

Inspector's Matters, Issues and Questions

Matter 10: Development Management and Other Policies

Response by Dartford Borough Council

14 October 2022

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Issue

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

Relevant policies – S3, M1, M2, M3, M4, M5, M6, M14, M15

Policy S3 – Climate Change Strategy

Question 150 – Climate Change

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?

1. 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.
2. 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?
3. 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.
 4. 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](#)).
 5. 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 a 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.
6. 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
7. 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.
8. 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](#)).
9. 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.
10. 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.

11. 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.

Policy M1 – Good Design for Dartford

Question 151 – Policy M1 General

Is the policy justified, effective and consistent with section 12 of the Framework?

12. DBC considers that policy M1 is justified, effective and consistent with section 12 of the NPPF. The key evidence to justify policy M1 is contained in table 5 (which sets out its relationship with existing adopted Local Plan policies) and paragraphs 1.26-1.28 and 1.33-1.35 of the Environment and Climate Change Topic Paper (pages 19, 20, 24 and 25 of [ECC-1](#)).
13. Furthermore, the Sustainability Appraisal (SA) found policy M1 to have largely positive effects in relation to relevant SA objectives (pages 160-162 of [COR-8](#)). The Local Plan NPPF Compliance document sets out the key design policy requirements outlined in paragraphs 127-130 in section 12 of the NPPF and how policy M1 complies with them (page 6 of [COR-18](#)).

Question 152 – Policy M1 Outstanding or Innovative Design

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?

14. Paragraph 134(b) of the NPPF states that significant weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings (page 40 of [NAT-1](#)). The principle of fitting in is behind the part of the submitted policy approach which seeks to recognise sensitive areas or assets.
15. If necessary for clarity, the policy could be modified to mirror the NPPF on fitting in with surroundings. Or it could be an option for the final sentence of criterion 2 on this topic to be deleted.

Policy M2 – Environmental and Amenity Protection

Question 153 – Policy M2 Air Quality

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

16. Yes there is consistency. The Air Quality Management Areas (AQMAs) comprise:
- A282 Tunnel Approach – declared in 2001 due to exceedances of the annual mean air quality objective for both NO₂ and PM₁₀
 - London Road – declared in 2006 due to exceedances of the annual mean air quality objective for NO₂

- Dartford Town Centre and Approach Roads – declared in 2006 due to exceedances of the annual mean air quality objective for NO₂

There was previously also an AQMA at Bean Interchange but DBC's Cabinet made the decision to revoke this at its meeting on 22 July 2021 – see item 33 [here](#). This is the reason for proposing its deletion from the Policies Map (see page 36 of [COR-2](#)).

17. The current AQMA Action Plans (AQAP) comprise:
- A282 Tunnel Approach Road Action Plan, 2002
 - Dartford Town and Approach Roads, A226 London Road and Bean Interchange Action Plan, 2009

There has recently been a consultation on a Draft Air Quality Action Plan (DAQAP) for 2022-2027 which finished on the 30th September 2022. No information is available on the outcome of this currently. Pages i-ii of the DAQAP list the projects delivered through the previous action plans that have had positive impacts upon air pollution within Dartford (see pages i-ii of the document at: <https://www.dartford.gov.uk/downloads/file/1687/dartford-aqap-draft-v0-5#page=3>). If finalised and approved, the new AQAP would replace the two existing Plans.

18. The DAQAP sets out an initial draft list of measures which are considered to be the most effective, feasible and cost-effective to pursue in terms of potential air quality improvements within the AQMAs and the wider borough (see pages 31-33 of the document at: <https://www.dartford.gov.uk/downloads/file/1687/dartford-aqap-draft-v0-5#page=39>). These measures are subject to potential change following consideration of the consultation response but as road traffic has been identified as a principal source of both NO₂ and PM₁₀ concentrations within the AQMAs, the measures are aimed at reducing the overall reliance on fossil-fuel based vehicle transport. This, in particular, creates consistency of aims between the Local Plan and DAQAP.
19. Allied with provisions in policy M2, there is a strong alignment between air quality and sustainable travel objectives in the submitted Local Plan (see page 18, for example Strategic Objective W1). Accordingly, Paragraph 3.2.1 of the DAQAP refers to the new Local Plan in helping air quality and paragraph 3.5.4 sets out that planning and infrastructure is one of six priorities for action to help address exceedances in meeting air quality objectives in Dartford Borough.
20. Local Plan policy S2 clause 3 (page 35), confirms the strategy of sustainable locations and transport supporting AQMA aims. Also consistent with Policy M2, policy M17 of the Plan (page 178 to 179) includes safe and sustainable transport, e.g. electric vehicle charge points, and active travel measures (see for instance M17 clauses 4 and 5). In line with this and other policy, the DAQAP features Measures 12 to 14 in table 5.1 seeking to improve sustainable travel and cycling and pedestrian provisions in the Borough.
21. These show examples of good consistency between the submitted Local Plan and DAQAP, and there is the opportunity - as necessary - for further refinement and alignment before a new Action Plan is finalised.

