

Inspector's Matters, Issues and Questions

Issue 2: Compliance with relevant procedural, legal and other requirements

Response by Dartford Borough Council

13 May 2022

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Plan Preparation

Question 1.12

1.12 Has the plan been prepared in accordance with the Council's Statement of Community Involvement and met the minimum consultation requirements in the Regulations?

1. Yes, the plan has been prepared in accordance with the Council's Statement of Community Involvement (SCI) ([COR-17](#)) and meets the minimum consultation requirements in the Regulations.
2. In preparing a Local Plan, regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 sets out that the local planning authority must notify specific and general bodies and such residents or other persons carrying on business in the area which it is appropriate to invite to make representations. Regulation 19 outlines requirements in relation to the availability of documents and the notification of general and specific consultation bodies.
3. Regulation 35 of the Local Planning Regulations requires Local Plan documents to be made available for inspection at their principal office and at such other places within their areas as the local planning authority consider appropriate and to be published on the local planning authority's website. This Regulation requires Local Plan documents to be available for a six week period. It should be noted that the Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020 and Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc) (England) (Coronavirus) (Amendment) Regulations 2020 removed the requirement for Local Plan documents to be made available for inspection at principal offices and other places for a temporary period from 16 July 2020 until 31 December 2021.
4. The Council's SCI was originally adopted in December 2017 and updated in February 2021 to take into account the changes to the legislation as a result of the coronavirus pandemic ([COR-17](#)). In terms of the preparation of Local Plans, the table on pages 8-10 of the SCI outlines how the Council will communicate, publicise and use feedback.
5. The statutory Consultation Statement ([COR-10](#)) provides information on who was consulted, how the consultation took place, what main issues were raised and how these had been taken into account for each of the four Local Plan consultations in accordance with the legislation and the SCI. The four stages are outlined chronologically in the SCI ([COR-10](#)), with full evidence and the detailed documentation included as appendices. Each of the consultations was carried out for a period of six weeks as required by the legislation.

Question 1.13

1.13 Has the preparation of the plan been carried out in accordance with the Local Development Scheme?

6. Yes, the Dartford Local Plan has been prepared in accordance with the Local Development Scheme (LDS). The original LDS relevant to the Local Plan was published in May 2018 but updated versions were published in February 2021 (included as Appendix C1 on pages 11-19 of [EXAM-5](#)) and July 2021 ([COR-16](#)). All three LDSs set out that a new Local Plan would proceed to adoption.
7. The below table shows the timescales envisaged for the various Local Plan stages in the three LDSs, the activities which took place under each stage and the dates that these occurred.

Stage	LDS May 2018	LDS Feb 2021 (EXAM-5 Appendix)	LDS Jul 2021 (COR-16)	Activity and Date
Early participation (Reg 18)	Q2 2018 – Q4 2019	N/A/	N/A/	Strategic Issues 8 June-20 July 2018 (CON-5) Preferred Options 10 Jan-21 Feb 2020 (CON-4)
First Publication (Reg 19)	Q3 2019 – Q2 2020	Q1 2021	N/A	26 Feb-9 Apr 2021 (CON-3)
Second Publication (Reg 19)	N/A	N/A	Q3 2021 – Q4 2021	15 Sep-27 Oct 2021 (COR-1)
Submission (Reg 22)	Q4 2019 – Q4 2020	Q2 2021 – Q3 2021	Q4 2021	13 Dec 2021 (COR-1)

8. The Strategic Issues consultation under Regulation 18 occurred in accordance with the timescales set out in the May 2018 LDS. There was a slight delay in carrying out the Preferred Options consultation under Regulation 18 which meant that this occurred slightly later than the timescales set out in the May 2018 LDS. This was caused by an unexpected general election called for late 2019 with the resulting purdah and Christmas period which led to the consultation being postponed for two months.
9. An updated LDS was produced to support the First Regulation 19 Publication Local Plan in February 2021 (included as Appendix C1 on pages 11-19 of [EXAM-5](#)). The First Regulation 19 Local Plan was published as planned in accordance with the February 2021 LDS (page 88 of [EXAM-5](#)). This LDS envisaged the submission of the Plan in quarters 2-3 of 2021 (page 88 of [EXAM-5](#)).
10. However, whilst consultation was taking place on the First Publication Local Plan, Natural England notified Dartford Borough Council of the proposed Swanscombe Peninsula Site of Special Scientific Interest. This affected a number of the policies in section 4 (Ebbsfleet and Swanscombe) of the first Publication Plan, in particular policies E4 (Ebbsfleet Central Allocation) and E6 (Land North of Swanscombe Area) (pages 86-89 and 93-96 of [CON-3](#)). As a result, the Council considered there was a need to revise the plan and produce a second Publication Local Plan. This resulted in a further update of the LDS in July 2021 ([COR-16](#)).

11. The Second Publication Local Plan was published and subsequently submitted in accordance with the timescales set out in the July 2021 LDS (page 8 of [COR-16](#)).

Question 1.14

1.14 Is the plan sufficiently clear whether there are any policies from the existing development plan that would be superseded by its adoption?

13. Yes, the plan is sufficiently clear in respect of policies from the existing development plan that would be superseded by its adoption. Paragraph 1.4 of the Submission Local Plan (page 5 of [COR-1](#)) states that the relationship between new and old policies is set out in Appendix A. Appendix A (pages 210-211 of [COR-1](#)) lists the policies from the existing development plan – the Core Strategy 2011 ([POL-1](#)) and the Development Policies Plan 2017 ([POL-2](#)) – and sets out the policies in the new plan which will replace them. All existing development plan policies will be replaced. However, it should be noted that Appendix A does not refer to existing policy DP17 (District Centres) from the Development Policies Plan ([POL-2](#)). This is an omission and new plan policy M23 replaces both previous policies DP17 and DP18.

