

Dartford Borough Local Plan Examination

Inspector's Matters, Issues and Questions - Stage 2

Introduction

Following the conclusion of the Stage 1 hearings which considered matters of legal compliance and the Duty to Cooperate this document sets out my Matters, Issues and Questions (MIQs) regarding the soundness of the plan. These MIQs should be read in conjunction with the separately published guidance note for people participating in the examination.

The hearing sessions will take place between **8** November and **1** December 2022. The MIQs are structured to deal with matters of strategy and policies before considering site specific matters. The deadline(s) for submitting statements in response to these MIQs is set out in the guidance note. Please note, you can only respond to questions below which are relevant to your representations on the Dartford Local Plan. Please note, you should only respond to the questions below which are directly relevant to your representations on the Dartford Local Plan (submission version). Hearing statements are not an opportunity to introduce additional points not previously raised in your representations on the Plan.

In answering the following questions representors should also be aware of the Council's suggested modifications when the plan was submitted for examination in December 2021 (document COR-6). These MIQs are not an opportunity to broaden the scope of your representations and comment on new matters.

My initial questions of January 2022 along with the Council's response to them (documents EXAM2-9) also provide further useful context. Agendas for the individual hearing sessions will be issued in due course prior to the commencement of the hearings.

Matter 2 – Meeting Dartford's Housing Needs
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Issue 1

Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to meeting housing needs.

Relevant policy – S4

Questions

1. Has the calculation of Local Housing Need been carried out correctly?
2. Is the base date of 2017/18 justified and appropriate having regard to the use of the 2020/21 affordability ratio? Alternatively, should the base date be 2020/21?

3. Is a proposed housing requirement appropriate and is it justified? How has the proposed additional 40 dwellings per annum above the standard method been calculated?
4. What is the extent of any under/ over delivery between the plan start date and the base date of the standard methodology calculation?
5. Is policy S4 clear as to the total quantum of housing being planned for over the full plan period?
6. Do the strategic policies look ahead a minimum 15 year period from the anticipated adoption of the plan, as required by paragraph 22 of the Framework?
7. How would the plan be able to respond if unmet need from Gravesham is clearly quantified in future?

Issue 2

Whether the plan will be effective in delivering sufficient affordable housing to meet the needs of the Borough

Relevant policies – M7, M8, M9, M10

Policy M7 - Affordable housing

8. Is the plan sufficiently clear as to the overall level of affordable housing need in the Borough that is required?
9. Is the required level of affordable housing in Central Dartford and elsewhere in the Borough justified? Would it be viable? Would it be sufficiently flexible?
10. Are the expectations for the proposed tenure mix justified?
11. Is the plan sufficiently clear on the expectations for the sizes of the affordable housing units that will be required?
12. How will any commuted sum payments be calculated and where is this set out in the plan?

Issue 3

Whether the plan will deliver an appropriate mix of housing to meet the various housing needs over the plan period and whether the policies for the design, mix and standards of housing justified, effective and consistent with national policy.

Housing for different groups

13. Does the plan accord with paragraph 62 of the Framework which states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)?

Policy M8 - Housing mix

14. Is the proposed housing mix justified and supported by evidence? Would it be viable?
15. Is the requirement for all homes to meet requirement M4(2): Category 2 – Accessible and Adaptable Dwellings justified?
16. What proportion of dwellings would be required to meet M4(3): Category 3 – Wheelchair User Dwellings?
17. Is policy M8 sufficiently clear on the expectations for specialist accommodation?

Policy M9 – Sustainable Housing Locations

18. Is the policy justified, effective and consistent with National Policy?
19. Policy M9 indicates that sites in the SHLAA identified as deliverable/developable will be permitted for residential development. Is this approach justified having regard to such sites accounting for around 10% of the housing requirement? Should these sites be allocated in the plan?

Policy M10 – Residential Amenity Space

20. Is the policy justified, effective and consistent with National Policy?
21. Is criterion 3 likely to be effective as it only applies to new build development? Could it be clearer in respect of other development that may create a new dwelling such as through subdivision?

Policy M11 – Extensions, New Dwellings and Garden Land

22. Would the policy be effective in ensuring that the living conditions of future occupiers of a development would not be harmed?
23. Is the restriction on the conversion of single dwellinghouses of 120 sqm or less original net internal floorspace justified and supported by evidence?
24. Is the policy otherwise justified, effective and consistent with section 12 of the Framework?

Issue 4

Whether the plan will meet the needs of Gypsies, Travellers and Travelling Showpeople.

