

Please ask for: Katie Gill
Direct Line: (01322) 343213
Direct Fax: (01322) 343047
E-mail: katie.gill@dartford.gov.uk
DX: 31908
Your Ref:
Date: 12th December 2014

Dear Parish / Town Council,

Regulation 18 'Draft Plan and Options' public consultation on the Dartford Development Policies Plan (The Town and Country Planning (Local Planning) (England) Regulations 2012)

Dartford Borough Council is in the process of developing a plan which will eventually replace the 1995 Dartford Local Plan. The Dartford Core Strategy was the first Local Plan document to be adopted as part of this replacement process in September 2011, setting the Borough's overall strategy for development to 2026.

The Council is now preparing a Development Policies Plan to deliver the Core Strategy and update policies used in development management (the process of deciding planning applications). It will establish the main criteria that all developments will need to meet. For further information please see the Development Policies Plan consultation document, and the supporting information (including alternative options identified and assessed through Sustainability Appraisal). For Parish and Town Councils only, we have produced a special hard pack copy of documents.

If further people require access to documents locally, they are all available on www.dartford.gov.uk/policyconsultation and at libraries across the Borough.

Please ensure your comments are received by us in time (Mid-day 30th January 2015). If you are having difficulty responding, please contact us in advance and see how we can help you respond within the deadline. The Council may be unable to take account of late comments.

Please comment using the attached form; completing your details in the General Information Form A, and if commenting on specific policies in the plan or alternatives to them, please also fill in a copy of Form B, C, or D for each policy you are commenting on. These should be sent back to us via the email address below preferably.

Comments must be made in writing by-

- Emailing response forms to LDF@dartford.gov.uk; or
- Posting response forms to Planning Policy Team, Dartford Borough Council, Civic Centre, Home Gardens, Dartford, Kent DA1 1DR

* emailed to Members 15/12/14.

2
If you have any queries on the consultation please email, or call the Planning Policy Team on 01322 343213. Note comments on this public consultation cannot be kept confidential.

This consultation is running for a period of seven weeks. All responses to the document must be received by Mid-day (12pm) Friday 30th January 2014. We would appreciate your comments as early as possible.

Yours sincerely



Mark Aplin
Planning Policy Manager

Dartford Development Policies Plan

Additional Information for Consultees (Winter 2014/15)

About the Plan Draft Plan & Options Consultation

A flyer has been produced highlighting the consultation, and giving a flavour of some of the topics. To receive copies or to find out more about how the consultation can be publicised in the Borough. Please email ldf@dartford.gov.uk, or call 01322 343213.

Guidance on the consultation is given in the introductory section of the document. The main chapters and associated policy are reproduced here to provide some more detail on the scope of proposals:

Cross Cutting Borough Wide policies (chapters 4-7):

- Policy DP1: Dartford's Presumption in favour of sustainable development
- Policy DP2: Good Design in Dartford
- Policy DP3: Transport Impacts of Development
- Policy DP4: Transport Networks Access and Design
- Policy DP5: Environmental and Amenity Protection

Housing in Dartford (chapter 8):

- Policy DP6: Sustainable Residential Locations
- Policy DP7: Borough Housing Stock and Residential Amenity
- Policy DP8: Residential Space and Design
- Policy DP9: Housing Development Appropriate to Local Needs
- Policy DP10: Gypsies and Travellers Accommodation

Sustainable Infrastructure and Construction (chapter 9):

- Policy DP11: Sustainable Infrastructure and Construction

Heritage and the Historic Environment (chapter 10):

- Policy DP12: Dartford's Historic Environment Strategy
- Policy DP13: Designated Heritage Assets

Dartford Town Centre and Local Shops (chapter 11):

- Policy DP14: Retail and Town Centre Development
- Policy DP15: Dartford Town Centre and its Primary Frontage
- Policy DP16: Dartford Town Centre's Secondary Areas
- Policy DP17: District Centres
- Policy DP18: Neighbourhood Centres
- Policy DP19: Takeaways and Drinking Establishments

Identified Employment Areas (chapter 12):

- Policy DP20: Identified Employment Areas

Securing Community Facility Provision (chapter 13):

- Policy DP21: Securing Community Facility Provision

The Green Belt and Green Infrastructure Network (chapter 14):

- Policy DP22: Development in the Green Belt
- Policy DP23: Protected Local Green Space (PLGS)
- Policy DP24: Open Space and Green Grid
- Policy DP25: Nature Conservation and Enhancement

Please contact us if you have any questions on general plan content.

How to make your comments as effective as possible

Comments should be made in writing. Please use the response forms to help us fully evaluate responses.

You will need to complete **Form A to provide general information**, and, to comment on a policy proposal, at least one of Forms B-D:

- **Form B** to comment on Policies DP1-10 (Cross Cutting Borough Policies and Housing in Dartford) and alternative options.
- **Form C** to comment on Policies DP11-13 and DP22-25 (Sustainable Infrastructure, Green Belt/ Infrastructure & Heritage) and alternative options.
- **Form D** to comment on Policies DP 14-21 (Dartford Town Centre and Shops, Employment Areas and Community Facilities) and alternative options.

All comments will be made available for public inspection, although personal details may be redacted in line with data protection requirements.

Please consider the alternative options, where appropriate, as well as the proposed policy. You may wish to put forward further alternatives as to how to deal with the issues that they are attempting to address, in light of national planning guidance, and Dartford's wider corporate policies and strategies. There are not necessarily realistic distinct alternatives for all topics. For further information please see the draft Sustainability Appraisal report accompanying this document.

This consultation is supported by the following evidence documents; these are available on the council's website:

- A *draft Sustainability Appraisal Report* which has to assess its environmental, social and economic impacts, against alternative options. This will help ensure that the policies are sustainable by identifying any potential harmful impacts and suggesting ways to minimise these impacts; and maximising benefits. Similarly, a *Habitats Regulations Assessment Screening (draft)* is available.
- A summary of and response to comments made in the previous (2013) Development Management Plan 'Scoping' consultation.

- A draft note on the statutory Duty to Cooperate, documenting the connections between Dartford and wider strategic planning, including the involvement of other public bodies.
- The *Evidence of Reasoning* document justifying all the proposed policies against national policy and the Core Strategy.
- Topic-specific evidence base papers. At present these include:
 - *A Draft Borough Local Shopping & Town Centres Study*
 - *A Draft Green Grid & Open Space Update Paper*

The Plan also uses evidence prepared in support of the Core Strategy, and associated updates. This does not form part of the consultation, but is available on the Council website.

The Plan is not a site allocations document, and therefore submissions of general housing sites etc is not invited and should not be submitted.

Next steps

Comments must be received by Dartford Borough Council midday (12pm) Friday 30th January 2015. Comments received in the first six weeks of consultation will be automatically acknowledged before the consultation closes. In the last week consultation, you should call if you require confirmation that we have received comments within the deadline.

Your comments will be closely considered and used to identify possible amendments to the Plan, as shown in this chart of future stages (top row):

Stage	Timing
Review consultation responses, amend document, and gather further evidence as appropriate	February to June 2015
Publication of plan for written comments on soundness (Regulations 19&20)	July to August 2015
Review of responses and preparation of minor modifications.	September 2015
Submission of the plan and evidence (including consultation feedback) to Government	October 2015
Examination in Public hearings by Planning Inspectorate	January 2016
Adoption by the Council if found 'sound' by the Planning Inspectorate	July 2016

This is the last opportunity for you to comment to the council and for it to change the Plan: the next written representation stage will be for the consideration of the Planning Inspectorate.

This page is intentionally left blank

REPRESENTATION FORM. A. (General)**Development Policies Plan****DARTFORD**
BOROUGH COUNCIL

For office use only

Reference No:

We will accept photocopies of this form or you can download copies from the Council's website at: www.dartford.gov.uk/Policyconsultation

Dartford Council welcomes your comments and views. **All respondents should complete Section 1 and 4 of this form. You are requested to complete section 5 equalities monitoring form**

TO MAKE GENERAL COMMENTS ON THE PLAN and you should complete sections 2 and 3 of this form as appropriate.

TO MAKE COMMENTS ON ANY OF THE PROPOSED POLICY CONTENT (DP25 to DP25) and any alternative options please complete Section 1 and 4 together with any other relevant sections of this form. Comments on policy content must be **SUBMITTED ON FORMS B TO D.**

Section 1: Your Details and General Feedback

Name	
Job Title (if relevant)	
Company/organisation name (if relevant)	
Client's name (if applicable)	
Postal address	
Email address	

Our Statement of Community Involvement says that we will keep consultation methods under review. We need your help with this.

Please indicate below how you became aware of the consultation.

--

Do you consider that the document is easy to read?

--

**Were you provided with the information you needed to respond to the document?
How could this be improved?**

Section 2:

Comments on non-policy parts of the document/ other documents / general comments

General comments

If you have general queries about current and future Dartford planning policy, please contact us before the consultation closes.

If you would like to express views on the introductory section of the consultation document or the Appendices (not relating to any policy), or the document as a whole, please comment here.

Use this section to comment on supporting documents, including Sustainability Appraisal and Habitats Regulation Assessment.

Would you like to comment on the supporting documents or other parts (or the general whole) of the consultation plan?

- Yes – use the box below*
- No – go to section 3....*

Thank you.

[If you answered 'Yes'] Please explain your comment:

Section 3: Are there any other matters or issues that need to be included in the Plan?**Further potential policy**

The intention is for this Plan, when finalised, to form the Local Plan for Dartford, when considered alongside the existing Core Strategy. Remaining 'saved' policies from 1995 (Appendix A5 of the consultation document) would be deleted.

This may be complemented by the production of further non-statutory policy such as Supplementary Planning Documents with more detailed elaboration of existing policy on particular topics/ sites.

If you are suggesting new policy areas they:

- must be consistent with the Dartford Core Strategy and national policy
- should be appropriate for planning to address i.e. not be dealt with by other legislation etc.
- should be important issues for the Borough warranting Local Plan status but cannot be proposals to allocate new land for general development purposes (e.g. private housing / employment sites).

Is there a further policy required under national policy and the Core Strategy on a new topic (not addressed within the Draft Plan & Options consultation document)?

- o Yes – use the box below
- o No – GO TO Section 4....

Thank you.

[If you answered 'Yes'] Please explain why it is needed in Dartford, outlining the criteria/ approach that you proposed would apply, supported by any evidence you may have:

Section 4: Final Matters

Signature:

Date:

Data Protection Statement: The information you provide will be held and used by Dartford Borough Council, in accordance with the Data Protection Act 1998, to help in the preparation of the Development Management Plan Scoping Report. Please note that all responses received will be available for public inspection. Your personal details will however remain confidential.

