

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

## **Matter 3: The Spatial Strategy and the Distribution of Development**

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

**30 September 2022**

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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

### *Spatial Strategy*

## Question 33 – Spatial Strategy Justification

*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. DBC considers that the spatial distribution of development is justified. The key evidence to justify policy S1 is contained in the Spatial Strategy Topic Paper: table 3 (which sets out its relationship with existing adopted Local Plan policies), paragraphs 4.1-4.21 and Figures 1 and 2 of the Spatial Strategy Topic Paper (pages 11-19 of [SPS-1](#)).
2. The Sustainability Appraisal (SA) found policy S1 to have a number of positive effects in relation to relevant SA objectives (pages 104-109 of [COR-8](#)). It did find some negative effects, particularly in terms of conserving mineral resources, water quality, flood risk and the historic environment. However, the alternative spatial distribution options (1A, 1C and 1D) which were assessed as part of the SA at the time of the Local Plan Preferred Options also produced a number of potential negative effects, including in relation to mineral resources, soil, water quality, flood risk, historic environment and landscape (pages 331-333 of [COR-8](#)).
3. As set out in paragraph 4.2 of the Spatial Strategy Topic Paper, the spatial approach is largely a continuation of the approach set out in the Core Strategy. It continues to focus development on brownfield land not within the Green Belt and sites with good access by public transport and walking/cycling. This supports development at sustainable locations in the urban area in the north of the Borough, and protects the Green Belt in the south of the Borough and at Dartford Marshes (page 11 of [SPS-1](#)). Dartford Borough's high recorded rates of population growth in the Census (see Question 19), viewed as largely attributable to housing development in the urban area, provides a strong practical justification.
4. Paragraph 4.3 of the topic paper states that the approach in policy S1 to focus more closely on the two growth locations of Central Dartford and Ebbsfleet Garden City is a refinement of the approach previously taken forward in the Core Strategy. This takes into account the substantial development which has already taken place in some of the previously identified broad priority areas (including in particular the build out of Thames Waterfront sites) and the fact that there are some significant extant planning permissions in those previous broad areas that will come forward over the plan period (page 11 of [SPS-1](#)). Figures 1 and 2 of the Topic Paper demonstrate this by providing a comparison of the key diagrams in the adopted Core Strategy 2011 and in the Submission Local Plan (page 14 of [SPS-1](#)).

## Question 34 – Alternative Options for the Spatial Strategy

*What alternative options for the spatial strategy were considered?*

5. The Sustainability Appraisal (SA) considered the following alternative options for the spatial strategy:

1A: Brownfield land should be used to its greatest extent across both the urban and rural parts of the Borough.

1B: Brownfield land should be used to a full extent in locations very well served by public transport (preferred option).

1C: Brownfield land not a strong priority, with non-Green Belt land encouraged for development (including some greenfield sites).

1D: Reject a brownfield land focus, in favour of new growth locations elsewhere in the Borough, including more dispersed development that may include locations within the Green Belt.

The options, the SA conclusion and the Council's reasons for taking forward the preferred option are set out in paragraphs 4.9-4.11 of the SA (pages 50-52 of [COR-8](#)). The full results of the appraisal for these options are included in Appendix C of the SA (pages 330-333 of [COR-8](#)).

6. The Local Plan Preferred Options set out alternative options 1A, 1B and 1C above and it included information on the spatial implications of each of them (page 21 of [CON-4](#)). The reasons for not including option 1D in the Local Plan Preferred Options are set out in paragraphs 4.109 and 4.110 of the SA which state:

"4.109 The Preferred Options Consultation Document did not provide an option for Green Belt release, although an additional option, Main Plan Option 1D (Reject a brownfield land focus, in favour of new growth locations elsewhere in the Borough, including more dispersed development that may include locations within the Green Belt), was considered through the SA process. This is because paragraph 138 of the NPPF states that, once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified. Given that Dartford's development needs can be met outside the Green Belt, the Council has not identified any exceptional circumstances for the release of Green Belt land in the Borough.