Policy M12 - Gypsies, Travellers and Travelling Showpeople Accommodation

25. What is the timeframe for the completion of the additional work being undertaken in relation to site capacity of existing authorised and tolerated sites? Is there any update on the progress of this work? How will the outcomes from this affect the plan (being undertaken post submission)?
26. Policy M12 seeks to identify deliverable non-Green Belt sites at Ebbsfleet as a possible source of Gypsy and Traveller pitches. However paragraph 5.7 of EXAM3 states that no assessment has been undertaken. Having regard to the description of development for the outline planning permissions at Ebbsfleet, is there a reasonable prospect that any of these sites would be

- capable of making any contribution to Gypsy and Traveller pitches in the Borough over the plan period?
27. What other land has been considered to meet the identified need for Gypsy and Traveller pitches?
 28. Is the release of Gypsy and Traveller sites in the Green Belt justified? What is the evidence for any exceptional circumstances that support the release?
 29. How would the release of land maintain the openness and permanence of the Green Belt?
 30. Are the existing authorised and tolerated sites identified in the policy and/or on the policies map?
 31. Is the assessment of need for plots to meet Travelling Showpeople's needs robust?
 32. Are the sites identified for Gypsies and Travellers and Travelling showpeople deliverable?

Matter 3 – The Spatial Strategy and the distribution of development
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Issue

Whether the Spatial Strategy and the distribution of development are justified, effective and consistent with national policy.

Relevant policies – S1, S4, M13

Questions

Spatial Strategy

33. Is the spatial distribution of development across the borough justified and what factors influenced the Spatial Strategy, for example physical and environmental constraints and the capacity to accommodate development?
34. What alternative options for the spatial strategy were considered?
35. Why was the submitted approach chosen and is it an appropriate strategy having regard to reasonable alternatives?
36. Is the Plan sufficiently clear about the scale of development envisaged in each settlement/ area?
37. Is the focus of the Spatial Strategy on large-scale brownfield sites justified?
38. In other respects, is the approach in Policy S1 justified, effective and consistent with national policy?
39. Is table 2 justified and will it be effective?
40. How will the need for pre-school and special educational needs places be addressed?
41. Does the plan identify any settlement/ development boundaries and if so, what is the approach to development in such areas ?

Approach to the Green Belt

42. Does the approach to the Green Belt accord with paragraph 149 of the Framework? Are the requirements in criteria 5-12 consistent with the exceptions of paragraph 149¹?
43. Is the requirement for replacement buildings and extensions to buildings in criteria 6 and 7 to be no more than 30% volumetric increase over the original building justified and supported by evidence?
44. Is the list of other harm to the Green Belt identified in policy M13 (3) justified?
45. Is the approach to development that would not be inappropriate under M13(4) justified having regard to the aims of Green Belt policy?
46. A footnote to policy M13 appears to be missing. What should it say?

Matter 4 – The approach to site allocations

Issue

Whether the approach to the site allocations is justified, effective and consistent with national policy

Questions

Approach to site allocations

47. Please can the Council confirm the current planning status of each of the site allocations? This should include maps of the areas that show the areas within each that have the benefit of planning permission, the status of those permissions (including whether development has commenced), whether any sites are still subject to negotiation of s106 agreements and any accompanying details of the floorspace by use class.
48. Is there any evidence to support the proposed housing delivery rates that accompany each source of supply?
49. How have the proposed site allocations been selected? What methodology was used to select sites? Is it justified?
50. Is there a policy to accompany each of the sites proposed to be delivered through the submitted plan's strategy?

Matter 5 - Strategy for Central Dartford

Issue

Whether the strategy for Central Dartford is justified, effective and consistent with national policy.

Relevant policies – D1, D2, D3, D4, D5, D6, D7

¹ In responding to this question, it would assist the examination if the Council could prepare a schedule of all proposed changes to the Green Belt boundary.

Questions

Policy D1 – Central Dartford Strategy

51. Is policy D1 sufficiently clear as to the overall scale of development expected in Central Dartford? Will it be effective?
52. Where is the new railway station referred to in policy D1 to be located? Is it justified by evidence and would it be deliverable within the plan period?
53. What is the relationship with the Dartford Town Centre Framework Supplementary Planning Document (SPD) which predates the submission plan?

Policy D2 – Central Dartford Development Principles

54. Is policy D2 justified, effective and consistent with national policy?
55. Does the policy text fully reflect the development expectations shown in Diagram 5 that the policy requires development to accord with?
56. What is the intention of the 'potential small sites cluster'? Is it justified?