**ALL RESPONSES MUST BE RECEIVED BY
Midday Friday 30th January 2015**

The Council cannot guarantee to take full account of late comments.

Please ensure your comments are received by us in time. If you are having difficulty responding, please contact us in advance and see how we can help you respond within the deadline.

Completed forms should be sent to the following address:

Planning Policy Team
Dartford Borough Council
Civic Centre
Home Gardens
Dartford
Kent, DA1 1DR

Email address: LDF@dartford.gov.uk

Further copies of this form are available:

- On the Council's website at <http://www.dartford.gov.uk/DMScoping>
- By telephone (01322) 343213
- Or you may photocopy this form.

If you or anybody you know requires this or any other council information in another language please contact us and we will do our best to provide this for you. Braille, Audio tape and large print versions of this document are available upon request.

Tel: 01322 343434 / Fax: 01322 343432

Email: customer.services@dartford.gov.uk

Documents are available on the council's website:

<http://www.dartford.gov.uk/by-category/environment-and-planning2/planning/planning-policy/development-management-plan>

¹ and in hard copy form at libraries across the Borough.

Additional Information for Consultees is available via the weblink above to find out more about how to make an effective comment (and commentary on the important issue of alternative options), and next steps once the consultation has closed.

This page is left
Intentionally blank

Section 5 Equalities Monitoring

We want to find out if we are giving as good a service as we can to all our customers. To help us to do this, please complete the following form. The information we get from the replies will be held confidentially and will only be used for monitoring purposes.

Please tick as appropriate

1. Ethnic Group:

White

- British
- Irish
- Any other white background

Mixed

- White and Black Caribbean
- White and Black African
- White and Asian
- Any other mixed background

Asian or Asian British

- Indian
- Pakistani
- Bangladeshi
- Any other Asian background

Black or Black British

- Caribbean
- African
- Any other Black background

Chinese

- Chinese

Other ethnic group

- Any other group

2. Sex:

- Male Female

3. Age:

- Under 16
- 16-19
- 20-24
- 25-59
- 60-64
- 65 and above

4. Do you have a disability?

Yes No

4a If you do, what is the nature of your disability?

Difficulty getting around

Hearing difficulty

Difficulty seeing

Learning difficulties

Mental Health problems

Other

Thank you for taking the time to respond to this consultation.

Dartford 'Development Policies' Local Plan *Draft Plan & Options Consultation*

COMMENT FORM B: FOR POLICIES DP1-DP10

[Cross Cutting Borough Policies and Housing in Dartford]

Some Supporting Background Information

Some applicable Core Strategy policies: CS23/25- (Design), CS15/16- (Transport), CS10/17/18/19- (Housing), CS20- (Gypsies & Travellers).

Some applicable national policies are referred to within the Draft Plan & Options' Development Policies consultation document: Paragraphs 8.26- (minimum dwelling size), 8.27-(dwelling adaptation), 8.37- (custom build), 8.42- (gypsies and travellers).

Relevant Policies Map proposed content: Appendices A1.1 to A1.3 (for policy DP2) in the Draft Plan and Options Development Policies document

- Please complete a copy of this **form for each policy** you are commenting on.
- You must complete and attach one Response Form A sections 1 and 4.

1. Which policy are you commenting on (please tick one):

- Policy DP1: Dartford's Presumption in Favour of Sustainable Development
- Policy DP2: Good Design in Dartford
- Policy DP3: Transport Impacts of Development
- Policy DP4: Transport Networks Access and Design
- Policy DP5: Environmental and Amenity Protection
- Policy DP6: Sustainable Residential Locations
- Policy DP7: Borough Housing Stock and Residential Amenity
- Policy DP8: Residential Space and Design
- Policy DP9: Housing Development Appropriate to Local Needs
- Policy DP10: Gypsies and Travellers Accommodation

2. *What is your overall view on the draft policy (please tick one):*

- Support.** Please now go straight to question 4.
- Support subject to modifications set out below.**
- Unsure/ don't know**
- Object.** If you are objecting you are advised to consider alternative options and detail your preferred approach at question 3.

Please use this space if you wish to expand on your view on this policy and outline the modifications you consider necessary:

3. *Please answer this question if you have a view on alternative policy options.*

- Tick here if **you prefer an alternative option identified** (also see Sustainability Appraisal) over the drafted policy. (Please note that an option has not been identified for all policies). *IF* you are commenting on DP8 or DP10 (where there is more than one identified option) please also tick one of the following to indicate your specific preference:
 - ALT[A]
 - ALT[B]
- Tick here if **you have identified another reasonable alternative option** of your own, and complete the box below.

Please use this space to outline your alternative policy wording:

4. *Please can you confirm you name or organisation here:*

Thank you.

Dartford 'Development Policies' Local Plan Draft Plan & Options Consultation

COMMENT FORM C: FOR POLICIES DP11 –DP13 & DP22-DP25

[Sustainable Infrastructure, Green Belt/Infrastructure & Heritage]

Some Supporting Background Information

New studies: A Draft Green Grid & Open Space Update Paper, Habitats Regulations Assessment Screening (Draft)

Some applicable Core Strategy policies: CS13- (Green Belt), CS14/22- (Green space/ recreation).

References to some applicable changes in national policy are referred to within the Draft Plan & Options' Development Policies consultation document: Paragraphs 9.1 (Climate change), 9.8 (Water efficiency)

Relevant Policies Map proposed content: Appendices A1.4 (for policy DP13), A1.10-A1.11 (for policies DP23-DP25) in the Draft Plan and Options' Development Policies consultation document.

- Please complete a copy of this **form for each policy** you are commenting on.
- You must complete and attach one Response Form A sections 1 and 4.

1. Which policy are you commenting on (please tick one):

- Policy DP11: Supporting Infrastructure and Construction
- Policy DP12: Dartford's Historic Environment Strategy
- Policy DP13: Designated Heritage Assets
- Policy DP22: Development in the Green Belt
- Policy DP23: Protected Local Green Space (PLGS)
- Policy DP24: Open Space and Green Grid
- Policy DP25: Nature Conservation and Enhancement

2. What is your overall view on the draft policy (please tick one):

- Support.** Please now go straight to question 4.
- Support subject to modifications set out below.**
- Unsure/ don't know**
- Object.** If you are objecting you are advised to consider alternative options and detail your preferred approach at question 3.

Please use this space if you wish to expand on your view on this policy and outline the modifications you consider necessary:

If your modification would identify further land with PLGS status, or expand/remove another designation on the Policies Map (Appendix A1), please include a map of the land along with an explanation.

3. Please answer this question if you have a view on alternative policy options.

- Tick here if **you prefer the alternative option identified** (also see Sustainability Appraisal) over the drafted policy (Please note a option has not been identified for all policies).
- Tick here if **you have identified another reasonable alternative option** of your own, and complete the box below.

Please use this space to outline your alternative policy wording:

4. Please can you confirm you name or organisation here:

Thank you.

Dartford 'Development Policies' Local Plan Draft Plan & Options Consultation

COMMENT FORM D: FOR POLICIES DP14-DP21

[Dartford Town Centre and Shops, Employment Areas and Community Facilities]

Some Supporting Background Information

New studies: A Borough Local Shopping & Town Centre Study

Some applicable Core Strategy policies: CS2/12- (Retail), CS7- (Employment), CS21/26- (Community Infrastructure).

References to changes in national policy are referred to within the Draft Plan & Options' Development Policies consultation document: Paragraphs 11.8 (Permitted development)

- Relevant Policies Map proposed content: Figure 3 (Policies DP15-DP16) & Appendices A1.5 (Core Strategy policy CS12), A1.6-A1.7 (for policies DP17-DP18), A1.8 (for policy DP20), A1.9 (for policy DP21) in the Draft Plan and Options Development Policies consultation document

- Please complete a copy of this **form for each policy** you are commenting on.
- You must complete and attach one Response Form A sections 1 and 4

1. Which policy are you commenting on (please tick one):

- Policy DP14:** Retail and Town Centre Development
- Policy DP15:** Dartford Town Centre and its Primary Frontage
- Policy DP16:** Dartford Town Centre's Secondary Areas
- Policy DP17:** District Centres
- Policy DP18:** Neighbourhood Centres
- Policy DP19:** Takeaways and Drinking Establishments
- Policy DP20:** Identified Employment Areas
- Policy DP21:** Securing Community Facility Provision

2. What is your overall view on the draft policy (please tick one):

- Support.** Please now go straight to question 4.
- Support subject to modifications set out below.**
- Unsure/ don't know**
- Object.** If you are objecting you are advised to consider alternative options and detail your preferred approach at question 3.

Please use this space if you wish to expand on your view on this policy and outline the modifications you consider necessary:

If your modification would include or remove properties from the Policies Map i.e. Dartford Town Centre boundary of proposed frontage (Figure 3) or District/ Neighbourhood Centres (Appendix A1), please outline your proposed new boundaries on a map, or detail all the addresses you are proposing to include/ exclude.

3. *Please answer this question if you have a view on alternative policy options.*

- Tick here if **you prefer the alternative option identified** (also see Sustainability Appraisal) over the drafted policy (A option has not been identified for all policies).
- Tick here if **you have identified another reasonable alternative option** of your own, and complete the box below.

Please use this space to outline your alternative policy wording:

4. *Please can you confirm you name or organisation here:*

Thank you.

A Draft Green Grid & Open Space Update Paper

December 2014

DARTFORD
BOROUGH COUNCIL

1.0 Introductory Context

1.1 This document provides an update to the various evidence documents produced to support the Core Strategy relating to green spaces, sport and recreation, and areas of nature conservation value. It also provides further evidence in relation to new policy areas and concepts that have emerged, particularly through the National Planning Policy Framework (NPPF).

1.2 These consist of:

- Open Space Technical Paper 2010
- Sports Facilities Technical Paper 2010
- Dartford Borough Playing Pitches Study 2011
- Dartford's Natural Environment: Biodiversity and Landscape Technical Paper July 2010

1.3 This update underpins the emerging Dartford Development Policies Plan which sets detailed development management policies to ensure that the objectives and policies set in the Core Strategy are delivered.

1.1 Objectives set out in Development Policies Scoping Document

1.1.1 Consultation on the Development (formerly 'Development Management') Policies Plan commenced in 2013 with a 'Scoping Document' produced, which included the following relevant objectives

- Ensure that existing public open space is protected and a range of new spaces are provided to meet residents' needs [for sport, informal recreation and play, and tranquillity] and that they are managed and maintained to a good standard.
- Ensure the protection and enhancement of the Borough's natural environment

1.2 Policy Framework (update)

1.2.1 The National Planning Policy Framework (NPPF) was published in March 2012. The NPPF both sets requirements for plan making and planning determination. It forms a key material consideration in the development of local policy development.

