 2019 meeting stated that information requests from the last meeting/ past correspondence was still live with clarity sought from Gravesham on the various points outlined (pages 100-101 of [EXAM-3](#))
  - 27 January 2020 meeting referred to previous correspondence, Gravesham's urban capacity, functional rationale, infrastructure and implications for DM, and encouraged Gravesham to address in responding to DBC's current plan consultation (page 45 of [COR-14](#))
  - 31 December 2020 response to Gravesham Local Plan Stage 2 Regulation 18 consultation stated that many of the comments made on 11 July 2018 remain relevant and need to be addressed in relation to Gravesham's historic request for DBC to take Gravesham's housing need (page 116 of [EXAM-3](#))
59. Later discussions in the context of seeking the agreement in the Gravesham – DBC Statement of Common Ground are outlined in paragraphs 75 to 80 below.
60. Table 3 in response the Inspector's initial question 3 sets out the commitments that GBC has made on providing further evidence/ information to support its June 2015 housing request (pages 7-8 of [EXAM-3](#)). It should be noted that not all of this information has been made available to DBC. The requested information was necessary for DBC to understand Gravesham's position and reasoning, and to directly inform negotiation over key aspects of any agreement on unmet need, for example in relation to infrastructure implications.
61. In terms of the evidence sought by DBC from Gravesham, the SHENA (Strategic Housing and Economic Needs Assessment), a draft SLAA (Strategic Land Availability Assessment), a Green Belt Study and a Broad Locations Assessment were amongst the evidence published to accompany the Gravesham Local Plan Stage 1 Regulation 18 consultation in April 2018 (page 125 of [EXAM-3](#)). A Sustainability Appraisal, Stage 2 Green Belt Study, a draft SLAA Update and a Green Belt Background Paper formed part of the evidence base documents published to accompany the Gravesham Local Plan Stage 2 Regulation 18 consultation in October 2020 (page 129 of [EXAM-3](#)). In its responses on the Gravesham Local Plan consultations on 11 July 2018 and 31 December 2020, DBC considered that there remained a need for further evidence to support GBC's June 2015 housing needs request. This was to provide greater clarity and up-to-date information and enable DBC to consider the actions necessary, particularly in respect of housing need and capacity.
62. In relation to housing need, the Gravesham evidence currently comprises the [Strategic Housing Market Assessment](#) (which forms part of the SHENA) dated June 2016 and published in April 2018 and a [Housing & Demographics Paper](#) dated March 2020 and published in October 2020. After discussions with DBC, at the meeting on 9 February 2021, Gravesham indicated that they were commissioning an update on housing needs (page 51 of [COR-14](#)) but no further information has since been supplied to DBC on this.
63. Gravesham's evidence on its capacity to meet its housing needs relies mainly on the Strategic Land Availability Assessment (SLAA). A [draft SLAA](#) was published to accompany Gravesham's Stage 1 Regulation 18 consultation in April 2018. DBC expressed concerns about the adequacy of the draft SLAA as it had not considered all the potential options for development in the urban area (see paragraphs 65 to 68 below), which DBC considered would assist in seeking agreement.
64. An updated [draft SHLAA/SLAA](#) was published alongside Gravesham's Stage 2 Regulation 18 consultation in October 2020. The Gravesham SLAA remains in draft

form and it is not clear when the final version will be made available. In relation to urban capacity work that GBC had advised would be done, GBC stated, at the meeting on 9 February 2021, that they had not carried out the urban capacity work previously anticipated and were looking at opportunities in the longer term in two locations in the Borough (page 52 of [COR-14](#)). Gravesham has not been able to provide any further information to DBC in relation to its potential capacity to meet its housing needs within its urban area and rural settlements.

### Gravesham Development Options

65. DBC has sought clarification on the development option that Gravesham is intending to pursue in light of its impact on meeting housing needs, and national and local urban development, Green Belt and other strategic planning objectives. In terms of Gravesham's proposals, Appendix 3B of the response to the Inspector's initial questions 2-7 sets out the key elements of the two Gravesham Regulation 18 consultations carried out by Gravesham in April 2018 and October 2020 respectively (pages 124-125 and 129 of [EXAM-3](#)).
66. Although data on unmet need was limited, the Gravesham stage 1 Regulation 18 consultation in April 2018 set out the following six options for growth:
1. Urban intensification
  2. Urban expansion
  3. Expansion of 2nd tier settlements
  4. Expansion of 2nd, 3rd and 4th tier settlements
  5. Creation of a single new settlement through the merger of existing settlements
  6. Creation of a freestanding new settlement
- Paragraph 8.1 of the consultation document stated that "The Borough Council will consider responses to the consultation and chart a way forward. This will involve additional technical work as well as discussions with relevant neighbouring Local Planning authorities and service providers under the duty to co-operate..." (pages 124-125 of [EXAM-3](#)).
67. DBC reviewed Gravesham's spatial options with a view to identifying if there were areas of support and potential to explore further in clarifying housing needs. DBC included the following constructive points in its response on the Gravesham Local Plan Stage 1 Regulation 18 consultation on 11 July 2018 (pages 59-72 of [EXAM-3](#)):
- The proposals are based on significant greenfield release in the Green Belt and urban development options have been dismissed without adequate assessment. This is contrary to government guidance and the evidential basis for this is unclear. The priority must be to fully explore the potential of Gravesend and Northfleet intensification.
  - All appropriate sources of housing supply should be explored. Chapter 7 of the consultation usefully hints at future brownfield options (car parks, employment land and redevelopment of the extensive housing land owned by the council) but redevelopment of retail areas for mixed use with residential above is not identified.
  - The SLAA has not given full consideration to all potential sites and maximising the development of sites within its urban area to meet national policy, minimise the need to release Green Belt and minimise the need for neighbouring authorities such as Dartford to have to consider meeting unmet needs in Gravesham. In this respect, it has not assessed the housing potential from: the redevelopment of employment sites; the redevelopment of public car parks; urban capacity; increasing densities in existing areas; and broad locations in the Green Belt.

68. This was the position at the time that DBC consulted on its Preferred Options Local Plan in January 2020. There remained uncertainty in the approach that Gravesham would take forward and DBC had identified clear options for more of Gravesham's housing needs to be met within its urban area, options for which had not been thoroughly considered.
69. The stage 2 Gravesham Regulation 18 consultation was carried out by GBC in October 2020 (page 129 of [EXAM-3](#)). It showed potential greenfield and Green Belt development sites and the six growth options previously included in the earlier consultation. It referred to the fact that none of the six growth options gained particular support but it did rule out the freestanding settlement option. Paragraph 1.8.13 of the document stated that there is no agreed approach on how development should be distributed in the Borough beyond that agreed in the Core Strategy and it set out the following options for this:
- A) Proportionate distribution based on the scale of existing areas
  - B) Local Plan Core Strategy Partial Review and Site Allocations document allocations
  - C) Improving settlement sustainability
  - D) A mixture of the above
70. In relation to the Gravesham Local Plan Stage 2 Regulation 18 consultation, DBC responded on 31 December 2020 (pages 116-119 of [EXAM-3](#)). It made the following points in relation to the consultation with the aim of identifying actions that could support a move towards agreement:
- There is insufficient focus on bringing forward new development in the Gravesend/ Northfleet urban area which has significant negative implications for the longstanding regeneration strategy for the area, the Green Belt, transport and infrastructure. Consideration should be given to urban focussed options such as increasing the density of development in the urban area (an urban capacity approach) or large scale release of urban employment areas for residential development
  - In relation to urban capacity for housing, development capacity evidence has not been made available so it is not clear that Gravesham has thoroughly considered all available options for maximising the redevelopment of sites and density of development in the urban area.
  - In terms of employment areas, Gravesham has a number of large scale employment areas within its urban area and Gravesham should seriously consider the redevelopment of these to meet its needs for residential development and in preference to releasing large scale tracts of land in the Green Belt.
71. Unfortunately the last AMR ([Gravesham Authority Monitoring Report](#)) available on GBC's website is for the year 2016-2017<sup>2</sup>. There is little information on employment land take-up in Gravesham, and the extent to which under-used business locations could be used alternatively to provide housing.
72. This was the position when DBC consulted on both its first and second Publication Local Plans in 2021. It is readily apparent that limited progress has been possible by Gravesham in taking forward new policies and keeping its evidence up to date, unfortunately this has hindered moves towards identifying areas of agreement on housing need. The most recent Gravesham Local Plan consultation in October 2020 does not provide a clear picture of the spatial strategy approach that Gravesham intends to take forward.