Policy D3 – Mix of uses in Dartford Town Centre

57. How has the Core Frontage been defined and is it justified?
58. Is the policy requirement in criterion D3(1) b) for marketing likely to be effective? How would it be implemented?
59. Is the approach to residential development set out in policy D3(2) c) likely to be effective in managing redevelopment opportunities?
60. Is the identification of residential developments in the 5 year housing land supply positively prepared and soundly based?

Policy D4 – Westgate Allocation

61. Taking each criterion in turn, are these justified and supported by evidence?
62. What is the anticipated timing of the development expected to be?
63. Is the balance of requirements in criterion 3(a)-(c) sufficiently flexible to deal with changing circumstances?

Policy D5 – East of Lowfield Street Allocation

64. What is the anticipated timing of the development expected to be?
65. Is the approach to the adjacent Listed Buildings and Conservation Area appropriate and consistent with paragraphs 194 and 200 of the Framework?
66. Is the balance of requirements in criterion 3(a)-(c) justified? Are they sufficiently flexible to deal with changing circumstances?
67. Taking each of the remaining criteria in turn, are these justified and supported by evidence?

Policy D6 – Priory Centre Allocation

68. Are the expectations for the development requirements in criterion 3(a)-(c) justified?
69. What is the anticipated timing of the development expected to be?
70. Is policy D6 sufficiently clear about the net gain/ loss in retail floorspace envisaged by the redevelopment of the shopping centre?
71. Should policy D6 be clearer on what it considers large and small retail units might be?

Policy D7 – Station surrounds/ River Darent Area

72. Is policy D7 sufficiently clear on the forms of development that would be acceptable within the area? Is the expectation that sites A-E will be supported for residential development having regard to paragraph 3.59 of the supporting text?
73. Taking each criterion in turn, are these justified and supported by evidence?
74. Is the extent of the three developable sites within the wider allocation sufficiently clear? What is the anticipated timeframe for their delivery?
75. Is there a reasonable prospect that the longer term opportunity sites (A-E) would be likely to come forward for development within the plan period?

Matter 6 – Strategy for Ebbsfleet and Swanscombe

Issue

Whether the strategy for Ebbsfleet and Swanscombe is justified, effective and consistent with national policy.

Relevant policies – E1, E2, E3, E4, E5, E6

Questions

Policy E1 – Ebbsfleet and Swanscombe Strategy

76. Is policy E1 sufficiently clear on the quantum of different forms of development that are being planned for at Ebbsfleet?
77. Is policy E1(6) consistent with the approach set out in document EXAM6 in respect of the likelihood of any pitches or plots being available for gypsy and travellers and travelling showpeople?

Policy E2 – Ebbsfleet Garden City Development Principles

78. Is the policy sufficiently clear as to the infrastructure requirements that will accompany any remaining phases of the Garden City?
79. Criterion 1(e) indicates that buffers will be created in between developments and the Site of Special Scientific Interest (SSSI). What type of buffers are envisaged?
80. Is the relationship between policy E2 and the Ebbsfleet Implementation Framework, the design for Ebbsfleet Guide, the Ebbsfleet Public Realm Strategy and the Sustainable Travel Strategy sufficiently clear? What status

do these documents have and will any principles embedded in these documents support the implementation of any subsequent planning consents or reserved matters applications?

Policy E3 – Swanscombe

- 81. Is policy E3 justified and will it be effective? Is the policy sufficiently clear as to what will be delivered?
- 82. Is the boundary of the Swanscombe area sufficiently clear?

Policy E4 – Ebbsfleet Central Allocation

- 83. What is the basis for the scale and range of development types proposed and are these justified?
- 84. What are the expectations in terms of the timing and rates of housing delivery? Are these realistic? What evidence is there to support the anticipated timing?
- 85. What effect does the designation of the Swanscombe Peninsula SSSI have on the amount and timing of development planned at the Ebbsfleet Central Allocation?
- 86. What are the requirements for infrastructure and are these justified? What funding mechanisms are in place to support the timely delivery of the required infrastructure?
- 87. Is the policy sufficiently clear as to what is being sought as part of the requirement for a new public transport hub?
- 88. Is the requirement for 30% open space justified?

Policy E5 – Alkerden and Ashmere Allocation

- 89. What is the basis for the scale and range of development types proposed and are these justified?
- 90. What are the expectations in terms of the timing and rates of housing delivery? Are these realistic?
- 91. What proportion of specialist accommodation is expected to be delivered on the site?
- 92. Is the expectation in criterion 3c) sufficiently clear as to the quantum of community uses envisaged?
- 93. What are the requirements for infrastructure and are these justified? What funding mechanisms are in place to support the timely delivery of the required infrastructure?
- 94. How much strategic and local greenspace is required by the policy? Is it sufficiently clear?
- 95. What amount of custom and self-build, other forms of residential accommodation including for older people is expected?
- 96. Is policy E5 sufficiently clear as to the other social infrastructure that is required to support the planned residential expansion?