Habitats Regulations Assessment

Question 1.15

1.15 How was the Habitats Regulations Assessment (HRA) carried out and was the methodology appropriate?

14. Paragraphs 1.5-1.11 of the HRA outline the legal requirements in accordance with the Conservation of Habitats and Species Regulations 2017 and take into account relevant rulings from the European Court of Justice (pages 6-7 of [COR-9](#)). Details of the methodology used for carrying out the HRA are set out in chapter 2 (pages 8-10 of [COR-9](#)). Figure 1 of the HRA shows the various stages of assessment according to government guidance (page 6 of [COR-9](#)).
15. The HRA has been carried out in accordance with the stages outlined in Figure 1 and the Regulations as follows:
16. Evidence gathering: Appendix A sets out baseline information on the European designated sites (pages 28-32 of [COR-9](#)).
17. Screening for Likely Significant Effects: Chapter 3 assesses the potential pathways of impact on the sites (pages 11-15 of [COR-9](#)) and Chapter 4 considers the impact pathways and the potential for development in Dartford Borough to affect the relevant European designated sites (pages 16-21 of [COR-9](#)). It finds that recreational pressure from development in Dartford Borough could result in current and possible pressures/threats on the Thames Estuary & Marshes and Medway Estuary & Marshes SPAs/ Ramsar sites. Appendix B of the HRA then screens all the Local Plan policies for their likely significant impacts in terms of recreational pressure on the European Sites (pages 33-64 of [COR-9](#)).
18. Appropriate Assessment: Chapter 6 on pages 23-26 of [COR-9](#) comprises the assessment of the policies which it was not possible to screen out in the previous stage.
19. Avoidance and Mitigation: Paragraphs 6.11-6.18 of Chapter 6 outline the approach to mitigation taken forward in the Submission Local Plan to address the impacts of policies which were not screened out (pages 25-26 of [COR-9](#)). The Submission Local Plan refers to the document "Habitats Regulations and Large Sites in Dartford Borough – Guidance for Developers (September 2021)" ([ECC-8](#)). The text in paragraphs 5.134 and 5.139 of the Submission Local Plan (pages 166 and 168-169 of [COR-1](#)) reflect the text in paragraphs 6.12, 6.13 and 6.17 of the HRA. Paragraph 6.18 of the HRA states that the Local Plan mitigation strategy is sufficient to conclude that there will be no adverse impacts on the integrity of European designated sites as a result of development in Dartford Borough.
20. It is considered that the HRA methodology meets the legal requirements and has been carried out in accordance with government guidance. Therefore, the HRA methodology was appropriate.

Question 1.16

1.16 What potential impacts of the Local Plan were considered? What were the conclusions of the HRA and how has it informed the preparation of the Local Plan?

21. Table 2 of the HRA screens potential impacts from development in Dartford Borough on recreational pressure, air quality and water quality for all the SPA/ Ramsar sites within 20km of Dartford Borough (pages 17-19 of [COR-9](#)). It finds that development in the Borough has the potential to cause recreational pressure on the Thames Estuary & Marshes and Medway Estuary and Marshes SPAs/ Ramsar sites. Paragraph 6.3 and Appendix B find that Local Plan policies S4, D4, D5, D6, E1, E4, E5 and E6 could have potential impacts in this regard (pages 23 and 33-64 of [COR-9](#)).
22. Paragraphs 6.4-6.18 of the HRA set out evidence that has been gathered in respect of recreational pressure on the European designated sites, the potential impacts of the screened in policies on them and how the impacts should be mitigated (pages 23-26 of [COR-9](#)). The evidence indicates that the impacts will arise from larger residential developments within 6-10km of the Thames Estuary & Marshes SPA/ Ramsar site. As a result, the HRA finds that adverse effects from allocations in Local Plan policies D4, D5 and D6 will not arise but that policies E1, E4, E5 and E6 will be subject to assessment, compensation and mitigation requirements.
23. Paragraphs 6.12, 6.13 and 6.17 of the HRA outline the approach to mitigating the impacts of larger residential developments (more than 15 dwellings) within the 6-10km zone included in the Submission Local Plan (see paragraphs 5.134 and 5.139 on pages 166 and 168-169 of [COR-1](#)). The approach set out in paragraphs 5.132-5.134 and 5.139 of the Local Plan (pages 165-166 of [COR-1](#)) and supporting guidance for developers (ECC-8) is largely a continuation of the approach in the adopted Development Policies Plan 2017 (pages 114-116 of [POL-2](#)) but has been amended in light of rulings from the European Court of Justice and to take on board a recommendation from a previous draft version of the HRA produced in advance of the first Publication Local Plan in January 2021.
24. Paragraph 6.18 of the HRA concludes that this mitigation strategy in combination with the policies and amendments set out in the Dartford Local Plan are deemed sufficient to conclude that there will be no adverse impacts on the integrity of European designated sites as a result of development in Dartford Borough.

Question 1.17

1.17 Have any concerns been raised regarding the HRA and if so, what is the Council's response to these? How has Natural England been involved?

25. There were no comments made in relation to the HRA.
26. Natural England were consulted on the draft HRA produced on the First Publication Local Plan in December 2020/January 2021. They did not raise any concerns on the document and the HRA was subsequently finalised and made available as part of the Local Plan consultation in February 2021. The updated HRA was made available when the Second Publication Local Plan was subject to consultation in September 2021 ([COR-9](#)). Natural England did not make any comments on either the HRA or the Local Plan approach towards designated European sites at that stage.
27. The Statement of Common Ground with Natural England includes a point of agreement that the approach in paragraph 5.134 of the Local Plan and the Guidance for Developers document is sound and accords with the requirements in the NPPF and the Habitats Regulations (page 4 of [SCG-7](#)).

Sustainability Appraisal

Question 1.18

1.18 How has the Sustainability Appraisal (SA) informed the preparation of the Local Plan at each stage and how were options considered?