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<sup>2</sup> As at 13/05/2022.

73. Therefore, following DBC requests for clarification, it still remains unclear what spatial approach Gravesham is going to take forward in its Local Plan and whether Gravesham is carrying out further evidence base work to justify a more urban focussed development strategy. Gravesham has not managed to reply to the comments made by DBC on 31 December 2020, or indicate that it can provide the information that would enable agreement to be reached on meeting housing needs.
74. DBC has had to proceed on the basis of this uncertainty on the future way forward for the Gravesham Local Plan. Had Gravesham provided the evidence and clarity consistently sought by DBC since Gravesham first made its request in June 2015, DBC would have had the necessary data to explore the options further, including the extent to which it would be necessary to release Dartford's green belt for this purpose.

#### Statement of Common Ground

75. DBC sought agreements via a Statement of Common Ground (SoCGs) from the first stages of its plan making.
76. Paragraphs 3.11 to 3.15 of DBC's response to the Inspector's initial question 5 outline the progression towards a SOCG with Gravesham since 2018 (pages 18-19 of [EXAM-3](#)). The meeting with Gravesham and SDC on 28 March 2018 discussed the potential scope of a SOCG and this included the housing market area and housing needs (pages 52-53 of [EXAM-3](#)). At the meeting with Gravesham on 12 June 2019, it was agreed that interim joint SOCGs should be considered at the next rounds of consultation (page 101 of [EXAM-3](#)). Agreement was reached that cross boundary issues should be agreed and a template SOCG should be produced initially at the meeting on 20 September 2019 (page 103 of [EXAM-3](#)).
77. Paragraph 3.12 of [EXAM-3](#) indicates that DBC sent a first draft SOCG to Gravesham on 20 December 2019 which was intended to be a tripartite document with the Ebbsfleet Development Corporation (who are a vital part of housing delivery). This was not ultimately published but it included information from DBC's evidence base at the time in terms of cross boundary flows and housing needs, and sought similar input from Gravesham. As stated in paragraph 3.13 of [EXAM-3](#), Gravesham sent a rewritten draft SOCG to DBC on 24 January 2020 and the additional content seemingly was not aiming to secure mutual agreement. The issue was discussed at the meeting with Gravesham on 27 January 2020 (page 46 of [COR-14](#)) but as paragraph 3.13 of [EXAM-3](#) notes, it was not possible for DBC and Gravesham to conclude a SOCG at that time.
78. Having sought further evidence/ information as set out in paragraphs 58 to 64 above and made comments on the potential development options for Gravesham as outlined in paragraphs 65 to 68 above, DBC further sought to progress to confirm agreements in a SOCG with Gravesham. This was discussed at the meeting on 9 February 2021 at which DBC referred to the need to carry out further work and to the results of the residential needs assessment in terms of functional links with neighbouring authorities (pages 52-53 of [COR-14](#)). DBC actively sought to confirm aspects of common ground on housing needs, reviewing discussions and providing potential points of agreement and disagreement for consideration by Gravesham for possible inclusion in a SOCG on 29 July 2021; and discussions on this took place at meetings on 10 August 2021, 30 August 2021, 1 October 2021 and 18 November 2021 (pages 55-61 of [COR-14](#)).
79. DBC has acted positively in the face of great uncertainty and information gaps from Gravesham, and the submitted Dartford Local Plan includes a contribution towards unmet housing need. As set out in answer to question 1.2, whilst no apportionment with specific authorities has been possible, the housing contribution by DBC can be

used towards that required in Gravesham, Bexley or Sevenoaks Local Plans. DBC has not refused to assist in meeting Gravesham's averred unmet housing needs, it has however been extremely hampered in trying to reach agreement because of the fundamental lack of data and clarity on numbers and the extent to which the release of further land in DB would actually assist in meeting this need having regard to the dynamics of the housing market.

80. The SOCG with GBC sets out the different positions of both authorities in relation to housing needs (page 8 of [SCG-2](#)).



## Question 1.5

### **1.5 What evidence is there of any attempts to reach agreement with any other authorities' in respect of unmet housing need?**

81. As set out in response to question 1.1, there have been formal requests in respect of unmet housing need from Sevenoaks District Council, Croydon London Borough and Elmbridge Borough Council.
82. It is also relevant to address how this issue has been dealt with in discussions with the London Borough of Bexley.

#### Sevenoaks District Council

83. Starting from point of the 2019 request from Sevenoaks, Appendix 7A of DBC's response to the Inspector's initial questions 2-7 outlines the request from Sevenoaks District Council (SDC) on 11 April 2019 and DBC's response to this on 24 April 2019 (pages 154-156 of [EXAM-3](#)). Sevenoaks sought a rapid response and Paragraph 3.13 of the Duty to Cooperate Compliance Statement (page 21 of [COR-11](#)) explains that, at the time of Sevenoaks's request, DBC was not in any position to agree to take unmet housing needs by Sevenoaks's imminent target for Local Plan submission. The logic had not been demonstrated, and DBC was unable to respond positively to such requests until its own housing need and supply position were clearer.
84. In relation to the Submission of the Sevenoaks Local Plan on 30 April 2019, DBC and SDC signed a [first Statement of Common Ground](#) on 20 May 2019. Page 4 of this stated the following agreed position in relation to housing:  
  
"Given the evidence, it is clear that SDC and DBC do not share the same housing market area and there is not a functional cross-boundary housing linkage. As such, housing is not considered to be a strategic matter that needs to be addressed, as per the Planning Practice Guidance which states that the area for the strategic matter being planned for will depend on *"...the most appropriate functional geographical area...based on demonstrable cross-boundary relationships."*
85. Housing need and Statements of Common Ground were discussed with Sevenoaks further in 2020 (see [COR-14](#), pages 47 to 48 and 62 to 63 relating to the 12 February and 30 June meetings respectively) .
86. As set out in paragraph 3.13 of the Duty to Cooperate Compliance Statement (page 21 of [COR-11](#)), it emerged the late request by SDC in 2019 did not lead to a successful Local Plan examination. This only became clear following legal challenges by Sevenoaks, the final decision on which was made on 5 April 2021. There was therefore uncertainty until then i.e. after DBC's first Regulation 19 Plan had been published.
87. The plan which Sevenoaks was promoting on at the time of the request has since been aborted and Sevenoaks are re-commencing work on a new Plan. As part of this process, Sevenoaks have not formally made a request for DBC to help take its housing need.
88. DBC and Sevenoaks have discussed housing need on an ongoing basis, including meetings held on 9 September 2021 and 21 October 2021 (pages 69-71 of [COR-14](#)). This led to a new Statement of Common Ground (SOCG) between the two parties

which was signed on 9 December 2021 ([SCG-3](#)). Pages 4-6 of the SOCG ([SCG-3](#)) include the agreed position in respect of housing and this includes the following points:

“The parties agree that the Publication Dartford Local Plan 2021 includes the ability within the plan period to make a contribution towards unmet housing needs in the wider area: the Local Plan housing requirement is above the current standard method level, with some limited potential to support housing delivery required from elsewhere. The context is discussions on Statements of Common Ground with local planning authorities and, in particular, Dartford Borough’s identified strong migration and commuting relationship with the London Borough of Bexley.”

“Given that there are some functional cross-boundary housing links between parts of SDC and DBC, there is a case to be made for DBC to assist with some unmet needs from SDC (if required and if not met at source housing market area) in the future should they have the capacity to do so, and where consistent with DBC’s sustainable development, and national policy.”

#### London Borough of Croydon

89. Croydon wrote to DBC on 5 November 2015, asking DBC if it could meet any of Croydon’s unmet housing need (see Appendix 1 of this document). In this respect, DBC were invited to make representations on the Local Plan Strategic Policies Partial Review and Detailed Policies (Preferred and Alternative Options).
90. DBC responded on 18 December 2015 stating that:
  - there had been no mutual discussions with Croydon on the issue to understand the circumstances of and links between each authority;
  - DBC had not identified any notable functional connection with Croydon;
  - DBC had an adopted Core Strategy in place and is not currently working on revising its approach to strategic housing sites or levels;
  - there was a need for clarity over how London’s future needs will be met; and
  - in the event that Croydon wish to pursue their request, there need to be clear evidence, meaningful discussion and explanation of how practical issues would be dealt with.
91. As set out in response to question 1.1, Croydon Council adopted its Local Plan in 2018 and there has been no subsequent communication in relation to unmet need with Croydon.

