

Matter 3: The Spatial Strategy and the distribution of development***Spatial Strategy*****Q33. 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?**

1. Swanscombe Development LLP ('the LLP') supports the overall spatial strategy but remains concerned that the policy framework for Swanscombe Peninsula (the majority of which lies within the LLP's control) fails to provide a positive or effective basis for bringing forward development on this critical previously-developed post-industrial site.
2. Swanscombe Peninsula has long been identified as an opportunity for strategic growth, recognised by central government in successive policy statements. The Peninsula was identified as a "valuable opportunity to secure quality development" in The Thames Gateway Planning Framework¹; it formed part of the Government's 2003 Sustainable Communities: building for the future programme; more recently it was taken forward through the *Thames Gateway* policy programme² and subsequently into the Thames Gateway Strategy³. The site was then identified for regeneration as part of the Thames Waterfront Priority Area under the Dartford Core Strategy (adopted September 2011). In 2015, the Ebbsfleet Development Corporation ('EDC') was established to drive regeneration in north Kent. Swanscombe Peninsula was included within the designated area over which EDC exercised its statutory power, further underlining the importance of the Peninsula as an important regeneration objective. More recently, the site was identified as an important opportunity in the Thames Estuary 2050 Vision⁴.
3. The site's continued identification as an important policy objective is testament both to the opportunity for high quality development on the Thames waterfront, but also a recognition of the need for regeneration to address the site's industrial legacy. Both objectives remain of regional importance.
4. The site's industrial past means that significant parts of the Peninsula have been subject to tipping of industrial waste (including but not limited to cement kiln dust, 'CKD'). Environmental management regimes and permitting are extensive, comprising sequences of tipped areas subject to leachate control (via pipelines and lagoons) and treatment of heavy metals. Much of the site is not publicly accessible due to ground contamination. There remain extensive surface and sub-surface industrial structures and voids. This regime does not represent a long-term solution; excavation and removal, or alternatively capping of *in-situ* materials would provide the best environmental outcomes of the site, responding positively to the Environment Agency's preferred approach to pollution control.
5. The site was notified and subsequently (in November 2021) confirmed as a Site of special Scientific Interest. It was designated due to its value as previously-developed open mosaic

¹ Paragraph 6.8.13, *The Thames Gateway Planning Framework RPG9a*, Department of the Environment 1995

² See for example, *Thames Gateway Interim Plan, Development Prospectus*, Department for Communities and Local Government, November 2006

³ A Strategy for Kent Thameside's Waterfront, Kent Thameside Delivery Partnership, 2008

⁴ Thames Estuary 2050 Growth Commission 2050 Vision, June 2018

habitat, and for the flora and fauna which it supports by consequence of its habitat. That habitat is transient in character, representing a mosaic of habitats comprising clear ground juxtaposed with dense scrub cover. That habitat has emerged as a consequence of no ecological or habitat management having taken place since the last parts of the site became derelict and disused in around 2010. In due course, without intervention, habitats will further evolve with implications for the fauna and flora which can be supported. No ongoing management regime has been agreed with Natural England meaning that the site currently remains unmanaged in ecological terms. Natural England's recommendations for management (which formed part of the confirmation of the notification in November 2021) include impractical measures such as use of grazing cattle, and appear to have no regard to the environmental and physical conditions of the site.