28. The SA of the Local Plan has been carried out iteratively alongside each stage of plan-making. At each stage of the process, options and policies have been appraised against the SA objectives which were identified at the Scoping stage in 2019. Each policy and proposal has been assessed against the social, environmental and economic objectives in the SA framework in order to establish the likely positive and negative effects. Where negative effects were considered likely, potential mitigation measures were identified wherever possible. These were incorporated into the Plan where they were not already addressed by more detailed policies elsewhere in the Plan, via recommendations to the Council which were made in the SA. The results of the appraisals were used to inform the decision-making process and establish appropriate options to take forward in the Local Plan.
29. As explained in paragraph 4.6 of the SA (page 49 of [COR-8](#)), SA work was carried out on an early version of the Preferred Options, with recommendations for improvement being made, which fed into the Preferred Options Local Plan consultation document (page 48 of [COR-8](#)). Details of the recommendations made in the SA and how these were addressed by the Council in the Preferred Options Local Plan are set out in Appendix D (pages 375-392 of [COR-8](#)). It is clear from this that the final, consultation version of the Preferred Options Local Plan took on board many of the recommendations from the SA or that the Council considered that the issues arising from the SA had already been dealt with in a different part of the consultation document.
30. Chapter 4 of the SA sets out the reasonable alternatives that were considered for the Preferred Options Local Plan and Appendix C shows the full SA carried out for these (pages 48-90 and 330-374 of [COR-8](#)). For each of the main plan options, site options and preferred policy approaches included in the Preferred Options Local Plan, the SA sets out the Council's reasons for taking forward the preferred option/ site/ policy approach to the Publication Local Plan and the relevant plan policies in this respect. Where alternative options were available, it is clear that the preferred options largely perform best in terms of the SA effects with the exception of Main Plan Option 3 green spaces (pages 54-55 and 330-333 of [COR-8](#)). In this case, paragraph 4.17 of the SA makes clear that the Council's preferred option 3B would ensure that existing open space is protected and new open space is provided as a result of new development and that the better performing option 3C would be challenging given the extensive existing coverage and could lead to a diminution of the quality of land designation. The SA also includes a section on the approach to Green Belt and option 1D which was considered in the SA but not featured in the Preferred Options Local Plan (page 84 of [COR-8](#)).
31. The Publication Local Plan took forward the preferred options from the Preferred Options Local Plan which had been assessed in the SA as the best performing options (except in the case of option 3B). The following specific sections in the SA explain how the SA ([COR-8](#)) has informed the Submission Local Plan:
- How environmental and sustainability considerations have been integrated into the new Local Plan (page 85)
 - How the Sustainability Appraisal has been taken into account (page 86)

- How the results of the consultation have been taken into account (pages 86-87)
- The reasons for choosing the Local Plan in light of reasonable alternatives considered (pages 87-89)

Question 1.19

1.19 What were the conclusions of the SA and how has it informed the preparation of the Local Plan?

32. The SA findings for the reasonable alternative options were presented in Chapter 4 of the SA of the Preferred Options Consultation Document (October 2019) (pages 48-90 of [COR-8](#)). That chapter also presented a number of recommendations which had been made to the Council in response to the initial appraisal of the draft Consultation Document, and outlined how these had been addressed in the final version. The SA found that the Preferred Policy approaches set out in the document perform well against several SA objectives, particularly those relating to housing, access to services and facilities, community cohesion, health, the economy, reducing the need to travel, soils, carbon emissions, and landscape. The potential for significant negative effects was identified with respect to air quality, minerals, flood risk, biodiversity, and the historic environment. In many instances, mitigation was provided for in the Preferred Policy approaches, and the negative effects identified were often combined with minor positive, or significant positive effects.
33. Paragraphs 6.4-6.47 of the July 2021 SA (pages 201-211 of [COR-8](#)) set out the cumulative effects of the policies and site allocations in the Publication Local Plan against each of the 15 SA objectives (pages 201-211 of [COR-8](#)). It finds overall significant or minor positive effects for a number of objectives but for others it finds more mixed or negative effects.
34. Paragraphs 6.48-6.53 of the SA consider the potential sustainability impacts of development in the surrounding areas and Nationally Significant Infrastructure Projects in combination with the Local Plan (pages 211-213 of [COR-8](#)). This finds significant or minor negative in-combination effects in relation to four SA objectives.
35. Having considered cumulative and in combination effects, paragraph 6.54 of the SA lists the objectives for which residual negative effects are expected as follows (pages 213-214 of [COR-8](#)):
- SA4 (Health and wellbeing)
 - SA6 (Sustainable travel)
 - SA7 (Mineral resources)
 - SA10 (Air pollution)
 - SA12 (Climate change)
 - SA13 (Biodiversity)
 - SA14 (Historic environment)
36. Paragraphs 6.56-6.71 of the SA outline recommendations for dealing with these residual negative effects and the Council's response on them (pages 214-219 of [COR-8](#)). These informed the final version of the Plan with the Council having made the following amendments to the Publication Local Plan prior to publishing it:
- Paragraph 5.22 includes reference to development avoiding Minerals Safeguarding Areas where possible or otherwise being considered in accordance with the relevant policy in the Kent Minerals and Waste Local Plan (page 113 of [COR-1](#)).
 - Policy M15:1 includes reference to other irreplaceable habitats and M15:2 refers to the need for compensatory habitat if development adversely affects any existing habitats (page 170 of [COR-1](#)).

- Paragraph 5.52 refers to the need to protect and retain archaeological features in situ or otherwise record, preserve and make this available as a public record (page 127 of [COR-1](#)).
- Paragraphs 4.36 and 4.43 refer to schools expected to be provided at the Ebbsfleet Central and Alkerden sites (pages 96 and 100 of [COR-1](#)).

Question 1.20

1.20 Are the likely environmental, social and economic effects of the Local Plan adequately and accurately assessed in the SA?

37. The Scoping Stage (Stage A) of the SA involved understanding the social, economic and environmental baseline for the Plan area as well as the policy context and key sustainability issues (see pages 17-25 of [COR-8](#)). The SA Scoping Report was subject to consultation, including with the statutory bodies, and comments received on this were addressed (see pages 233-236 of [COR-8](#)). The result was the identification of 15 SA objectives, supported by a series of relevant questions, against which the likely effects of Local Plan options and policies would be assessed. The SA objectives address all of the environmental topics specified in the SEA Regulations as well as wider social and economic issues.
38. At every stage of the SA, effects on each SA objective were identified using clear colour coded symbols to represent positive and negative effects, both minor and significant. The dividing line in making a decision about the significance of an effect is often quite small and where significant effects have been identified in the SA this is because the effect of an option on the SA objective in question is considered to be of such magnitude that it will have a noticeable and measurable effect taking into account other factors that may influence the achievement of that objective.
39. For allocations and area-specific policies, the SA considered the proximity of the allocation site to various services and facilities, including education, healthcare and public transport. Where assessments refer to 'walking distance', the suggested acceptable walking distances set out in Guidelines for Providing for Journeys on Foot by the Chartered Institution of Highways and Transportation were used as a guide.
40. Chapter 5 of the SA sets out the SA findings for the Local Plan (see pages 104-200 of [COR-8](#)). This assesses the plan's vision, strategic objectives and all policies and strategic allocations against all of the SA objectives. There were no objections to the findings of the SA of the Plan. While the representation from Berkeley Group (ref 1518-05) considers that any negative effects of Policy E4 are either outweighed by the sustainable development outcomes that would be achieved through the allocation of the entire site or could be mitigated through a planning application, it does not dispute the findings of the SA.
41. In light of the above, it is considered that the likely environmental, social and economic effects of the Local Plan have been adequately and accurately assessed in the SA.