#### Elmbridge Borough Council

92. Elmbridge wrote to DBC on 27 January 2020 and again on 18 October 2021 asking if DBC may be able to accommodate all or part of its unmet need (see Appendix 1 of this document).
93. In response to the first request, DBC responded on 14 April 2020 making the following points:
  - it was unable to give consideration to taking Elmbridge Borough’s unmet housing needs as DBC has yet to confirm its capacity in relation to its own local housing need;
  - there have not been any discussions between the authorities; and
  - the evidence produced to date by both authorities does not identify any function connections between the Boroughs

94. By the time of the second letter, there was more information available to DBC. The response from DBC dated 20 December 2021 stated that:
- Policy S4 of the Publication Dartford Local Plan sets out Dartford Borough's housing figure of 790 dwellings per annum which is above the current standard method requirement of 750 dwellings per annum;
  - The Publication Dartford Local Plan makes reference to the fact that it could potentially support delivery of some unmet residential needs in the wider area;
  - DBC has been in discussions with and entered into Statement of Common Ground with neighbouring local planning authorities; and
  - There is some leeway to provide a little help with meeting the housing needs of an authority in the wider area but this is likely to be claimed by a neighbouring authority.
95. As set out in response to question 1.1, Elmbridge Borough Council has progressed towards its draft Local Plan for publication and it did not enter into any further correspondence or discussions with DBC prior to reaching this stage.

#### London Borough of Bexley

96. In the case of Bexley, its strategic housing target is principally defined through the London Plan, which was finally completed in March 2021.
97. This allowed Bexley to accelerate its Local Plan production (see Table 1 timeline in [COR-11](#) page 7) and for DBC and the London Borough of Bexley to have a series of further meetings throughout 2021. These built on previous discussions (and a previous Statement of Common Ground), addressing latest housing needs issues in more detail (pages 34-43 of [COR-14](#)).
98. This led to the agreements reached, and a new Statement of Common Ground being signed between both authorities on 24 November 2021 ([SCG-1](#)).
99. The SOCG includes a section on housing market area and housing needs and sets out the following points of agreement in this regard (pages 5-7 of [SCG-1](#)):
- The parties have a history of positive cooperation on Local Plan content and collaboration on strategic matters, including new development and infrastructure. The parties fully agree the need for effective cooperation on strategic planning, in parallel with the principle of recognising each other's right to develop their own plans informed by cross boundary dialogue that fit the specific circumstances of Borough communities; and both also acknowledge the necessity for Local Plans to reflect differing local needs and the contrasting statutory planning and service provision arrangements present in two tier Kent, and in Greater London.
  - The parties agree that each authority has robustly assessed the ability of its respective area to accommodate housing development. They each consider that they are doing the maximum reasonable to meet their required housing needs in line with national policy.
  - It is agreed there are clear links between the LBB and DBC housing markets.
  - DBC and LBB are aware of the potential economic and social benefits of sustainable urban regeneration in north Kent. Also noted is the scale of the government's housing ambition, and the inability of some other Local Plans in Kent to progress and successfully meet their own housing needs. The parties agree that the housing needs arising from their respective areas will first fall to be met by up to date site provisions within each authority area, via each Local Plan.
  - It is noted that the new London Plan is not able to demonstrate that London's housing needs can be met within the Greater London area.

- The Dartford Local Plan includes the ability to make a contribution towards unmet housing needs in the wider area. The Local Plan housing requirement is above the current standard method level, with some limited potential over time to support housing delivery required from elsewhere. The indicative scale of the aggregate allowance by Dartford (when meeting its requirement over its full plan period) is projected to be up to approximately 800 dwellings.
  - Given the close migratory links between the boroughs as set out in the evidence base and recognising current status of plan-making, both parties consider that it would be appropriate for any available future housing delivery contribution from Dartford to be drawn down in the first instance if required by Bexley as the logical priority authority of those adjoining Dartford.
  - The parties agree that there is a housing land supply allowance in the plan period to March 2037 in the Publication Dartford Local Plan to contribute towards future needs outside Dartford. This allowance is not relied upon in the Bexley Draft Local Plan to meet its London Plan housing target. However, if there is a need then both parties consider that there could be scope to call upon Dartford's allowance.
  - The parties agree to continue to work positively together to seek to address the future housing needs as far as possible, taking into account key constraints, and the need for sustainable development. This will be via regular meetings, joint action and updates as necessary to the Statement of Common Ground.
100. Paragraph 28 of the SOCG makes clear that Bexley's minimum housing need calculated using the updated standard methodology is 1,295 net new dwellings per year. This includes a 35% 'cities and urban centres uplift' introduced in December 2020 (page 6 of [SCG-1](#)). However, Bexley is in a different position to DBC given that it works within the framework set out in the London Plan.
101. Prior to 2021, there was uncertainty over the final content of London Plan policies and thus Bexley's housing targets for its Local Plan. This lack of clarity did not provide a firm basis for DBC or Bexley for reaching specific agreements on unmet housing need. It transpired after finalisation of the London Plan<sup>3</sup>, Bexley's Local Plan faced notably lower dwelling targets than featured in the original December 2017 London Plan document<sup>4</sup> (reducing from an annual average of 1,245p.a to 685p.a. dwellings). The London Plan timescale is outlined COR-11 (Page 6) paragraph 2.5.
102. Policy S2 of the [Submission Draft Bexley Local Plan](#) states that "the Council will seek to meet the Mayor's 10-year housing target for Bexley of 6,850 new homes..." As indicated in paragraph 4.18 and table 1 of the Duty to Cooperate Compliance Statement, Bexley submitted its Local Plan for examination on 30 November 2021 (pages 7 and 39 of [COR-11](#)).
103. The points of agreement in the SOCG recognise the links between the LBB and DBC housing markets in line with evidence and discussion, and outline that DBC may be able to meet some of LBB's unmet housing needs if required in the future. This could be needed as the Bexley Local Plan has not yet completed Examination and fully demonstrating it is meeting its needs.
104. Consistent with discussions with Bexley London Borough on housing, DBC also engaged in attempts to discuss unmet need with Mayor of London (GLA).

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<sup>3</sup> [https://www.london.gov.uk/sites/default/files/the\\_london\\_plan\\_2021.pdf](https://www.london.gov.uk/sites/default/files/the_london_plan_2021.pdf)

<sup>4</sup> [https://www.london.gov.uk/sites/default/files/draft\\_london\\_plan\\_chapter\\_4.pdf](https://www.london.gov.uk/sites/default/files/draft_london_plan_chapter_4.pdf)

Correspondence recording some of these efforts is found at [COR-11](#) Appendix 8 (pages 76 to 77).



## Approach to Bluewater Shopping Centre

### Question 1.6

#### **1.6 What evidence is there that constructive, active and ongoing co-operation has been undertaken in respect of the approach to the treatment of the Bluewater shopping centre?**

105. There has been engagement by DBC on Bluewater over several years. Focusing firstly on recent activities (2020 and 2021) DBC's Compliance Statement ([COR-11](#)) summaries main events in paragraphs 3.30 to 3.36 (pages 25-27 of [COR-11](#)). This includes:
- A new study was conducted to update retail evidence and review policy: the Retail and Leisure Study (documents [BAR-2](#), [BAR-3](#), [BAR-4](#) and [BAR-5](#)) commissioned jointly with the Ebbsfleet Development Corporation.
  - A focussed retail workshop was held in February 2020 to facilitate discussion on strategic issues and Bluewater ([COR-13](#), with a summary at slide 245, and Bluewater information at slides 219 to 221). [COR-11](#) Table 4 (page 26) shows widespread invitees to this workshop, attended by five other authorities, including Gravesham.
  - Local plan evidence/ policy on retail and Bluewater matters were discussed with all adjoining authorities, including updates in February and March 2021 ([COR-14](#), pages 35, 51, 66 and 80)
  - The agreement of Statements of Common Ground, with Gravesham, Bexley and Thurrock recognising retail as a strategic issue ([SCG-2](#), [SCG-1](#) and [SCG-4](#) respectively).
106. Engagement prior to this, relevant to this Local Plan, is discussed at [COR-12](#) page 19 paragraphs 4.23 to 4.25 (discussions/ presentations on Bluewater and related matters in this period are listed in Appendix F, [COR-12](#) page 39).
107. This followed – and was informed by - extensive previous Local Plan engagement on Bluewater with partners in the run up to the Examinations of the 2011 Core Strategy (and 2017 Development Policies Local Plan). The strategic issue expressed to DBC and Examinations was concern over the potential large-scale retail growth at Bluewater attributed to its status in the Core Strategy, and associated possible impacts on local town centre vitality and viability. New evidence suggests this is no longer likely (see paragraph 113 below).
108. The current strategic retail policy (CS12) was adopted in the Core Strategy ([POL-1](#) page 61) identifying Bluewater as one of the network of complementary shopping centres to be developed and supported (CS12 criterion 1), and featuring the potential requirement for proposals to need a retail assessment carried out in consultation with neighbouring authorities (criterion 5b). Policy CS12 criterion 7 recognised that Core Strategy retail policies would need to be reviewed.
109. Focussed engagement with a range of authorities occurred under a 'Strategic Retail Group', organised by DBC, which included neighbouring authorities in the Thames Gateway area and partners hosting other regional shopping centres nearby e.g. Lakeside Centre in Thurrock (see Table 1 ([COR-12](#) page 10). This led to constructive discussion on cross-boundary retail issues on the question of regional shopping. In particular, it informed consideration of new challenges facing existing regional shopping centres and local town centres. This provided the context for full review of

the potential future of Bluewater and implications for planning policy ([COR-12](#) Appendix F (page 39) details meetings held).