1.2.2 Figure 1 provides an overview of the requirements of the NPPF in relation to Green Infrastructure and nature conservation policy.

Figure 1 Green Infrastructure Requirements set by the NPPF (emphasis added)

Promoting healthy communities

73. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to date assessments of the needs for open space, sports and recreation facilities and opportunities of new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local areas. The assessments should be used to determine what open space, sports and recreation provision is required.
74. **Existing open space sports, and recreational buildings and land, including playing fields, should not be built on unless:**
- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - The development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss.
75. Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

Conserving and enhancing that natural environment

109. The planning system should contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes, geological conservation interests and soils;
- Recognising the wider benefits of ecosystem services
- Minimising impacts on biodiversity and providing net gains in biodiversity where possible

113. LPAs should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites²⁴, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

114. LPAs should:

- Set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure ;

116. Planning permission should be refused for major developments in these [nationally] designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration should include an assessment of the impact of permitting and refusing a major development application on the local economy, the cost and scope of developing elsewhere and the impacts, opportunities and mitigations (paraphrased).

117. To minimise impacts on biodiversity and geodiversity, planning policies should:

- Plan for biodiversity at a landscape-scale across local authority boundaries;

- Identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation (*includes Local Wildlife Sites*);
- Promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan;
- Aim to prevent harm to geological conservation interests; and
- Where Nature Improvement Areas are identified in Local Plans, consider specifying the type of development that may be appropriate in these Areas

118. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles (*relevant bullets shown*):

- If significant harm result from a development cannot be avoided (*locating to an alternative site*), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- Proposed development on land within or outside a SSSI likely to have an adverse effect (*individually or in combination*) should not normally be permitted. Exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the *special* features of the site and the broader impacts on the SSI network.
- Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted
- Opportunities to incorporate biodiversity in and around developments should be encouraged
- Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland unless the need for, and benefits of, development in that location clearly outweigh the loss.

123. Planning policies and decision should aim to identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

The NPPF glossary defines Green Infrastructure as a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.

1.3 Dartford Core Strategy and Existing Policy

1.3.1 The Dartford Core Strategy (2011) is the primary Local Plan that sets a framework whereby significant quantities of planned new homes and employment development can be accommodated sustainably. Policies seek to ensure adverse environmental, economic and social impacts of large scale development are mitigated. The protection and enhancement of Dartford's Green Grid is a key component to sustainable development within the Borough. The Green Grid is a network of green spaces and the corridors that link them which are set out at strategic level in the Core Strategy. The following paragraphs set out an overview of the key Core Strategy policies addressing green spaces and green grid.

1.3.2 *CS13: Green Belt* says that the GB will be managed as an ecological and recreational resource. A number of projects are identified. (An update of progress is given below)

1.3.3 *CS14 addresses green space*. It requires that new development contribute to the Green Grid network, the level of which is dependent upon the site area. Sites over 2ha are required to contribute 20% rising to 30% if the site area is over 20ha. Sites smaller than 2 ha are considered on a site by site basis. Off-site contributions are allowed where on site provision is not appropriate or feasible. Within the overall allocation, green space and water bodies should provide for diverse community needs including natural habitats, biodiversity corridors and mitigation of flood risk.

1.3.4 The policy protects existing open spaces (including those on diagram 8 – this identifies all local wildlife sites, SSSIs, national nature reserves, most areas of ancient woodland and common land plus areas where new green spaces and green grid are proposed. Some of the PROW network is identified with proposed future links. The diagram is indicative showing the key areas and routes that will form the GG network but does not individually identify the designations above).

1.3.5 The policy says that the Council will work with its partners to implement a multi-functional high quality, varied and well – managed Green Grid through the requirements set out above, but in addition through a number of projects (set

out in the policy and those identified in CS13). Existing open spaces will be protected and enhanced, this includes those areas within the designations above plus brownfield sites (based on survey data), priority habitats and species. Biodiversity enhancements will be focused on the BOAs.

- 1.3.6 The preamble highlights that the open space assessment identifies that West Hill and Joydens Wood and some villages to south of the A2 do not have easy access to parks and children's playspace. In addition facilities for older children and teenagers are limited. The open space audit was originally carried out in 2005 but updated in January 2011 to deal with categorisation inconsistencies and to include new sites, which had been previously omitted.
- 1.3.7 The CS states that the long term aspiration is to develop a linked network of open spaces and routes across the borough (the Green Grid) joining with the strategic network beyond the borough boundary.
- 1.3.8 CS 22 addresses the protection and extension of sports, recreation and culture facilities within Dartford. Appropriate existing facilities will be protected unless it can be demonstrated that the facility is no longer required or replacement provided. Major development is required to provide facilities to meet the needs of the community. The policy pre-amble identifies that supporting studies identify a need for additional cultural and play facilities, playing pitches and highlights new provision provided through new development with planning consent.
- 1.3.9 In addition a number of adopted Local Plan 1995 policies have been saved and form part of the Local Plan alongside the Core Strategy. The Development Policies Plan will supersede these historic policies. They are outlined in 1.3.10 - 1.3.11 below:
- 1.3.10 *Open Space:*
- RT14 (s) Dartford Heath, central Park and Brooklands lakes safeguarded
 - RT15 (s) No **loss of private or educational open space**, where important to local setting or meets need
 - RT16 (s) Sites to be sought for **new open spaces** in deficient areas. Specific areas identified including Knockhall Chase
 - RT18 (s) **New housing development should incorporate open and play space**
- 1.3.11 *Green Grid and nature conservation:*
- C5(s) Support enhancement of **recreation value and nature conservation interest of the countryside**
 - C11(s) Protection for **important woodlands**
 - C12(s) Support for replacement or planting of **woodlands, hedgerow, shelter belts** and copses
 - C13(s) Protection of **SSSIs and National Nature Reserves**
 - C14 (s) Protection of **sites of nature conservation interest** shown on proposals map
 - C15 (s) Support for Local Wildlife Site at Dartford Marshes

C16 (s) Protection of non-designated sites and features of nature conservation value

C17 (s) Management agreements required where appropriate

CF12(s) Protection of allotment land not identified for development in the plan unless no need established or alternative provided

1.3.12 How the Local Plan Core Strategy meets the requirements of the NPPF

NPPF	Policy Making
<ul style="list-style-type: none"> • Policies should be based on robust and up – to date assessment of needs for open space, sports and recreation facilities, ecological networks and opportunities of new provision. Should identify surpluses of deficits and plan for new provision. • Plan a strategic approach to creation, protection, enhancement and management of green infrastructure, priority habitats and ecological networks. • PROWs should be protected and enhanced. • Set criteria based policies for proposals affected protected sites according to their status i.e. National or local 	<ul style="list-style-type: none"> • These requirements have been significantly met by CS policy and evidence base. The CS identified need for new open space to support future development and that some facilities were deficient in some areas. The policy requires new provision within set thresholds and seeks to protect and enhance a variety of open spaces, some of which are shown on the key diagram. • The open space audit of existing open spaces, is a starting point to identify all components of Dartford's Green Grid which additionally takes account of recreation provision, land of nature conservation value, water bodies and PROWs and that these are recorded accurately. This will be combined with a review of new site green space potential. These can then be identified and shown on the policies map. • Proposed part 2 local plan policies will set out the considerations that will be taken into account when proposals will incur loss of provision or impact on protected areas (depending on the hierarchy of status) and detailed requirements which can be applied to a variety of types of new provision. • DM policies are broadly criterion based. The need for detailed open space requirements, advice and guidance regarding approaches to creation of different types, protection and management to be set out in a Supplementary Planning Document will be kept under review in the light assessing the performance of local plan policies.
<p>Plan for biodiversity at a landscape scale across local authority boundaries</p>	<p>The Green spaces and Green Grid network shown in the indicative diagram in the CS will be incorporated and more clearly shown in the Development Policies Plan and the policies map together with any other green spaces and corridors identified through the updated assessment of spaces and corridors set out above. Links to neighbouring borough networks have already been established through the Core Strategy and ongoing liaison with neighbouring authorities.</p>

Designation of Local Green Space (see 1.5.6 below and Appendix 1)	A preliminary list of PLGS has been drawn up of spaces considered to be of local benefit and value to communities. These are to be widely consulted during the proposed policies and options public consultation of the plan. Interested parties will be asked to identify additional candidates. The Development Policies Plan will identify a number of PLGS s across Dartford which will be afforded strong protection through planning policy.
Specific requirements that must be taken into account in determining proposals that involve loss of provision, impact on nationally important sites and for major development in designated areas	Specific policy considerations and requirements are set out in policies on nature conservation and enhancement.
Link promotion or priority habitats to local targets and link to appropriate monitoring of the plan	CS provides a number of appropriate indicators and will continue to be measured and assessed. Appropriate targets will be reviewed with key stakeholders to identify measurable outcomes. Particularly consideration will be given to Biodiversity Opportunity Area targets and objectives.

1.3.13 For a general perspective on the alignment of the Dartford local policy with the NPPF, please see the *Evidence of Reasoning on National and Core Strategy Policy Compliance* note (DBC, December 2014) also published alongside the Development Policies document Draft Plan & Options consultation; in particular Appendix 1 on Core Strategy policies.

1.4 New Designations/ National Initiatives

1.4.1 Since adoption of the Core Strategy the Government have introduced a number of initiatives to ensure a strategic and focused approach across different sectors to ensure that the natural environment is protected and managed to ensure maximum benefits for wildlife, habitats, public recreation and to provide resilience to climate change.

1.4.2 *Greater Thames Marshes Nature Improvement Area (NIA)*: The NIA covers a large area around the Thames Estuary and particularly focuses on actions to address the decline of biodiversity arising from increasing pressures in the Thames Gateway.

1.4.3 The vision of the NIA is a "living and vibrant marshland and estuary landscape where" visitors, natural environment partners and businesses work together to ensure wide spread improvements including resilience to the changes "brought about by development and climate change". In particular work is focussing on habitat creation and protection and includes restored marsh, new ditches,

recreation mitigations and improved land management. The NIA has been awarded significant Government funding to take new initiatives forward.

1.4.4 Kent Local Nature Partnership (LNP): The Kent LNP aims to ensure a healthy natural environment that is rich in wildlife, is enjoyed by and valued by all and underpins long term economic, social and personal wellbeing. The LNP has recently published guidance and a checklist to ensure that relevant nature considerations are included in Local Plans and a framework to ensure planning authorities assist in achieving these outcomes. The framework contains a planning checklist.

1.5 Further Legislative/ Policy Protections



1.5.1 Green spaces are afforded strong protections through other regulatory procedures, which should be considered before decisions on planning policy are made.

