
Report to Dartford Borough Council

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an Inspector appointed by the Secretary of State

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Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

Report on the Examination of the Dartford Local Plan 2017 to 2037

The Plan was submitted for examination on 13 December 2021

The examination hearings were held between 9 and 10 June, 8 and 29 November 2022, and 11 May 2023.

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Abbreviations used in this report

AMR	Annual Monitoring Report
DtC	Duty to Cooperate
IDP	Infrastructure Delivery Plan
LTC	Lower Thames Crossing
MM	Main Modification
NPPF	National Planning Policy Framework (2021)
PPG	Planning Practice Guidance
PPTS	Planning Policy for Travellers Sites (2023)
PSED	Public Sector Equality Duty
SCI	Statement of Community Involvement
SHLAA	Strategic Housing Land Availability Assessment
SRN	Strategic Road Network
SSSI	Site of Special Scientific Interest
The Plan	The Dartford Local Plan to 2017-2037
UCO	Use Classes Order

Non-Technical Summary

This report concludes that the Dartford Local Plan provides an appropriate basis for the planning of the Borough, provided that a number of main modifications [MMs] are made to it. Dartford Borough Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared schedules of the proposed modifications and carried out sustainability appraisal of them. The MMs and an updated sustainability report were subject to public consultation over an eight-week period. In some cases I have amended their detailed wording and/or added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering the sustainability appraisal and habitats regulations assessment and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Amend the plan period to reflect the date at which the standard method has been calculated;
- Amend the strategic policies to reflect the release of Green Belt land to meet gypsy and traveller pitch needs and insert additional positive wording in the gypsy and traveller policy to address the shortfall in the provision of pitches;
- Amend the Plan to allocate sites that were cross-referenced in the SHLAA as being suitable for development in plan policy;
- Amend policies for Ebbsfleet to reflect the types of development envisaged and reflect changes arising from the Swanscombe Peninsula SSSI boundary in the area;
- Revisions to the wording of Development Management policies to ensure they are justified, effective and consistent with national policy; and
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains my assessment of the Dartford Borough Local Plan (2017-2037) (the Plan) in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate (DtC). It then considers whether the Plan is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework 2021 (paragraph 35) (NPPF) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Dartford Local Plan, submitted in December 2021, is the basis for my examination. It is the same document as was published for consultation in September 2021.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM01**, **MM02** etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal of them. The MM schedule was subject to public consultation for eight weeks. I have taken account of the consultation responses in coming to my conclusions in this report, and in this light, I have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have highlighted these amendments in the report.

Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as documents COR-2 Policies Map changes (2021), Dartford Policies Map East July 2017,

Dartford Policies Map West July 2017 and Dartford Policies Map Town Centre July 2017 as set out in COR-3, COR-4 and COR-5.

6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend MMs to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map.
7. These further changes to the policies map were published for consultation alongside the MMs [EXAM-35].
8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in COR-2 and the further changes published alongside the MMs as set out in EXAM-35 incorporating any necessary amendments identified in this report.

Context of the Plan

9. The submitted Plan provides the spatial strategy, site allocations and development management policies for the Borough, replacing all of the policies from the existing Dartford Core Strategy (2011) and Dartford Development Policies Plan (2017). The Plan focusses on the regeneration and development of large sites within Dartford town along with the ongoing development of the Ebbsfleet Garden City which straddles both Dartford and Gravesham Borough Councils administrative areas.
10. The Borough is bisected by the M25 Motorway and the A2, with the land to the north of the A2 having a predominantly urban character, including the town of Dartford itself, which contains around 70% of the Borough's population. Around half of the land within the Borough is designated as Green Belt with the majority of this being located to the south of the A2, interspersed with villages and hamlets. The population of Dartford Borough has grown by around 29% between 2004 and 2020, the largest increase across the Kent Districts. The Borough contains 12 Scheduled Monuments, 6 Conservation Areas and approximately 180 Listed Buildings. To the north, the Borough is bound by the River Thames.

Public Sector Equality Duty

11. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination including the provision of sites for gypsies, travellers and travelling showpeople to meet identified need, accessible and adaptable housing and housing for older persons.

Assessment of Duty to Co-operate

12. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
13. The Council has clearly engaged on a regular basis with adjoining Local Planning Authorities in respect of strategic issues, and in particular, the strategic issue of housing need throughout the preparation of the Plan from outset to submission. During the hearings, I explored the concerns from Gravesham Borough Council that the Council had not engaged effectively under the DtC in respect of their request to accommodate a proportion of their unmet housing need.
14. Throughout the DtC discussions, the Council undoubtedly faced significant challenges in identifying the extent of any unmet housing need from Gravesham Borough Council. Gravesham indicated in their Regulation 18 consultation (Stage 2) (October 2020) that they will need to provide for around 3,800 dwellings outside of their existing urban areas and settlements. However, Gravesham's consultation document provided no clear information as to whether there is likely to be unmet housing need or what that amount might be. Therefore, as a result, it is unclear what proportion of this housing may need to be accommodated outside of Gravesham Borough.
15. The evidence submitted in the DtC statement and its appendices [COR11-COR14] along with the response to my Matters, Issues and Questions (MIQs) [EXAM3] indicates that the Council had sought information to establish what Gravesham's unmet housing need might be. As there is no clear evidence before me of the scale of Gravesham's unmet housing need, it would be unrealistic to assess what proportion of their housing outside the urban areas and settlements could be met, or how Dartford may have been able to meet it. I also recognise that whilst the extent to which the Council may be able to assist Gravesham remains unknown, the Council had confirmed that the door had not been closed to providing assistance.
16. I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

Assessment of Other Aspects of Legal Compliance

Consultation

17. The Plan has been subject to consultation including a Local Plan Strategic Issues consultation in June 2018 [CON-5], a Preferred Options consultation in

January 2020 [CON-4] followed by the pre-submission publication version in September 2021 [COR-1]. Consultation on the Plan was carried out in compliance with the Council's Statement of Community Involvement (SCI) and involved a significant range of stakeholders including all relevant statutory bodies and a large number of local organisations. All of the representations received as part of the September to October 2021 publication version of the plan were submitted by the Council for consideration and I have taken these into account as part of the examination.

18. The Plan was prepared in accordance with the Local Development Scheme (LDS), although as a result of the staged hearings and further work required in respect of gypsy and traveller sites during the examination, the Plan will be adopted later than envisaged when it was submitted.
19. Following the close of hearing sessions, the MMs that I decided were necessary for soundness were subject to consultation, which was carried out in compliance with the Council's SCI. Further to this, the Council extended the Main Modifications consultation to an 8 week period due to the consultation spanning over the school summer holiday in order to ensure all participants were afforded fair opportunity to comment.

Sustainability Appraisal

20. The Council carried out a sustainability appraisal (SA) of the Plan [COR-8], prepared a report of the findings of the appraisal, and published the report along with the plan and other submission documents under regulation 19. The SA assessed the submitted approach as well as a range of reasonable alternative options.
21. Having regard to the findings of the DtC, the plan did not test the identification of unmet housing need from adjacent authorities. This is because no precise figure had been provided nor could be ascertained during the plan preparation period. Therefore, any unmet housing need figure tested would not have been soundly based and may have resulted in an unreasonable option being considered. As a result, I find the Council's approach in this regard to be appropriate.
22. Further SA was carried out on the MMs and published for consultation alongside the modifications.
23. Overall, the SA results have informed plan preparation along with the wider submitted evidence base. It provides a robust and proportionate assessment to accompany the Plan's preparation.

Other legal compliance matters

24. The Habitats Regulations Appropriate Assessment Report (July 2021) [COR-9] (HRA) sets out that a full assessment has been undertaken and that the plan may have some likely significant effects which require mitigation, particularly in relation to the effects of recreational pressure on the Thames Estuary & Marshes Special Protection Area (SPA) and Ramsar site and the Medway Estuary & Marshes SPA and Ramsar site. The HRA recommended additional wording in the plan and the introduction of a buffer approach to screening residential development to ensure that development that may affect designated sites is assessed. The necessary wording has been secured through the plan as modified.
25. The Development Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area.
26. The Development Plan, taken as a whole, includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. This is principally to be achieved through strategic Policy S3: Climate Change Strategy which seeks to ensure development is well located and designed in order to both mitigate and adapt to the effects of climate change. Furthermore, the policy seeks to reduce the need for unsustainable travel, support active travel modes as well as protecting and enhancing green and blue infrastructure. As a result, strategic Policy S3 provides a clear thread through the overall development strategy as well as the development management policies to support the Plan's role in addressing climate change.
27. The Plan complies with all other relevant legal requirements, including the 2004 Act (as amended) and the 2012 Regulations.
28. The submitted Dartford Local Plan is intended to supersede all of the policies within the Dartford Core Strategy 2011 and all of the policies from the Development Policies Plan (2017) which are identified at Appendix A of the plan.

Assessment of Soundness

Main Issues

29. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified 9 main issues upon which the soundness of this plan depends. This report deals with these main issues. It does not respond to every point or issue raised by

representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

Issue 1 – Whether the Plan's overall approach to meeting Dartford's housing needs is positively prepared and based on robust evidence and is justified, effective and consistent with national policy

30. The submitted Plan's housing need figure has been calculated utilising the Government's standard method as its starting point. Using the standard methodology results in a minimum requirement for 750 new dwellings required per year which, taken over the 16 years of the plan period (2021-2037) would result in 12,000 dwellings.
31. The Council's calculation of housing need is set out in the Residential Needs Assessment Update 2021 [HOU-8] and utilised the 2021 affordability ratio. At the time the plan was submitted for examination, this was the most up to date available. The use of the 2021 affordability ratio is supported by the Planning Practice Guidance (PPG) (Paragraph: 004 Reference ID: 2a-004-20201216) which indicates that the most recent median workplace-based affordability ratios be used. I am therefore satisfied that the approach to the calculation was undertaken correctly and is sound.