110. At the first new Local Plan consultation stage (Strategic Issues, July 2018) DBC sought input via an event featuring - early in the discussion - retail and Bluewater. Attended by Gravesham and others this is evidenced at [COR-13](#) (pages 7, 10 and 15). This activity confirmed a focus of plan-making and collaboration on the review of retail policy, outlined recent strategic development proposals influencing Bluewater's future, and helped explore the nature of continuing partner interest.
111. Following these activities, and further communication with partners (updates on likely study procurement and cooperation activities for instance: Gravesham meeting 20 September 2019: [EXAM-3](#) page 102), the Retail and Leisure Study research commenced with the aim of providing updated retail data as a solid basis to inform discussions on future retail and Bluewater policy.
112. Emerging findings of the Study were set out for the authorities in the 2020 retail engagement workshop. This provided extensive data and information relevant to the future of Bluewater, and the other retail centres of DBC and partners. Drawing from primary research to understand the shopping patterns of consumers in DBC and adjoining authorities, evidence of the market share of centres and shops, cinemas and cultural/ leisure facilities was presented for consideration by participants of the policy implications (pages 231-239 of [COR-13](#)).
113. The final 2021 Study identifies there has been a fundamental shift in retailing, with changed economic and consumer habits and new commercial realities facing Bluewater and elsewhere. DBC considers this may have removed the prospect of large-scale retail expansion at Bluewater. The Study ([BAR-3](#) paragraph 12.93 page 19) concludes: "In the context of current trends it is unlikely that there will be any need and/ or significant market demand for new comparison retail space at Bluewater over and above the outline permission over the plan period". The Study includes a summary of some of the active cooperative activities undertaken with partners by the consultants ([BAR-2](#) page 2 paragraph 1.6), in addition to DBC's ongoing retail planning activities and discussions with partners.
114. DBC's further engagement includes correspondence with Gravesham on 29 July 2021 (page 133 of [EXAM-3](#)) confirming that in the Local Plan, Table 7, the supporting text to policy M22 and policy M22 itself set out Bluewater is a regional shopping centre and that the policy makes clear that the impacts of proposals on neighbouring town centres will be taken into account. DBC explained it considered that the policy appropriately applies robust local evidence (Dartford & Ebbsfleet Retail and Leisure Study) and national policies in relation to the role of Bluewater and the application of the sequential test.

## Question 1.7

### **1.7 What are the outcomes from those discussions?**

115. In summary, the engagement (and associated new retail evidence) undertaken for the submitted Local Plan has led to the proposed new Bluewater policy M22. This amends existing policy by applying recommendations in the joint Dartford and Ebbsfleet Retail and Leisure study on Bluewater ([BAR-3](#) page 20, paragraphs 12.98 to 12.101).
116. These new policy limitations on development at Bluewater - notably in M22 criterion 3b ([COR-1](#) page 197) - follow on from the views of those neighbouring authority(s) that sought changes to strategy early in the plan-making process, and supporting evidence. The nature and rationale for changes in the new policy are outlined in paragraph 8.2 and 8.3 page 25 of the topic paper ([BAR-1](#)).
117. Paragraph 5.203 of the submitted Local Plan [COR-1](#), page 195, confirms Policy M22 retains the strategic requirement that for future planning applications: "All retail/ leisure assessment/ testing must recognise its regional role, and be undertaken in consultation with neighbouring local and strategic authorities." This is consistent with feedback from engagement.
118. In this regard [SCG-1](#) page 7 is noteworthy: "The parties agree that Bluewater operates as a regional shopping centre, and a suitable policy recognising its need to develop on this basis in response to competing regional centres, but providing safeguards for local town centres in Bexley and Dartford Boroughs, is appropriate." Similarly the Retail and Leisure Study and proposed Bluewater policy are acknowledged as points of agreement in the signed agreement with Thurrock ([SCG-4](#) pages 4 to 5).
119. DBC is confident that the duty to cooperate with its partners in relation to Bluewater has been discharged conscientiously and effectively.

## Other Strategic Matters

### Question 1.8

#### **1.8 Are there any other relevant strategic matters in relation to the Duty to Cooperate?**

120. Yes, there are other relevant strategic matters in relation to the duty to cooperate which are set out in section 3 of the Duty to Cooperate Compliance Statement (pages 18-35 of [COR-11](#)). These relate to: gypsies, travellers and travelling showpeople; employment; Ebbsfleet Garden City; transport; air quality; infrastructure; green and blue infrastructure; and climate change and flood risk.

## Question 1.9

**1.9 If so, how have they been addressed through co-operation and what is the outcome of this? How have these informed the plan's policies?**

### Gypsies, Travellers and Travelling Showpeople

121. Paragraphs 3.19-3.24 of the Duty to Cooperate Compliance Statement [COR-11](#) set out how the issue of gypsies, travellers and travelling showpeople have been addressed through duty to cooperate (pages 23-24 of [COR-11](#)). It is relevant to note that it was also subject to discussion at the duty to cooperate workshop on 6 February 2020 (paragraph 4.7 on page 37 of [COR-11](#) and pages 83 to 86 of [COR-13](#)).
122. The results of interviews with neighbouring authorities were included in the Gypsy and Traveller Accommodation Assessment ([GAT-1](#)), there have been no requests from them to accommodate any needs, and a number of the statements of common ground include areas of agreement in this regard (including agreements with Gravesham, Sevenoaks and Ebbsfleet Development Corporation, set out at [SCG-2](#) page 9, [SCG-3](#) page 6 and [SCG-6](#) page 9 respectively).
123. In light of the requirement to meet needs for gypsies, travellers and travelling showpeople, DBC has discussed and corresponded with the Ebbsfleet Development Corporation on the potential provision of a site within Ebbsfleet Garden City and also made a formal request to Kent County Council about any potential sites owned by them. DBC continues to carry out work on identifying sites to meet its own needs for gypsies, travellers and travelling showpeople and this is reflected in policy M12 of the Submission Local Plan (page 154 of [COR-1](#)).

### Employment

124. The Duty to Cooperate Compliance Statement [COR-11](#) addresses the issue of employment in paragraphs 3.25-3.29 and this issue was also included as a subject of discussion at the duty to cooperate workshop on 12 July 2018 (paragraph 4.6 on page 36 of [COR-11](#) and page 13 of [COR-13](#)).
125. Evidence documents set out that DBC has also engaged in significant Duty to Cooperate discussions on key major job generating proposals that has informed the submitted Local Plan, most notably extensive dialogue on London Resort and Bluewater.
126. A number of statements of common ground with neighbouring authorities include a section on this issue. The SOCG with Gravesham Borough Council recognises a point of agreement on the links between the employment markets and differences in the economic performance and type of employment on offer (page 10 of [SCG-2](#)). The Duty to Cooperate Statement confirms that there are few other cross boundary functional economic linkages with the other authorities.

### Ebbsfleet Garden City

127. There has been significant cooperation in relation to Ebbsfleet Garden City since the Ebbsfleet Development Corporation was set up. Information on the activities which have taken place in this respect are included in paragraphs 3.37-3.45 of the Duty to Cooperate Compliance Statement (pages 27-29 of [COR-11](#)).