1.5.2 The Development Policies Plan will need to be produced in satisfaction of Habitats Regulations procedures. This will ensure proposals in the Borough do not unacceptably impact on biodiversity for internationally-designated sites in the wider locale (they are not found within the administrative area; see 1.6.1 below on European Protected sites in North Kent). This is a distinct formal legal regime, and further information can be found in the *Habitats Regulations Assessment Screening (draft)* document produced in support of the Draft Plan & Options consultation.

1.5.3 *Playing fields:* The whole of a site which encompasses at least one playing pitch as defined in the TCP Development Management Procedure (England) Order 2010. School playing fields are protected under separate requirements under Section 77 of the Schools Standards and Framework Act 1998.

1.5.4 *Priority habitats and species:* Species and Habitats of Principle Importance included in the England Biodiversity List published by SoS under S31 of natural Environment and Rural Communities Act 2006.

1.5.5 *Common Land and village greens:* Registered land is protected under the Commons Act 2006. In addition to protecting land against inappropriate development the Act aims to ensure that these areas additionally deliver benefits for farming, public access and biodiversity. On the whole consent has to be obtained from the Secretary of State for any proposed works. There are two designations in the Borough in this respect.

 **1.5.6** *Protected Local Green Space (PLGS):* The NPPF provides for Local and Neighbourhood plans to identify and designate land that should be afforded special protection against development. Protection afforded will be comparable to that of Green Belt land. It therefore equates to very strong, nationally 

recognised, protection from development delivered through the planning system.

- 1.5.7 LGPS are green areas, which should not be extensive, that are of particular value and importance to communities in their local setting; it is not considered appropriate as a generic designation for all open spaces. National Guidance sets out that these areas could include sports pavilions, structures such as war memorials, allotments or urban green spaces that provided a tranquil oasis. To ensure they are places of special significance in a locality it is unlikely there would be a major proliferation of such land in any one community.
- 1.5.8 With significant development opportunities identified through the Core Strategy which in particular locates and directs the majority of future development on brownfield sites, the Local Green Space designation will provide an additional level of protection against encroachment particularly of windfall development in areas valued by local communities whether they be in private or public ownership. Other than protection from inappropriate development there is no obligation as to the future management of a PLGS on a landowner, although it may provide a stimulus for shared local action to maintain and improve an area.
- 1.5.9 As a starting point, in advance of public consultation, the Council has used open space audit data together with taking into account the current function, location and other factors to identify a preliminary list of potential green spaces that meets PLGS criteria requirements, such as the demonstrable special value to the local community, for such designation. Spaces that may be particularly valuable at a local level but already have protection such as allotments, graveyards, amenity and play areas provided in perpetuity in new development has been excluded. Similarly the parts of the Borough already afforded strong Green Belt protection are not appropriate under this specific designation as it would effectively result in confusing replication of policy provisions.
- 1.5.10 It is envisaged that this will enable local communities and representatives to consider the initial spaces proposed and put forward other valued spaces worthy of consideration, to be assessed and potentially identified in the final Development Policies Plan. Given the degree of protection to be afforded to these spaces under national policy, final decisions must be informed by information showing their special characteristics, demonstrating their distinctiveness from other green spaces.

Appendix 1 sets out the preliminary list of protected local green space sites identified by the Council together with the assessment of the characteristics that are valued by the local community.

2.0 Update in relation to projects within the Dartford Core Strategy

2.1 European Sites in North Kent

2.1.1 Using the findings of the bird disturbance and recreation impact research, a Strategic Access Management Strategy for European protected sites in North Kent has been produced.

2.1.2 Natural England is in the process of drafting formal advice on recreational disturbance at protected North Kent sites, taking into account a nationally agreed approach to protection and mitigation. They have indicated that this will facilitate development whilst ensuring that impacts to the coastal designated sites are avoided. The draft guidance will be considered by partners in north Kent with the aim to produce an agreed cross boundary coordinated approach to protection, management and developer contributions.

2.2 Implementation of Green Space projects identified in CS14

- **2.2.1 Darent Valley Corridor**

This consists of an enhance path and landscape alongside the River Darent from the River Thames and continuing into open countryside, and then on into Sevenoaks District Council area. A strategic landscape enhancement plan has been produced in 2014 by the Darent Valley Landscape Partnership. HLF bid – Landscape Partnership Scheme

- **2.2.2 Central Park**

Central Park is situated close to Dartford Town centre and provides a central open space for both local residents together with borough wide community events.

2.2.3 A number of enhancements have taken place previously such as childrens' water play area and skateboard facility. More recently ecological habitat improvements have been made alongside the River Darent. Future plans include a new outdoor theatre and an extension of the skate park.

- **2.2.4 Thames Riverside Path**

This is a key strategic east west route connecting areas along the River Thames via London to the coast.

2.2.5 The route is both a national pedestrian and cycle route. A disused tramway between The Bridge development and the path has been upgraded and provided as a new pedestrian route by the Council. Kent County Council is in the process of upgrading the path to create a shared pedestrian/cycle path between the tramway and Ingress Park close to Swanscombe Peninsula.

2.2.6 At present there is no direct link between this path and the river path continuing beyond the Dartford border into the London Borough of Bexley due to the need to divert to an inland bridge across the River Darent. The Council, together with the Greater London Authority, Kent County Council and other interested parties are progressing work on the feasibility and implementation of a new bridge across the Darent to directly link each end of the path. Implementation is programmed to take place during 2017 if feasibility is established.

- **2.2.7 Dartford Marshes**

The Dartford Marshes lies in the north-west corner of the borough with the River Thames forming the northern boundary. The land is designated Green Belt and therefore subject to strong protection against inappropriate uses.

2.2.8 Whilst there are a number of landowners, the Council owns the largest proportion of land at the site. The Council owned land contains diverse habitats which support a diverse range of wildlife and plants however the area is subject to unauthorised uses and fly tipping.

2.2.9 The area is used for cycling and walking by people living close by and people who travel to the area. Anecdotal evidence suggests that frequency of use is fairly high although this is dependent on the time of year.

2.2.10 The Council has taken steps to improve the management and care of land in their ownership this has included the removal of scrub and return of some areas to grazing land although this has been undertaken in a piecemeal and uncoordinated way. A new cycle/pathway, in cooperation with Sustrans, has been provided to link The Bridge development with the River Thames path.

2.2.11 A study was carried out in 2013/14 in cooperation with other land owners and interested parties to evaluate the condition of the marsh and to identify future land management options. A number of both short and long term actions have been identified to ensure a more accessible and well managed site. The Council and other partners will progress this programme, with funding allocated over the next three years.

2.2.12 In addition the Environment Agency has expressed interest in working with the Council and contributing to funding the enhancement of fresh water grazing marsh and a proportion of recent funding awarded to the Darent Valley Landscape Partnership scheme will be used for enhancement projects.

- **2.2.13 Better connectivity between Dartford and Gravesham countryside through the Ebbsfleet Valley and A2 corridor**

2.2.14 This objective will be primarily achieved through the provision and enhancement of the Green Grid network within the Ebbsfleet Garden city and the development sites within it. The proposed Urban Development Corporation is expected to take forward more detailed masterplanning of the area in 2015 where this objective can be taken into consideration.

2.2.15 A green grid approach is considered by this report as mutually complementary to the 'Garden City' principle that development should be set within a strong network of green space. It will be appropriate to ensure that high standards for the provision and protection of green space are applied equally to the Development Corporation area and the rest of the Borough, in order that an appropriate wider context is created for the high level of development that will take place within the Corporation's area.

- **2.2.16 Significant biodiversity improvements at recent development sites**

A number of sites have provided new open spaces with small scale areas of habitat creation. Open spaces and pocket parks containing new habitats such as a wild flower meadow or with a mix of plant species based on the overall biodiversity strategy for the site; and significant levels of tree and hedge planting have been incorporated into further phases of the Bridge development as they have been built.

2.2.17 At Waterstone Park green corridors have been created to link areas of open space within and outside of the site containing trees and other shrub planting. These links run throughout the site.

3.0 Updates to the Green Infrastructure Evidence Base

The following section reviews the current evidence base and sets out some additional background or update regarding components of the Green Grid network.

3.1 Existing Evidence Base

- 3.1.1 The Core Strategy is supported by an extensive evidence base.
- 3.1.2 *The Open Spaces Technical Paper 2011* updates and clarifies information from the open space audit 2005. In particular it clarifies the role played by neglected and damaged sites which provide extensive natural green space within the Borough.
- 3.1.3 The paper sets out the existing and historical context of green space within the Borough to which Core Strategy policies will contribute particularly in establishing a wide spread network of green space. Using the updated audit results it establishes that 77% of open space in the Borough are not publically accessible being former quarry and landfill sites which are unsuitable for development, and that it is predominantly natural green spaces
- 3.1.4 The predominantly urban area in the north of the Borough has an average of 4.2 hectares publically open space per person which is slightly below the 4.4 local standard. The paper sets out that with the level of planned development set in the Core Strategy and the consequent projected 43% increase in population that requirements must be set for new green space to be provided by new development to avoid this ratio falling further below this standard.
- 3.1.5 Taking into account both public and private open space the ratio is 26.6 hectares per person reflecting the green character of the Borough. Taking into account potential loss of open spaces in the Borough the ratio was forecast to fall to 12.2 hectares per person, with some areas falling below the 4.4 standard, which additionally supports the need for new development to provide plentiful compensatory provision.
- 3.1.6 The report reflects that significant quantities of green space could be provided particularly in Greenhithe and Swanscombe wards. on how Core Strategy

policy 14 will impact on the future supply of green space and that the level of publically open space per person in the north part of the Borough would rise to 5.2 hectares although some areas would experience significant reductions. The report concludes that this could be mitigated through quality provision that is well managed and provides multi-functional spaces.

3.1.7 *Dartford's Natural Environment - Biodiversity and Landscape Technical Paper 2010* identifies the Borough's natural resources; considers how this can be enhanced and how planning policy can contribute. The report reflects that it will be important to protect natural assets from the adverse impacts of planned growth in the Borough, as highlighted in the Sustainability Appraisal of the Core Strategy. The Document sets out all national, regional and local level designations and considers national regulatory provisions. In addition features of local value are identified such as woodlands, Darent Valley and hedgerows.

3.1.8 In considering enhancement the key objectives of the BOA will be the prime driver of nature conservation action in the Borough. In addition the report summarises principles of enhancement of habitats set out in supporting documents such as Dartford's s41 Report, the Kent Wildlife Habitat survey, Landscape Assessment of Kent, Darent Valley Cluster Study and Thames-side Green Corridors BOA statements. The report sets out the principal conservation and enhancement objectives identified within these documents for nature conservation assets across the Borough.