4.110 In addition, it should be noted that the SA found that Option 1D would have a large number of significant negative effects, compared to the preferred option." (page 84 of [COR-8](#))

## Question 35 – Appropriate Strategy

*Why was the submitted approach chosen and is it an appropriate strategy having regard to reasonable alternatives?*

7. Paragraph 4.11 of the Sustainability Appraisal (SA) outlines the Council's reasons for taking forward the preferred option as follows:

“4.11 Option 1B is preferred as it would ensure that development makes the best use of brownfield land in sustainable locations which are well served by public transport. This option would mean that infrastructure can be properly planned to meet the needs arising from new development. Options 1A and 1C could lead to development in locations which are not well served by public transport and are likely to have greater impacts on biodiversity, the historic environment and landscape. Option 1A would result in more unplanned windfall development and Option 1C would lead to more dispersed development away from existing services and facilities, both of which make the provision of supporting infrastructure more difficult to achieve.” (page 51 of [COR-8](#)).

8. It is an appropriate strategy having regard to reasonable alternatives as it is clear from the assessment of the options outlined in table C.1 of the SA and the supporting text that option 1B performs best out of the four options against the 15 SA objectives (pages 330-333 of [COR-8](#)).

### **Question 36 – Scale of Development in each Settlement/ Area**

*Is the Plan sufficiently clear about the scale of development envisaged in each settlement/ area?*

9. The submitted Local Plan as a whole contains a range of guidance on the scale of development envisaged. Policy S1 provides this through a clear spatial strategy prioritising Central Dartford and Ebbsfleet Garden City (expanded in sections 3 and 4, respectively, of the Plan). As set out in answer to questions 51 and 76 these include policies setting out the scale of development.
10. The scale of development at settlements and areas within the Borough as a whole is directed through policy S1. Where the area in question sits within the spatial strategy will inform the scale of development. This is organised in S1 by ‘tiers’ of development, as explained in [EXAM-4](#) page 6 (paragraphs 3.1 to 3.4):
- Central Dartford and Ebbsfleet Garden City as areas with overriding priority for development (S1:3), followed by
  - The promotion of development in the rest of the Urban Area including Stone, Greenhithe and Swanscombe (S1:6), followed by
  - a proportionate scale of development in the Non-Urban Area i.e. the area/ villages south of the A2 or in the Green Belt (S1:9/10).
- This is outlined clearly on Diagram 1, the Key Diagram (Plan page 25) and is consistent with policy S1.
11. Policy S1 clause 6 confirms that, alongside strategic growth at Central Dartford and Ebbsfleet Garden City, complementary development will occur in the rest of the urban area, including at sites in the identified housing land supply. For the urban area, planned total new homes levels are identified on page 93 paragraph 4.25, and page 204 paragraph 6.9, for Swanscombe and Stone respectively.
12. DBC considers there is sufficient clarity on development scale indicated within policy S1 given its role in setting out a clear spatial strategy. The proper degree of flexibility is necessary; care has to be taken not to appear to be setting arbitrary limits to the potential development capacity of Central Dartford and Ebbsfleet Garden City, when there is the prospect of additional suitable opportunities coming forward under plan policies (see, for example, the response to Question 75).

13. DBC is of the view that a strong spatial strategy supports delivery - as shown by its population growth track record - providing certainty and confidence for landowners and other stakeholders enabling investment in, and provision of, infrastructure in the right places and at the right time.
14. If it is concluded nevertheless that additional information in the Plan is necessary, options may include featuring some factual data summarising totals of planned residential growth in the key areas/ settlements, which may, for example, accompany policy S4.

### **Question 37 – Focus on Large-scale Brownfield Sites**

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

15. Yes. A focus on major brownfield sites has been successful and should continue to be a fundamental part of the spatial strategy for Dartford.
16. Chapter 11 of the NPPF opens ([NAT-1](#) page 35 paragraph 119) by stating:  
“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land.”
17. This is pertinent to Dartford, and the Local Plan takes this fully on board in applying it to the local context as explained in policy S1’s reasoned justification (pages 21 to 22, paragraphs 2.5 to 2.7). Good re-use of land in the Borough is central to ensuring that the necessary regeneration of Dartford yields tangible benefits to the local environment, and is central to facilitating the continued accommodation of development needs in a sustainable form.
18. The focus of the spatial strategy on brownfield sites has helped optimise the total urban capacity of the Borough, and avoid unsustainable patterns of development. This is demonstrated through the mapping information at [WS1-2](#) Appendix 1 (page 28) showing how this focus has led to full uptake of available unconstrained<sup>1</sup> residential development and land reuse opportunities in the Urban Area (see page 19, paragraph 46 [WS1-2](#)).
19. The overall approach is justified, and is supported by the testing of reasonable alternatives in the Sustainability Appraisal. It conforms with the NPPF’s requirement to prioritise brownfield sites before greenfield ones, and the spatial distribution is consistent with preserving Dartford’s metropolitan Green Belt.