128. Key to this has been the regular meetings of the Planning Liaison Group which was formally set up through a Memorandum of Understanding and comprises DBC, the Ebbsfleet Development Corporation, Gravesham Borough Council and Kent County Council (pages 28 and 74 of [COR-11](#)) and other Local Plan specific meetings with the EDC (pages 5-31 of [COR-14](#)).
129. The Ebbsfleet Implementation Framework (EIF) ([SPS-2](#)) was approved by the EDC for development management purposes as a material consideration and endorsed by DBC, Gravesham Borough Council and Kent County Council (see paragraph 3.38 on page 27 of [COR-11](#)). This is reflected in the fact that Statements of Common Ground with the EDC include many areas of agreement on the Local Plan policy approach towards Ebbsfleet Garden City (pages 5-7 of [SCG-6](#)).
130. The SOCG with Gravesham Borough Council also includes points of agreement in terms of positively embracing the opportunities at Ebbsfleet Garden City and continuing to work on planning policy matters relevant to the area (page 12 of [SCG-2](#)). The draft SOCG with Kent County Council, submitted as a separate document, also includes similar points of agreement in respect of continued joint working on issues relating to area. DBC used the EIF and the outcome of discussions with the EDC and wider partners to inform the policy approach set out in section 4 of the Submission Local Plan (pages 81-105 of [COR-1](#)).

#### Transport

131. The cooperation activities which have taken place in relation to transport are outlined in paragraphs 3.46-3.60 of the Duty to Cooperate Compliance Statement (pages 29-31 of [COR-11](#)). This demonstrates that cooperation and joint working has been extensive and ongoing.
132. There has been ongoing and extensive joint working with National Highways, Kent Highways and the Ebbsfleet Development Corporation on the strategic transport modelling of the new Local Plan and minutes of meetings and correspondence on this forms part of the evidence (pages 102-128 of [COR-14](#)). A series of meetings have been held, particularly with the aim of exploring and agreeing assumptions included in the modelling and the analysis of its outputs. Engagement with local authorities has also taken place through updates at regular meetings and in writing, including a specific strategic transport meeting held on 23 March 2021 (pages 120-123 of [COR-14](#)) and through a detailed duty to cooperate workshop held on 26 November 2021 (paragraphs 3.56 and 3.57 on page 31 of [COR-11](#) and pages 248-330 of [COR-13](#)). The strategic transport modelling work ([INF-6](#), [INF-7](#), [INF-8](#), [INF-9](#), [INF-9a](#), [INF-10](#), [INF-11](#), [INF-12](#) and [INF-13](#)) is a key piece of evidence which supports the spatial strategy and policies S1 and S4 of the Submission Local Plan (pages 26-27 and 46 of [COR-1](#)).
133. In addition, paragraph 3.58 of the Duty to Cooperate Compliance Statement indicates that DBC is working together with Kent County Council and National Highways to find effective long-term solutions to issues at Junction 1A on the A282/M25 Dartford tunnel approach and a steering group has been established in this respect (page 31 of [COR-11](#)). This issue also involves the London Borough of Bexley. A draft Statement of Common Ground with National Highways and London Borough of Bexley has now been produced and this is submitted as a separate document. This acknowledges the need for continued cooperation to identify and develop solutions related to strategic road network, including the completion of more detailed junction assessments and continued collaboration by the A282(M25) Junction 1a Steering Group. DBC (and Bexley) commit with National Highways to pursuing a spatial strategy and planned



growth concentrated on more sustainable development locations which coincide with town centre locations and public transport hubs to reduce the potential impact on the strategic road network.

134. The Sustainable Transport Strategy ([INF-5](#)) is influential in supporting the DBC Local Plan and a product of cooperation by DBC, building on engagement and produced after informal consultation with key partners. It will be delivered through continued collaboration with key stakeholders including neighbouring authorities and highway and transport authorities.
135. Dartford Borough Council has also worked with Gravesham, Kent County Council, Ebbsfleet Development Corporation and a number of other duty to cooperate partners on investigating options for the delivery of a new public transport service from the Ebbsfleet/ Northfleet area to the Crossrail terminus at Abbey Wood (see paragraph 3.59 on page 31 and page 74 of [COR-11](#)). There is a memorandum of understanding in respect of this work (pages 47-66 of [COR-12](#)).
136. There has been extensive and long-running joint working with Kent Highways, Gravesham Borough Council and latterly the Ebbsfleet Development Corporation on the Kent Thameside Strategic Transport Programme which is reflected in paragraphs 3.48, 3.60, 4.67 (pages 29, 31 and 47 of [COR-11](#)) with more information on the purpose of this and meeting dates set out in table 7 and Appendix 7 (pages 50 and 74 of [COR-11](#)). The Statements of Common Ground with the relevant partners reflect this work (page 14 of [SCG-2](#), page 8 of [SCG-6](#) and page 8 of the submitted draft SOCG with KCC).
137. The signed SOCGs with the Ebbsfleet Development Corporation, London Borough of Bexley, Gravesham Borough Council, Sevenoaks District Council, Medway Council and Thurrock Council address transport as a strategic issue, and many of them include agreed commitments to continue joint working. There is also a draft SOCG with Kent County Council which includes transport as a key element, with points of agreement relating to continued joint working to continue to improve transport provision in the Borough. This is submitted as a separate document.
138. This extensive cooperation has collectively informed the transport related policies in the Submission Local Plan, in particular policies S2 (Infrastructure Planning Strategy), M16 (Travel Management) and M17 (Active Travel, Access and Parking) (pages 35-36, 177-179 of [COR-1](#)) and projects set out in the supporting Infrastructure Delivery Plan ([INF-2](#)).

#### Air Quality

139. Paragraphs 3.61-3.62 of the Duty to Cooperate Compliance Statement set out information in relation to air quality (page 32 of [COR-11](#)). It recognises that Air Quality Management Areas along road routes extend to the boundaries of the neighbouring Boroughs of Bexley and Gravesham.
140. The Statement of Common Ground with Gravesham Borough Council includes areas of agreement in relation to air quality. Policy M2 (Environmental and Amenity Protection) in the Submission Local Plan recognises the need for development to take air quality into account, including potential impacts within or immediately adjacent to air quality management areas. This could include impacts on neighbouring authorities' areas.

### Infrastructure

141. As a well-established Community Infrastructure Levy (CIL) charging authority, and with the existing planned large growth areas, DBC has fostered longstanding relationships with infrastructure providers. An outline of the duty to cooperate and current Local Plan in relation to infrastructure are set out in paragraphs 3.63-3.67 of the Duty to Cooperate Compliance Statement (pages 32-33 of [COR-11](#)).
142. This includes discussions directly with Kent County Council in relation to requirements for schools and with the Kent and Medway Clinical Commissioning Group on needs for health facilities. The list of 2020 and 2021 meetings held with these two duty to cooperate partners is set out Appendix 4 of the Duty to Cooperate Compliance Statement (page 55 of [COR-11](#)) and the minutes of meetings held with KCC Education are in Appendix 6 of the Statement (pages 130-133 of [COR-14](#)). Furthermore, there was a specific meeting to discuss the needs for waste facilities with a number of duty to cooperate partners in July 2020 (page 134 of [COR-14](#)). Earlier activities are documented in [COR-12](#).
143. As set out in paragraph 3.67 of the Duty to Cooperate Compliance Statement [COR-11](#), the Statements of Common Ground with London Borough of Bexley, Ebbsfleet Development Corporation and Sevenoaks District Council commit to working with service providers including KCC and the CCGs (page 33 of [COR-11](#)). EDC and GBC documents ([SCG-6](#) and SCG- 2 respectively) commit to ensuring that new or improved services and facilities to support new development are provided in a timely manner. Policy S2 of the Submission Local Plan reflects this commitment (pages 35-36 of [COR-1](#)). The draft SOCG with KCC, submitted as a separate document, includes areas of agreement in relation to continued working together to ensure the timely provision of additional school places and continued cooperation on the identification of suitable sites for the provision of education facilities. It also includes a commitment to carry out further collaborative work to identify a suitable site for a new household waste recycling centre/ waste transfer station.
144. Dartford's Infrastructure Delivery Plan ([INF-2](#)) is the pre-eminent local document in delivering infrastructure to unlock growth in the Local Plan, and guiding CIL strategic expenditure. This Plan is updated as a result of regular meetings with infrastructure providers including with Kent County Council, Kent & Medway Clinical Commissioning Group, Environment Agency, National Highways and the Ebbsfleet Development Corporation.
145. Therefore, it is clear that there has been a significant amount of cooperation on infrastructure issues which have subsequently informed diagram 2, policy S2 (Infrastructure Planning Strategy) and table 2 of the Submission Local Plan (pages 29, 35-36 and 47-49 of [COR-1](#)). The liaison with infrastructure providers has also informed the content of the supporting Infrastructure Delivery Plan ([INF-2](#)) and will continue to feed into annual updates of this.