Question 1.21

1.21 Did the SA test an option for Dartford to accommodate some unmet housing need from Gravesham Borough Council? If not, why not?

42. No, not directly. Gravesham Borough Council has not made clear what its unmet need is and the Submission Dartford Local Plan is based on maximising the use of suitable, available and achievable sites without the need to release Green Belt land which results in a surplus.
43. In terms of Gravesham's unmet need, GBC has not clarified or provided reasonable evidence to substantiate a shortfall and, very importantly, the extent of its unmet needs and when such need is likely to arise, despite ongoing requests from DBC for this to be done (see Table below and DBC's response to question 1.3). In its absence, it has not been possible for DBC to test this as an option in the SA. Had this information been provided, it would have been possible for DBC to test this in the SA. This would have meant testing a wider range of green belt options as part of an alternative overall spatial strategy. In the absence of a reasonably firm and reliable figure, such an exercise would have been entirely speculative and fraught with unresolvable difficulties, including assessing sustainability by reference to matters such as spatial considerations, infrastructure provision and timing of provision. So far as DBC is aware, GBC still has not completed an initial assessment of its capacity to absorb its own needs, including the utilisation of its green belt applying a suitably detailed green belt assessment that can be properly utilised for a policy-on assessment. As will be repeated below, DBC has never refused to assist in meeting GBC's unmet housing need in principle and has remained willing to engage with GBC on the basis of suitable evidence as to the extent and timing of that need and the reasons why any assessed residual requirement cannot be met.
44. The Table below summarises the key stages in attempts by DBC to engage with this issue:

Action and Date	Information
25/04/2018 Gravesham published the Issues and Options Regulation 18 Consultation Summarised in EXAM-3 – pages 124-125	<ul style="list-style-type: none"> Refers to a need for 7,905 dwellings from 2011/2012-2027/2028, to a current shortfall of 1,340 dwellings, and to using a 2,000 dwelling shortfall as a robust guide to account for uncertainties and the need for a 5 year land supply.
20/07/2018 GBC Response on Dartford Local Plan Strategic Issues Regulation 18 Consultation EXAM-3 – pages 78-79	<ul style="list-style-type: none"> The outcome of housing needs work suggests that there is a need for around an additional 2,000 dwellings over and above the 6,170 identified in the Core Strategy through to 2028. Having considered the SHMA and SLAA, GBC of the view that there is unlikely to be sufficient capacity within the urban area or rural settlements inset from the Green Belt to accommodate the identified additional housing need. Forewarned DBC that GBC likely to call on neighbouring boroughs to meet a proportion of its unmet need.
03/08/2018 GBC Letter from Leader to DBC Leader	<ul style="list-style-type: none"> The purpose of the recent consultation was to set out the evidence assembled to date so that there can be a proper consideration of all reasonable options

Action and Date	Information
EXAM-3 – pages 83-84	<ul style="list-style-type: none"> • Where we consider that there are significant constraints or an option is unlikely to be capable of delivering the required additional development to 2028, we have said so. That is not unreasonable at this stage and we will continue to assess the realism and sustainability of alternatives based on the evidence base before the next round of consultation in 2019 • GBC officers will continue to work on the evidence base to make as much use as possible of suitable brownfield sites and under-utilised land and optimises the density of development but current evidence suggests that it would not be possible to accommodate all the required development in the urban area or inset villages • 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, which appears to have a very large land supply.
<p>23/01/2019 DBC Letter to GBC responding to GBC's representation on the Dartford Local Plan Strategic Options Issues Consultation</p> <p>EXAM-3 – pages 93-95</p>	<ul style="list-style-type: none"> • DBC reiterated previous requests for information on 05/08/2015 and 11/07/2018, stating that nothing on these matters had been received • DBC remains to be convinced that GBC has insufficient capacity within the urban area or rural settlements inset from the Green Belt to accommodate all its housing need. • DBC referred to the needs for a functional justification, and how infrastructure needs and development management issues should be addressed. • DBC states that acceptance of need from another authority will require that DBC has capacity over and above meeting its own needs, as per the standard methodology. This has not yet been established or quantified. 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 NPPF.
<p>16/04/2019 GBC-DBC Meeting</p> <p>EXAM-3 – pages 97-98</p>	<ul style="list-style-type: none"> • GBC is updating the figures for the amount of housing which it thinks is needed over the plan period and cannot be accommodated within the urban area. This was previously assessed as being 2,000 dwellings. This is based on a plan period to 2028 but GBC will need to consider whether to extend this to 2036. • DBC referred to requests to GBC for further information in terms of clarity on the amount being requested, when this is required to cover, the evidence based justification for this etc • GBC anticipated supplying further information in summer 2019
<p>12/06/2019 GBC-DBC Meeting</p> <p>EXAM-3 – page 100</p>	<ul style="list-style-type: none"> • GBC states that in-house work considering options for increasing densities, capacities and an updated SHLAA is ongoing and will be made available for the next round of consultation • GBC request and DBC's response seeking more information remain