Setting the housing requirement

32. The plan seeks to provide additional housing over the plan period by setting a housing requirement of 40 dwellings per year higher than the identified housing need arising from the standard method. This gives rise to a housing requirement of 790 dwellings per year totalling 12,640 dwellings to 2037. The principle of providing additional housing is consistent with paragraph 60 of the Framework which supports the Government's objective of significantly boosting the supply of homes.
33. The additional uplift is based on the potential capacity of sites across the Borough and would support the growth strategy for the area including maximising the use of previously-developed land and the continued significant development at Ebbsfleet Garden City. The additional housing would also provide for wider choice in the local housing market allowing for flexibility, and make a contribution to potential unmet housing need in the wider area as discussed above. The Plan's annual housing requirement, even with the uplift, would be lower than the previous Dartford Core Strategy which set an annual average figure of 'up to' 865 dwellings per annum. Paragraph 010 Reference ID: 2a-010-20201216 acknowledges that where previous housing delivery in the area is higher than the outcome from the standard method, authorities will need to consider the appropriateness of planning for a higher level of need than the model suggests.

34. Having regard to the overall strategy for the Borough which I discuss below, the delivery of additional homes above the standard method is supported by the PPG which indicates that the standard method is the minimum housing expected to be planned for. As such, I find the identification of a requirement above this level is justified and would accord with the PPG and is positively prepared.

Approach to the overall plan period

35. The plan period on submission was from 2017-2037. However, at the time the Plan was submitted, the standard methodology calculation utilised the 2021 workplace-based affordability ratio. The implication of utilising this workplace-based affordability ratio is that previous housing delivery up to that point is taken into account in the ratio. As a consequence, it would not be appropriate to commence the plan period prior to this date as previous over or under-delivery of housing is already taken into account in the calculation of housing need. As such, the submission plan period is not justified as it has the effect of double-counting past housing delivery between 2017 and 2021. The start date of the Plan therefore requires modification in order to ensure that the overall level of housing provided is justified and in accordance with the PPG.
36. Policy S4 is a strategic policy which deals with the overall development levels for the Borough. The Policy does not clearly set out the overall quantum of housing required over the plan period. As a result of the above, the overall plan period would extend to 16 years (2021-2037) and results in an overall housing requirement of 12,640 dwellings. **MM01** is therefore required in order to amend the start of the plan period to 2021, as well as to include the total housing required to be delivered over the period.
37. Paragraph 22 of the National Planning Policy Framework (the Framework) states that strategic policies should look 15 years ahead. Due to the length of the examination, the Plan will no longer look 15 years ahead from the date of adoption. However, the potential consequences of extending the plan period further in relation to strategic housing and employment requirements do not outweigh the benefit of adopting the Plan expeditiously. There are considerable advantages of having an up-to-date plan adopted including securing a 5 year land supply and supporting the delivery of key employment and regeneration sites in the Borough. Furthermore, plans are required to be reviewed, and if necessary, updated every 5 years which would provide a suitable opportunity to address this matter. As such, I am not minded to recommend a main modification to extend the end date of the plan yet further.
38. Therefore, in this instance I consider proceeding with the submitted Plan's end date is a pragmatic and reasonable approach that would facilitate the delivery of a plan which will support the area's key regeneration aims and the development

of specific sites in the Borough. It is therefore appropriate and justified in this instance.

Meeting the housing needs of different groups in the community

39. Dartford has an identified need for affordable housing in the Borough which the Dartford and Ebbsfleet Residential Needs Assessment Update [HOU-7] indicates is 263 dwellings per year with the greatest need being social and affordable rented accommodation. The Plan seeks to secure affordable housing to meet the identified needs through Development Management Policy M7. However, strategic Policy S4 as submitted did not clearly set out the extent of affordable housing need in the Borough that the Plan aims to meet.
40. In order to secure the significant amount of affordable housing necessary to meet the needs of the Borough, Policy M7 requires 35% of all housing secured to be affordable. Reflecting the more challenging viability position of the sites within Central Dartford, 20% affordable housing is sought. The viability study [VIA-1] indicates that 35% affordable housing would be viable, although it recognises that in Central Dartford, even a reduced requirement of 20% affordable housing would be challenging. On submission, Policy M7 did not provide sufficient flexibility to ensure that the sites within Central Dartford would come forward where viability was challenging. Therefore, in order for the plan to be justified and effective, **MM04** is necessary to set out the annual requirement and overall amount of affordable housing required in the Borough over the plan period into the supporting text of Policy S4.
41. Policy M7 includes thresholds and a proposed mix of affordable housing required in the Borough. The submitted policy indicated that 35% affordable housing was a target, however this was not effective as it failed to articulate the need identified in the evidence base. As a result, the 35% is a requirement not a target and M7 required amendment to make this clear. The resulting effect of 35% affordable housing being a requirement, is that the submitted policy did not adequately reflect the potential viability challenges that may arise in the Borough, particularly as a result of the extent of brownfield land that is relied upon to deliver the planning strategy for the area. Furthermore, the policy was unclear how the Council might consider residential development proposals where viability challenges are identified. Therefore, **MM19** is necessary to modify Policy M7 and the supporting text to clarify the affordable housing requirement, expectations on the proportions of social and affordable rented accommodation and to set out the approach to allow some variation of provision where viability concerns are justified. These changes are necessary in order for the Plan to be justified and effective.
42. Evidence contained in Submission Document HOU-7 sets out the requirement for specialist accommodation for older people falling within Class C2 of the Use Classes Order (as amended) 1987 (UCO). This indicates a need for 527 units of

housing for older people and 70 units of housing with extra care in the Borough to 2036. Since the study was completed, there have been significant completions of C2 units including a 77 bedroom care home. I am satisfied that there has been a significant supply of accommodation for older people secured through existing permissions. There is also the potential for a further 250 units of older persons or specialist accommodation, some of which would be within class C2, to come forward within the strategic growth location as part of the Alkerden and Ashmere allocation.

43. Having regard to the overall level of need for additional units within class C2, submitted Policy M8 was not sufficiently positive towards securing specialist accommodation, particularly having regard to the overall level of need. Therefore, Policy M8 and the reasoned justification require modification by **MM20** to ensure specialist accommodation is required as part of the creation of mixed neighbourhoods and that the reasoning sets out the scale of need identified in HOU-7 in order to be justified and effective.

Conclusion

44. Subject to the main modifications referred to above, the Plan's overall approach to meeting Dartford's housing needs is positively prepared and based on robust evidence and is justified, effective and consistent with national policy.

Issue 2 – Whether the strategy for Gypsies and Travellers and Travelling Showpeople can be accommodated without releasing land from the Green Belt? If not, do exceptional circumstances exist that would justify altering the Green Belt boundary?

45. The submitted plan was accompanied by a Gypsy and Traveller Accommodation Assessment (GTAA) (2019) [GAT-1] based on the Planning Policy for Travellers Sites (2015) (PPTS). During the examination, the Supreme Court issued a decision relating to the definition of Gypsies and Travellers in the PPTS in *Lisa Smith v Secretary of State for Levelling Up, Housing & Communities and Others* [2022] EWCA Civ 1391. However, the Council confirmed that the GTAA did not exclude the assessment of need for ethnic gypsies and travellers who do not travel, and as a result, it remained up to date. On 19 December 2023, a revised PPTS was published which reverts the definition of gypsies and travellers back to that previously included in the 2012 iteration of the PPTS which included gypsies and travellers who do not travel. The changes to the PPTS took effect from the date of publication, and as a result, I have taken it into account in my assessment of the plan.

Need for additional pitches

46. The GTAA identifies a future need for 83 pitches for gypsies and travellers up to 2035, and 1 plot for travelling showpeople. Of those gypsies and travellers 57 pitches are required up to 2029.
47. As consulted upon, **MM23** modified Policy M12 by including references to persons who, for reasons of ill-health or disability are unable to meet a nomadic way of life and also included a table to set out the identified needs for gypsies and travellers at April 2022 based on the definitions in the 2015 PPTS. These changes were to ensure that the Plan was justified and effective. However, following the changes to the definition in the PPTS, it is no longer necessary to recommend all the changes in **MM23** for soundness reasons. I have therefore amended the schedule of MMs at Appendix 1 to this Report. For the same reasons, where the Plan refers to needs, it is necessary to include the total need as defined by the GTAA, which now reflects current national planning policy.
48. Policy S4: Borough Development Levels, as submitted did not clearly set out the overall pitch requirement over the plan period, nor did it clearly set out the number of pitches required in the first 5 years following adoption of the plan that the PPTS expects. For effectiveness, this is rectified by **MM04**. Having regard to the evidence in the Council's response to my Matters, Issues and Questions (MIQs) [WS2-1], the pitch requirement also needs to be adjusted to accord with the revised plan start date addressed above. As consulted upon, **MM04** and **MM23** differentiated between the pitch requirements of gypsies and travellers based on the 2015 PPTS definition resulting in a need for 27 pitches between 2022 and 2027 with the remaining 17 pitches required by 2035. However, in light of the recent change in national planning policy, this differentiation is no longer necessary. I have therefore updated the relevant changes in **MM04** in the schedule of MMs at Appendix 1 to this Report. As modified, Policy S4 and the supporting text therefore show the total need for 83 pitches to reflect the evidence in the GTAA and show the remaining 56 pitches required over the adjusted plan period are disaggregated to 35 pitches before 2027/28 and 21 pitches by 2035. Subject to these changes the policy reflects the evidence and will be justified and effective.

Supply of pitches and plots

49. The GTAA indicates at Figure 6 there is provision of 1 public site in Dartford for 11 pitches, 16 private sites accounting for 45 pitches, 5 unauthorised sites with 13 pitches, 1 private pitch with temporary planning permission and a further 2 sites (5 pitches) on lawfully occupied sites which account for the majority of supply.