3.2 Open Space Audit and Update

3.2.1 Green Infrastructure policy set in the Core Strategy was based on an open space audit carried out in 2005 and further updated in 2010/11. This spatial data has been used to identify open spaces in the Borough and together with specific identification of spaces with natural environment or other green space designation; cyclepaths; public footpaths and rights of way; water bodies and rivers; initial understanding of green corridors and spaces indicated in masterplans or required by Core Strategy Policy CS14; underpins a more detailed understanding of Dartford's Green Grid network.

3.2.2 This more refined and detailed understanding of the Green Grid network has been set out in the Development Policies Plan and in the Borough's policies map. Borough Open Space identified in Map 1 below incorporates both green spaces and open spaces previously identified in Core Strategy evidence and some minor updates in preparing the evidence for the Development Policies Plan.

3.2.3 This understanding has led to the formulation of draft Policy DP24 (and alternative) in the Draft Plan & Options consultation. This policy proposes Borough open spaces and parts of the green grid are given appropriate protective management through the planning system, covering significant green

infrastructure outside of PLGS/ Green Belt designations; and it seeks to help delivery of green grid improvements/ Core Strategy policy CS14:1(b).

3.3 Outdoor Sports Provision

3.3.1 Participation rates for different sports activities are derived by applying a conversion rate to assess the number of persons within the adult. Sport England survey findings from 2012 indicate that sports participation is highest for both gym and swimming both of which have higher participation rates than those experienced nationally. Athletics, cycling and football were also popular but featured lower participation rates than national levels. Respondents indicated that there was demand for swimming and cycling for over 16s in the Borough.

3.3.2 Sport England sport facility data from January 2013 that takes into account the number of sports facilities as set against population benchmarks indicates that there may be additional, but not significant, additional capacity requirements for grass pitches (including artificial), sports halls, squash courts, swimming pools.

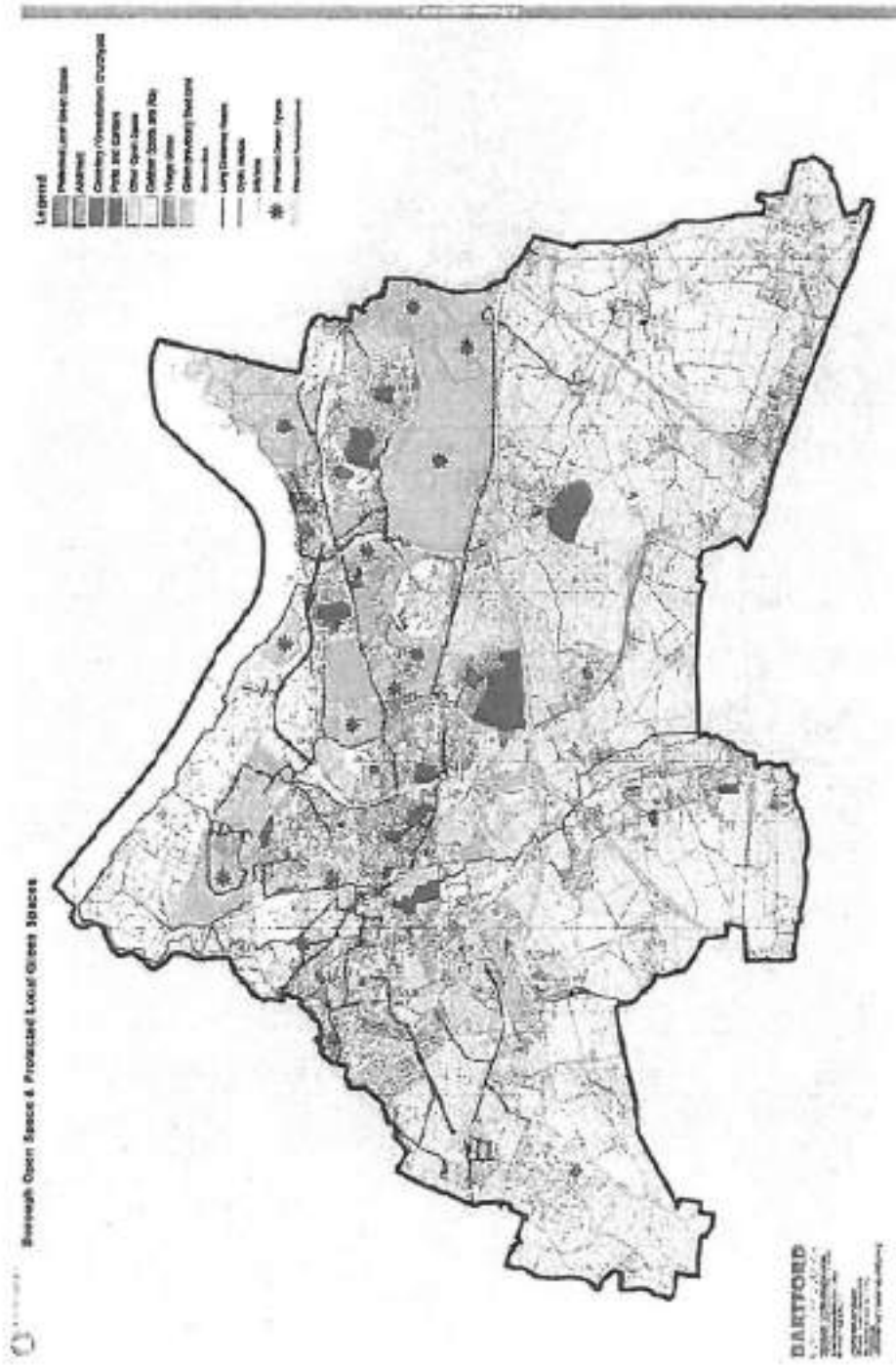
3.3.3 Planned development in Dartford with existing planning consent is expected to contribute significantly to sports facility and pitch provision. Sites within Ebbsfleet Garden City will provide new playing fields and pitches together with several new schools which are expected to provide community sports facilities outside of core hours. Private sports provision is likely to come forward through other planned hotel and commercial development. However, indication of future need and demand provided through the Sport England survey data, it is important that existing facilities and pitches are protected from development pressure and any loss mitigated through alternative provision or careful assessment of current demand. Opportunities for enhancement and expansion of existing sports provision should where possible encouraged through the Development Policies Plan. DP21: Securing Community Facility Provision sets out that new facilities should be provided to reflect the range of need and demand in the community and land safeguarded at strategic sites. Loss of facilities will be resisted unless a compelling case can be made for the loss. DP24: Open Space and Green Grid protects Borough open space identified on the policies map. This incorporates all existing playing pitches in the Borough.

3.3.4 Football Pitches:

The Football Association has conducted a report to identify football participation opportunities at a local authority level. The 2012/13 update identifies that Dartford has a total of 53 affiliated clubs with 213 teams playing in Dartford, an increase of 9 teams since the 2011/12 season. 42% are youth teams and 27% are mini soccer teams. Overall these types of teams are increasing in Dartford with the number of adult teams decreasing. The FA benchmark participation

rates by applying a conversion rate to assess the number of persons within a relevant population age group.

Map 1: Borough Open Space and Protected Local Green Spaces



This assessment demonstrates that for all types of football participation, rates are higher than national levels other than female youth. The rates are particularly higher for male youth football. The FA report concludes that there is growth potential for 8 adult male football teams and 3 youth female teams.

3.3.5 The FA report additionally identifies that based on statistics from the Active People Survey undertaken by Sport England that the proportion of the adult population participating in football for at least 30 minutes a month is 4%, this is below the national average of 7%.

3.4 Blue Infrastructure

3.4.1 Dartford contains various important water and groundwater bodies termed 'blue infrastructure'. Some are natural in origin and others arise as a result of re-use of quarries or have been created where development has taken place in areas of former marshland particularly through sustainable urban drainage schemes. These include;

3.4.2 Rivers include; The Thames; The Ebbsfleet; The Darent

3.4.3 Lakes include; The Bridge; Bluewater; Crossways Business Park, Sutton-at-Hone, Brooklands lakes

3.4.3 In addition there are several wetlands; Dartford marshes; Dartford freshwater marshes; Blackduck Marshes (Swanscombe Peninsula)

3.4.4 *Water Framework Directive (WFD) and River Basin Management Plans:* The WFD seeks to protect and improve the water environment for people and wildlife and promote the sustainable use of water. Through production, ongoing review and implementation of catchment management plans the aim is for all water bodies to achieve "good" status by 2027. Only the River Darent, River Thames and ground water protection zones are water bodies that will be required to report in future on their ecological status with regard to the WFD, however all water bodies in the borough are linked through ecological pathways to these water bodies and will contribute to their status. Additionally they individually provide important areas for natural habitats, wildlife and recreation.

3.4.5 The majority of Dartford Borough falls within the Darent Catchment which connects to the Tidal Thames Catchment¹. A very limited area of the North Kent Swale Chalk Catchment also lies within Dartford. These all fall within the scope of the Thames River Basin management plan 2009 produced by the Environment Agency. This is currently being updated and is on public consultation with the final plan published in late 2015.

¹ Boundaries shown in Appendix 2

3.4.6 The Management Catchment Plans identify environmental issues which exist and provides guidance on mitigation for both surface water particularly rivers in Dartford and groundwater bodies. The Darent Catchment Improvement Group, is a collaboration of different organisations working together to develop and identify solutions together with prioritising actions, incorporated into a Catchment Improvement Plan (CIP). The CIPs will feed into local actions and assist in coordinated delivery.

3.4.7 Whilst the draft catchment plans report that since 2009 there has been a decrease in the number of water bodies achieving moderate or better ecological status the Environment Agency (EA) consider that this may be due to more accurate reporting. Overall the Agency considers that the actions identified in the CIPs will bring about improvements in the long term, although not necessarily reaching good status, and is seeking to prevent water bodies' deterioration in the short term. Groundwater bodies are a particular concern, as all are Drinking water Protected Areas which are on the whole are at poor status. Safeguard zones have been developed to help work with partners to protect ground water, drinking water abstractions and where possible diffuse pollution impacts.

3.4.8 With regard to the River Darent a number of issues have been identified which inhibit the water body achieving good status. Stakeholders particularly are concerned with over abstraction combined with pressure of population growth. Within the Tidal Thames catchment ecological water quality is thought to be adversely affected by pollution, particularly sewer outflows, reduction in habitat due to development need for significant flood protection measures and colonisation by non-native species.