Policy M3 – Sustainable Technology, Construction and Performance

Question 154 – Policy M3 BREEAM Standard

Is the requirement for non-residential to reach BREEAM excellent standard justified? Would it be viable?

22. The submitted Local Plan includes provision for some significant levels of non-residential developments (see Matter 7). Moreover, mitigating and adapting to climate change, and moving to a low carbon economy, is a central part of the national overarching environmental objective for achieving sustainable development (NPPF page 5 paragraph 8c).
23. BREEAM (Building Research Establishment Environmental Assessment Method) is a well-recognised and established method for achieving more sustainable non-residential buildings. Its sustainability assessment method sets standards for the environmental performance of buildings through the design, specification, construction and operation phases. It focuses on sustainable value across a range of categories:
- Energy
 - Land use and ecology
 - Water
 - Health and wellbeing
 - Pollution
 - Transport
 - Materials
 - Waste
 - Management
- Each category focusses on the most influential factors, including reduced carbon emissions, low impact design, adaption to climate change, ecological value and biodiversity protection.
24. The BREEAM assessment is carried out by independent licenced assessors and each of the criteria is scored and then multiplied by a weighting. Developments are rated and certified on a scale of Unclassified (<30%), Pass (>30%), Good (>45%), Very Good (>55%), Excellent (>70%) and Outstanding (>85%)¹. This can achieve reductions in energy and running costs. The current standards for non-domestic buildings are available at:
https://files.bregroup.com/breeam/technicalmanuals/NC2018/content/resources/output/10_pdf/a4_pdf/print/nc_eng_a4_print_mono/eng_nondom_2018.pdf
25. Policy M3(2) requires non-residential development over 1,000sqm to achieve the BREEAM excellent standard. Policies CS23(1)(c) and CS25(1)(d) of the adopted Core Strategy 2011 also required developments to meet excellent standard (see pages 86 and 90 of [POL-1](#)).
26. The Local Plan Viability Assessment tested the BREEAM excellent standard for major non-residential floorspace developments. It included an addition of 0.4% build cost to reflect this (see pages 46 and 81 of [VIA-1](#)). A narrative of the results is set out in paragraphs 3.4.6-3.4.14 of the Assessment (see pages 82-85 of [VIA-1](#)). The Assessment that the scope of the policies that are likely to directly impact on development viability is very limited. Paragraph 4.4.3 concludes that:

¹ Source of information in this and previous paragraph is <https://www.thenbs.com/knowledge/what-is-breeam>

“In this regard, the nominal level of additional cost related to achieving the BREEAM ‘Excellent’ standard on sustainable construction has been included as a base assumption rather than sensitivity tested. This has not been found to make a difference that is likely to be significant enough to move any scenario tested from being viable into non-viability. In practice this is considered likely to be simply one of the many variables and not a major factor in terms of deliverability.” (see page 91 of [VIA-1](#)).

27. A number of non-residential developments are achieving BREEAM excellent in the Borough, including, for example:

- The Bridge Dartford, Plots 32 and 33 (20/00311/REM)
- The Bridge Dartford, Plot 34 (20/00312/REM)
- Littlebrook Dartford, Phase 1 (20/00311/REM)
- Littlebrook Dartford, Phase 2 (19/01515/FUL)
- Littlebrook Dartford, Phase 3 (21/01005/FUL)

28. BREEAM Excellent on applicable developments is therefore considered generally viable, and justified against evidence. Also, more recent increases in energy prices and costs, and savings accrued by buildings with high levels of sustainability performance for their occupiers, may have further increased desirability and feasibility.

Question 155 – Policy M3 Reducing Carbon Emissions

Is the requirement to reduce regulated carbon emissions at least 19% beyond Building Regulations justified?