Action and Date	Information
	<ul style="list-style-type: none"> GBC will publish the evidence at the next Reg 18 consultation but may be able to provide outputs/ more information prior to this
20/09/2019 GBC-DBC meeting EXAM-3 – page 103	<ul style="list-style-type: none"> SLAA being updated internally SHENA approach being used to inform housing typologies with further work to be commissioned after Regulation 18 stage 2 alongside any additional work that may be needed
10/01/2020 Dartford Local Plan Preferred Options published for consultation CON-4 – pages 47-48	<ul style="list-style-type: none"> Requirement for Dartford Borough to provide 797 dwellings per annum in line with the government's standard method at this stage. The Local Plan will set a clear housing target based on capacity for sustainable development in line with Dartford's needs. Options to plan for the provision of 797-865 homes per year or an alternative upper figure. Supported by a draft SHLAA but the capacities of many of the sites were not known at that stage.
27/01/2020 GBC-DBC Meeting COR-14 – page 45	<ul style="list-style-type: none"> GBC referred to a housing land supply need of 508 dwellings per annum using the standard methodology which will increase In relation to the need for DBC to take into account neighbouring authorities' unmet need, DBC referred to previous correspondence, GBC's urban capacity and the longstanding request to discuss functional rationale, infrastructure and implications for DM. GBC want further information on DBC's land supply but DBC stated that uncertainties remain GBC plan will be a partial review but will show the need to 2036 GBC will update their SLAA (including consideration of employment areas) and commission a Development Capacity Study.
20/02/2020 GBC Response on Dartford Local Plan Preferred Options Reg 18 consultation EXAM-3 – page 106 COR-10 – page 83	<ul style="list-style-type: none"> DBC is well aware of the situation in GBC where delivery of housing is below the Core Strategy targets and objectively assessed housing need figure. GBC will be providing further evidence in this respect in due course, having already formally asked DBC as to whether it can assist. <p>N.B. DBC's response on this point is set out on page 83 of the Consultation Statement (COR-10) which includes the following text:</p> <ul style="list-style-type: none"> Gravesham made a historic formal request for Dartford to absorb some of its need but a firm evidenced figure is not yet confirmed.
23/10/2020 Gravesham published the Emerging Local Plan Partial Review and Site Allocations Regulation 18 Stage 2 Consultation	<ul style="list-style-type: none"> Stated that there was a need for 10,480 dwellings (using the Government's standard method formula) from 2020-2036. Referred to having a current land supply of 4,600 dwellings, the identification of sites for a further 3,000 dwellings in the urban area and 3,800 dwellings in the rural area (this totalled 11,400 dwellings, but the figures were

Action and Date	Information
Summarised in EXAM 3 – page 129	not further explained by reference to the previously alleged shortfall)
31/12/2020 DBC Responded to the Gravesham Emerging Local Plan Partial Review and Site Allocations Regulation 18 Stage 2 Consultation EXAM-3 – pages 116-117	<ul style="list-style-type: none"> • DBC were still seeking updates in relation to GBC's historic request for DBC to take some of GBC's housing need. • Concerned about the slow progress of the Gravesham Core Strategy Review in addressing the shortfall of housing land to meet needs in Gravesham Borough.
09/02/2021 GBC- Medway-DBC Meeting COR-14 – pages 51-52	<ul style="list-style-type: none"> • The Gravesham Local Plan is having to look at Green Belt release as housing needs cannot be met in the urban area and having discussions with neighbouring authorities about taking unmet need. • GBC are commissioning an update on housing needs. • Have not carried out the urban capacity work previously anticipated as this was overtaken by Crossrail work.
26/02/2021 First Dartford Publication Local Plan published CON-1 – pages 42-45	<ul style="list-style-type: none"> • Government's standard methodology required the provision of 776 dwellings per annum in Dartford Borough. • Policy S4 and paragraph 2.53 set out the provision of 790 dwellings per annum. Almost exclusively made up of existing developable permissions and sites found deliverable or developable in the SHLAA. • SHLAA was published which included all site capacities.
09/04/2021 GBC Representation on First Dartford Publication Local Plan Reg 19 Consultation Appended to GBC Representation on Second Publication Local Plan Summarised in EXAM-3 – page 131	<ul style="list-style-type: none"> • It has been clear that GBC will need to consider Green Belt release to meet its local development needs for some time. • Still in the process of finalising its strategy and cannot fully determine the absolute scale of unmet housing need until Reg 19 but this is likely to be significant and without Green Belt release, this is likely to be substantial. • As an indication, the Reg 18 stage 2 sets out that sites in the rural area have been identified that have the capacity to deliver around 3,800 dwellings, the majority of which are in the Green Belt. • GBC has discussed this unmet need with neighbouring authorities over a considerable period of time that needs to be taken account when preparing plans, and there would need to be discussion on whether they could accommodate some of this identified need. • It is for DBC to identify its unrestricted, i.e. policy off, land supply position in order to identify whether or not DBC has any capacity to assist neighbouring authorities in meeting unmet housing need. <p>N.B. Please see letter dated 29/07/2021 for DBC's response on this.</p>
29/07/2021 DBC Response on GBC Representation on First	<ul style="list-style-type: none"> • DBC need clarity on how GBC intends to take its plan forward in light of the previous consultation, what discussions and agreements GBC has reached with other neighbouring authorities in terms of meeting its needs, and

Action and Date	Information
Dartford Local Plan Publication EXAM-3 – pages 131	<p>the level of unmet need arising in order to assess whether or not it is able to accommodate any of GBC's needs.</p> <ul style="list-style-type: none"> • How are GBC addressing the various points made by DBC on the Reg 18 consultation in December 2020 and what is the timescale for the Reg 19 publication stage? • DBC's new SHLAA shows the unrestricted housing land supply.
15/09/2021 Second Dartford Publication Local Plan published COR-1 – pages 43-46	<ul style="list-style-type: none"> • Government's standard methodology required the provision of 750 dwellings per annum in Dartford Borough. • Policy S4 and paragraph 2.57 set out the provision of 790 dwellings per annum, confirming that this figure is based on the actual developable supply of housing land. • Updated SHLAA was published.