3.4.9 Actions identified by the CIP include creation of flood meadows and community engagement regarding access and recreation. Small scale habitat improvement works have taken place along the Darent. The EA have identified a number of measures that mitigations within new development may help to achieve such as;

- Improvement in condition of banks and wetland habitats
- Manage pollution from towns, cities and transport and in particular waste water
- Manage invasive non – native species

3.4.10 With regard to the Darent operational catchment this includes

- Restoration of quality chalk habitat
- Community education
- Improved landuse

3.4.11 With regard to the Tidal Thames operational catchment this includes

- Create sites for inter-tidal habitat – linked to improved flood defences in London and natural flood plains in the estuary

3.4.12 Proposed policy DP25 of the Development Policies Plan (Draft Plan & Options consultation) seeks to ensure that important wetlands and water bodies in Dartford are protected and where appropriate ecological quality improved through opportunities arising from development proposals. In addition Policy DP25 sets out that development must not result in unacceptable impacts and cites water quality as one of the factors to be considered. The policy identifies that during, both construction and at final delivery of development; adverse impacts should be avoided and/or mitigated. The Council would expect consideration is given to the suggested measures identified in the Catchment Management Plans and where appropriate forms part of mitigation and enhancement proposals.

3.5 Biodiversity Opportunity Areas (BOAs) – Thames-side Green Corridors

3.5.1 There are a number of UK Biodiversity Action Plan (UKBAP) Protected habitats identified in the BOAs. Intertidal mudflats, reedbeds, lowland mixed deciduous woodland, lowland dry acid and calcareous grassland make up the larger proportions of UKBAP habitat within these areas.

3.5.2 The Thames-side Green Corridors BOA contains varied but fragmented wildlife sites including SSSIs, local wildlife sites, ancient woodland and brownfield sites which are known importance to invertebrates. Improvement targets include restoring marshland, improving management of and reconnecting important woodlands, restoring, enhancing and recreating heathland and grassland around built up areas, protecting and managing important brownfield sites to ensure long term survival of important wildlife and BAP priority invertebrates and ensuring that development contribute to delivery of biodiversity targets.

3.5.3 Core Strategy policy CS14 highlights the need for development to take into account potential enhancement, mitigation and actions to achieve these targets. New development represents the key opportunity for biodiversity and ecological enhancement.

3.5.4 The Kent Nature Partnership's habitat Improvement Group has recently updated the targets for priority habitats based upon data from the 2012 Habitat Survey. All Kent BOAs will be reviewed in early 2015 and this may entail some existing areas being removed from the BOA and new areas added. Changes will reflect new opportunities to restore and reconnect habitat of high biodiversity value.

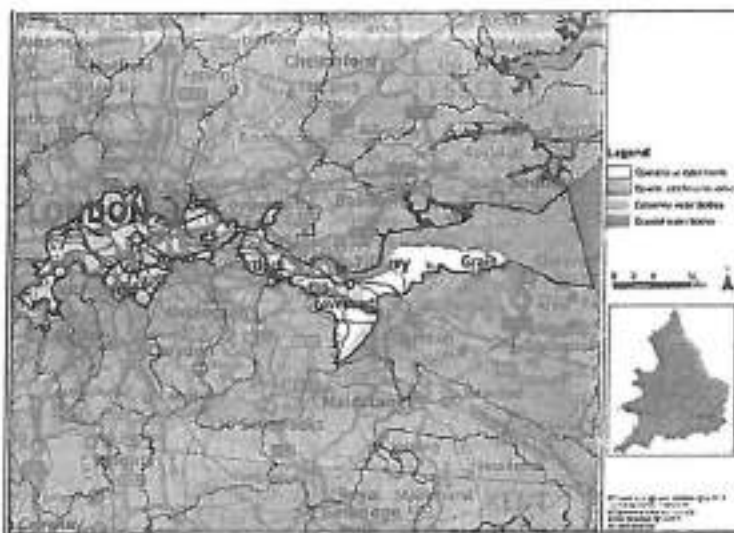
4.0 Summary conclusions

- 4.1 Chapter 1 explored the overall context, and 'parent' planning policies including the NPPF. It expanded on existing Core Strategy policies and how they help deliver national policy (section 1.3). Sections 1.4 -1.5 discusses some new/ evolving organisations and legal ways of identifying land – including important proposals for PLGS in Dartford Borough, with status equivalent to Green Belt - that ensure green and open space are enhanced and protected with a range of measures; not just through the planning system.
- 4.2 Chapter 2 provided site/ area specific details of projects/issues originally associated through the Core Strategy. Work is ongoing in relation to internationally designated sites in the wider area. Section 2.2 provides updates of specific sites, notably improvements at the Thames River Path, the Dartford Marshes and at Central Park adjoining Dartford town centre. In particular, the potential strategic contribution of 'Garden City' proposals at Ebbsfleet are noted.
- 4.3 Chapter 3 reviewed existing evidence base and set out some additional background, outlining how it has been applied in the current context to formulate new policy proposals for the Development Policies Plan. Outdoor sport provision, the water-based environment ('blue infrastructure') and Biodiversity Opportunity Areas are discussed in sections 3.3 to 3.5 respectively.

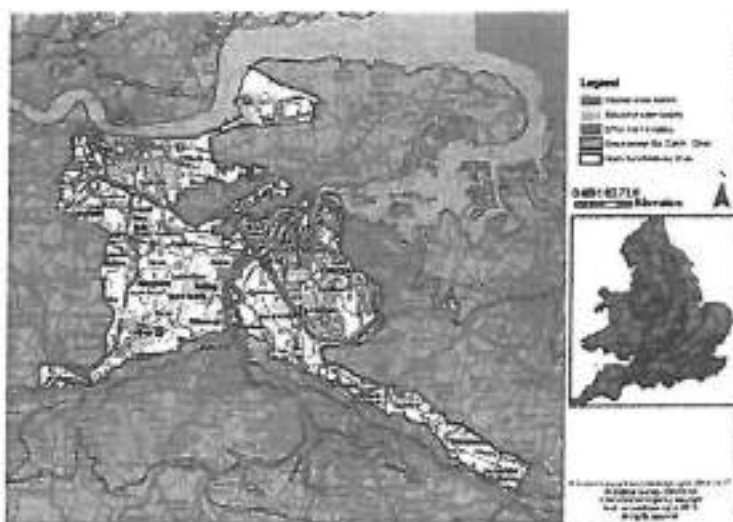
Appendix 1: PLGS Preliminary Proposed List - of sites and value to the local community

Site Name	Ward	Area Hectares	Imp because beauty/views from site (B), historic setting (H), sport and recreation value (s), tranquility(T) richness of wildlife (W)
Hill Rise Green	Bean and Darent	0.77	S
Darenth Park Village Green	Bean & Darent	2.91	T
Land behind Chestnut Grove	Joydens Wood	0.88	S
Land South of Bob Dunn Way	Littlebrook	1.40	H,W,T
Morris Gardens Open Space	Littlebrook	0.16	W
Bronte Grove Open Space	Joyce Green	0.22	W, B
Hook Green Road	Longfield	0.11	W,T
Rainbow Lodge	Newtown	0.49	S
St Edmund's Pleasance	Newtown	0.89	H,S,T
Beaton Close Open Space	Greenhith e	1.28	S,T,W
Ingress Abbey Open Space	Greenhith e	0.43	B,H,S,T
The Boulevard Open Space	Greenhith e	0.65	S
Knockhall Recreation Ground	Greenhith e	2.05	S
Charles Street Community Park	Stone	0.77	S
Willow Walk Play Ground	Town	0.81	S
Wilmot Park	West Hill	1.1	S
Bean Playing Field	Bean and Darent	0.43	S
Dene Road Open Space	Brent	0.13	W
Sandpiper Close Open Space	Castle	1.7	S
Cedar Road Play Area	Princes	0.14	S

Appendix 2: Water Quality - Operational Catchment Boundaries



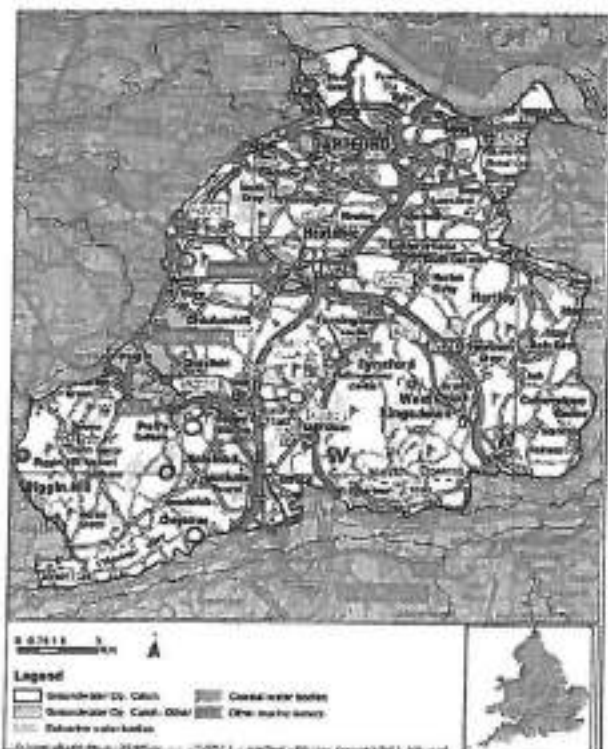
Tidal Thames Operational Catchment



North Kent Swale Operational Catchment



Darent Operational Catchment



West Kent Darent and Cray Chalk operational catchment

Bibliography

Title	Details
Thames River Basin Management Plan Dec 2009	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/289937/geth0910bswa-e-e.pdf
The Darent and The London Management Catchment 2014	The Draft Thames River Basin Management Plan – Environment Agency 2014
Guidance: Common land:management, protection and registering to use	https://www.gov.uk/common-land-management-protection-and-registering-to-use
Dartford Marshes	Cabinet Report Item 11 4 December 2014 Dartford Borough Council
Football Participation Report: Dartford Season 12/13	The Football Association
Local Sport Profiles	Sport England http://www.sportengland.org/research/local_sport_profiles.aspx
Kent Habitat Survey 2012	Kent County Council

Graham Blew

From: Graham Blew
Sent: 07 January 2015 09:38
To: Cllr Alex Harvey; Cllr Annette R Harvey; Cllr Bryan E Read ; Cllr Bryan R Parry; Cllr Jeffrey Harvey ; Cllr John A Hayes; Cllr Josephine M Harman ; Cllr Kevin G Basson ; Cllr Lorna M Cross; Cllr Mrs Susan P Butterfill ; Cllr Ms Lesley C Howes; Cllr Paul A Read ; Cllr Peter C Harris; Cllr Peter M Harman ; Cllr Richard J Lees (mac); Cllr Richard J Lees (Town Council); Cllr Vic Openshaw
Subject: Dartford Borough Council Development Policies Draft Plan and Options Stage Consultation
Attachments: Consultation Form A General.doc; Consultation Form B dp1-10.docx; Consultation Form C dp11-13 and22-25.docx; Consultation Form D dp14-dp21.docx; FINAL FLYER.pdf; Parishes Consultation letter.pdf; Help for consultees - general information.pdf

TO ALL MEMBERS - FOR INFORMATION ONLY.