29. No, it is no longer justified, as Part L of the Building Regulations has changed since the Submission Local Plan was published in September 2021.
30. Para 5.34 and criterion 7 of the Submission Local Plan refer to part L of the Building Regulations as applicable in September 2021 when the Local Plan document was produced. The 19% reduction in carbon emissions was justified on the basis of being a continuation of the equivalent level of performance set out in the Core Strategy and what was allowed by national planning policy (see paragraphs 1.43-1.44 of the [Environment and Climate Change Topic Paper ECC-1](#)).
31. Revised Part L of the Building Regulations was published in December 2021 and took effect on 15 June 2022 – see https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1082462/ADL1_revised.pdf. It relates to the conservation of fuel and power in new and existing dwellings and buildings other than dwellings. The effect of the changes is that new homes and buildings in England will have to produce significantly less CO₂. Under the new regulations, CO₂ emissions from new build homes must be around 30% lower than previous standards and emissions from other new buildings, including offices and shops, must be reduced by 27% – see <https://www.gov.uk/government/news/new-homes-to-produce-nearly-a-third-less-carbon>.
32. As the Submission Local Plan requirement has now been superseded by the changes to the Building Regulations, DBC considers that there should be a main modification to the plan which removes the relevant policy requirements and refers to the new requirements under the Building Regulations in the supporting text.

Question 156 – Policy M3 General

In all other respects, is the policy justified, effective and consistent with national policy?

33. DBC considers that policy M3 is justified, effective and consistent with national policy. The key evidence to justify policy M3 is contained in table 5 (which sets out its relationship with existing adopted Local Plan policies) and paragraphs 1.30-1.31 and 1.38-1.44 of the Environment and Climate Change Topic Paper (pages 21, 22, 24-26 of [ECC-1](#)).
34. The Sustainability Appraisal (SA) found policy M3 to have largely positive effects in relation to relevant SA objectives (pages 164-166 of [COR-8](#)). The Local Plan NPPF Compliance document sets out the climate change policy requirements outlined in paragraphs 153-155 in section 14 of the NPPF and how policy M3 complies with them (page 7 of [COR-18](#)).

Policy M4 – Flood Risk and Riverside Design

Question 157 – Policy M4 General

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

35. DBC considers that policy M4 is justified, effective and consistent with national policy. The key evidence to justify policy M4 is contained in table 5 (which sets out its relationship with existing adopted Local Plan policies) and paragraphs 1.45-1.50 of the Environment and Climate Change Topic Paper (pages 22-23 and 27 of [ECC-1](#)).
36. Furthermore, the Sustainability Appraisal (SA) found policy M4 to have largely positive effects in relation to relevant SA objectives (pages 166-167 of [COR-8](#)). The Local Plan NPPF Compliance document sets out the flooding policy requirements outlined in paragraphs 59-169 in section 14 of the NPPF and how policy M4 complies with it (page 7 of [COR-18](#)).

Question 158 – Policy M4 Water Safety Measures

Would the policy be effective in securing water safety measures for development on sites with riverside frontages?

37. It was considered that water safety measures could be secured through policy M1(4) which requires public spaces in and outside buildings to be designed to be safe (page 111 of [COR-1](#)). If cross reference to potential lifesaving equipment and suicide prevention measures (etc.) under policy M1 is required from the reasoned justification of M4, it should be noted that this would only be potentially applicable on those sites where the relevant part of the riverside frontage is actually included directly within the boundary of the development site.

Policy M5 – Designated Heritage Assets

Question 159 – Policy M5 General

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

38. DBC considers that policy M5 is justified, effective and consistent with national policy. The key evidence to justify policy M5 is contained in table 6 (which sets out its relationship with existing adopted Local Plan policies) and paragraphs 1.52 and 1.54-1.55 of the Environment and Climate Change Topic Paper (pages 29 and 31 of [ECC-1](#)).
39. The Sustainability Appraisal (SA) found policy M5 to have positive effects in relation to relevant SA objectives (pages 168--169 of [COR-8](#)). The Local Plan NPPF Compliance document sets out the historic environment policy requirements outlined in paragraph 189 in section 16 of the NPPF and how policy M5 complies with it (page 8 of [COR-18](#)).

Policy M6 – Historic Environment Strategy

Question 160 – Policy M6 General

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

40. DBC considers that policy M6 is justified, effective and consistent with national policy. The key evidence to justify policy M6 is contained in table 6 (which sets out its relationship with existing adopted Local Plan policies) and paragraphs 1.53-1.55 of the Environment and Climate Change Topic Paper (pages 30-31 of [ECC-1](#)).
41. Furthermore, the Sustainability Appraisal (SA) found policy M6 to have positive effects in relation to relevant SA objectives (pages 168--169 of [COR-8](#)). The Local Plan NPPF Compliance document sets out the historic environment policy requirements outlined in paragraphs 189-190 in section 16 of the NPPF and how policy M6 complies with them (page 8 of [COR-18](#)).