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<sup>1</sup> Key national and local constraints only: 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

### Question 38 – Policy S1 General

*In other respects, is the approach in Policy S1 justified, effective and consistent with national policy?*

20. Yes. DBC regards policy S1 as justified, effective and deliverable.
21. Policy S1 is consistent with the NPPF, and in particular the presumption in favour of sustainable development: “all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects” ([NAT-1](#) paragraph 11a, page 6).
22. The Local Plan Compliance with the NPPF Document (pages 3-8 of [COR-18](#)) shows alignment of policy S1 with several other requirements of the NPPF including the historic environment and biodiversity. Policy S1 clauses 1 to 3 and 6 are justified. See answers to previous questions on the spatial strategy (Questions 33 to 35):
23. In respect of other parts of the policy:
  - Clauses 7 and 8 on economic development are justified. Questions 104 to 106.
  - Clause 9. See responses on the Green Belt (including Question 42).
  - Policy S4 clause 10 is justified, as outlined in relation to the Green Belt, and on the basis of characteristics and locations of settlements outside the Urban Area (see [EXAM-4](#) Question 11, including page 13 paragraph 3.35).
24. The Spatial Strategy Topic Paper ([SPS-1](#) pages 11-19) explains the relationship and overall effectiveness of policy S1 with existing policies, and its justification. Paragraphs 4.2 and 4.3 (page 11) and Table 3 (pages 11-13) and Figures 1 and 2 (page 14) detail the degree of continuity from the 2011 Core Strategy [POL-1](#) with an emphasis on the Urban Area (albeit now with a further focus on Central Dartford and Ebbsfleet). Question 19 highlights the growth associated with the current spatial strategy, with 2021 Census results showing the 20% population increase in Borough since 2011 to be the second highest of any local authority in England.

### Question 39 – Table 2 Justified

*Is table 2 justified and will it be effective?*

25. Table 2 of the Submitted Local Plan provides, in tabular form, illustrative summary information. To confirm, it is presented at the end of strategic policies, rather than flowing straight on from/ part of policy S4 specifically. Table 2 also presents parallel information on the associated required infrastructure (consistent with the first clause of policy S2, submitted plan page 35).
26. Table 2 provides details of the key community infrastructure that needs to be delivered to support planned development, focusing mainly on the needs generated by the expected population growth. Table 2 gives is an illustrative representation and is not intended to have policy status. The table provides a brief albeit sufficiently comprehensive summary of delivery: where it will broadly be located, an indicative timescale for its delivery and the general mechanisms by which it will be delivered.

27. In relation to the community infrastructure shown in Table 2, this reflects the information contained within both the Future Infrastructure Statement ([INF-3](#)) and Dartford's Infrastructure Delivery Plan ([INF-2](#)). INF-3 sets the broad infrastructure framework for the planned growth in the Local Plan. Within this framework, INF-2 provides further details of necessary and specific infrastructure projects in respect of both their delivery and funding. INF-2 and INF-3 cover a wider range of the infrastructure provision needed to support growth in the Borough.
28. A summary of the general form of Table 2 is thought to be a beneficial part of a sound Local Plan subject to any necessary updating.

## **Question 40 – Pre-School and Special Educational Needs**

*How will the need for pre-school and special educational needs places be addressed?*

29. Within the national context Kent County Council is the Strategic Commissioner for Education in Kent. Early Years Education & Childcare is governed by the Childcare Acts of 2006 and 2016. Early Years & Childcare provision within Kent is available through a constantly evolving private sector resource to cater for maintained, private, voluntary, independent and school-run providers, childminders and academies. Kent County Council carries out an annual Childcare Sufficiency Assessment to identify the supply of, and demand for, early years and childcare provision across the County. The results of this are then broken down by District and within each district the information can be broken down further using primary planning areas. Kent County Council then works with providers to encourage the establishment of additional provision where it is required.
30. The national framework for Special Education Needs and Disabilities (SEND) is set by the Equality Act 2010 and the Children & Families Act 2014. Kent County Council is responsible for issuing and maintaining Educational Health & Care Plans (EHCPs) for children and young people between the ages of 0-25 years. To meet the need for specialist places across Kent a mixture of new special schools, expansions to existing schools and the establishment of satellites and Specialist Resource Provision (SRP) will be commissioned across Kent. A significant change programme is on-going to improve mainstream school SEND inclusion capacity with continued investment in SRP.
31. Kent County Council produces a "*Commissioning Plan for Education Provision in Kent*" that is reviewed on an annual basis. Chapter 5 of this document sets out a series of principles and planning guidelines. Further individual chapters set out the current position and forecast demand for both early years and SEND provision. The Council has regular liaison meetings with KCC's Area Education Officer for North Kent covering Dartford, Gravesham and Sevenoaks districts. The Council shares data with KCC on the progress of development as and when requested to enable the modelling of forecast demand for education provision. The liaison meetings ensure that Dartford's Infrastructure Delivery Plan ([INF-2](#)) is kept up to date with the progress of the delivery of new schools already identified and including early years/SEND provision within these schools where applicable. Points of agreement between KCC and DBC about the approach to education delivery are set out in [SCG-8](#) (page 10 paragraph 4.26).
32. It has been the position of KCC, supported by the Council, that all new primary schools include maintained nursery provision and that all new primary and secondary schools include Specialist Resource Provision to meet growing demand. Where deficiencies in the facilities for early years/SEND provision have been identified within the Commissioning Plan the Council works with KCC's Area Education Officer for North