50. In respect of the need for 1 plot identified for travelling showpeople, this need can be addressed within an existing site without the requirement for planning permission. As such, I accept that there is no unmet need for travelling showpeople. **MM23** is necessary to amend the supporting text to Policy M12 to include text to reflect this in order to be justified and effective.

Whether exceptional circumstances exist which justify the release of land from the Green Belt

51. On submission, the Plan's overall strategy for providing for pitches for gypsies and travellers and plots for travelling showpeople is set out in Policy M12 which lists a range of actions that the Council would take to meet the pitch requirement. The GTAA identifies that the future needs of gypsies and travellers who meet the definition result from 12 pitches from concealed traveller households and 13 pitches on unauthorised development. Future need for accommodation is identified as 70 pitches to 2035, includes 22 pitches for children who will become adults during the period and 22 pitches from new household formation, and a further 1 pitch from households on sites with temporary planning permission. As such, in order to meet the predominant sources of need arising from the growth of families and concealed households, the Plan's strategy (as informed by the GTAA) focuses on additional pitches being provided through the extension of existing sites and the intensification of existing pitches. Taking the above into account, it is clear that the need is best addressed through the provision of private sites or pitches rather than public sites and that the Plan's approach reflects this accordingly.
52. The sites that have come forward for allocation for gypsy and traveller pitches are those in the ownership or occupation of gypsies and travellers, all of which are located in the Green Belt. The Plan's approach relies on the intensification and expansion of sites owned by gypsies and travellers which would minimise the amount of land needing to be released. There is significant competition for land in Dartford. Despite significant effort to identify additional sites in the Borough including calls for sites and consideration of public land, insufficient sites were identified to meet the need in full. Furthermore, DtC discussions with neighbouring authorities discussed whether any unmet need for gypsy and traveller pitches could be addressed outside the Borough. Evidence included in EXAM-27 indicated neighbouring authorities were intending to meet need in their respective areas and each would likely require the release of land from the Green Belt within their own borders. This is because in many cases, their own needs also arise solely within the Green Belt similarly to Dartford. Furthermore, due to the nature of the need arising principally from concealed households and children requiring their own pitches as they get older, this need would not be effectively met by seeking to decant these pitch requirements elsewhere.
53. The proposed site allocations for gypsies and travellers could have remained 'washed-over' by the Green Belt. However, notwithstanding a site allocation in

the development plan, the PPTS indicates gypsy and traveller pitches are considered inappropriate development in the Green Belt. Accordingly, proposals would require demonstration of very special circumstances in order to be permitted. Maintaining the Plan's submitted approach would provide insufficient certainty that additional pitches could be approved if the sites remained in the Green Belt and therefore may not be able to contribute towards meeting the overall pitch requirement for the Borough. Consequently, this approach would not be effective.

54. In addition to the above, maintaining the proposed site allocations within the Green Belt would also have the effect of requiring a more stringent requirement for securing planning permission on an allocated site for gypsies and travellers than for a residential allocation for the settled community. This would not be consistent with the Public Sector Equality Duty (PSED), contained in Section 149 of the Equality Act 2010 which aims to minimise disadvantages suffered by those with protected characteristics, and is therefore not positively prepared. There is no evidence that even if alternative sites were provided elsewhere in the Borough that these would be attractive for gypsies and travellers to relocate to as this would result in the separation of families.
55. On submission, the plan sought to allocate 2 sites for additional pitches at Tennis Courts, Sutton at Hone, and Salinas which are in the Green Belt. Further evidence provided in response to my MIQs indicated that the Tennis Courts site at Sutton at Hone no longer had capacity for additional pitch expansion. This is due to concerns arising from additional pitches meeting licencing requirements and there is no evidence the site could be reconfigured to meet them. I concur with this assessment and as a result, this allocation is not capable of delivering any additional pitches. Therefore, **MM23** removes this site allocation in order that the plan is justified and effective. It should be noted that whilst the Tennis Court site would no longer be allocated for expansion, it would remain protected under other provisions of Policy M12 which I discuss elsewhere in my report.
56. Policy M12 sought to identify non-Green Belt sites at Ebbsfleet Garden City. However, the extent of extant planning permissions and reserved matters approvals and their corresponding descriptions of development did not include gypsy and traveller pitches. Whilst this would not necessarily preclude the potential for gypsy and traveller sites at Ebbsfleet, there is no evidence before me that there is any landowner intention to provide such pitches, nor is there a reasonable prospect that gypsy and traveller pitches would be forthcoming at Ebbsfleet to meet any of the identified need. As such, **MM23** is necessary to remove references to identifying sites within Ebbsfleet Garden City from Policy M12 as it is not justified.
57. Paragraph 137 of the Framework attaches great importance to Green Belts with the fundamental aim of preventing urban sprawl by keeping land permanently open. Paragraph 140 states that once established, Green Belt boundaries

should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Policy E, Paragraph 17 of the PPTS allows local authorities to make limited alterations to the Green Belt boundary for gypsies and travellers to meet a specific identified need.

58. Evidence was submitted during the examination in document EXAM-26 which provides evidence to support the consideration of whether exceptional circumstances exist for releasing land in the Green Belt. The document sets out the essential need to expand existing gypsy and traveller sites within the Green Belt in order to meet the acute need for pitches in the Borough due to the scale of need and timing.
59. There is an urgent need for 83 pitches in the Borough, and that a significant amount of that need arises on existing sites. There is a lack of suitable available sites in non-Green Belt locations in the Borough, as this essentially forms the urban area of Dartford where despite best efforts including a call for sites, no sites have been identified. Therefore, there are exceptional circumstances which justify changes to the Green Belt boundary in this instance.
60. On submission, the plan did not clearly reflect that the existing sites with potential and additional proposed site allocations for gypsies and travellers were located within the Green Belt. As such, strategic Policy S1 fails to clearly set out that the strategy proposed in Policy M12 relies, amongst other things, upon the release of land from the Green Belt.
61. In light of the above, Policies S1 and S4 require amendment through **MM02** and **MM04** to set out the overall strategic requirement for the release of gypsy and traveller pitches in the Green Belt as required by paragraph 140 of the NPPF, and to clarify the extent of need for gypsy and traveller pitches to 2026/27.

Assessment of gypsy and traveller site allocations

62. Further evidence provided during the examination indicated 3 sites could be allocated and removed from the Green Belt which would provide 12 additional pitches to meet identified needs. Five pitches could be identified at Eebs Stables (3 with temporary permission plus expansion of a further 2 plots), 3 at Salinas (1 existing plus further expansion of 2 pitches), and the remaining 4 from Eagle Farm. The Council has undertaken an assessment of the 3 sites proposed to be released against the purposes of the Green Belt set out in the Framework [EXAM-26]. The 3 sites that have been identified for allocation and subsequent release from the Green Belt are considered below.

Eagle Farm, Wilmington

63. The site is located immediately south of the village of Wilmington which is contiguous with the built-up area of Dartford town. The site area to be removed comprises an irregular shaped parcel of land which is visually contained from the surrounding Green Belt by partial screening from mature trees and vegetation. The alteration to the Green Belt boundary would follow the verdant hedge boundary to the west, and to the east by an access track. Whilst the site would expand the built-up area of Dartford, the extent of expansion to the north would be contained by the existing development in the village in this direction. As such, any impact here would be very limited.
64. The alteration to the boundary would increase the containment of the remaining Green Belt to the east and west. However, evidence indicates that the Green Belt in this area is not stronger performing and has a weak distinction from the surrounding designated land. Therefore, any harm in this regard would be limited. An appeal decision on this site issued during the course of the examination granted approval for 4 pitches for gypsies and travellers on a temporary basis [EXAM-21]. The appeal decision concluded the site would conflict with purposes 1 and 3 of the Green Belt which are to check the unrestricted sprawl of large built-up areas and safeguarding the countryside from encroachment to a moderate extent, albeit noting these would be localised. The evidence contained in EXAM-26 indicates a low level of conflict against these objectives, but this assessment did not consider detailed plans of the site. The amended boundary follows, as far as possible defined features and there is no evidence before me that the boundary would need to be altered again during the plan period. Any harm to Green Belt objectives is outweighed by the urgent need for additional pitches for gypsies and travellers in a suitable location which cannot be fully met outside the defined Green Belt. I therefore conclude exceptional circumstances exist to justify removal of the site from the Green Belt.

Eebs Stables, Trollingdown Hill, Dartford

65. The site is located to the south of Fleet Downs which forms part of the built-up area of Dartford and is currently in use as a gypsy and traveller site. An appeal¹ for the change of use of land for residential purposes plus the siting of 3 mobile homes was allowed during the course of the examination and was granted for a temporary period and made personal to the appellant, their resident children and their dependants. The site is identified as being capable of accommodating a further 2 pitches beyond those allowed by the aforementioned appeal decision.
66. The site is bound to the north by a hedged access track with hedging to the eastern, western and southern boundaries. The site would not extend further south than the existing permitted development on site, but it would weaken the

¹ APP/T2215/C/19/3228536

role of the current southern hedge boundary which separates the site from the larger field to the south. Although the site would be contained by the hedged track to the north, the site has a rural character distinct from the urban area to the north. It would therefore have a moderate effect on the purposes of restricting urban sprawl and safeguarding the countryside from encroachment. Whilst there would be some moderate harm against two of the purposes of defining the Green Belt, there would be no harm to other purposes. The harm identified would be outweighed by the benefit of meeting a proportion of the significant need for gypsy and traveller pitches in a suitable location. I therefore conclude exceptional circumstances exist to justify removal of the site from the Green Belt.