Question 161 – Policy M6 Areas of Special Character

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

42. Submitted Local Plan policy M6 notes at Clause 4b) that the Borough's non-designated heritage assets include applicable sites within Areas of Special Character.
43. The word "applicable" is important and this confirms that it does not mean all or most sites within Areas of Special Character are non-designated heritage assets. However, it highlights that consideration should be given on a site-by-site basis as to the potential for non-designated assets to be affected and taken into account in formulating development proposals. The establishment of significance or otherwise is required (clause 5; see pages 127 to 129 paragraphs 5.51 and 5.52 and 5.55) before non-designated assets policy applies.
44. The Areas of Special Character and Areas of Special Residential Character were originally established through the Borough of Dartford Local Plan 1995 and the policy background is set out in paragraphs 2.1-2.5 of the Areas of Special Character Overview Note (pages 1-2 of [ECC-11](#)). In support of work on the Dartford Development Policies Plan, all these areas were reviewed and recommendations made on whether they

should be taken forward (see section 3 on pages 3-9 of the Overview Note [ECC-11](#)). Section 4 of the Overview Note concluded that existing policy had helped in managing development proposals in these areas since 1995, that the areas still provide the unique and historic special features identified in each area appraisal, and that it would be desirable for them to continue to benefit from specific policy focus to guard against unsympathetic development that would detract from the 'specialness of the area' (see pages 10-11 of [ECC-11](#)). They were subsequently included on the Policies Map and policies DP2(3) and DP12(5)(b) of the adopted Dartford Development Policies Plan 2017 apply (see pages 17 and 66 of [POL-2](#)).

45. DBC considers that these areas remain justified and of value and should continue to be recognised, including as set out in policy M1(1)(b). The Area Appraisals have not been submitted as part of the new evidence base but are available at:
<https://www.dartford.gov.uk/policy-1/area-appraisals-briefs-guides>
46. The specific policy content noting that non-designated assets may include applicable sites within Areas of Special Character, is considered in line with NPPF section 16; for example no inconsistency with paragraph 197c (page 56). If an alternative approach is necessary, this could be to rely only on policy M1 (clause 1b).

Question 162 – Policy M6 Local List

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

47. No, there is no current local list of non-designated heritage assets and there is currently no specific timescale to prepare one. The changing government policy on design and the value of the local sense of place and identity shaped by local history (National Design Code: Context C2) provides support for a more area based approach to identify non-designated assets rather than a list of isolated buildings. The Council has existing Appraisals of Conservation Areas and Special Character Areas but is likely to undertake further character appraisal as part of future borough wide Design Code work.
48. The Council currently uses information from the [Kent Historic Environment Records](#) database and Conservation Area appraisals. These identify the local sense of place and buildings of significance, and additionally Areas of Special Character Appraisals which also include some information on local heritage; as well as local knowledge and consultation responses to determine the presence of non-designated heritage assets. It is however prudent to allow for the preparation of a list should this be required.

Policy M14 – Green and Blue Infrastructure and Open Space provision

Question 163 – Policy M14 Green and Blue Infrastructure Requirements

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

49. The justification for the percentage requirements for green and blue infrastructure in policy M14(1) is set out in paragraphs 2.6-2.8 of the Green Infrastructure Paper (Page 6 of [ECC-2](#)).
50. The policy is consistent with the site assumptions made in Local Plan viability testing. Paragraph 2.14.1 of the Local Plan Viability Assessment makes clear that the viability of development has been tested using the Core Strategy principle approach towards

open space requirements, i.e. the percentage approach now included within Submission Plan policy M14(1) (pages 44-45 of [VIA-1](#)). Specifically, the first table of the Assessment's Appendices [VIA-2](#) set out typologies for sites between 2 and 20 hectare in gross size, and a table note confirms policy compliant allowances to use an appropriate net site size: "15% added to allow for the gross site area plus a further 20% added on sites >2ha for open space as per emerging policy requirements".

