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**Our ref:** KT/2006/000153/CS-  
12/EW1-L01

**Your ref:**

**Date:** 22 September 2023

Dear Mark Aplin

### **Dartford Local Plan Main Modifications**

Thank you for consulting us on the Dartford Local Plan Main Modifications. Please find to follow comments on the Main Modifications relevant to the Environment Agency.

Please do not hesitate to contact us should you require any further information.

Yours sincerely

**Planning Advisor**  
Direct e-mail



## **Policy S2: Infrastructure Planning Strategy MM/03**

### **Strategic Flood Defence Zone**

We support the inclusion of the 'Strategic Flood Defence Zone (new lower Thames barrier)' in the table.

Please can the text in brackets be reworded to "possible future Thames Barrier" to reflect that we are assessing other options. Furthermore, the future Thames Barrier needs to be considered from the present until beyond 2037.

### **Tidal Flood Defence Zone**

We support the inclusion of the 'Tidal Defence Zone' in the table.

Defence improvements in this area will need to be implemented by 2040. The timescale for this work should therefore be from the date of publication of the Local Plan, to 2040. Additionally, it is unlikely that all the defence improvements required will be delivered through development, so delivery should be jointly owned by 'Landowners/developers/EA'.

**Policy M4: Flood Risk and Riverside Design**  
**MM/17**

The proposed changes result in too great a focus on the sequential test. As set out in paragraph 161 of the National Planning Policy Framework, the sequential *approach* is about more than just the application of the sequential *test* and it is the broader sequential approach to managing flood risk that we would like to see emphasised at a local level.

## **Site Allocations**

**MM/10, MM/21, MM/23, MM/32**

### **Flood Risk**

We don't have any specific comments on the changes to site allocations with regard to flood risk. However, we would advise that where a particular quantum of development is suggested in the allocation of sites close to the river (number of units etc), it should take account of the reduced developable area due to the need to set development back.

### **Groundwater and Contaminated Land**

We advise that sites included but not limited to those in the allocations include land within Source Protection Zones and upon Principal Aquifers. These areas are considered sensitive in respect of controlled waters. The Planning and permitting regimes will provide detailed advice at the point of redevelopment application.

We advise that any site within a Source Protection Zone or upon a Principal or Secondary Aquifer and with a history of contaminative usage will require detailed information to be submitted at the point of planning permission application. We would expect to see as a minimum a Preliminary Risk Assessment (PRA) with subsequent Site investigation, remediation and validation reports as appropriate and applicable to the site as identified by the PRA.

We would also expect detailed drainage and piling design to be submitted and form part of any conditions attached to any permission granted in order to mitigate against the potential for pollution to controlled waters in accordance with NPPF paragraphs 174 and 183.

### **Biodiversity**

We would like additional text included in paragraph 3.57a to incorporate an expectation to provide a continuation in green/blue networks to form habitat continuum towards the river.

## **Policy M15: Biodiversity and Landscape MM/ 26**

Overall we are supportive of this main modification. However, we wish to make the following points.

### **Local Nature Recovery Strategy**

This main modification should refer to the 'Local Nature Recovery Strategy' rather than more generic 'nature recovery strategies'. Kent and Medway will only have one Local Nature Recovery Strategy and it will outline the agreed county wide habitat creation opportunities.

In both sections we recommend the modified text could read "or as part of agreed county-wide habitat creation or enhancement projects being identified in Kent and Medway's Local Nature Recovery Strategy – expected to be published in 2024."

### **Biodiversity Net Gain**

This modification should also include a paragraph to ensure that Biodiversity Net Gain is supported by an appropriate Landscape and Ecological Management Plan to provide ongoing monitoring and maintenance that be subject to auditor spot checking by the local authority. This is because prior agreed enhancements have often not been subject to adequate ongoing maintenance and care, leading to an eventual loss in biodiversity value. Biodiversity Net Gain (BNG) will be a legal requirement from November 2023 so the need to ensure establishment and maintenance should also be stipulated.

Additionally, we would wish to see a rewording of the references to Biodiversity Net Gain to include an indication that the local planning authority would view developments exceeding this threshold more favourably, especially if connected to existing green/ blue networks. It should be noted that a net gain in every habitat type including river/stream networks should be achieved. The Kent Nature Partnership document referenced in our Pre- Submission Draft Consultation response (October 2021) can be accessed on the following link:

["Viability Assessment of Biodiversity Net Gain in Kent – June 2022."](#)