### Green and Blue Infrastructure

146. The Duty to Cooperate Compliance Statement includes a section on activities which have taken place in relation to Green and Blue Infrastructure (paragraphs 3.68-3.71 on page 33 of [COR-11](#)). Paragraph 3.70 recognises that Natural England and the Environment Agency are the key duty to cooperate partners in respect of these issues. There have been a number of meetings with NE and the EA (see pages 89-101 of [COR-14](#)).

147. There is a statement of common ground with NE which includes a number of areas of agreement in relation to green infrastructure matters ([SCG-7](#)) and NE's response on the second Publication Local Plan outlined support for a number of relevant policies. Whilst the EA made comments on some of the Plan's Green Infrastructure policies, they indicated that the Local Plan complies with the duty to cooperate. Policies S3 (Climate Change Strategy), M14 (Green and Blue Infrastructure and Open Space Provision) and M15 (Biodiversity and Landscape) of the Submission Local Plan and the Policies Map Changes reflect discussions which have taken place with NE and the EA, including in respect of the notification and subsequent designation of the Swanscombe Peninsula SSSI (pages 40, 164 and 170 of [COR-1](#) and page 25 of [COR-2](#)).

#### Climate Change and Flood Risk

148. Paragraphs 3.73-3.79 of the Duty to Cooperate Compliance Statement outline the duty to cooperate activities which have taken place in relation to climate change and flood risk (pages 33-35 of [COR-11](#)).
149. It is clear that DBC has cooperated and taken on board input from the Environment Agency, Kent County Council (in its role as Lead Local Flood Authority) and neighbouring authorities in relation to strategic flood risk issues. Diagram 2 and policies M3 (Climate Change Strategy) and M4 (Flood Risk and Riverside Design) reflect the outcomes of discussions with the EA and commitments in the statements of common ground with a number of neighbouring authorities (pages 29, 40 and 124 of [COR-1](#)).

### Question 1.10

#### **1.10 Are there any strategic cross-boundary issues in relation to any of the proposed site allocations and any general policies, and if so, how have they been considered via the Duty to Cooperate?**

150. Yes, there are strategic cross boundary issues in terms of the site allocation at Ebbsfleet Central (policy E4) and the approach towards Swanscombe Peninsula (policies E6 and M15). There are also strategic cross boundary issues in relation to general policies on Bluewater, transport and flood risk (policies M22, S2, M16, M17, S3 and M4 of [COR-1](#)). The latter are dealt with in response to questions 1.6-1.9 above.

#### **Ebbsfleet Central**

151. The Ebbsfleet Central site allocation straddles the boundaries of Dartford and Gravesham Boroughs and falls within Ebbsfleet Garden City for which the Ebbsfleet Development Corporation has a remit. The DBC policy approach towards the site is set out in policy E4 of the Submission Local Plan (page 98 of [COR-1](#)). The Ebbsfleet Implementation Framework (EIF) 2017 produced by the Ebbsfleet Development Corporation (with input from Gravesham and Dartford councils) sets out strategic development area guidelines for the whole of Ebbsfleet Central within both Boroughs (pages 88-102 of [SPS-2](#), including information on the previous allocations and planning permission on pages 88 and 90 respectively). The Swanscombe Peninsula Site of Special Scientific Interest (SSSI) was designated in November 2021, since the EIF was produced.
152. The approach set out in policy E4 reflects the EIF but also takes into account the SSSI (as notified). There has been ongoing and extensive liaison with the Ebbsfleet Development Corporation on the Local Plan approach towards Ebbsfleet Central. It was discussed at meetings between DBC and the EDC held throughout 2020 and 2021 (see pages 5-31 of [COR-14](#)). It was also discussed at the bi-monthly meetings of the Planning Liaison Group, members of which also include Gravesham Borough Council and Kent County Council.
153. The EDC's representation as local planning authority on the second Publication Local Plan indicated that they find the plan sound and compliant with the duty to cooperate. They confirmed that overall the policies on Ebbsfleet align with the EDC vision. In relation to policy E4, the EDC recommend that the site boundary is amended to reflect any final SSSI boundaries (which had not yet been confirmed at the time that the plan was published) and this issue is also a point of agreement in the SOCG. The Statement of Common Ground with the EDC includes a point of agreement that policy E4 identifies an appropriate mix of land uses and infrastructure, supporting the development of a strategic hub for Ebbsfleet Garden City; and that the EDC as planning authority will work positively to determine proposals appropriately and expeditiously (page 7 of [SCG-6](#)).
154. Gravesham Borough Council supported the general thrust of policy E4 in its representation on the second Publication Local Plan and indicated that they will continue to work with DBC and the EDC on the development of a comprehensive masterplan for the area to guide future development. Gravesham made a number of detailed comments in respect of the policy. The Statement of Common Ground with Gravesham Borough Council includes points of agreement, for example that both Local Plans will maximise the potential for significant mixed commercial and residential development at Ebbsfleet Central (page 12 of [SCG-2](#)).

## Swanscombe Peninsula

155. Swanscombe Peninsula covers not only DBC, but also some land in Gravesham. It also lies within Ebbsfleet Garden City for which Ebbsfleet Development Corporation also has a role. There has been uncertainty about the future of the Peninsula as a result of the application for a Development Consent Order for the London Resort (see [EXAM-7](#)). This application was withdrawn through a [letter sent by the applicant on 29 March 2022](#). Much of the area now falls within the newly designated Swanscombe Peninsula SSSI.
156. Policy M15 (Biodiversity and Landscape) will apply to the relevant parts of the peninsula (page 170 of [COR-1](#)) and the biodiversity designation now means that landowners must manage land within the SSSI effectively and appropriately to conserve the special features of the site. Policy E6 (North of London Road Area, Swanscombe) of the Submission Local Plan sets out the policy approach to the remaining part of the Peninsula. The Ebbsfleet Implementation Framework (EIF) includes strategic development area guidelines for the whole of the Peninsula within both Boroughs (pages 124-129 of [SPS-2](#)). However, this precedes the designation of the SSSI so the area is not likely to be developed as envisaged in the EIF.
157. Policy E6 sets out an approach which recognises that the part of Swanscombe Peninsula outside the SSSI area has potential for regeneration. It sets out key factors which will need to be considered for any future development of the area (further explained in pages 14-15 of [EXAM-4](#)). This approach is informed by discussions with the Ebbsfleet Development Corporation on the future of the area, in particular on 26 June 2020 and 29 July 2020 (pages 5-11 of [COR-14](#)).
158. The responses by EDC as local planning authority on the second Publication Local Plan set out in paragraph 153 above also apply to the policy approach towards Swanscombe Peninsula. The statement of common ground includes a point of agreement in relation to the potential to modify the site boundary to reflect any final SSSI boundaries (page 7 of [SCG-6](#)).
159. Engagement with Gravesham Borough Council led to a Statement of Common Ground featuring agreement the London Resort proposals if approved would have the potential for significant impacts in both Boroughs that would need to be dealt with through Local Plans (page 12 of [SCG-2](#)).