51. As stated in paragraph 2.7 of the Topic Paper [ECC-2](#), the percentages are a continuation of the longstanding strategy set out on policy CS14 of the adopted Core Strategy 2011. This means there is a track record of delivery, examples of which are featured in Table 1 below. Proposed policy M14(1) sets out the same thresholds and percentage requirements as contained in current policy CS14(1) (see page 164 of [COR-1](#) and page 69 of [POL-1](#)). Current policy CS14(1) relates to the Green Grid network of open spaces consisting of green corridors, rivers, lakes and landscapes, whereas proposed policy M14(1) relates to the provision of Green and Blue Infrastructure which has a broader definition as set out in the Glossary in Appendix B of the Plan (page 214 of [COR-1](#)).

Table 1: Open Space Delivery at Large Sites

Site Name	Permission Ref	Site Size, hectares	% of Site Sought by Policy as Open Space	% of Site Provided as Open Space
Eastern Quarry, Ebbsfleet (i.e. including Ashmere, Alkerden, and Castle Hill).	EDC 17/0048 Parameters schedule January 2018.	c. 270 ha.	30%	<ul style="list-style-type: none"> 33% (minimum across all Eastern Quarry once complete. Also a minimum quantum of open space within the development prior to this. Lake area restricted to between 20 and 30 hectares).
Croxton and Garry, Ebbsfleet	EDC/21/0064, EDC/19/0161, EDC/21/0012, EDC/21/0064	5.3 ha.	20%	20%
Ebbsfleet Green, Ebbsfleet (former Northfleet West Substation)	05/00308/OUT	c.40 ha.	30%	30%
Empire Sports Ground, Greenhithe	12/01325/OUT, 15/01497/REM	3.3 ha.	20%	43%
Littlebrook Phase 2	19/01515/FUL	18.1 ha.	20%	34%
Littlebrook Phase 3	21/01005/FUL	12.1 ha.	20%	30%
Crossways (former Thames Europort/ Dartford	19/00991/FUL	10.9 ha.	20%	30%

<i>Site Name</i>	<i>Permission Ref</i>	<i>Site Size, hectares</i>	<i>% of Site Sought by Policy as Open Space</i>	<i>% of Site Provided as Open Space</i>
International Ferry Terminal)				
Crossways (former Thames Euorport/ Dartford International Ferry Terminal)	21/01349/FUL	7.4 ha.	20%	23.5%

52. It should also be noted the final sentence of the policy provides additional flexibility by allowing provision of open space improvements in the vicinity, where not feasible or appropriate on-site. The M14 percentage requirements are justified and have a track record, and offer benefits such as providing policy clarity at the early stage of considering and bringing forward medium/ large sized sites.

Policy M15 – Biodiversity and Landscape

Question 164 – Policy M15 Screening Requirements

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?

53. Yes. As shown in figure 11 of the plan and stated in paragraph 2.3 of the Habitats Regulations and Large Sites in Dartford Borough – Guidance for Developers document, the eastern boundary of Dartford Borough is approximately 6km from the boundary of the nearest site of international biodiversity importance – the Thames Estuary and Marshes Ramsar site (see page 167 of [COR-11](#) and page 4 of [ECC-8](#)). Therefore, the requirement in DBC for proposals within 10km of the North Kent Special Protection Areas and Ramsar Sites to be subject to screening is justified as they would all be within the 6km and 10km buffers.

Question 165 – Policy M15 Mitigation Requirements

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?

54. Criterion 1 of policy M15 states:
“...Residential developments of more than 15 dwellings located within 10km of the North Kent Special Protection Areas and Ramsar sites will be subject to screening and, if necessary, assessment under the Habitats Regulations. This may require the implementation of mitigation measures to ensure that there are no likely significant effects on the protected features of those sites.” (page 170 of [COR-1](#))

This is supported by text in paragraphs 5.132-5.134 and Figure 11 in the plan (pages 165-167 of [COR-1](#)). Paragraph 5.134 summarises the approach that will apply towards residential developments within 10km of the North Kent SPAs and Ramsar sites, including three options for mitigating impacts, and more detailed information is contained in sections 5 and 6 of the Habitats Regulations and Large Sites in Dartford Borough –

Guidance for Developers document which is cross referenced in the plan text (see pages 6-9 of [ECC-8](#)).

55. The main residential sites in the applicable part of the Borough are within Ebbsfleet Garden City. For context, out of these sites most of the planned dwellings, including all the Ashmere and Alkerden allocation, have already addressed mitigation arrangements, it having been dealt with at outline permission stage. In the rest of the Borough, there are up to six sites identified in the housing land supply that may be relevant, however four of these already have planning applications or permission. Therefore, the requirement is only anticipated to apply on a very small number of new sites.
56. It is considered that the policy, when read in conjunction with paragraphs 5.132-5.134 and the Habitats Regulations and Large Sites Guidance for Developers provide sufficient clarity in terms of the need for mitigation from residential development within 10km of the North Kent SPAs and Ramsar sites.