45. The Dartford SHLAA is a comprehensive assessment of all potential sites for residential development across the Borough ([HOU-2](#) and [HOU-3](#)). It considered sites within the Green Belt put forward through the call for sites exercise but those sites failed to meet the suitability assessment on the basis that they were not in sustainable locations. The amount of future housing development in the Submission Dartford Local Plan is based on the capacity of sites found to be deliverable and developable in the SHLAA that are not located in the Green Belt, planning permissions and the Borough small windfall allowance.
46. To illustrate the outcomes of the SHLAA and DBC's optimisation of urban capacity, the maps and accompanying key in Appendix 1 to this response show the areas of the Borough which are not constrained by Green Belt and other national and local policy constraints¹ or already found to be deliverable/ developable for residential development in the SHLAA. It lists the uses of the remaining land parcels. From this information, it is apparent that no unconstrained land is available that has not already been considered.
47. Based on the current information available, additional sites to increase the amount of housing above that set out in the Submission Plan based upon the SHLAA would require consideration of sites in the urban area which are contaminated (and possible reconsideration of sites that have been rejected on sustainability grounds) and/or the release of Green Belt land (see further information in paragraphs 53 and 54 in response to Issue 1). A further call for sites might yield other sustainable non-green belt options, but no available sites have come forward as part of this plan making process.

Amount of Housing

48. Paragraph B8 of the Local Plan Preferred Options referred to the preferred option of using a range for the provision of homes, with the lower level equivalent to the Government's standard methodology rate (which at that time was 797 dwellings per annum) and the higher level equivalent to the 'up to' rate set out in the Core Strategy (865 dwellings per annum) (page 48 of [CON-4](#)). Question 9 asked whether this approach was appropriate or whether an alternative upper figure should be used (page 48 of [CON-4](#)). The SA assessed both of these options (pages 353-355 of [COR-8](#)).

¹ National and local policy constraints are: Green Belt; SSSIs; ancient woodland; listed buildings; scheduled monuments; regionally important geological/geomorphological sites; local wildlife sites; protected local green spaces; borough open spaces; and employment areas.

49. Policy S4:3 of the Submission Local Plan sets out the requirement to deliver 790 dwellings per annum (dpa) (page 44 of [COR-1](#)). As set out in paragraph 2.56 of the Plan, the Government's standard methodology currently requires the provision of 750 dpa and paragraph 2.57 makes clear that the 790 dpa level is consistent with potentially supporting delivery of some unmet residential needs in the wider area, amongst other things (pages 43-44 of [COR-1](#)). Policy S4 was subject to SA, the findings of which are on pages 114-116 of [COR-8](#).

Question 1.22

1.22 Did the SA test the output from the Standard Method for calculating housing need as an option? Were other options for different levels of housing growth considered and what were they? What were the outcomes of those assessments? Are those assessments included in the submission SA report?

50. Yes, the SA tested the output from the standard method for calculating housing need as an option at the lower end of a range (797 dpa to 865 dpa) put forward in the Local Plan Preferred Options. The appraisal findings for this preferred option B1 are set out in Chapter 4 and Appendix C of the SA (see pages 66-68 and 353-355 of [COR-8](#)).
51. The standard methodology calculation for housing in the Borough has changed over time from 797 dpa when the Local Plan Preferred Options consultation took place in January 2020 (see paragraph 2.39 on page 35 of [HOU-7](#)) to 750 dpa when the Local Plan was published in September 2021 (see paragraph 5.12 on page 24 of [HOU-8](#)). It is likely that this will continue to fluctuate as the affordability ratio is updated. Paragraph 2.57 of the Submission Local Plan recognises the need for flexibility in this regard (page 43 of [COR-1](#)).
52. Yes, the SA considered alternative option B2 for a different level of housing growth. This alternative was for delivering a higher level of housing and the results are also available in Chapter 4 and Appendix C of the SA (pages 66-68 and 353-355 of [COR-8](#)). It would not have been reasonable for the SA to consider a lower housing option as this would not have complied with national planning policy in terms of meeting housing needs according to the standard method. Particularly informed by the amount of existing planning permissions for housing, DBC was working on the basis that adequate land would be available to at least meet its own housing needs for a sufficient period.
53. The outcomes of the assessments for the two housing growth options are contained in table C.10 and supporting text of the submitted SA (pages 354-355 of [COR-8](#)). The SA found that the Preferred Policy approach performed better than the alternative of delivering higher housing numbers, particularly with regards to SA objectives 6 (Sustainable travel), 12 (Climate change), 13 (Biodiversity), 14 (Historic environment) and 15 (Landscape).

Question 1.23

1.23 Having regard to Appendix C of the SA, can the Council advise whether the reasonable alternatives were assessed to the same level of detail as submitted plan option (preferred option) including any consideration of whether any residual negative effects of alternatives could be mitigated?

54. Appendix C of the SA assesses all the reasonable alternatives to the same level of detail as the submitted plan option (preferred option) (pages 330-374 of [COR-8](#)). In each case, all options are assessed against all 15 SA objectives and the explanatory text refers to the effects of all options. Tables C.1-C.19 clearly set out where there would be minor or significant negative effects and whether these effects are uncertain, for both the preferred and alternative options, and these are discussed in the supporting text which accompanies each of the tables.
55. Paragraphs 6.54-6.71 of the SA set out the residual negative effects on the SA objectives having considered the cumulative and in combination effects of the policies and site allocations set out in the Publication Local Plan (pages 213-219 of [COR-8](#)). This includes recommendations for mitigation and the Council's responses on the recommendations. The SA does not assess the residual negative effects of alternatives and whether these could be mitigated. Given the amount of alternative options and potential combinations of those options, it is not considered that it would be proportionate to undertake further assessment of the residual negative effects and potential mitigation measures for those.

Climate Change

Question 1.24

1.24 Does the plan accord with s19(1A) of the Planning and Compulsory Purchase Act (2004) (as amended) by including policies that are designed to secure that the development and use of the land in the Borough contribute to the mitigation of, and adaptation to, climate change?