6. It is clear to the LLP that there is an inherent tension between the environmental protection objectives and the ecological management objectives, and that neither can be successful without implication for the other.
7. The Peninsula forms a significant part of the designated London Resort Nationally Significant Infrastructure Project ('NSIP') site, defined under the Planning Act 2008 (as amended) and designated as such in 2014. That designation remains extant, meaning that a new Development Consent Order ('DCO') submission could be made in accordance with regulations.
8. The London Resort proposal has been advanced by London Resort Company Holdings ('LRCH') and benefits from an option agreement as relates to land owned and controlled by SDLLP, alongside other land control and option agreements which LRCH has secured with other landowners relevant to the proposals). Thus, the LLP is not the London Resort promotor, but it has an interest in it succeeding.
9. The London Resort proposal offers the opportunity to comprehensively address long-standing environmental management issues, allied to securing ecological objectives⁵ whilst securing significant economic growth objectives for north Kent. It is the project's significant development value which allows it to achieve conflicting environmental and ecological objectives whilst simultaneously achieving social and economic objectives.
10. The London Resort is therefore of considerable significance given the opportunity to address and resolve a number of Swanscombe Peninsula's significant constraints. Whilst we respect Dartford Borough Council's decision to prepare the Local Plan on a 'London Resort off' policy basis, doing so blindly without reference to the London Resort, and without addressing Swanscombe Peninsula's future in a comprehensive manner is not appropriate.
11. It remains the LLP's view that the emerging Plan should recognise the objectives of the London Resort – which will harness positive and substantial economic development gains to secure essential environmental and ecological investment. In any event, the Plan should also recognise the scale of contamination challenge which exists at Swanscombe Peninsula and the

⁵ It is worth noting that much of the scientific evidence used by Natural England to notify the Swanscombe Peninsula SSSI derived from surveys undertaken by the London Resort promotor in support of their DCO. The extent of ecological interest was thus understood at the time of the submission of the DCO and mitigation incorporated into the proposals to address that known ecology.

important opportunities that development would bring to address existing environmental and ecological constraints.

12. It is the LLP's view that that supporting paragraphs (such as 2.7) and Policy S1 should recognise the role of the London Resort, or alternative comprehensive regeneration, as strategic objectives.

37. Is the focus of the Spatial Strategy on large-scale brownfield sites justified?

13. The Spatial Strategy focus on previously-developed sites, including Swanscombe Peninsula, is justified. Kent Thameside has been a long-standing focus for regeneration, incorporated into national, regional, sub-regional and local policy objectives (as described above). The approach also supports EDC, whose objectives is to secure the regeneration of their designated urban area⁶. It is essential that the Dartford Local Plan retains that focus, ensuring that the local planning policy focus remains on bringing forward those sites able to secure wider benefits beyond only socio-economic gains.
14. It is in that context that Policy must also recognise that large scale previously developed sites are complex and challenging to deliver – hence their enduring focus in national and regional planning policy. In the case of Swanscombe Peninsula, there are real challenges in addressing the environmental conditions of the site, and in ensuring that long-term funding is available to safeguard and maintain the ecological interest of the site, including through the perpetual prevention of habitat succession which will otherwise happen (and which is already underway).
15. Paragraph 11 of the National Planning Policy Framework ('the Framework') recognises that improving the environment and making effective use of land are key plan-making objectives and should be reflected in plan policies. There is also a need to recognise that some compromises may be necessary to secure the wider regeneration benefits of the regeneration of those sites. The development management process allows for those compromises to be identified, appraised and balanced during decision -making – a process again recognised in paragraph 11 of the Framework (and in particular, in limb (ii) of clause (d)) which recognises that national designations may, in demonstrable cases, be outweighed by other material benefits. Paragraph 174 of the Framework further notes that establishing resilient ecological networks (bullet (d) and remediating despoiled, degraded and contaminated land (bullet (f) are policy objectives. Paragraph 179 further notes the importance
16. Policy S1, as it relates to Swanscombe Peninsula, is therefore not consistent with national planning policy (nor indeed with other policy initiatives such as the Thames Estuary growth framework); neither is it justified on the basis of the clear need for regeneration at Swanscombe Peninsula (in a Resort-off policy framework as set out by the Council). In particular, bullet 5 fails to recognise the provisions of Paragraph 11 of the Framework, neither does it recognise the provisions in paragraphs 174 and 179 of the importance of safeguarding ecological interests in the longer term, as well as securing environmental improvements to degraded land, particularly where that requires application of the planning balance. We further reiterate that the Council's decision to set aside the prospects for the London Resort are inconsistent with the NSIP status which the project continues to benefit from.

⁶ 'Our Role', Ebbsfleet Development Corporation Corporate Plan 2021-25.