Salinas, Darent Wood Road, Dartford

67. The site is an irregular parcel of land to the south-east of Fleet Downs which is bound to the north and south by existing development. The site and the surrounding built development is washed over by designated Green Belt, and as a result of the presence of existing development, the site has a weak distinction from the nearby urban area despite it being around 700 metres from it.
68. The boundary to the east of the site is defined by a hedgerow which separates the site from more open land within the Green Belt. Although the surrounding area comprises built development, the site nonetheless makes a limited contribution to the Green Belt purpose of checking urban sprawl. The site would not have any effect on preventing neighbouring towns merging into one another, and whilst the eastern part of the site would extend beyond existing built development, due to the containment of the site to the north and south, there would only be a limited extension of the site into the countryside. It would therefore have a limited impact on the purpose of safeguarding the countryside from encroachment. The site is separated from the setting of Dartford town centre by a significant distance and there would be no effect on the purpose of assisting urban regeneration. Overall, the site would have a limited effect on Green Belt purposes. This limited harm is outweighed by the need to provide additional gypsy and traveller pitches in the most suitable locations. Therefore, I conclude that exceptional circumstances exist which justify the release of this site from the Green Belt.

Whether the Plan can address any remaining unmet need

69. Notwithstanding the proposed site allocations, there remains an unmet requirement for 56 pitches by 2035. I consider that having regard to the difficulties faced by the Council in identifying pitches to meet the identified need and the exceptional circumstances described above, there is no benefit to delaying the adoption of the plan to seek further sites that may not be able to be identified to meet the residual need. However, making further main modifications to provide a highly positive approach to windfall proposals for

gypsy and traveller pitches whilst still requiring accordance with national policy is necessary. Furthermore, in light of the scale of need for additional pitches, it is necessary for the plan to protect existing sites within the supply of gypsy and traveller pitches in order that the scale of unmet need does not worsen as a result of loss to other uses. As such, **MM23** provides such protections and is necessary for the plan to be effective.

70. During the examination I considered whether, having regard to the extent of unmet need, there were circumstances which justified the requirement for an early review of the plan by a date earlier than the 5 year period that paragraph 33 of the Framework expects. However, having considered the matter carefully I find there is no evidence that such a modification would yield a different outcome in the short term and thereby address the matter.

Conclusion

71. In light of the above, I conclude that the strategy for Gypsies and Travellers and Travelling Showpeople cannot be accommodated without releasing land from the Green Belt. I find that exceptional circumstances exist that would justify altering the Green Belt boundary and these alterations are given effect by the main modifications referred to above.

Issue 3 – Whether the Spatial Strategy has been positively prepared and is justified, effective and consistent with national policy.

Approach to the overall Spatial Strategy

72. The submitted spatial strategy seeks to provide a framework for growth and development in the area. Dartford is a compact Borough which is bisected by major highways, namely the M25 and A2. The area north of the A2 strategic highway comprises the urban area of Dartford itself along with the Ebbsfleet Garden City which has seen significant development since its inception. The area to the south of the A2 is principally designated as Green Belt, interspersed with a number of smaller settlements.
73. The Plan's strategy seeks to focus the new development requirements for housing, employment and retail development within central Dartford and the urban area to the north of the Borough including at Ebbsfleet. The submitted approach is underpinned by the Strategic Housing Land Availability Assessment (SHLAA) [HOU-2] which indicates that a significant proportion of the sites in the north of the Borough have planning permission for residential development. Economic development in Dartford is similarly highly concentrated in the north of the Borough adjacent to the Dartford Crossing and the River Thames giving this area a distinct focus for development.

74. The plan's spatial strategy does not rely on the release of land from the Green Belt to meet market and affordable housing requirements nor to deliver the significant employment growth locations. These are to be concentrated on the urban area of Dartford and at Ebbsfleet Garden City. However, as discussed above, the spatial strategy does not reflect that land is to be released from the Green Belt to meet the needs of gypsies and travellers.
75. Ebbsfleet Garden City is a key growth location in the north of the Borough with good public transport connectivity via the Fastrack rapid bus service and the rail links at Ebbsfleet International station. The Garden City was originally brought forward through the previous Core Strategy. There are a number of planning permissions covering the site with extant outline planning permissions covering almost the entirety of the Garden City. The spatial strategy seeks to continue to focus on the development of Ebbsfleet within the plan period reflecting the extent of capacity still available and the progression of the remaining phases of the development. Ebbsfleet also has further capacity for employment growth alongside the residential development that has not only taken place, but which will continue to occur as existing permissions are built out.
76. The spatial strategy also seeks to support the regeneration of Central Dartford by identifying key opportunity sites with the potential for mixed use development. The strategy is also heavily influenced by the scale of existing planning permissions in Central Dartford and the potential capacity on sites still to be delivered. The focus on brownfield land is clearly supported by the Framework and whilst the accompanying delivery of larger mixed use brownfield sites may be more complicated to bring forward, there is evidence that housing delivery has been relatively consistent. Furthermore, the Spatial Strategy is not overly reliant on more complex brownfield sites coming forward in the short term to the extent that it would prejudice the delivery of the plan's overall regeneration aims for Central Dartford. However, the plan seeks to identify a number of larger brownfield sites which are expected to come forward later in the plan period to support the Council's wider regeneration aims.
77. Retail development in the Borough is focussed on Dartford town centre and Ebbsfleet which will continue to meet the needs of the local population. Furthermore, the Bluewater shopping centre remains a significant regional retail destination. The spatial strategy seeks to maintain Bluewater's position as a retail destination amid a wider shift towards leisure activities whilst seeking to ensure that there would be no adverse effects on the retail and leisure offer at Dartford Town Centre. This approach is fully consistent with paragraph 86 of the NPPF which seeks to support the role that town centres play in the heart of communities.
78. Swanscombe Peninsula located to the north of Ebbsfleet Garden City was designated as a Site of Special Scientific Interest (SSSI) in 2021 for its variety of birds, invertebrates, plants and geology. The site was formally designated

shortly prior to the submission of the plan for examination, and as a result, would be covered by the provisions of Policy M15. The designation of Swanscombe Peninsula would not have any adverse effects on the delivery of the Garden City, although part of the allocation at Policy E6 is affected by the new SSSI boundary which I address in Issue 5 below.

79. The strategy's focus on the development of brownfield sites in accessible locations outside of the Green Belt reflects the extent of the potential capacity in the north of the Borough to accommodate significant development. Alternative approaches to the spatial strategy were put forward during the examination including those which would have resulted in large scale amendments to the Green Belt. Notwithstanding the need to release land from the Green Belt in order to provide sites for gypsies and travellers as discussed above, I am satisfied that the Borough's development strategy is appropriate without requiring further alterations to the boundaries of the Green Belt.
80. Paragraph 20 of the Framework requires that strategic policies should set out an overall strategy for the pattern and scale of development for amongst other things, housing, retail, employment and infrastructure. I am satisfied that the approach taken in the submitted plan is justified based on the evidence provided and the particular circumstances in the Borough and represents an appropriate strategy to guide the development of the area. The Spatial Strategy will also provide a clear starting point from which the rest of the Plan's policies will flow.

Development Targets

81. Policy S4: Borough Development Levels sets out the overall development levels that the plan seeks to provide for including housing as well as town centre, community and employment development. As submitted, the policy does not clearly articulate development levels for the components that make up the housing supply, the total number of homes expected to be built by 2037, or the level of need for gypsy and traveller pitches. **MM04** is required to include these targets within the policy and the reasoned justification for effectiveness.

Approach to sites relied upon to support the housing strategy

82. The plan identifies a number of specific site allocations which I deal with in the relevant sections below. On submission, Policy M9: Sustainable Housing Locations included positive wording that sites identified in the housing land supply would be permitted but did not identify them. There is ambiguity in the Plan as to where residential development would be acceptable in-principle as there is no defined residential development boundary or settlement boundary. The geography of Dartford is essentially defined by either its urban area or land in the Green Belt. As a result, **MM21** is necessary to include the requirement for sites to be located in accordance with the Borough Spatial Strategy which

includes brownfield sites outside the Green Belt, and sites with good access by public transport, walking and cycling for effectiveness.

83. There are a number of sites in the housing land supply that are not allocated in the Plan or have planning permission and are therefore identified only in the SHLAA. The SHLAA is part of the Plan's evidence base and the submitted plan is unclear as to the capacity and location of these sites, and the extent to which the Plan's strategy relies upon them. The Plan therefore has the effect of devolving responsibility for determining the acceptability of a site(s) for residential development in principle to the evidence base rather than the development plan itself.
84. Three larger sites were identified in the SHLAA which are of a scale, size and importance that they should be identified as allocations in the Plan for effectiveness; these are, St. James Lane Pit (Stone Pit 2), Stone Lodge, and Knockhall Road. Although 2 of these have outline planning permission with the remaining site previously having planning permission, these could lapse and it is therefore necessary to allocate these sites in the Plan to provide greater certainty, which I consider below.

St. James Lane Pit (Stone Pit 2)

85. The site is an irregular shaped parcel of land within the urban area located to the south of the London Road. The site is bordered by residential development to the east and west and outline planning permission has been granted for residential development. There is evidence that it is suitable and available for development and is in the control of a housebuilder. The SHLAA update categorises it as being deliverable as a result of its potential timeframe and it is shown accordingly on the housing trajectory.

Stone Lodge

86. The site is located to the north of London Road and has outline planning permission for up to 140 dwellings. There is clear evidence that the site is deliverable and is phased in the housing trajectory for dwellings to come forward from 2023/24. The principle of residential development on the site has been established by the outline planning permission and reserved matters have been submitted for new dwellings. There is no evidence of any impediment to its identification and is a suitable site for allocation.

Knockhall Road

87. The site had planning permission for 61 dwellings. The site is located adjacent to existing residential development and within the urban area. The site is

identified in the SHLAA as developable, and there is no evidence of any impediment to the site being considered suitable for allocation.