## Overall

### Question 1.11

**1.11 Overall, has the Council maximised the effectiveness of the Local Plan by engaging constructively, actively and on an ongoing basis with the prescribed bodies on relevant strategic matters during the preparation of the Local Plan and what form has this taken?**

160. The Duty to Cooperate Compliance Statement documentation [COR-11](#), [COR-12](#), [COR-13](#) and [COR-14](#) outlines information on the engagement carried out by DBC on relevant strategic matters during the preparation of the Local Plan. DBC has actively sought to explore and address the Duty to Cooperate from the outset of the plan-making process, and throughout all its stages through to submission, working constructively with prescribed bodies; as evidenced in documents including [COR-11](#) and [COR-12](#).
161. Paragraph 2.1 of [COR-11](#) lists the prescribed bodies; table 2 sets out whether they responded on the second Publication Local Plan and the nature of the responses, and section 4 sets out the engagement that took place (pages 5, 10-16 and 36-48 of [COR-11](#)). Further information on meetings and correspondence is contained in DBC's response to the Inspector's initial questions 2-7 ([EXAM-3](#)).
162. Paragraph 2.11 of the Duty to Cooperate Compliance Statement indicates that seven prescribed bodies explicitly stated that the plan complies with the duty to cooperate, one indicated that this is subject to further discussions, others did not directly respond on this issue; only Gravesham stated that it did not consider that the plan complies to the duty to cooperate (page 8 of [COR-11](#)). Evidence of engagement with Gravesham is set out in more detail in response to questions 1.3 and 1.4 above and in response to the inspector's initial questions 2-7 ([EXAM-3](#)). DBC is confident that it has done all it can to date to cooperate with GBC on key issues, including its posited unmet housing need for reasons explained above.
163. DBC has reached agreement and signed Statements of Common Ground with all four neighbouring local planning authorities and Ebbsfleet Development Corporation, Natural England and Medway Council ([SCG-1](#), [SCG-2](#), [SCG-3](#), [SCG-4](#), [SCG-5](#), [SCG-6](#) and [SCG-7](#)).
164. It is evident from the relevant parts in section 4 of the Duty to Cooperate Compliance Statement (pages 38-46 of [COR-11](#)) that these include many points of agreement, including the approach to be taken towards strategic policy issues in the submitted Local Plan. DBC is also in the process of agreeing Statements of Common Ground with Kent County Council and with National Highways (jointly with London Borough of Bexley), drafts of which are now submitted as separate documents.
165. DBC included amendments to the submitted Plan to take on board comments and objections made by prescribed bodies. By way of example, in respect of the notification of the Swanscombe Peninsula Site of Special Scientific Interest by Natural England in March 2021 (whilst the first Publication Local Plan was subject to consultation) productive discussions were held with the Ebbsfleet Development Corporation and Natural England to find a positive way forward (pages 23-28 and 89-91 of [COR-14](#)), and the revised second Publication Local Plan (as submitted) sets out a policy approach towards Ebbsfleet Garden City supported by both organisations (section 4 on pages 81-105 of [COR-1](#)) and signed Statements of Common Ground with many points of agreement ([SCG-6](#) and [SCG-7](#)).



166. It is clear from the above that DBC has carried out constructive, active and ongoing engagement with the relevant prescribed bodies through workshops, meetings and correspondence, working with partners to produce evidence and reviewing policy in response to input, during the preparation of the Plan. The results of this have informed the content of the plan leading to much support from prescribed bodies for the approach set out in the Submission Local Plan, and maximising its effectiveness.

## **Appendix 1: Correspondence with Croydon and Elmbridge**

### Croydon request and DBC response 2015

#### **Letter Dated 5 November 2015 from Croydon London Borough to DBC**

Dear Sir/Madam,

#### **S.33A of the Planning and Compulsory Purchase Act 2004 - Duty to Co- operate in relation to planning of sustainable development**

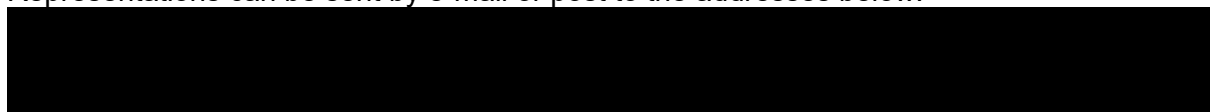
I am writing to you as your borough is one of the top twenty origins for households moving into Croydon. Croydon Council is currently preparing a partial review of the Croydon Local Plan: Strategic Policies. We are also preparing the Croydon Local Plan: Detailed Policies and Proposals which will allocate sites for development. These are both at the preferred and alternative options stage.

Over the plan period from 2016 to 2036 our Strategic Housing Market Assessment has identified that there is a need for 42,930 homes to be built in Croydon. However, our assessment of sites (excluding sites in Metropolitan Green Belt and on Metropolitan Open Land) has identified that there is only capacity for a minimum of 31,765 homes over the same period. This is in excess of the London Plan (2015) target for Croydon (which is 28,700) but less than our overall need for homes. Therefore, we are asking those local authorities with a qualified connection to Croydon in housing market terms whether they can accommodate some of Croydon's unmet housing need, in order to reduce the number of households moving to Croydon.

In order to meet as much of our own housing need as possible the Croydon Local Plan is encouraging higher densities on development sites (with an assumption that as a result densities on all sites will be at least at the 75th percentile on the London Plan density matrix). In addition, in order to ensure that the homes built meet the need for larger homes we have proposed minimum levels of three-bedroom homes on developments of ten or more units. We are also developing innovative policies to encourage development and the sustainable growth of our suburbs. Our character based approach has identified how Croydon's suburbs can accommodate higher levels of new homes than previously without erosion of their overall character.

We would like to know if your authority can meet any of our unmet housing need. As such, you are invited to make representations on this matter on the Croydon Local Plan: Strategic Policies - Partial Review (Preferred and Alternative Options) and the Croydon Local Plan: Detailed Policies and Proposals (Preferred and Alternative Options) from Friday 6 November to Friday 18 December 2015, inclusive. If you would like to discuss anything related to the Croydon Local Plan, our unmet housing need or other matters under the Duty to Co-operate then we are happy to meet with you. Please contact me using the details at the top of this letter should you wish to discuss these matters further.

Representations can be sent by e-mail or post to the addresses below:



Both Local Plan documents and accompanying Sustainability Appraisals may be viewed at [www.croydon.gov.uk/localplanone](http://www.croydon.gov.uk/localplanone) and [www.croydon.gov.uk/localplantwo](http://www.croydon.gov.uk/localplantwo)

The Council has also made the Local Plan evidence base (including the Strategic Housing Market Assessment and the details of all the proposal sites considered available online {[www.croydon.gov.uk/planningandregeneration/framework/lpevidence](http://www.croydon.gov.uk/planningandregeneration/framework/lpevidence)})

For enquiries or further information email



**Email Dated 18 December 2015 from DBC to Croydon London Borough**

I write further to your letter dated 5.11.15 regarding the Duty to Cooperate and your query if Dartford can meet unmet housing needs.

Dartford Borough Council is unable to consider your query. It appears there has been no direct or indirect dialogue of any kind between Croydon and Dartford on this or any other issue, save for your brief standard letter.

It is viewed as not possible to understand and give consideration to taking your housing needs in the absence of any mutual discussion or explanation of the circumstances of Dartford and Croydon (or identified strategic links).

Dartford Council has reviewed evidence available on your website, in particular the 2015 SHMA. We have not identified from this any notable functional connection with Croydon, indeed it is hard to discern any specific local connection at all from what we have seen: for example in Chapter 4 of the SHMA. This concurs with our own initial analysis on the Duty to Cooperate and available evidence on functional relationships. Dartford is part of a complex web of interrelationships straddling administrative boundaries, and connecting a large number of LPAs (with some linkages extending well in to Greater London and 'around the M25'). However although there is a general association of authorities in the southeast together, particularly with a shared dependency on central London in certain respects, from Dartford's perspective we have not seen that Croydon's relationship with us is more prominent than nearly all others.

With the adopted Core Strategy in place and operating effectively in addressing large-scale regeneration needs in the locality and NPPF requirements, Dartford is not currently working on revising its approach to strategic housing sites or levels. In terms of available local data the October 2015 Cabinet Report demonstrating Dartford's Five Year Housing Supply stated: "In the view of Officers, the housing need figure identified in the Core Strategy of 11,700 is the most reasonable figure to use as a proxy for the purposes of identifying housing requirements. However, it should be noted that a housing supply target within the range of 11,700 and 17,300 homes has effectively been operated.....[within the 2006-2026 Core Strategy period] (para. 4.6)."

These issues, a full appreciation of all relevant aspects of Croydon's housing supply and demand context, and more, would all be necessary to be explored for any productive and meaningful dialogue. Dartford Council has outlined its expectations of how mutually beneficial Duty to Cooperate communications and actions could begin to occur in a 'Protocol' for dialogue to be considered by councils in communication with Dartford. This was approved by full council in earlier this month, and is attached. I have also attached an explanatory note produced by/for officers to helpfully set out some of the context for the Protocol.

You will note the Protocol seeks openly sharing evidence programming and gathering. This would aid forming a collective understanding in advance of actions such as requesting another authority deals with housing need. The role of Members needs also consideration in the context of each council.

A broader context within which we could consider the propositions being put to us would include a scoping exercise of the overall cross-boundary issues, an understanding of the individual studies being undertaken and timetables for taking the studies and the Plan forward. A more structured approach appears to be required to achieve effective engagement (see for example Inspector's letter of 2 December 2013 with regard to the Mid Sussex District Plan).