Kent to identify opportunities where additional provision could be provided. This on-going work is identified within either Section 2 of Section 3 of Dartford's IDP ([INF-2](#)) depending on the progress of the specific projects currently identified.

#### **Question 41 – Settlement/ Development Boundaries and Approach to Development**

*Does the plan identify any settlement/ development boundaries and if so, what is the approach to development in such areas?*

33. The submitted Local Plan identifies the following applicable areas/ boundaries and associated policies covering development strategy, all of which are apparent on Diagram 1, the Key Diagram (page 25 of [COR-1](#)):
- Land, including villages, inset from the Green Belt boundaries (principal spatial policies: S1 to S4, and M23)
  - Urban Area (principal spatial policies S1 to S4, policies M21 to M23), featuring:
    - Central Dartford (policies D1 to D7).
    - Ebbsfleet Garden City and Swanscombe (policies E1 to E6).

*Approach to the Green Belt*

#### **Question 42 – Green Belt approach and NPPF**

*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 149<sup>2</sup>?*

34. Table 1 below sets out how the requirements of criteria 5-9 and 12-13 meet the exceptions set out in paragraphs 149 and 150 of the NPPF.
35. Criteria 10 and 11 of the policy do not specifically relate to Green Belt development. However, it should be noted that farms are most likely to be located in the Green Belt given the nature of the Borough and the extent of land covered by the Green Belt policy designation. Criterion 10 accords with paragraphs 174(a) and 174(b) of the NPPF. Criterion 11 seeks to allow agricultural diversification in accordance with paragraph 84(b) of the NPPF but the restrictions included in the policy reflect the fact that farms are most likely to be located in the Green Belt.

**Table 1: Policy Compliance with Paragraphs 149 and 150 of the NPPF**

<b>NPPF Exception</b>	<b>Policy M13 Approach</b>
Para 149 a) buildings for agriculture and forestry	Not included within the policy as such buildings do not require planning permission
Para 149 b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the	M13(13) outlines the generic approach to proposals for outdoor sport and recreation.  M13(12) sets out a specific approach towards proposals for equine development, the overall aim of which is to ensure that

<sup>2</sup> 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.

NPPF Exception	Policy M13 Approach
Green Belt and do not conflict with the purposes of including land within it	such development preserves the openness of the Green Belt and does not conflict with the purposes of the Green Belt.
Para 149 c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building	M13(7) outlines the Council's approach to ensuring that extensions to buildings meet this NPPF requirement.
Para 149 d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces	M13(6) sets out the approach to replacement buildings in accordance with the NPPF.
Para 149 e) limited infilling in villages	M13 does not refer to limited infilling in villages and NPPF paragraph 149 would apply to any applications by default. Policies M9 and M11 will also apply.
Para 149 f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites)	M13 does not include any provision for limited affordable housing for local community needs. This is because the data on affordable needs is borough-wide and there is no evidence of the needs for local communities. Furthermore, the NPPF definition of rural exception sites to provide affordable housing in perpetuity is only possible in designated rural areas and there is only one parish in Dartford which has been designated as such.
Para 149 g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: - not have a greater impact on the openness of the Green Belt than the existing development; or - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.	M13(8) outlines the Council's approach towards infilling or redevelopment of previously developed sites which accords with this requirement in the NPPF.
Para 150 d) the re-use of buildings provided that the buildings are of permanent and substantial construction.	M13(5) sets out the approach towards the re-use of buildings in accordance with the NPPF.
Para 150 e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).	M13(9) applies to such proposals and accords with the NPPF in this respect.