88. The other sites relied upon from the SHLAA are predominantly small-scale developable sites in the urban area with capacity for around 10 dwellings or fewer which the Council did not identify as being of sufficient scale to merit formal allocation in the Plan. These sites are identified as being likely to come forward from year 6 of the trajectory and beyond and the SHLAA sites summary compendium [HOU-4] provides clear evidence that the sites listed are developable. As the housing strategy relies on these sites coming forward as developable sites, the Plan needs to be clearer about where this supply will come from particularly as the Plan does not include any other policy which clearly sets out where residential schemes in the urban area would be supported.
89. The submitted Plan indicated these will be permitted for residential development, but the location and capacity of these sites should be shown in order to provide greater certainty of where these acceptable sites for residential development are located. There is no evidence the sites in the table should be allocated, but the Plan should refer to them for effectiveness to recognise their potential contribution to meeting the housing requirement in years 6-10. The list of sites included in the appendix is a snapshot in time and are all in sustainable locations. However, it is not an exclusive closed list and other sites not currently identified in the SHLAA (or the Plan) that are also in sustainable locations not in the Green Belt could also come forward.
90. Accordingly, **MM21** is necessary to allocate the three sites and positively indicate that residential development will be permitted on them. **MM21** also brings within the Plan a table identifying the sites from the SHLAA considered as sustainable residential locations which are being relied upon as deliverable or developable to deliver the overall strategy for the Borough and will similarly indicate that permission will be granted on these sites for residential development. As consulted upon, **MM21** referred to 'remaining sites' which could be ambiguous as this does not match the name of the appendix in which the sites are identified. Therefore, for clarity, **MM21** further amends clause 1 of Policy S5 to replace the words 'remaining sites', with 'sustainable residential locations'. This change makes the plan effective at identifying the sites where the principle of development would be acceptable subject to other requirements. Modifications are also required to provide criteria against which development proposals on these sites would be considered, as well as amending the policy's reasoning to include justification for the three sites to be allocated as part of this policy. Having regard to the policy's strategic approach, **MM21** also changes the amended Policy M9 to a 'strategic policy'. These modifications are necessary in order for the plan to be justified and effective.

Conclusion

91. Subject to the main modifications referred to above, the Plan's overall approach to the spatial strategy is positively prepared and is based on robust evidence and is justified, effective and consistent with national policy.

Issue 4 – Whether the Plan is positively prepared, justified, effective, consistent with national policy in relation to economic and retail growth.

Strategic approach to economic growth

92. The Borough's economic focus is directed to Central Dartford and Ebbsfleet Garden City as locations which are supported by good public transport links. Large-scale business and services are similarly directed to identified Employment Areas where such uses are already found. The expanding community at Ebbsfleet has not yet been accompanied by the substantial number of new jobs envisaged, but there is clear evidence that land is available near Ebbsfleet Station which can come forward to support the Plan's aims for significant additional jobs over its lifetime in a location where new homes and jobs can be located without the need for significant out-commuting.
93. The submitted Plan identified a target of 22,000 sqm of commercial, business and services uses and 25,000 sqm of floorspace for industrial/ distribution uses. Evidence from the Council's Economic Land Report [BAR-6] and Employment Needs Review [BAR-7] demonstrates there has been significant growth in office and storage and distribution floorspace between 2006-2016. There is significant demand for additional distribution floorspace in the Borough, reflecting the area's connectivity to the strategic road network and there is evidence that rents in this sector are the second highest in Kent reflecting that demand.
94. The Plan's employment strategy seeks to support the growth in the key sectors of office-led development and distribution uses through the continuation of past trends. The Plan's floorspace figures have been generated utilising a blended approach taking into account the identified pipeline of floorspace, an adjustment for delivery including a buffer and projection forward. The Economic Land Report [BAR-6] indicates there is already a significant pipeline of industrial and distribution floorspace permitted or under construction in the Borough which is likely to yield a significant number of new jobs and will contribute to meeting demand for storage and distribution floorspace. The Employment Needs Review estimates the Plan's preferred approach from sources including completions, the intensification of existing sustainable locations and the large-scale future options at Littlebrook, Ebbsfleet Central and Bluewater could collectively provide around 8,800 jobs. However, whilst a needs-based approach to assessing future economic growth requirements could potentially have identified a different level of floorspace required to be planned for, the approach taken in the

submitted Plan represents a significant step-change beyond historic projections and will deliver additional jobs to accompany the planned residential development without significant adverse effects on the balance between new homes and jobs in the Borough.

95. The compact nature of the Borough combined with the scale of existing areas of employment uses to the north of Dartford outside the Green Belt results in a limited range of spatial options for the location of additional employment floorspace. Overall, the plan identifies approximately 90 hectares (net) of land for expansion at the Identified Employment Areas, and when combined with the existing permissions, I consider sufficient land is available to support the development of a significant number of new jobs over the plan period. I find the submitted plan provides a reasonable approach to calculating future floorspace needs. I am satisfied that sufficient land is identified in appropriate locations to accommodate 22,000 sqm of commercial, business and service uses and 25,000 sqm of floorspace for industrial and distribution needs in the Borough over the period and is therefore sound.
96. The plan recognises the potential for significant investment proposals within offices and high-technology industrial premises which are to be directed to Identified Employment Areas. However, the plan did not recognise the potential that storage and distribution uses have as large-scale strategic investment opportunities. As a result, **MM29** is necessary to include these operations as suitable either in Central Dartford, Ebbsfleet or Identified Employment Areas, but may also be considered elsewhere on an exceptional basis for effectiveness.
97. Overall, I find that the submitted plan's approach to calculating additional floorspace requirements is appropriate in this instance and that sufficient land is identified to meet the identified floorspace requirements.

Approach to retail growth

98. The submission plan sets out a clear hierarchy for retail development in the Borough focussing on Dartford town centre as well as Bluewater as a regional shopping destination. There are a number of existing planning permissions in the Borough that include retail floorspace including approximately 24,000 sqm at Bluewater which has not been implemented at the time of the retail assessment. The Dartford and Ebbsfleet Retail and Leisure Study [BAR-2 and BAR-3] indicates that there is no capacity within the Dartford or Ebbsfleet areas for comparison goods in the short term, but some retail floorspace is projected to be required towards the end of the plan period (around 2035 onwards). In terms of comparison goods, there would be insufficient available capacity within Dartford or Ebbsfleet over the plan period. However, taking into account the allocated and permitted floorspace and the uncertain nature of longer-term

forecasts in retailing, there is currently no justification for any further retail floorspace allocations in the Plan and is therefore justified in this regard.

99. The Plan's approach to Bluewater seeks to maintain its overall position as a regional shopping destination and remains a regional shopping centre. The wider changes in retailing including the impacts of online shopping have resulted in greater demand for leisure floorspace at Bluewater. Concerns were expressed that the strategy which requires proposals for leisure uses to be subject to the sequential approach to site selection would not allow Bluewater to adequately diversify in response to changing demands. Whilst it was suggested Bluewater would be disadvantaged compared to destinations such as Lakeside in Thurrock and the Westfield Shopping centre at Stratford, having regard to the extent of permitted floorspace for leisure uses as set out in BAR-2, I consider the Plan's approach to be necessary in order to ensure that any further development does not harm the vitality or viability of Dartford Town Centre in accordance with the NPPF.
100. Policy M22 addresses the approach to the Bluewater retail area. The submitted plan reflected Bluewater's retail role but during hearings, it was confirmed that residential development has been identified as developable in the SHLAA at Chestnut Avenue East. The Plan does not provide any location specific criteria within Policy M22 to guide residential development or assist with the requirements that any future applications will need to consider, particularly as there is a need to support the creation of a cohesive community in a location that is principally focussed on retail uses and has no other existing residential community established. Therefore, **MM32** is necessary to modify the policy and supporting text to reflect the residential development and criteria to guide future reserved matters or other approvals in order to be both justified and effective.
101. The Plan sets out at Policy M23 the approach to District and Local Centres and sets out a number of criteria to guide proposals for commercial, business and service uses along with other non-residential and community uses. However, the policy did not reflect the potential changes of use that could take place under Class E or F of the Town and Country Planning (Use Classes) Amendment Order 2015, as amended (UCO). Therefore, **MM33** is necessary in order for the changes of use within the class to be properly reflected in the policy as well as to set out the requirements for marketing any proposals that may be seeking to change from classes E, F or sui generis use which was otherwise defaulted to the glossary.
102. Policy M24 addresses the approach to food and drink establishments. The policy seeks to limit the loss of public houses to other uses by requiring development proposals to provide evidence that sufficient effective marketing has been carried out at that the public house would not be viable. However, the policy did not set out what these requirements would be and defaulted this

explanation to the glossary. **MM34** is therefore necessary to include the definition of sufficient effective marketing in Policy M24 for effectiveness.

Conclusion

103. Subject to the main modifications referred to above, the Plan's overall approach to economic and retail growth is positively prepared and is justified, effective and consistent with national policy.

Issue 5 – Whether the approach to Central Dartford is justified, effective and consistent with national policy.

Strategy for Central Dartford

104. The strategy for Central Dartford is set out in Policy D1 and follows the strategic approach set out in the spatial strategy by seeking to focus upon the regeneration of brownfield land within and around the town centre. The policy provides additional detail to guide development and sets the context for the subsequent site allocations within Central Dartford. Whilst the policy seeks to prioritise the redevelopment of under-used land and buildings, enhancements to the public realm and connectivity, Policy D1 and its supporting text does not set out what proportion of the overall Borough-wide level of housing, employment and retail growth is expected to come forward in Central Dartford. Further, it does not reflect the extent of allocations and planning permissions which will take place in this area over the plan period which will deliver the strategy for Central Dartford. Therefore, **MM05** is necessary to amend Policy D1 and its reasoned justification to include these details in order to be justified and effective.

105. Policy D2 sets out a series of detailed development principles and follows the approach in Policy D1 to which proposals within Central Dartford are expected to adhere. Policy D2 is accompanied by Diagram 5 which graphically represents the strategy for Dartford town centre which is given effect by Policy D2(1)(a).