56. Yes, the Submission Local Plan includes policies that are designed to secure that the development and use of the land in the Borough contribute to the mitigation of, and adaptation to, climate change in accordance with s19(1A) of the Planning and Compulsory Purchase Act 2004.
57. The Sustainability Appraisal ([COR-8](#) and [COR-7](#)) reviews the Local Plan vision, objectives and all policies in relation to a series of SA objectives. Objective SA 12 relates specifically to climate change:
- SA 12: To minimise the Borough's contribution to climate change
- In making the assessment of the plan vision, objectives and policies against this SA objective, the SA considers the following questions (see page 23 of [COR-8](#)):
- Does the Plan promote energy efficient design?
 - Does the Plan encourage the provision of renewable energy infrastructure where possible?
 - Does the Plan minimise greenhouse gas emissions from transport?
58. The results of the assessment in relation to climate change and the other SA objectives can be found in chapter 5 of the Sustainability Appraisal (SA) (pages 104-200 of [COR-8](#)) and summarised in table 12 of the SA Non-Technical Summary (pages 37-42 of [COR-7](#)). It is clear that there are many strategic objectives and policies which have positive effects in terms of climate change objective SA 12. In this respect, it is notable that strategic objective G3 and strategic policy S3 are assessed as having significant positive effects.
59. Strategic objective G3 of the Submission Local Plan refers to the need to ensure that the Borough is able to adapt to the effects of climate change and contributes towards reducing Dartford's carbon footprint (pages 19-20 of [COR-1](#)).
60. Strategic policy S3 of the Submission Local Plan sets out the climate change strategy (page 40 of [COR-1](#)). The policy recognises the importance of the following matters in mitigating the impacts of, and adapting to, climate change:
- Well located and innovatively designed development which minimises carbon emissions, reduces the need for unsustainable travel, avoids vulnerability and increases resilience to the effects of climate change;
 - Embedding sustainable and active travel modes into developments;
 - Protecting and enhancing existing and creating new green infrastructure to absorb carbon dioxide, support biodiversity and reduce surface water runoff;
 - Sequentially locating development in areas at lower risk of flooding and mitigating flood risk impacts;
 - Delivering and maintaining existing and future local and strategic flood defences and requiring the provision of sustainable drainage systems in major developments;
 - Ensuring development efficiently manages and re-uses natural resources and waste; and

- Ensuring development is designed, located and constructed to minimise energy consumption, regulate temperatures and incorporate renewable or low/ zero carbon energy sources both now and in the future.
61. A number of development management policies provide greater detail on how the Council will meet the overall climate change strategy in policy S3, in particular:
- M1: Good Design for Dartford
 - M3: Sustainable Technology, Construction and Performance
 - M4: Flood Risk and Riverside Design
 - M14: Green and Blue Infrastructure and Open Space Provision
 - M16: Travel Management
 - M17: Active Travel, Access and Parking
62. The Council has been very cognisant of contributing to the mitigation of, and adaptation to, climate change, in setting out its overall spatial strategy for the Borough. Policy S1 of the Submission Local Plan (pages 26-27 of [COR-1](#)) directs development to brownfield land and sites with good access by public transport and walking/ cycling to a range of local supporting services/ infrastructure.
63. Submission Plan policy S1 identifies growth locations at Central Dartford and Ebbsfleet Garden City as being areas with overriding priority for development. These are areas which: are highly accessible by sustainable modes of transport and are planned to become more so in the future; have good existing or planned access to retail centres and community facilities; would result in the redevelopment of large areas of brownfield land; and will result in high quality development. These are all matters which would help to mitigate and adapt to climate change. Indeed, policies D2 and E2 which set out the development principles for these areas are assessed as having a significant positive effect in terms of climate change objective SA 12 in the SA (see table 12 on pages 37-38 of [COR-7](#) and pages 121-123 and 141-146 of [COR-8](#)).
64. The principles contained in criterion 6 of policy S1 are intended to ensure that development in the urban area as a whole is supported by the protection and enhancement of community and green infrastructure and improvements to sustainable modes of transport. This approach should reduce the need to travel by private car, thereby minimising carbon emissions arising from new development which contribute to climate change.
65. The spatial strategy set out in criteria 9 and 10 of policy S1 does not plan for significant development outside the urban area. This approach recognises that this part of the Borough has less access to facilities and sustainable modes of transport. This would make occupiers of new development in non-urban area locations more reliant on the private car with potentially greater impacts on carbon emissions/climate change than development in the more accessible urban area.
66. It is clear from the results of the Sustainability Appraisal and the content of the Plan policies that the Submission Local Plan will contribute to the mitigation of, and adaptation to, climate change in accordance with s19(1A) of the Planning and Compulsory Purchase Act 2004.

Equality and Diversity

Question 1.25

1.25 Having regard to the Dartford Customer Access Review document [COR-15], in what way does the Plan seek to ensure that due regard is had to the three aims expressed in Section 149 of the Equality Act 2010 in relation to those who have a relevant protected characteristic?

67. The three aims set out in Section 149 of the Equality Act 2010 are:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
68. The relevant protected characteristics as outlined in the Act are:
- age;
 - disability;
 - gender reassignment;
 - pregnancy and maternity;
 - race;
 - religion or belief;
 - sex; and
 - sexual orientation
69. Step 3 of the Customer Access Review June 2021 (pages 9-10 of [COR-15](#)) assesses the potential impact of the Submission Local Plan policies on the different groups in relation to the three aims of the General Equality Duty. It should be noted that the protected characteristics of gender reassignment and sex are covered in the combined gender (including reassignment) category in the Customer Access Review. It finds positive impacts in terms of the protected characteristics of: age; disability; race; and religion/belief. There are no impacts in relation to: gender (including reassignment); sexual orientation; and pregnancy/maternity. The only protected characteristic for which the assessment finds a negative impact relates to race. In this respect, it finds that sufficient land to meet the identified needs of gypsies, travellers and travelling showpeople over the full plan period has not yet been found and therefore there is a long-term risk that sufficient land is not allocated in this Plan. However, it noted that policy M12 had been included in the Plan to ensure that further sites can be identified and that planning applications can be determined expeditiously in line with set criteria.
70. In light of the Customer Access Review process, the Council is satisfied that the Plan has had due regard to the three aims set out in Section 149 of the Equality Act 2010 in relation to those who have a relevant protected characteristic.

Other Matters

Question 1.26

1.26 In accordance with NPPF paragraph 21, does the plan identify 'Strategic Policies' – including for the purpose of those strategic policies against which any Neighbourhood Plan or Business Neighbourhood Plan would be required to be in general conformity with? Are any other the implementation policies to be regarded as 'strategic policies'?