### Question 43 – Green Belt Volumetric Increase

*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?*

36. Yes. Paragraph 149 of the National Planning Policy Framework sets out a list of development types which are not considered inappropriate in the Green Belt (page 43 of [NAT-1](#)). This includes:
- (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; and
  - (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
37. The 30% volumetric increase figure is intended to clarify DBC's interpretation of a proportionate addition to an original building in the case of extensions and the amount of addition to an original building that would not constitute materially larger in the case of replacement buildings, in line with the NPPF. This is a continuation of the current requirements in policy DP22(6)(b) and DP22(7)(b) of the adopted Development Policies Plan 2017 (pages 103-104 of [POL-2](#)).
38. The current policy approach has been supported in a number of appeal decisions as summarised in table 2 below. It is considered justified to continue with this approach.

**Table 2: Appeal Decisions which Support the Current Policy Approach**

Site name	Planning and appeal refs and appeal decision date	Summary of decision
3 Blackdale Farm Cottages, Green Street Green Road, Darenth	DA/19/015 11/FUL D/4000878 21/10/2020	<ul style="list-style-type: none"> <li>• Appeal dismissed.</li> <li>• Proposed extensions resulting in a volumetric increase of 66%.</li> <li>• This considerable increase in bulk and scale would result in an overly large, disproportionate addition relative to the size of the original building.</li> <li>• As such, it would be inappropriate development in the Green Belt in terms of the NPPF and would be contrary to policy DP22.</li> </ul>
1 Hook Green Farm, Hook Green Lane, Wilmington	DA/21/016 15/FUL <a href="#">APP/T2215/D/22/3293611</a> 03/08/2022	<ul style="list-style-type: none"> <li>• Appeal dismissed</li> <li>• Proposed detached garage.</li> <li>• Reference to the existing rear extension and proposed garage representing a 39% increase in volume over the original building, with the volume of the side building under construction increasing this figure still further.</li> <li>• Taken altogether, the previous extension, the current works and the proposed garage would amount to substantial additions to the property which would be disproportionate over and above the size of the original building.</li> </ul>

Site name	Planning and appeal refs and appeal decision date	Summary of decision
		<ul style="list-style-type: none"> <li>Accordingly, the proposal would be contrary to Policy DP22 and would fail to meet the exception set out in paragraph 149(c) of the Framework.</li> </ul>
Braeside, Roman Villa Road, Darenth	DA/20/008 37/FUL  <a href="#">APP/T2215/W/21/3282/336</a>  08/08/2022	<ul style="list-style-type: none"> <li>Appeal dismissed.</li> <li>Proposed detached outbuilding.</li> <li>When combined with the existing additions, the proposal would result in disproportionate additions over and above the size of the original building. As such, it would be contrary to Policy DP22 and would fail to meet the exception set out in paragraph 149(c) of the Framework."</li> </ul>

#### Question 44 – Other Harm to the Green Belt

*Is the list of other harm to the Green Belt identified in policy M13 (3) justified?*

39. Yes. This is a continuation of the approach contained in policy DP22(3) in the adopted Development Policies Plan 2017 (page 103 of [POL-2](#)). Paragraph 148 of the NPPF refers to "any other harm resulting from the proposal" but does not identify what this comprises (page 43 of [NAT-1](#)). The list of criteria in policy M13(3) is intended to help stakeholders to understand what factors DBC will consider in assessing "any other harm" when determining relevant planning applications (page 158 of [COR-1](#)).

#### Question 45 – Approach to Development not Inappropriate in the Green Belt

*Is the approach to development that would not be inappropriate under M13(4) justified having regard to the aims of Green Belt policy?*

40. DBC considers that there is a need for text in policy M13 which confirms that developments not inappropriate under national planning policy would be assessed against the subsequent criteria in the policy, where applicable. However, on reflection, it is considered that the references to conserving the Green Belt as a recreational, ecological and agricultural resource are not necessary and should be removed.

#### Question 46 – Policy M13 Footnote

*A footnote to policy M13 appears to be missing. What should it say?*

41. An earlier version of the Plan included the definition for original building at the end of the policy and that is what the asterisks in policy M13(6)(b) and M13(7)(b) are referring to. The definition for original building is now contained in the glossary (see page 216 of [COR-1](#)). There should be a modification to the policy which either removes the asterisks or retains the asterisks and reinstates the definition at the end of the policy.