106. Policy D3 sets out the approach to the mix of uses expected within Dartford town centre and within particular frontages and allows the change of use of units outside the Core Frontages to other uses where sufficient effective marketing has taken place. However, the definition of sufficient effective marketing was included in the glossary rather than within the policy requirements. Therefore, **MM06** is necessary in order to include the specific requirements for sufficient effective marketing to be included within the policy text for effectiveness.

Specific sites identified in Central Dartford

107. Policy D4 allocates land at Westgate for a mixed development including leisure, hotel and residential uses. The submitted policy proposed the development of '5,000 sqm or more' of Class E floorspace. The site has extant planning permission for a range of uses. However, during the examination, it was identified that the extent of Class E floorspace required by the policy (which was informed by the extant permission) was unlikely to be viable having regard to changing demand for retail space.
108. Having regard to the viability of the proposed development on site and the landowner's intentions, I find there is no reasonable prospect that this amount of Class E floorspace will be delivered. The Council is a joint landowner and indicated that some adjustment in the proportions of proposed uses on site such as a reduction in Class E floorspace combined with the delivery of additional residential units would enable the site to come forward. Therefore, in order to ensure the policy provides sufficient flexibility to enable the allocation to come forward for development, **MM07** is necessary to amend the policy to only require 'up to 5,000 sqm of Class E floorspace' be provided in order for it to be justified and effective.
109. Policy D5 - Land East of Lowfield Street is allocated for a predominantly residential-led development along with accompanying retail, leisure and community uses. At the time of my visit during the hearings, a number of phases of the site had been completed with further phases to the south of the site under construction. The site has been subject to a number of planning permissions, albeit the policy does not provide any specific locational guidance on where the as yet unimplemented retail/ leisure and community uses will take place. During the hearings it was clarified that the community uses under Class F of the UCO would come forward on part of the Glentworth Club site to the south of the allocation, with the retail and leisure uses falling within Class E of the UCO being on the frontage of Lowfield Street. In order for Policy D5 to be effective, **MM08** is necessary in order to update the policy to provide clear locational guidance on where the range of differing uses should take place.
110. Policy D6 - Priory Centre Allocation is an existing shopping centre and identified as a key site for redevelopment within Dartford town centre. The policy seeks to secure a mix of uses including residential units, retail and a hotel. The submitted policy and supporting text did not clearly reflect the extent of existing floorspace at the Priory Centre that would need to be re-provided and how this related to the amount of floorspace that would be required by Policy D6. As such, **MM09** is necessary to make these changes in order for it to be justified and effective.
111. Policy D7 – Station surrounds/ River Darent Area is an area-wide policy which encompasses a number of opportunity areas stretching from the north of the High Street to beyond the existing Dartford railway station. Table 4 identified

three 'developable sites' within the policy area. However, during the examination, it was clarified these sites were intended to be positive allocations rather than a reflection of the SHLAA which is part of the plan's evidence base. Diagram 9 shows five sites as 'other potential land' which may come forward for development. Although part of site D has planning permission, there is no accompanying delivery evidence to support the identification of the remaining sites and the Council confirmed these have not been included within the SHLAA. As such, whilst Policy D7 would generally support their redevelopment as part of the area-wide approach, there is insufficient justification for the specific identification of these sites in the plan. Further clarity on the approach to development at site 3 on Diagram 9 is also required and to show the sites allocated by Policy D7. As such, **MM10** is required to remove these from diagram 9, update table 4 to clarify the status of the components of the site allocations and amend the supporting text in order for it to be justified and effective.

Conclusion

112. Subject to the main modifications referred to above, the Plan's overall approach to Central Dartford is justified, effective and consistent with national policy.

Issue 6 – Whether the strategy for Ebbsfleet and Swanscombe is justified, effective and consistent with national policy.

Strategy for Ebbsfleet and Swanscombe

113. Ebbsfleet Garden City has continued to evolve since its inception with its growth supported by the Ebbsfleet Development Corporation (EDC). The area is covered by a number of extant planning permissions and there have been several evolutions of the overall outline permissions covering the wider site. As a result, the principle of long-term strategic scale residential and employment development at Ebbsfleet is established.

114. The area is not covered by a single masterplan, however, there are a number of key documents which along with the outline permissions, serve to guide the remaining areas for development. Overall, there is a significant quantum of new housing and employment land still to be developed and the Plan's overall strategy seeks to continue the delivery of the Garden City over the plan period and beyond.

115. The town of Swanscombe is surrounded on all sites by the Ebbsfleet Garden City development. Policy E3 seeks to protect the character of Swanscombe town in order that its distinct identity is protected. The Plan's strategy does not propose any significant alteration to Swanscombe town and seeks to support localised enhancement commensurate with its identity. As a result, the submitted approach to Swanscombe is sound.

Specific sites identified at Ebbsfleet and Swanscombe

116. Policy E4: Ebbsfleet Central allocation identifies land surrounding the Ebbsfleet International Station for the development of significant residential, commercial and education and health development. The Ebbsfleet Central allocation is intended to provide significant retail and commercial floorspace to support the existing and emerging residential population. The policy indicates that substantial retail, education and community facilities are required to support the development. However, the Plan did not reflect that infrastructure was required to be delivered in a timely manner according to the relevant phases of the development, including a new Primary School within the plan period. Furthermore, Policy E4 did not reflect the fact that the full site allocation would not be delivered within the plan period based upon projected annual delivery rates. As such, **MM11** modifies Policy E4 to clarify the types of development envisaged within the allocation, to ensure infrastructure is delivered in a timely manner and to reflect that the building out of the development will continue beyond the end of the plan period. These modifications are necessary for the plan to be justified and effective.
117. Policy E4 indicates that approximately 100,000 sqm of floorspace within Class E is expected to come forward at Ebbsfleet Central within the plan period. However, the plan provides no indication of the sub-classes of floorspace that are envisaged, particularly noting the long-term development of offices and flexible workspace anticipated beyond the plan period. Therefore, Policy E4 is modified by **MM11** in order to ensure that non-retail employment uses within Class E are suitably specified in order to ensure that a range of employment types are developed and retained over the longer-term for effectiveness.
118. The Alkerden and Ashmere allocation covers a large area of land which is covered by extant permission for up to 6,250 dwellings. There are a significant number of reserved matters approvals in the area with construction ongoing. As a result, many of the detailed requirements for the site are set by the existing permissions. The policy therefore seeks to guide the remaining neighbourhood requirements for housing, infrastructure and green space not otherwise covered by existing permissions. Similarly to Policy E4 above, Policy E5 does not provide sufficient clarity on the uses envisaged within the wider Class E of the UCO. Therefore, **MM12** is necessary for the policy to set out clearly the sub-classes of use within Class E of the UCO for effectiveness.
119. The plan sets out Identified Employment Areas across the Borough at Policy M21 which are identified at Figure 12 and shown on the Policies Map. The Identified Employment Area for land at London Road, Swanscombe shown at Policy E6 includes the site at diagram 13. Part of the London Road/ Manor Way site has recently been designated as a Site of Special Scientific Interest (SSSI) and the policy includes requirements to ensure any development on the site will not have any direct or indirect impacts on the SSSI, as well as including suitable

buffers to avoid harm. However, the newly designated area of land is no longer appropriate to remain as being part of the Identified Employment Area as development within the SSSI may result in harm to the biodiversity interests for which it has been designated. As a result, **MM13** is necessary to amend diagram 13 to remove land designated as SSSI from the Identified Employment Area for effectiveness.

Conclusion

120. Subject to the main modifications referred to above, the Plan's overall approach to Ebbsfleet and Swanscombe is justified, effective and consistent with national policy.

Issue 7 – Whether the development management policies are justified, effective and consistent with national policy.

121. This issue considers a number of the development management policies not already considered under other main issues.

Policy M1: Good design for Dartford

122. Policy M1: Good design for Dartford requires development to demonstrate it has been designed in line with the National Design Guide and the principles of the Kent Design guidance. The policy included a requirement to ensure development respected the Areas of Special Character. However, these areas were not clearly defined in the policy, and it was unclear what status these areas held within the Plan. As a result, **MM14** is necessary to amend the supporting text to policy M1 to set out where these areas are, to reflect that they were already included on the Policies Map and ensure that development has regard to the appraisals that support their designation. The changes required by **MM14** are thereby necessary in order for the plan to be justified and effective.

Policy M2: Environmental and Amenity Protection

123. Policy M2: Environmental and Amenity Protection deals with the potential effects of development on the living conditions of existing and future occupiers and neighbouring uses. The policy does not clearly articulate the approach to ensuring development is designed or located to avoid adverse effects on sensitive receptors. This is particularly notable in relation to parts of the Borough that are subject to an Air Quality Management Area (AQMA). **MM15** is therefore necessary to amend Policy M2 to cover all development which may generate adverse impacts and where development may introduce a sensitive receptor for effectiveness.

Policy M3: Sustainable Technology, Construction and Performance

124. Policy M3: Sustainable Technology, Construction and Performance seeks to take a holistic approach for development proposals to consider opportunities for the mitigation of and adaptation to climate change. The policy sought to achieve minimum reductions in regulated carbon emissions beyond Building Regulations. However, there was no evidence provided to justify such an approach or the percentage reduction sought. As a result, **MM16** is necessary to remove the requirements for development to achieve standards above the Building Regulations in order for the policy to be justified.

Policy M4: Flood Risk and Riverside Design

125. Policy M4: Flood Risk and Riverside Design addresses the approach to flood risk in the Borough. Limb 4a of the policy seeks to locate the most vulnerable development in areas of lowest flood risk. However, this criterion would not fully reflect the Exception Test set out in national policy and the additional steps and justification that would be required in order that the exceptions test could be passed. As such, **MM17** is necessary to amend the policy to reflect the sequential and Exception tests in order for it to be effective and consistent with national policy.