Policy E6 – North of London Road Area, Swanscombe

97. Is the policy effective in the absence of any clear requirements in terms of square metres of development/ use classes? What is the timeframe for the delivery of this allocation?
98. Is policy E6 sufficiently clear as to the forms of development would be acceptable?
99. Criterion 2 indicates that buffers will be created in between developments and the Site of Special Scientific Interest (SSSI). What type of buffers are envisaged?
100. Is the policy area extent justified having regard to the location of the SSSI?
101. Are any Main Modifications required for soundness having regard to the confirmation of Swanscombe Peninsula SSSI?

Matter 7 – Economic and retail growth
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Issue

Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to economic and retail growth

Relevant policies – S4, M19, M20, M21, M22, M23, M24

Questions

Approach to employment

102. How has the requirement for an additional 22,000 sqm of new commercial, business and service use space per annum in policy S4 been calculated? Is this intended to represent uses within Class E of the Use Classes Order, as amended?
103. How has the requirement identified in policy S4 for 25,000 sqm been calculated and is it justified? Is there a split envisaged between the quantum of floorspace directed to B2 and/or B8 uses?
104. Does the submitted plan positively identify the location and quantity of employment floorspace for growth? What is the total quantum of land proposed to be allocated to meet the floorspace requirements and where is this set out? Can the Council clarify the planning status of the additional commercial and industrial floorspace requirement?
105. It is noted at paragraph 5.7 of the Economic Land report that strategic modifications including additions be made to the Policies Map. However, there does not appear to be any corresponding allocation(s) within the plan. It is reminded that the Policies Map is not part of the Development Plan only a representation of it. As such, how does the submitted approach plan positively to meet the identified needs in full and will it be effective in meeting employment needs?

Approach to retail development

106. Is the overall strategy for retail development sufficiently clear and is it justified?
107. Does the approach to retail development accord with paragraphs 86a) and 86b) of the Framework?

Policy M19 – Sustainable Economic Locations

108. Would all forms of B class development be appropriate in all of the locations set out in policy M19?
109. Is the impact assessment threshold of 280 sqm set out in policy M19 justified?

Policy M20 – Provision for Local Business and Skills

110. Is policy M20 clear as to how the delivery of local skills training or apprenticeships would be secured? Will the policy be effective?
111. Is the threshold of 20,000 sqm (gross) for contributions towards the accommodation needs of local businesses and training needs of the Borough's workforce justified? Is it supported by evidence?

Policy M21 – Identified Employment Areas

112. Does policy M21 reflect the role of Office development under Class E of the Use Classes Order in identified employment areas?
113. Is the approach to non-job generating development justified? Would it result in unnecessary restrictions on existing businesses in identified employment areas?
114. Is the reference to affordable commercial premises sufficiently clear? Is it justified?
115. Is the extension to the Littlebrook/ The Bridge Identified employment Area a formal site allocation? If not, should it be?

Policy M22 - Bluewater

116. Is the identification of Bluewater as a regional centre justified?
117. Is the threshold for impact assessments for developments over 2,500 sqm justified?

Policy M23 – District and Local Centres

118. Is policy M23 effective in the absence of thresholds for impact assessments?

Policy M24 – Food and Drink Establishments

119. How would the policy address any over-concentration of hot food takeaways in an area? What criteria would be used and how would the policy be implemented?

120. How will 'sufficient effective marketing' for the proposed loss of Public Houses in the Borough be assessed? What criteria would be used? Is the policy likely to be effective?

Matter 8 – Transport and Infrastructure

Issue

Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to transport and infrastructure

Relevant policies – S2, S4, M16, M17

Questions

Infrastructure overall

121. Does policy S2 provide sufficient clarity on the key infrastructure required to support the growth identified in the plan?
122. Is the required infrastructure to support the plan's growth ambitions costed?
123. How would the key infrastructure be delivered and funded?
124. What are the infrastructure planning documents referred to in policy S2(7) and how do they relate to the plan?
125. Is requirement for land transfer for new school provision sufficiently clear? Would it be justified and effective?
126. Does the plan adequately identify other key supporting infrastructure including, but not limited to, healthcare, waste, community facilities?