Please be aware that further to Minute 309/14-15 this will be an item on the agenda of the 21 January 2015 Planning, Major Developments, Transportation & the Environment Committee meeting.

Yours sincerely,

Graham Blew
Town Clerk

SWANSCOMBE & GREENHITHE TOWN COUNCIL
Council Offices | The Grove | Swanscombe | Kent | DA10 0GA.
Tel: 01322 385513 | Fax: 01322 385849
www.swanscombeandgreenhithetc.kentparishes.gov.uk/

This email, and any attachments, is confidential and copyright protected; any dissemination of this communication is strictly prohibited unless prior authorisation has been requested and granted. Unless otherwise expressly agreed in writing, nothing stated in this communication shall be legally binding and any views, opinions or advice in it, unless otherwise stated, are personal to the author and not those of The Swanscombe and Greenhithe Town Council.

From: Graham Blew
Sent: 15 December 2014 09:28
To: Cllr Alex Harvey; Cllr Annette R Harvey; Cllr Bryan E Read ; Cllr Bryan R Parry; Cllr Jeffrey Harvey ; Cllr John A Hayes; Cllr Josephine M Harman ; Cllr Kevin G Basson ; Cllr Lorna M Cross; Cllr Mrs Susan P Butterfill ; Cllr Ms Lesley C Howes; Cllr Paul A Read ; Cllr Peter C Harris; Cllr Peter M Harman ; Cllr Richard J Lees (mac); Cllr Richard J Lees (Town Council); Cllr Vic Openshaw
Subject: Dartford Borough Council Development Policies Draft Plan and Options Stage Consultation

TO ALL MEMBERS.

Please see the below and attached.

As per minute 309/14-15, this will form part of the agenda for the 21 January 2015 Planning, Major Developments, Transportation & the Environment Committee meeting.

Yours sincerely,

Graham Blew
Town Clerk

SWANSCOMBE & GREENHITHE TOWN COUNCIL
Council Offices | The Grove | Swanscombe | Kent | DA10 0GA.
Tel: 01322 385513 | Fax: 01322 385849
www.swanscombeandgreenhithetc.kentparishes.gov.uk/

This email, and any attachments, is confidential and copyright protected; any dissemination of this communication is strictly prohibited unless prior authorisation has been requested and granted. Unless otherwise expressly agreed in writing, nothing stated in this communication shall be legally binding and any views, opinions or advice in it, unless otherwise stated, are personal to the author and not those of The Swanscombe and Greenhithe Town Council.

From: Katie Gill [<mailto:Katie.Gill@dartford.gov.uk>]

Sent: 12 December 2014 15:41

Subject: Dartford Borough Council Development Policies Draft Plan and Options Stage Consultation

Dear Town Clerk,

Please find attached a letter, representation forms and further information and guidance regarding our Development Policies Draft Plan and Options Stage Consultation that begins today, and runs until 30th January 2015.

Please refer to the website for further information www.dartford.gov.uk/policyconsultation

We expect to deliver a pack of all the key documents around to you next week.

If you have any questions or queries, please contact me by email or by the telephone number below.

Thank you
Regards
Katie

Katie Gill
Planning Policy Team
Dartford Borough Council
01322 343213

MINUTES OF THE PLANNING, MAJOR DEVELOPMENTS, TRANSPORTATION AND ENVIRONMENT COMMITTEE HELD AT THE COUNCIL OFFICES, THE GROVE, SWANSCOMBE ON WEDNESDAY 3 DECEMBER 2014 AT 7.00PM

PRESENT: Councillor B E Read (Chairman)
Councillor P J Scanlan
Councillor P C Harris
Councillor Mrs A R Harvey
Councillor B R Parry
Councillor P A Read

ALSO PRESENT: Graham Blew – Town Clerk

ABSENT: There were none.

105/14-15. APOLOGIES FOR ABSENCE.

Apologies for absence were received and accepted from Councillors' K G Basson (work commitments), Mrs S P Butterfill (other commitments), P M Harman (work commitments), J B Harvey (other commitments), J A Hayes (holiday) and V Openshaw (other commitments).

Recommended: That the apologies for absence and reasons, as listed, be formally approved.

307/14-15. SUBSTITUTES.

There were none.

308/14-15. DECLARATIONS OF INTEREST IN ITEMS ON THE AGENDA.

There were none.

The Chairman gave the opportunity for the meeting to be adjourned at this point to accept questions from the public.

309/14-15. ITEMS DEEMED URGENT BY THE CHAIRMAN / MATTERS ARISING FROM PREVIOUS MINUTES AND THEIR POSITION ON THE AGENDA.

The Town Clerk drew members' attention to the Development Policies Draft Plan and Options Stage Consultation December 2014 (Dartford Borough Council) which was currently subject to Cabinet approval at DBC. If approved the consultation period would run from 12 December 2014 until 30 January 2015.

Members were also advised of the Kent County Council Consultation on a proposed new school at Castle Hill, Ebbsfleet which was running from 1 December 2014 until 12 January 2015 :- <http://consultations.kent.gov.uk/consult.ti/CastleHill/consultationHome>

This page is intentionally left blank

Dartford's Draft Development Policies Plan December 2014 – Options and Policies

The Council is currently consulting on the first draft of a new local plan for the Borough. The Plan will be used in making planning decisions in the future. Therefore it is important that residents are aware of the proposals and know how to make their views known. Further information is given below.

What is the Local Plan consultation about?

The public consultation is on a Draft 'Development Policies' Local Plan for the whole of the Borough. The plan will primarily set the detailed planning policies which will be used in planning determinations by the Council. A brief summary of the consultation is available in the form of a flyer, which can be found here: www.dartford.gov.uk/data/assets/pdf_file/0019/167230/FINAL-FLYER.pdf

Why does having new Local Plan policies matter?

When the council receives a planning application, by law the starting point for making its decision is the Local Plan. Therefore to keep existing open spaces, jobs and shops, these positive features of local communities can be identified for protection in the Local Plan. This is the way the council resists inappropriate planning applications it may receive in the future.

Inclusion in the Local Plan is important because of its legal status. This means it is widely recognised and provides clarity over time, for example the Local Plan is examined as part of the legal searches normally undertaken when buying a house.

What does it mean if a specific plot of land is proposed to be identified in the Local Plan?

The council would like to identify specific parts of the Borough in the Development Policies plan document for 'protection'. This means a policy would apply to limit any proposal to construct new buildings or structures (on open space) or change to non-economic uses (for employment/shop locations). However development of some structures and some changes of use can often happen on land and property without the need for planning permission. The council cannot prevent this from happening, and if things can occur without the need for planning permission then the policy will not apply.

Policies apply to both public and privately owned land consistently, as the sites are identified through a process of research against set criteria across the Borough.

What is "Protected Local Green Space" (PLGS)?

Government policy suggests Local Plans or Neighbourhood Plans could identify a "demonstrably special" green area where it holds major local significance for particular reasons. This green space would then be afforded one of the strongest levels of protection in the planning system to maintain its open character– as occurs with rural land designated as Green Belt around cities. (Therefore it is unnecessary to identify land that is already protected by green belt policy).

Dartford Borough Council is proposing to use this idea, and has put an approach based on green belt policy, and a preliminary list of possible specific sites where this would apply, called "Protected Local Green Space" (PLGS). PLGS sites have to be small in nature and cannot be extensive tracts of land. This forms policy DP23 of the Development Policies Draft Plan & Options public consultation.

Planning policies would not normally have any impact on the current use of land, as it does not affect the operation and maintenance/servicing of open spaces (for example) as this is unlikely to ever require planning permission. However recognition of their community value in the Local Plan provides useful long-term clarity on the future general use of the space.

Green and open space policy is one area where the council recognises the real benefits of local consultations. Local knowledge can provide information on which areas should be identified in the Local Plan. The Council is seeking, in identifying a preliminary list of PLGS across the Borough, Parish and Town Councils, other interested groups and local residents to contribute in identifying those special green areas in their locality.

Other local green spaces, that cannot be designated as PLGS, are also identified to be kept in that use through additional planning policy.

How can I find out more about the policies proposed?

The Development Policies Plan Draft Plan & Options consultation document includes chapters on themes, and within these proposed policies (and explanatory text and maps). For example Chapter 14 is on The Green Belt and Green Infrastructure Network. There is a sub-section on PLGS, including a preliminary list of proposed sites (Table 6) and the proposed policy wording (DP23 box).

Local Plans have to be justified against evidence. This includes consultation responses but also technical research. The applicable document justifying the Dartford planning policy approach to green spaces is the 'Draft Green Grid & Open Space Update Paper'. Paragraph 1.5.6 onwards of this document outlines the rationale for having a PLGS policy, and Appendix 1 lists the preliminary sites proposed and the reason for each.

A similar detailed paper is available for the policy covering local shops 'Draft Borough Local Shopping & Town Centre Study'. You will also see that alternative options for some policies are a feature of this consultation. These have been evaluated against the preferred policies in the Sustainability Appraisal, in terms of environmental, economic and social impacts. This and other background information is available in a range of ways:

- hard copies: provided to local libraries and town/parish councils
- electronically: www.dartford.gov.uk/by-category/environment-and-planning2/planning/planning-policy/development-management-plan

Why are there 'Consultation Notices' displayed at various locations in Dartford Borough?

Public notices have been placed at key open spaces, employment locations and shops to publicise a consultation on a draft Local Plan document for the Borough. Other publicity includes:

- newspaper adverts,
- hundreds of letters to affected properties,

- several hundred letters and emails to people who have already registered their interest
- providing sets of documents to all local libraries and parish/town councils, and
- information on the council's website www.dartford.gov.uk/policyconsultation

How do I comment?

Comments should be made in writing, preferably using the forms available from the council, and must be received by 30th January 2015 (midday). Please contact us to see how we can help you meet the deadline.

Comments can also be submitted concerning Protected Local Green Spaces. Please note that any alternative suggestions must be capable of meeting the requirements set out in the Draft Green Grid and Open Spaces Update Paper.

All consultation responses will be used to assist in revising the draft before final public consultation.

CONTACT Dartford Planning Policy Team on ldf@dartford.gov.uk; or 01322 343213.

This page is intentionally left blank

Conclusion

18. There is nothing in the appeal that convinces the County Council that its initial decision to decline to make an order for a footpath was incorrect nor anything to persuade the County Council otherwise now. As already stated, with regard to the legislation and case law referred to in paragraphs 4 and 5 above, the County Council considers that the evidence is mainly subjective and thus is of insufficient strength to reasonably allege that a public right of way subsists over the claimed route and asserts that the appeal should be declined.