Policy M6: Historic Environment Strategy

126. Policy M6: Historic Environment Strategy addresses, amongst other things, the approach to non-designated heritage assets. The policy sought to include applicable sites in the 'Areas of Special Character' as non-designated heritage assets. However, there is insufficient justification for their inclusion as non-designated heritage assets, but they are nonetheless distinct areas in the borough that require particular consideration. The approach to Areas of Special Character is now addressed by the above modification to Policy M1. As a result, **MM18** is necessary to delete the references to Areas of Special Character from Policy M6 for effectiveness.

Policy M11: Extensions, New Dwellings and Garden Land

127. Policy M11: Extensions, New Dwellings and Garden Land provides guidance for residential development proposals on infill and garden land sites in the Borough. The policy also seeks to restrict the conversion or subdivision of larger residential properties into multiple units. However, the Plan does not provide sufficient clarity as to where proposals for the conversion of single dwelling houses may, or may not, be acceptable. The policy therefore requires amendment through **MM22** to clarify where such subdivision may be acceptable for effectiveness.

Policy M13: Green Belt

128. Policy M13: Green Belt sets out the Council's approach to development within the Green Belt. Criterion 4 of the policy included requirements for consideration of harm to the Green Belt, and where proposals are not inappropriate within the Green Belt. These requirements included assessing whether proposals would contribute to objectives of recreation, ecology and agricultural resource. However, these additional objectives do not accord with paragraph 137 of the Framework as they introduce requirements which do not reflect the Framework's aims for the Green Belt. The policy also sought to add requirements for considering infilling or redevelopment of previously developed sites. As a result, **MM24** is necessary to remove these requirements in order for the policy to be justified, effective and consistent with national policy.

Policy M14: Green and Blue Infrastructure and Open Space provision

129. Policy M14: Green and Blue Infrastructure and Open Space provision deals with these forms of infrastructure and supporting the overall growth ambitions of the Borough. Part 2 of the policy reflects the approach to protected Local Green Spaces (LGS), which the Framework states at paragraph 103 that policies for considering development proposals should be consistent with policy for designated Green Belt. A number of areas of LGS are designated within the Borough which meet the criteria at paragraph 102 of the Framework. The submitted plan did not set out where these are located or that they were already included on the Policies Map, resulting in a lack of clarity for members of the community and developers. **MM25** is therefore necessary in order to amend the reasoned justification to include the name and location of LGS and modify the policy wording to reference their identification on the Policies Map for effectiveness.

Policy M15 addresses Biodiversity and Landscape in the Borough

130. Policy M15 addresses Biodiversity and Landscape in the Borough and includes a range of actions required by the Habitats Regulations Assessment (HRA) in order to avoid the effects of residential development on the integrity of the Thames Estuary & Marshes Special Protection Area (SPA) and Ramsar site and the Medway Estuary & Marshes Special Protection Area (SPA) and Ramsar site. The policy includes two buffers where residential development would be 'screened in' to the need for an appropriate assessment under the Habitats Regulations. However, as proposals within the buffers are automatically 'screened in' to the need to undertake an HRA, the approach to any mitigation required in order to avoid harm to the integrity of the SPAs was unclear. As a result, the policy did not provide clarity on any mechanisms which would have enabled an appropriate assessment to be passed. Furthermore, the reasoned justification does not recognise that there are some parts of the Borough that

are within 6km of the SPA where there are a range of potential approaches to mitigation which are agreed with Natural England and are required to avoid harm to the SPA.

131. Therefore, **MM26** is necessary which amends Policy M15 to set out the approach to screening and appropriate assessment for applicable developments and to set out the mitigation measures that would be required to avoid harm to the integrity of the SPA. Following the MMs consultation, further amendments are necessary to **MM26** to alter paragraph 5.134 of the reasoned justification to remove references to the Ebbsfleet Central Allocation falling within the 6-10km zone as it falls within the up to 6km zone, and to remove the final two sentences of text in limb 1 as which are redundant having regard to the other amendments which now more clearly set out the approach to avoiding harm to the SPA . These are necessary in order to be justified and effective.

Policy M16: Travel Management

132. Policy M16 deals with Travel Management and indicates that land is safeguarded for improvements to rail connectivity between Abbey Wood and Ebbsfleet. The safeguarded area has already been designated as part of the Crossrail Act, 2008 although the Plan does not set out where this is located. The extent of the safeguarding area may need to change over time, and as a result, the wording of the policy does not reflect the need to protect future changes to the safeguarding area that may arise during the plan period. As such, **MM27** is necessary to indicate that the safeguarded area is shown on the Policies Map and to ensure development does not prejudice any future safeguarded area for effectiveness.

Policy M18: Community Uses.

133. Policy M18 sets out the Council's approach to Community Uses in the Borough. The plan includes, at Diagram 2 and table AA a range of community infrastructure projects or areas of search where needs have been identified but specific sites not yet confirmed. In order to ensure that the necessary land for community infrastructure is identified to accompany the proposed development levels and timing in the plan, **MM28** is necessary to modify the policy and reasoned justification to identify the community facilities required and to ensure land is suitably reserved and prioritised for effectiveness.

Policy M19: Sustainable Economic Locations

134. Policy M19: Sustainable Economic Locations seeks to support and direct new business and service development to sustainable locations in the Borough, including Central Dartford, Ebbsfleet Garden City and adjacent to identified employment areas. The Borough also experiences significant demand for

strategic scale investment including storage and distribution proposals. The third limb of the policy does not include strategic scale storage and distribution uses being supported nor would it allow storage and distribution to be considered by the policy under the provisions for strategic investment proposals. This approach is not justified or effective, and as a result, **MM29** is necessary to amend the policy and reasoned justification to include storage and distribution uses within the scope of criteria for strategic investment proposals.

Policy M20: Provision for Local Businesses and Skills

135. Policy M20 addresses requirements for large scale industrial and commercial development to support local businesses and skills by providing a range of smaller units or premises and contribute to skills and training. The policy does not explicitly reference how the plan will secure skills training and apprenticeships. For effectiveness, Policy M20 therefore requires modification through **MM30** to indicate that the principal mechanism for supporting business and skills is through the seeking of legal agreements to secure an employment and skills plan. Following the MMs consultation, a further amendment to **MM30** is necessary to include reference to the use of planning conditions to secure employment and skills plans for effectiveness as this would be an alternative and appropriate mechanism to secure their provision.

Policy M21: Identified Employment Areas

136. Policy M21 sets out the approach to development on Identified Employment Areas in the Borough. The plan sought to both extend and amend the boundaries of a number of the Identified Employment Areas. However, it was unclear what proportion of the proposed expansion areas were to be net new land identified by the plan rather than as a result of existing permissions and completions. Furthermore, the policy also seeks to limit development that would not directly result in new jobs created on Identified Employment Areas. However, this had the potential to restrict operational development that may support existing employment uses and investment in building stock if net new jobs were not created. As a result, **MM31** is necessary to amend the policy and reasoned justification to reflect the location of areas for major expansion as well as to allow operational development to support existing employment uses which are required to be justified and effective.

Conclusion

137. Subject to the proposed main modifications identified above, I conclude that the Development Management Policies would be justified, effective, consistent with national policy.

Issue 8 – Whether the plan is justified, effective and consistent with national policy in relation to transport, infrastructure and implementation.

Transport

138. The plan is accompanied by strategic transport modelling studies [INF-6, 7, 8, 9, 10, 11, 12 & 13] which provide a range of scenarios to assess the effects of the Plan's development strategy. This includes a 'without local plan growth' model as well as testing of the plan's preferred approach and identification of mitigation measures. Policy S2 sets out the strategic approach to infrastructure reflecting the need for the location of new development to minimise private vehicle movements, improve public transport and active travel as well as maximise opportunities for transport improvements in the Borough. Policy S2 also identifies opportunities to achieve transport upgrades in the Borough including the promotion of new and improved rail services, new and improved Fastrack bus services, additional highway and junction upgrades and the use of rivers for the sustainable transport of goods. However, the Plan does not set out its strategic transport enhancements that paragraph 20 of the Framework expects. As a result, **MM03** which has been further amended following the MMs consultation to update references in the table to a possible future Thames Barrier and its timing, is necessary to include these within a wider table of infrastructure requirements for effectiveness and to accord with national policy.
139. In terms of the key trunk roads in the Borough, the modelling considers local plan options testing comparing a reference case to the Plan's forecast of development. The evidence indicates the Plan would not have an unacceptable impact on the M25 Motorway and A2 trunk roads.
140. Reference was made during the examination to the effect of the proposed Lower Thames Crossing (LTC) on the plan which would be located outside of the Borough. However, the Plan is not reliant upon the LTC to manage transport movements, nor is it included as an identified infrastructure project. The transport modelling has included the LTC within its scenarios in order to understand the impacts on the area if it were to go ahead.
141. The modelling does not indicate that there are any key strategic transport infrastructure projects required to allow the Plan's overall spatial strategy to come forward. Evidence contained in the stage 3b strategic transport modelling [INF-9] set out the approach to modal shift, however, the plan's strategy is not dependant on the achievement of a fixed modal shift target. Nonetheless, Policy M16 seeks to minimise any transport impacts that may arise whilst Policy M17 sets out the Council's commitment to active travel and supporting the use of public transport which remain necessary to mitigate effects at individual site level.

142. Whilst the Borough is affected by the presence of very large volumes of strategic traffic movements on the Strategic Road Network (SRN), the location of the proposed allocations and the focus on regeneration sites would not result in any unacceptable impacts. The allocated site E5 is part of strategic development at Eastern Quarry that has planning permission for 6,250 dwellings in total. Whilst a junction improvement is proposed at Watling Street to ensure the remaining homes can be fully delivered, no further dwelling capacity limit has been identified. The plan has also been assessed in terms of its potential effect on the Local Highway Network, and there is no mitigation specifically identified nor indication that effects would impact the timing of any development.
143. As a result, I am satisfied that the potential effects on both the strategic and local highway network have been considered. The evidence indicates that the increase in vehicular traffic due to the scale of growth promoted in the local plan would have a limited effect on the highway network due to the relatively modest uplift in development beyond the referenced baseline. Therefore, I am satisfied that there would not be an unacceptable impact on highway safety and that the residual cumulative impacts on the road network would not be severe.