Question 166 – Policy M15 Tariff-based Financial Contributions

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

57. Tariff-based financial contributions towards mitigation are one of the options set out in paragraph 5.134 of the Plan (page 166 of [COR-1](#)). A footnote in this paragraph refers to the Habitats Regulations and Large Sites in Dartford Borough – Guidance for Developers document ([ECC-8](#)).
58. Paragraphs 5.5-5.6 of the Guidance for Developers document set out how the tariff is calculated and the measures that are likely to be funded from tariff payments received (pages 7-8 of [ECC-8](#)). This sets out that the tariff is index linked, and would suggest it is appropriate to include in a document that can be updated with sufficient frequency.
59. It is considered that the policy, when read in conjunction with paragraph 5.134 and the Habitats Regulations and Large Sites Guidance for Developers provides sufficient clarity in terms of what mitigation will be required.

Question 167 – Policy M15 Off-Site Measures

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?

60. The footnote to paragraph 5.134 of the Plan refers to the Habitats Regulations and Large Sites in Dartford Borough – Guidance for Developers document (see page 166 of [COR-1](#)). Paragraph 5.6 of the Guidance document sets out the list of projects which the financial contributions would help to fund (see pages 7-8 of [ECC-8](#)). Further information on the projects is set out in the Thames, Medway & Swale Estuaries – Strategic Access Management and Monitoring Strategy and the Bird Wise North Kent Mitigation Strategy 2018 – see <https://northkent.birdwise.org.uk/wp-content/uploads/2018/02/North-Kent-SAMMS-Report-2014.pdf> <https://northkent.birdwise.org.uk/wp-content/uploads/2018/02/Mitigation-Strategy.pdf>

61. The projects are managed by Birdwise North Kent who produce annual reports of the activities undertaken including contributions received from each authority area and project expenditure – see <https://northkent.birdwise.org.uk/research-and-strategy-reports/#strategyReports>

Question 168 – Policy M15 Mitigation Options

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?

62. Criterion 1 of the policy refers to the potential need for mitigation measures for residential developments of more than 15 dwellings within 10km of Special Protection Areas and Ramsar site to ensure that there are no likely significant effects on the protected features of those sites (see page 170 of [COR-1](#)).
63. The supporting text in paragraph 5.134 sets out flexibility, clearly stating the three options for mitigating the impacts and makes reference to the Habitats Regulations and Large Sites in Dartford Borough – Guidance for Developers which outlines more information on each option (see page 166 of [COR-1](#) and pages 7-8 of document [ECC-8](#)). It is considered that this (and the Habitats Regulations and Large Sites Guidance for Developers) provide sufficient clarity in terms of what mitigation will be required.
64. It should be highlighted for this and the above questions that there is agreement between DBC and Natural England: on paragraph 5.134 of the Local Plan, and the Habitats Regulations and Large sites in Dartford Borough – Guidance for Developers document. As set out on page 4 [SCG-7](#), both parties consider that this approach is sound and accords with the requirements in the NPPF and the Habitats Regulations.

Policy M18 – Community Uses

Question 169 – Policy M18 Areas Safeguarded for Community Uses

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

65. Policy M18(2) protects existing community facilities from development for non-community use; and policy M18(3) safeguards land that has been earmarked for the provision of community facilities through planning obligations, or other formal agreements, attached to planning permissions. Supporting the third clause, facilities and locations (where available) are indicated in Dartford's Infrastructure Delivery Plan (IDP) [INF-2](#). The IDP could be directly referenced in submitted Local Plan paragraph 5.169.
66. Policy M18 therefore both affords protection and safeguarding to existing and new community facilities. Specific new premises are not shown on the Policies Map as the provision of such facilities is generally delivered within larger development sites, including via allocations policies. The exact position of such facilities is dependent on how these sites build-out, and other factors (such as precise scale of land necessary) are prone to change. To secure delivery of community facilities provision requires a degree of flexibility over future detailed aspects, especially when building space requirements and models of service delivery are altering.

67. Potential primary care, primary schools and secondary schools may have greater certainty as a result of their provision through planning obligations and masterplanning. Complementing the earmarking through policy M18 clause 3, the general likely location of further key community facilities relating to health and education provision is shown in Diagram 2 of the Local Plan (page 29), with primary care and primary school search zones indicated where a likely future need has been identified; though, the specific provision has yet to be finalised.