Travel and transport

127. What is the relationship between policy S2 and the Dartford Sustainable Transport Strategy?
128. Is the level of modal shift envisioned in the transport evidence realistic?
129. What effects does the plan's growth have on the Strategic Road Network?
130. Does the plan identify mitigation measures for any effects on the Strategic Road Network?
131. Does the plan identify mitigation measures for any effects on the Local Highway Network (LHN)?
132. What is the current timeframe for the proposed eastward extension of the Elizabeth Line (Crossrail)? How would the plan respond if the Government approved the project?

Policy M16 – Travel Management

133. Is safeguarded land referred to in policy M16 clearly defined? Has it been included on the policies map?

Policy M17 – Active Travel, Access and Parking

134. How would the policy address proposals for car-free developments?
135. Does the policy accord with paragraph 109 of the Framework in respect of lorry parking?

Matter 9 - The supply and delivery of housing land

Issue

Whether the approach towards the supply and delivery of housing land is positively prepared, justified, effective and consistent with national policy.

Questions

Overall Supply

136. Has there been an update on housing completions from the most recent monitoring year and if so what is it?
137. What is the estimated total supply of new housing over the period 2017/18-2036/37? How has this been determined? Is the housing trajectory justified?
138. What is the estimated supply from site allocations, planning permissions, windfalls for the plan period? What is the evidence to support their delivery and are the estimates justified?

5 year housing supply

139. What is the requirement for the first five years following the anticipated adoption of the plan and what buffer should be applied?
140. What is the estimated total supply of specific deliverable sites for this period?
141. What is the estimated supply from each source for this?
142. What is the evidence to support this and are the estimates justified?

6-10 and 11-15 year land supply

143. What is the estimated total supply of specific developable sites or broad locations for growth for years 6-10 and 11-15?
144. What is the estimated supply from each source for this?
145. What is the evidence to support this and are the estimates justified?

Other

146. Is the windfall allowance justified?
147. Does the plan provide sufficient flexibility if any key sites do not come forward as anticipated?
148. Overall, would at least 10% of the housing requirement/target be met on sites no larger than one hectare?
149. Is the trigger for reviewing the plan if cumulative housing delivery on windfall sites reaches 50% justified?

Matter 10 – Development Management and other policies
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Issue

Whether the Development Management and other Policies are justified, effective and consistent with national policy.

Questions**Relevant policies – S3, M1, M2, M3, M4, M5, M6, M14, M15***Policy S3 – Climate Change Strategy*

150. 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?

Policy M1 – Good Design for Dartford

151. Is the policy justified, effective and consistent with section 12 of the Framework?
152. Is the requirement in criterion 2 for outstanding or innovative design being supported on sites which are not closely related to sensitive areas or assets justified?

Policy M2 – Environmental and Amenity Protection

153. Is policy M2 consistent with the aims of the Local Air Quality Management – Action Plans?

Policy M3 – Sustainable Technology, Construction and Performance

154. Is the requirement for non-residential to reach BREEAM excellent standard justified? Would it be viable?
155. Is the requirement to reduce regulated carbon emissions at least 19% beyond Building Regulations justified?
156. In all other respects, is the policy justified, effective and consistent with national policy?

Policy M4 – Flood Risk and Riverside Design

157. Is the policy justified, effective and consistent with national policy?
158. Would the policy be effective in securing water safety measures for development on sites with riverside frontages?

Policy M5 – Designated Heritage Assets

159. Is the policy justified, effective and consistent with section 16 of the Framework?

Policy M6 – Historic Environment Strategy

160. Is the policy justified, effective and consistent with national policy?

161. Are the Areas of Special Character justified? Are they consistent with section 16 of the Framework?

162. Has a local list been prepared to accompany policy M6? If not, what is the anticipated timing of its preparation?

Policy M14 – Green and Blue Infrastructure and Open Space provision

163. Are the percentage requirements for green and blue infrastructure in policy M14 justified?

Policy M15 – Biodiversity and Landscape

164. Is the requirement for proposals within 10km of the north Kent Special Protection Area (SPA) to be subject to screening justified having regard to the role of the 6km and 10km buffers?

165. Is the need for mitigation from residential development that could otherwise result in recreational disturbance within 10km of North Kent SPA sufficiently clear in policy M15?

166. Are the requirements for any tariff-based financial contributions towards mitigation clearly set out in the plan?

167. Is the plan sufficiently clear as to what projects or other off-site measures the financial contributions are making towards? Are these set out in the plan?

168. Are the three options for mitigation as set out in the Habitats Regulations and Large sites in Dartford Borough – guidance for developers [ECC-8] sufficiently clear within the policy?

Policy M18 – Community Uses

169. Are areas safeguarded for community uses, including those in the Infrastructure Delivery Plan identified in the plan and shown on the policies map?