71. Yes, paragraph 1.8 of the Submission Local Plan makes clear that sections 2, 3 and 4 comprise the strategic policies of the Plan (page 6 of [COR-1](#)). These cover the overall location, type and amount of development expected to take place in the Borough, infrastructure, climate change, Central Dartford and Ebbsfleet Garden City. This is in accordance with paragraph 21 of the NPPF which requires that strategic policies to “be limited to those necessary to address the strategic priorities of the area” and that they “should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other non-strategic policies.”
72. The remaining policies relate to Development Management and these are contained in section 5 of the Submission Local Plan. None of these have been regarded as strategic policies, similarly for the Implementation and Monitoring section 6 of the Plan.

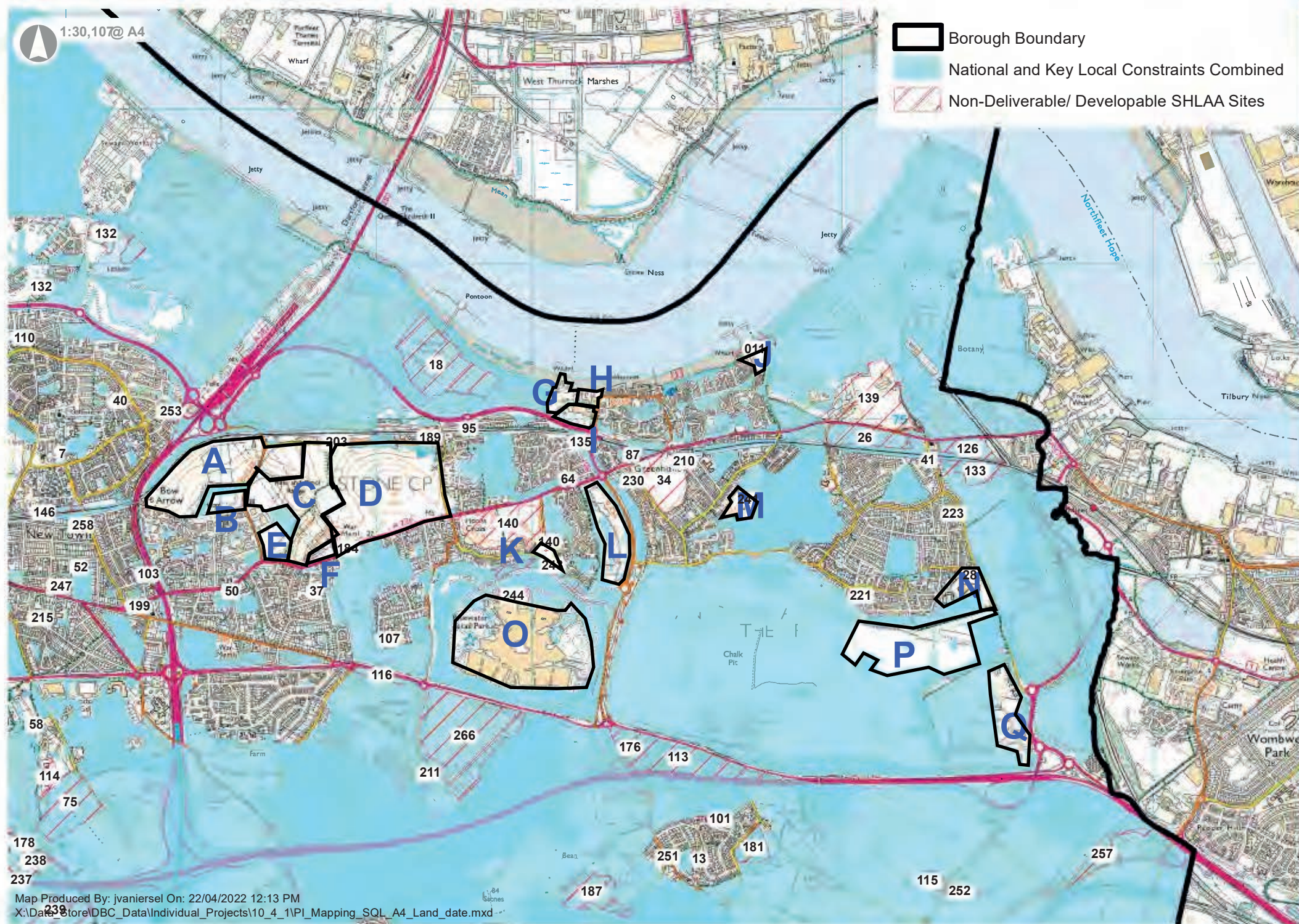
Appendix 1: Maps of Unconstrained Areas

Map Annotations

Annotation	Site Name	Use
A	Cotton Lane East and West	Former landfill site (contaminated)
B	Bow Arrow Lane East	Previously developed for residential
C	Stone Lodge	Former landfill site (contaminated) with planning permission for open space
D	Stone Pit 1	Former landfill site (contaminated) with planning permission for open space/ playing fields and retail/commercial development (south east corner only)
E	Stone Lodge School	Secondary school
F	Stone Lodge	Planning permission for residential development – not included in the SHLAA
G	Johnson's Wharf	Safeguarded wharf in the Minerals and Waste Local Plan – Johnson's Wharf
H	Evelyn Walk/ North Star Boulevard	Previously developed for residential
I	Asda	Retail superstore and car park
J	Ingress Park East	Previously developed for residential
K	Hedge Place Road/ Waterstone Way	Previously developed for residential
L	St Clements Way	Previously developed for residential
M	Empire Sports Ground	Previously developed for residential
N	Ebbsfleet Academy and Manor Community Primary School	Schools and community facilities
O	Bluewater	Bluewater retail centre
P	Castle Hill	Previously developed for residential
Q	Ebbsfleet Green	Previously developed for residential
R	Long Reach Sewage Treatment Works	Long Reach Sewage Treatment Works
S	The Bridge	Previously developed for residential and employment
T	Riverside Wharf	Previously developed for residential




 Borough Boundary

National and Key Local Constraints Combined

 Non-Deliverable/ Developable SHLAA Sites



1:30,107@ A4

-  Borough Boundary
-  National and Key Local Constraints Combined
-  Non-Deliverable/ Developable SHLAA Sites