Infrastructure

144. Policy S2 sets out the Council's strategic approach to the provision of Infrastructure to support the spatial strategy and seeks to ensure that infrastructure is coordinated with development. The policy details the mechanisms which are to be used to secure infrastructure, which include use of developer contributions secured via the Community Infrastructure Levy (CIL) as well as planning obligations. The submitted plan is supported by an Infrastructure Delivery Plan (IDP) [INF-2] which identifies key infrastructure projects, delivery bodies and funding sources and the Future Infrastructure Statement [INF-3] provides additional evidence on the location and timing of key infrastructure improvements. These documents provide a clear basis upon which the Plan's infrastructure requirements have been assessed.
145. As a strategic policy, Policy S2 does not clearly set out the pattern or scale of infrastructure for transport, community facilities, education, healthcare, flood and coastal change and waste that paragraph 20 of the Framework expects. Therefore, **MM03** is necessary in order to include a new table setting out the key infrastructure necessary to support the plan's strategy and an amendment to the policy wording to reflect that infrastructure will be sought in line with that included in the table. These modifications are necessary in order for the plan to be justified, effective and consistent with national policy.

146. I am satisfied that the Plan has been based on a robust assessment of infrastructure requirements and subject to the modifications described above, makes sufficient provision for infrastructure.

Viability

147. The Plan is supported by a viability assessment [VIA-1 and VIA-2] that reflects the Council's CIL charging schedule which the Council has been implementing since 2014. The viability assessment utilises a residual valuation methodology with deductions for costs taken from the expected value of the scheme and compares these to benchmark land values. Overall, the cost inputs are appropriate in terms of build costs, fees and contingencies and developer profit. The methodology utilised a range of residential site typologies with an appropriate range of site types that are broadly reflective of the types of development which may come forward within the Plan's strategy.

148. The study finds the submitted plan's requirements for affordable housing to be viable at plan-wide level which I have addressed above. Whilst the viability assessment indicates that the policy requirement at Policy M3 for development meeting BREEAM 'excellent' rating has a slight impact on viability, the evidence indicates this would not be sufficient to render development unviable.

149. Whilst the Plan's policy requirements would be cumulatively viable overall, there will be instances where the specific circumstances of a site may result in schemes being unviable. Although the Plan's focus on the regeneration of key brownfield sites will result in some viability challenges, the flexibility that is necessary to introduce to the affordable housing requirements will enable the plan to respond to changing circumstances. Overall, I find the viability assessment to be reasonable in its conclusions and that the cumulative effect of the Plan's policies will not put the delivery of the strategy at risk.

Monitoring

150. The submitted Plan includes at section 6 a monitoring framework which sets out the key data that will be reported on as part of the Council's Annual Monitoring Report (AMR). The plan also includes an infrastructure aims and monitoring table (Table 10) and triggers for local plan review and reporting table (table 11).

151. Although I find that the DtC has been complied with, over time, the position of neighbouring authorities may crystallise in relation to any unmet need and its scale. The approach to implementation and monitoring of the plan at Section 6 includes the monitoring of Duty to Cooperate Activities and triggers for future review. **MM35** is necessary to amend the text in the Monitoring Framework which set out how monitoring will document and report on any future requests

for assistance which may be made to the Council and is necessary for effectiveness.

Conclusion

152. Subject to the proposed main modifications identified above, I conclude that the Plan would be justified, effective, consistent with national policy in relation to transport, infrastructure and implementation.

Issue 9 – Whether there would be a deliverable housing land supply in years 1-5 and developable supply in years 6-15?

Five Year Housing requirement

153. I have already found the proposed annual housing target of 790 dwellings per annum to be sound. In calculating the 5 year requirement, the base requirement of 5 years at 790 dwellings per annum is 3,950 dwellings. As set out in matter 1 above, I have recommended a number of MMs to address the plan period. Taking the plan period as modified which starts at 1st April 2021 as discussed above, there has been 540 net completions in the 2021/22 financial year, resulting in a shortfall of 250 dwellings in the year up to 31st March 2022. When this shortfall is added to the requirement, this gives a resultant total of 4,200 units.

154. Paragraph 74 of the Framework indicates that the supply of deliverable sites should include a buffer moved from later in the plan period of 5% to ensure choice and competition in the market for land. The Council has not sought to confirm its supply through this examination nor prepare an Annual Position Statement and there is no evidence that there has been significant under-delivery of housing over the previous 3 years. As a result, it is appropriate to apply a 5% buffer to the 5 year requirement. Subject to the addition of a 5% buffer applied on top of the requirement, this results in a 5 year requirement of 4,410 dwellings in the 5 year period.

Assessment of supply

155. The Plan is underpinned by the SHLAA [HOU-2] which was subsequently updated in September 2022 [WS2-43A]. There is a significant pipeline of sites in the Borough with extant planning permission, many of which are under construction which is reflected in the supply of deliverable sites. The Council has forecast the delivery of sites having regard to the principles set out at Appendix D of the SHLAA which considers evidence provided by landowners, developers and in the case of Ebbsfleet Garden City, from Ebbsfleet Development Corporation.

156. Paragraph 71 of the Framework indicates that an allowance can be made in the land supply for windfall sites where there is compelling evidence they will provide a reliable source of supply. Evidence set out at Appendix E of the SHLAA includes a windfall allowance for small sites (4 units or fewer), this equates to 26 dwellings per annum. In the first 5 year period the Council has included these from after year 3 of the trajectory onwards in order to avoid potential double counting with small, consented sites in the supply (to which a 10% lapse rate was applied, resulting in 31 dwellings per annum for the first 3 years from small consents). I am satisfied that the approach to the inclusion of small windfall sites is sound and will provide a reliable source of supply in the trajectory.
157. Following the discussion at the hearing sessions, EXAM-25 updates the Council's land supply position to 2022 and indicates that the deliverable supply for the period 1st April 2022-31st March 2027 is 5,265 dwellings. Having reviewed the phased housing land supply, I am satisfied that there is clear evidence that housing completions will begin on site within 5 years, and therefore the delivery projections for years 1-5 are appropriate and justified.
158. A number of sites allocated in the Plan are forecast for delivery in years 6-15. These include the Priory Shopping Centre allocation at Policy D6 which has been forecast for delivery later in the plan period from 2028/29 as a developable site. There will also continue to be development throughout the plan period and beyond at Ebbsfleet Garden City reflecting its long-term strategic role in the provision of housing, and whilst a number of the remaining phases of the Ashmere (covered by Policy E5) and Ebbsfleet Central allocations (Policy E4) do not yet have planning permission, there is clear evidence they are all suitable and available and have a reasonable prospect of being developed at the point envisaged. Further dwelling completions will also be expected from committed sites in this period.
159. The total housing requirement over the plan period to 2037 equates to 12,640 dwellings. Evidence provided in EXAM-25 indicates that the total deliverable and developable supply over the 16 years (2021-2037) would provide 12,419 net additional dwellings. This includes 312 dwellings (an average of 26 dwellings per annum) which the SHLAA phased housing supply indicates will come from small windfalls through to 2036/37. Nonetheless, there remains a shortfall of approximately 221 dwellings in the supply by the end of the plan period. Having regard to the amended housing requirement and projected delivery rates, **MM36** is necessary to update the housing trajectory in Appendix C of the plan in order to be justified and effective.
160. The submitted plan includes the Central Dartford broad location where regeneration is supported and identifies three sites which have been positively allocated in the plan (Westgate, Priory Centre and Lowfield Street). However, not all individual sites that could come forward in this area have been identified

or confirmed as deliverable. Furthermore, the Station Surrounds/ River Darent Area identified at Policy D7 supports the creation of new neighbourhoods in this area and **MM10** allocates three further sites in the Station Surrounds/ River Darent area. Paragraph 68 of the Framework allows the identification of broad locations as part of longer-term supply, and as such, their identification is appropriate.

161. Appendix F of the SHLAA indicates that the Plan does not rely on the broad location in terms of the contribution of dwellings to supply, but nonetheless, some additional housing delivery would be expected to take place during the latter years of the plan period from sites permitted by Policy D7. Through evidence provided during hearings and from more detailed assessments and information gathered over time, there is a reasonable prospect that some modest changes in the proposed mix of uses on identified sites (such as Westgate as discussed above) and the three further sites allocated by **MM10** will allow for additional residential units to come forward. The potential additional dwellings from these locations would be capable of making a contribution to addressing the shortfall of 221 dwellings by the end of the plan period.
162. Overall, the updated land supply assessment demonstrates that there are consented sites, and sites where there is clear evidence of delivery in 5 years, which have a reasonable prospect of delivering 5,265 dwellings in years 1-5.
163. For those permissions and allocations where there are identified phasing plans which profile no completions in years 1-5, the detailed delivery profiles set out at Appendix D of the SHLAA indicate a sensible profile of when these will be delivered. I am satisfied that there are developable sites along with the broad locations which contain other potential land to deliver the housing requirement to the end of the plan period.

Conclusion

164. Subject to the proposed main modifications identified above, I conclude that the Plan would provide a sound basis for meeting the housing requirement in Dartford and there is a realistic prospect of securing a deliverable 5 year housing land supply on adoption of the plan. The sites and broad locations identified in the plan would also contribute towards developable supply in years 6-10, and to the end of the plan period.

Overall Conclusion and Recommendation

165. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

166. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that the duty to cooperate has been met and that with the recommended main modifications set out in the Appendix the Dartford Local Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

Philip Mileham

Inspector

This report is accompanied by an Appendix containing the Main Modifications.