AGENDA ITEM **7**
PE 21/1/15

**314/14-15. CLAIMED FOOTPATH RUNNING FROM THE HIGH STREET TO THE FORESHORE
ADJACENT TO RTHE SIR JOHN FRANKLIN.**

Members were very disappointed to receive the recommendation from Kent County Council "To Decline to Make an Order". After discussion members requested that an appeal be made to the Planning Inspectorate on the grounds that this access way to the river was a valuable community asset and that it was a similar situation to the "pump alley" footpath which had been designated as DS28.

Recommended: That an appeal be made to the Planning Inspectorate on the grounds that this access way to the river was a valuable community asset and that it was a similar situation to the "pump alley" footpath which had been designated as DS28.

KENT COUNTY COUNCIL

STATEMENT OF CASE

THE WILDLIFE & COUNTRYSIDE ACT 1981 – SECTION 53

Claimed footpath running from the High Street to the foreshore at Greenhithe

Response to Grounds of Appeal by Swanscombe & Greenhithe Town Council

Background:

1. An application was made by Swanscombe & Greenhithe Town Council ("the applicant"). The applicant has applied for an Order under Section 53 (5) of the Wildlife and Countryside Act 1981 to add a route at public footpath status running from the High Street to the foreshore, adjacent to the Sir John Franklin public house, at Greenhithe ("the claimed route") primarily on the basis of historical evidence. The claimed route (shown on the plan at Appendix **KCC1**) commences on Greenhithe High Street (point A on the plan) and runs generally north, adjacent to the Sir John Franklin public house, for approximately 42.0 metres to the foreshore/flood defence wall (point B on the plan). An extract from the Definitive Map of Public Rights of Way (Map Sheet 029 (TQ57NE)) for the area can also be found at **Appendix KCC1**.
2. The application was made in February 2011 after the managers of the Sir John Franklin public house, Mr & Mrs Snell, erected a gate across the claimed route in 2010. The gate was erected in response to a planning application by the Greenhithe Marina (Reference: DA/10/00805/OUT) to which Mr & Mrs Snell objected. The planning application was not approved but the gate remained in situ.

3. In support of the application, the applicant provided:

- a copy of a "Licence to embank", dated 1977, which was granted under the Port of London Act 1968 s.66. It includes a map of the White Hart Drawdock Greenhithe, dated 1974, and has annotated "public right of way paved" adjacent to the White Hart public house (now known as the Sir John Franklin).
- copies of historical photographs in the form of postcards of the claimed route and causeway ranging in date from circa 1915 to 1950.
- a Land Registry document Title Number K966491. This Title states that on 8th April 2010 Mr & Mrs Snell registered a caution against first registration on the land over which the claimed footpath runs. Prior to completion of the lease for the pub, Mr & Mrs Snell were provided with the statutory declaration sworn by the previous proprietor of the *Sir John Franklin*, Hazel May Harris, which states that since 1983 the Land "has been used as a right of way by members of the public as well as my customers and myself and has in particular been used by visitors to the Property as a means of access to the yard at the rear of the Property."
- Witness statements from 9 people who have either used the route or know of its history.

County Council's response:

4. Section 53 of The Wildlife and Countryside Act 1981 states that where the County Council discovers evidence which, when considered with all other relevant evidence available to it, shows that a right of way which is not shown on the Definitive Map and Statement subsists or is reasonably alleged to subsist over the land in the area to which the map relates, it shall, by Order, make such modifications to the Map and Statement as appear requisite.
5. In *R v. Secretary of State for the Environment ex parte Norton and Bagshaw (1994)*, it was held that there is a distinct difference between the wording of section 53(3)(c)(i) and that in deciding whether a Public Right of Way exists, two tests must be applied. Firstly, where it is considered that a right of way which is not shown on the Definitive Map and Statement subsists (known as 'test A') and secondly a lesser test to establish

whether or not a right is reasonably alleged to subsist (known as 'test B'). For the requirements of test A to be met, it is necessary to show that, on a balance of probabilities, a right of way actually subsists. However, for test B to be proven all that is necessary is to show that a reasonable person, having considered all the relevant evidence, could reasonably allege a right of way to subsist.

6. The appeal contains a copy of the application and its supporting documents and also a copy of the County Council's delegated authority report, giving details as to why the decision was made to decline to make an order. The County Council considers there is no need to replicate those documents further with this response, however the following provides a summary of the County Council's decision.
7. In this case, the applicant submitted little relevant user evidence and as such the case relied primarily on documentary and mapping evidence. The documentary evidence, taken together with that considered by the County Council, can be summarised as follows:
 - **Mudges Map (1801)** does not show the claimed route (see **Appendix KCC2**);
 - The **Tithe Map (1843)** shows the claimed route shaded in the same manner as the surrounding public highways with no defined apportionment number annotated (see **Appendix KCC3**). The Tithe Schedule lists apportionment number 40 (where the Sir John Franklin is situated) as "known as the White Hart Inn" and apportionment number 38 (where the Roman Catholic Church was situated) as "house, etc." Although this could appear to provide some evidence that the route may have been a public thoroughfare, the Tithe maps were concerned solely with identifying titheable land, and therefore the strength of this would depend on other maps or evidence supporting that assertion.
 - The **First Edition Ordnance Survey map (1860)** shows the claimed route as a physical feature on the ground (see **Appendix KCC4**). It is shown as a passageway leading to a causeway that is annotated "hard". This does not add to the weight that it carried public rights. The passageway over which the claimed route runs can also be seen on later OS maps with the causeway visible from the mean high water mark. However, there are a number of other causeways to the east and west of the one leading from the claimed route with the Town Wharf to the west and pier to the east.

Therefore the fact that a causeway led from the claimed route does not necessarily mean that there were public rights here.

- The **Finance Act 1910 map** shows the claimed route on the base mapping (a third Edition OS base) but there is no reference in the Field Book to a public right of way (no copy available).
- The **Parish Map (1950)** shows the claimed route and the causeway specifically shaded the same as the B255, which includes Station Road, the High Street and The Avenue (see **Appendix KCC5**).
- The **Draft Map (1952)** shows the claimed route unshaded unlike the Parish Map and not listed as a route to be included in the Definitive Map (see **Appendix KCC6**).
- The **1952 Definitive Map** does not record the claimed route but shows the passageway on the base mapping (see **Appendix KCC7**).
- The **1970 Draft Revised Map** shows the claimed route in the same manner as the 1952 Map (see **Appendix KCC8**).
- The **1987 Definitive Map** shows the claimed route in the same way as earlier mapping, but the base mapping now does not include the causeway leading from it (see **Appendix KCC9**).

8. Taking the mapping evidence as a whole, there is only the Tithe Map and Parish Map which suggests there may have been public rights over the claimed route. The Tithe Map was not produced for public rights of way reasons, and the Draft Map (and the subsequent Definitive Maps for which there was opportunity for people to object to omissions) did not show the claimed route in the same manner as the Parish Map. This is not sufficient, therefore, to reasonably allege public rights subsist over the claimed route.
9. The postcards submitted with the application show the passageway along which it was clearly possible to walk but they do not provide evidence of public rights.
10. Although the previous proprietor of the pub has sworn that the passageway over which the claimed route runs was a right of way for members of the public as well as herself and her customers, this cannot be verified in any way and although the County Council is not questioning its validity, it lacks details of where members of the public may have

been going to and from, frequency of use, and over what period for example. This therefore, indicates use of the passageway was more in the manner of an easement for access to and from the pub premises than a right of way for the general public.

11. Witnesses who had submitted evidence with the application expressed knowledge of the passageway leading to a public drawdock with a couple of witnesses believing that this may have been where, in the past, the ferry from Essex landed. However, this evidence is essentially subjective belief, although a reasonable belief, and irrespective of the fact that the passageway led to a drawdock and causeway, this does not necessarily signify the passageway had public status. No evidence has been adduced nor none discovered by the County Council in researching early Ordnance Survey mapping to indicate any substantive proof that such a ferry termination point subsisted.
12. In addition, evidence contained in the files held by the Port of London Authority ("PLA") shed further light with regard to the history of the drawdock / causeway and public access rights. Its 1967 list of marked landing places on the River Thames confirmed this location was not shown. Had it been on its 1967 list then it would have been marked as a free public landing place and the subsequent loss of the drawdock /causeway would have resulted in the need for an alternative free landing place to be provided. However, other evidence within its files did confirm there was a drawdock / causeway but nothing within this evidence could substantiate whether this provided a public facility from the land to the river. Other conflicting correspondence was discovered relating to a "licence to embank" that had been granted in 1977, where an accompanying map had the claimed route annotated 'public right of way'. The PLA was unable to justify why this was shown in such a manner and the County Council would question why a licence was needed at all if there were public rights here.
13. In conclusion, and with regard to the legislation and case law referred to in paragraphs 4 and 5 above, the County Council considers that the evidence is of insufficient strength to show a reasonable allegation that a public right of way subsists over the claimed route.

Other Issues – the Applicant's Appeal

14. The grounds of appeal are that the Town Council considers "...it has been proven that an access way for the public to get to the river front was, and is, there and as such this is a valuable community asset that should be protected". In addition, the Town Council compare this case with a successful application they made resulting in the recording of public footpath DS28 (a little further east of this claimed route) as this access way also allows people to get to the river front.
15. On the first point, the Town Council does not qualify its statement that a public access way has been "proven". The fact that there has been an access way here does not necessarily mean it had *public* rights over it; there are many several points to the river in this area.
16. The case involving the recording of public footpath DS28 was a separate investigation where different evidence was considered. Having ordered the case file from archives, the basis for the successful application was as follows:
 - The way was already known as Pump Alley.
 - User evidence to the date of the bringing into question of the route showed that a number of people, mostly local residents, stated they used Pump Alley to access the concrete barge for angling/fishing, picnics and barbeques; employees of Bendigo Wharf also used this access.
 - A lease dated 1924 stated Pump Alley was a right of way.
 - Evidence of a sign pointing down the Alley directing people to the public ferry.
 - Funding was provided by Groundwork Kent Thameside in the 1990s to improve public access of the Alley – the company stated they would not have provided such funding if they hadn't been sure it was a public right of way.
 - Local residents had maintained and cleared the Alley over the years.
17. The evidence in the two cases is therefore not comparable and therefore the outcome cannot necessarily be the same.

Conclusion

18. There is nothing in the appeal that convinces the County Council that its initial decision to decline to make an order for a footpath was incorrect nor anything to persuade the County Council otherwise now. As already stated, with regard to the legislation and case law referred to in paragraphs 4 and 5 above, the County Council considers that the evidence is mainly subjective and thus is of insufficient strength to reasonably allege that a public right of way subsists over the claimed route and asserts that the appeal should be declined.

This page is intentionally left blank