Dartford Council has engaged in significant cooperation on strategic issues in this vein, particularly in relation to major/ national growth and infrastructure projects (which again do not demonstrate links with Croydon).

Aside from these important principles, a number of specific queries and clarifications arise from your letter, for example the net movement of households between Croydon and Dartford, its relative scale and the significance or otherwise of this movement to each Borough. Moreover there needs to be clarity over how London's future needs will/ will not be met within its boundaries. Dartford Council has been fully engaged in the process of discussion with the GLA and LPAs in London and the southeast as part of the process building up to the new London Plan, including the recent "Summit" at City Hall. It is very important a clear and consistent approach is taken, for example to avoid double counting/ identification of dwellings and mismatched time horizons. Your paragraph in relation to your (minimum) volume of housing sites identified being above the current FALP requirement – but below your own SHMA figure - is not particularly helpful in explaining Croydon's role in addressing future housing needs generated by Greater London in the area. I also note you state the sites identified exclude the Metropolitan Green Belt in Croydon.

If Croydon were to pursue their request, addition to identifying clear evidence to Dartford and commencing meaningful and effective discussions with us, Dartford requests Croydon assists in explaining how to deal with the practical issues that arise if one LPA takes another's housing need. For instance, this could usefully set out (with examples where it has been achieved elsewhere) issues such as how to deal with perverse five year housing supply outcomes on appeal, how the recipient authority would receive necessary/ compensatory infrastructure, how political concerns are dealt with, how to deal in a fair and clear way with 'competing' requests, different timescales and so forth.

To reiterate, Dartford Council would welcome further discussion and provision of justificatory information. Please contact me at your earliest convenience with any questions arising or to set up a discussion. In the absence of contact Dartford will consider you request withdrawn.

## Elmbridge request and DBC response 2020

### **Letter Dated 27 January 2020 from Elmbridge Borough Council to DBC**

Dear Sir/Madam,

#### **Elmbridge Borough Council Local Plan: Duty to Co-operate**

Elmbridge Borough Council is currently preparing a new Local Plan that will set out its development strategy and detailed planning policies for the borough up to 2036. As with most Local Planning Authorities (LPAs) in the South East, one of our biggest challenges is meeting our housing need (as set by the Government's standard methodology) against a back drop of environmental and planning constraints.

As part of the Plan's preparation, the Council is exploring options for how its housing need figure can be met. A preferred option has not yet been determined however, as set out in the Options Consultation 2019, it is highly unlikely that there will be sufficient land within the existing built-up areas to accommodate circ. 9,345 new homes in full. Our estimate is that there is sufficient land to build approximately 5,300 new homes; equating to a potential shortfall of land to accommodate nearly 4,000 new homes.

We appreciate that LPAs are at different plan-making stages and others will be in a similar position in terms of responding positively to the challenge of addressing housing need. However, under the 2011 Localism Act and the provisions of the National Planning Policy Framework (NPPF) I am formally asking whether your authority would be able to meet any of Elmbridge's unmet housing need?

I look forward to hearing from you on this important issue and would be grateful for a response by **Monday 24 February 2020**. Please respond to



**Email Dated 14 April 2020 from DBC to Elmbridge Borough Council**

I write further to your letter dated 27 January 2020 regarding your query of whether Dartford Borough is able to meet some of Elmbridge Borough's unmet housing needs.

To give you some context on Dartford's current and future development strategy for the Borough, the adopted Dartford Core Strategy 2011 is operating effectively in addressing large scale regeneration needs in the area and NPPF requirements. In 2017, we adopted the Dartford Development Policies Plan. As the Core Strategy is over 5 years old, we are now in the process of preparing a new single Dartford Local Plan which will cover the period from 2021-2036. We recently carried out a [Preferred Options Local Plan consultation](#) under Regulation 18 of the Local Planning Regulations. The new Local Plan direction is to continue with the previous strategy of regenerating the urban area in the north of the Borough, with particular focus on Dartford Town Centre and Ebbsfleet Central. Despite having previously undertaken significant Green Belt release in order to realise the national and regional strategy for Thames Gateway regeneration, a majority of Dartford Borough remains in the Green Belt.

Dartford Borough Council is unable to give consideration to taking Elmbridge Borough's unmet housing needs. This is because Dartford Borough has yet to confirm its capacity in relation to its own Local Housing Need. There have [also](#) not been any previous discussions between the two authorities to discuss this issue or any evidence produced which indicates that there are any strategic links between the two boroughs.

To promote a meaningful dialogue between authorities we outlined how this could occur in a Duty to Cooperate Protocol for Action and Communications 2015, supported by an explanatory note. Both documents are attached. You will note that the Protocol seeks the open sharing of key evidence from the outset to help ensure a structured approach and a positive working relationship. This approach is intended to avoid unexpected requests from other authorities, including those in relation to meeting housing need.

We have reviewed the Kingston and North East Surrey Strategic Housing Market Assessment 2016. Chapter 2 does not identify any functional connections between Dartford and Elmbridge Boroughs. This concurs with the findings in chapter 1 of the [Dartford and Ebbsfleet Residential Needs Assessment 2019](#). This shows that Dartford Borough is part of a complex web of interrelationships straddling administrative boundaries, and connecting a large number of local planning authorities. Although there is a general association of authorities in the south east, particularly with a shared dependency on central London in certain respects, we have not seen that Elmbridge's relationship with Dartford Borough is more prominent than nearly all others.

Given the above and in the absence of any further contact, we do not intend to give your request additional consideration.

## Elmbridge request and DBC response 2021

### **Letter Dated 18 October 2021 from Elmbridge Borough Council to DBC**

Dear Sir/Madam,

#### **Elmbridge Borough Council Local Plan: Meeting housing need**

Elmbridge Borough Council is currently preparing a new Local Plan that will set out its development strategy and detailed planning policies for the borough up to 2037. As with most Local Planning Authorities (LPAs) in the South East, one of our biggest challenges is meeting our housing need (as set by the Government's standard methodology) against a backdrop of environmental and planning constraints.

We appreciate that LPAs are at different plan-making stages and others will be in a similar position in terms of responding positively to the challenge of addressing housing need. It is also noted that when we engaged with you in January 2020 on the potential unmet need of Elmbridge Borough and whether this can be met elsewhere, it was stated that your authority was not in a position to meet any unmet need arising from our Borough.

We are of course proactively engaging with LPAs within our housing market area to establish whether they may be able to accommodate all or part of our unmet need. However, in the event that the position of your Local Plan has changed over the last eighteen months and you consider that your authority would realistically be in a position to assist in meeting any of Elmbridge's unmet housing need, we would be pleased to discuss this with you further.

**Email Dated 20 December 2021 from DBC to Elmbridge Borough Council**

Thank you for your letter regarding Elmbridge's housing need. I apologise for our delayed response which was due to the timing of the publication and subsequent submission for examination of the Dartford Local Plan.

Policy S4 of the Pre-Submission (Publication) Dartford Local Plan sets out Dartford Borough's housing figure of 790 dwellings per annum over the plan period to 2037 (which is above the current standard method requirement of 750 dwellings per annum). The Pre-Submission Local Plan is available at [www.dartford.gov.uk/local-plan-submission-documents](http://www.dartford.gov.uk/local-plan-submission-documents) (document reference COR-1). Paragraph 2.57 gives further background to this figure and includes reference to the fact that it could potentially support delivery of some unmet residential needs in the wider area. We have had discussions on housing needs with neighbouring local planning authorities and have entered into Statements of Common Ground with them (document references SCG-1 to SCG-4). Therefore, there is some leeway to provide a little help with meeting the housing needs of an authority in the wider area but this is likely to be claimed by a neighbouring authority.

I hope this information is of assistance to you.

**Appendix 2: Housing land supply relative to a 750 dwellings per annum Local Housing Need**

<b><u>Baseline: 750p.a.</u></b>	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2027
Year ending (31 March)																				
<b>SUPPLY CUMULATIVE</b>	1031	2044	2585	3191	3846	4623	5662	6824	7912	8613	9181	9776	10409	11127	11860	12685	13682	14715	15293	15646
<b>750 L.H.N. CUMULATIVE</b>	750	150	2250	3000	3750	4500	5250	6000	6750	7500	8250	9000	9750	10500	11250	12000	12750	13500	14250	15000
<b>MONITOR: Net delivery against L.H.N.</b>	281	544	335	191	96	123	412	824	1162	1113	931	776	659	627	610	685	932	1215	1043	646