

1. Legal Update

It has been noted that there is a transitional provision in the CIL Regs which has the effect of dis-applying Reg 123 in respect of the CIL payments from s73 applications which are made post-adoption of a charging schedule. Accordingly, the obligations can be lawfully taken into account. The request for Members to disregard the secondary school and Kent Thameside obligations is therefore removed. Paragraph 9.123 of the report is deleted and 9.122 is updated to read:

‘ Since the completion of the original s106 agreement in 2007, Dartford Borough Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule, with an accompanying list of infrastructure published under Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended), which took effect from 1 April 2014. **Although** Regulation 123(2) provides that a planning obligation may not constitute a reason for granting planning permission for the development to the extent that the obligation provides for the funding or provision of relevant infrastructure, **that provision is not applicable to this application by operation of Regulation 128A(6).**’

2. Consultation Response from Dartford Borough Council

The latest proposal was reported to the Council’s Cabinet again on 7th December 2017 recommending the Council:

- i) Withdraws its previous objection to the s73 application process and the changes proposed to the outline planning permission and considers that the Section 73 application as revised in November 2017 is an acceptable amendment;
- ii) Has some remaining concerns about the details of the proposal and the strategies but which could be resolved or allayed by the provision of further information and/or amendment;
- iii) Reserves its position with regard to the changes proposed to the s106 agreement and how this might affect the delivery of the development

The recommendation was supported by Cabinet with an additional recommendation that officers engage with the EDC with regard to changes and details of the strategies, the amendments to the section 106 agreement, details of the application, the conditions and the detail of the submission of the Habitats Regulation Assessment.

In relation to point ii) above, their concerns are summarised as follows:

- Increase in medium density housing resulting in more of the site being covered by development which is to the detriment of the level of useable open space. A key consideration in the original outline planning permission was to ensure that the

open space provision was useable as supported by policy CS14 of the local plan which seeks provision of multi-functional high quality varied open space, contribution to the Green Grid network and significant biodiversity improvements. Concerns still arising that the application does not demonstrate the usability and in particular the 9ha of useable public accessible space within the Major Urban Park.

- Apparent requirements of open spaces being identified for conflicting uses such as ecological corridors and formal parks.
- The required 4 community sports pitches are no longer shown on the Masterplan and should be identified on the Land Use Disposition Plan until it can be demonstrated that the alternative off-site provision proposed close by can be confirmed.
- Identification of straight roads could provide for rat-running through the site

Detailed comments are also provided on some of the Strategies:

Transport Strategy:-

- Less clarity on how the provision of obvious or direct routes through the site will be designed is concerning.
- Seeks removal of reference to a connection to Alkerden Lane for general traffic
- Provision of a crossing of Alkerden Lane opposite Craylands Gorge appears to have been deleted
- Commitment to restricting the amount of development using Western access to allow time for the completion of Bean junction improvements without stopping development has been amended such that now traffic will have to exit via Southfleet Road until such time as Bean junction has been implemented. Questions whether the impact of the increased traffic on Southfleet Road and Ebbsfleet junction has been assessed.
- In referring to the Dartford Parking Standards, it is highlighted that the adopted Parking Standards SPD allows for a more flexible approach on larger sites than simply applying the standards

Comments on other Strategies (Community and Leisure Facilities/ Sustainable Development/ Design and Access):-

- Comments in respect of details removed or absence of references to standards or policy and potential ambiguities and arising from this
- General editorial points such as references to omitted sections or programmes and documents that no longer exist
- Reduction in the number of tennis/netball courts from outline permission
- Reference to Appendix 1 of the strategy which no longer exists in amended version

EDC OFFICER RESPONSE:

The proposed parameter plans and LUDP present a sustainable, high quality scheme that maximises development of the site. The distribution of low, medium and high density housing areas is appropriate to in order to create suitable character areas in the interests of place-making and the creation of villages with a central core.

The issue of the extent of usable open space has been addressed in the officer report. A revised Landscape and Open Space Strategy has been provided that details a breakdown of the different areas of the Major Urban Park (MUP). It is considered that sufficient information has been provided to demonstrate 9ha of recreation space will be provided in the MUP that does not conflict with other uses and the applicant has now committed to the location of the off-site pitches to overcome Dartford's concerns.

The matter of rat-running has been a constant concern for engineers of EQ since the previous permissions. Kent Highways consider the Transport Strategy fit for purpose and do not consider the proposed scheme undermines the Transport Strategy. A torturous route is maintained through the site along differing road hierarchies to help address issues of rat-running.

EDC Officers welcome ongoing discussions on the Strategies and S106. In the case of the Transport Strategy, the applicant has committed to removing the reference to the access for general traffic onto Alkerden Lane. The crossing over Alkerden Lane opposite Craylands Gorge is a commitment in the S106 which will be retained. Editorial issues have also been raised with the applicant. It is recognised that final review of the Strategies will be required to rectify small changes and arrangements have been secured with the applicant for such discussions in the New Year in the event of a positive resolution from EDC Members.

3. Consultation Response from Medway Council

Medway Council consider that the initial submission fundamentally changed the sustainable and well-considered approach set out in the extant permission, particularly through the proposed relocation of the market centre to the western boundary combined with the scale of the retail and leisure floorspace allocated in this position. This raised concerns for Medway Council in respect of the cumulative impact arising from the recently approved expansion at Bluewater and the change to the role of the market centre offering a complimentary retail and leisure offer to Bluewater and increasing the draw to this out of centre location. In combination to the Bluewater expansion this reconfiguration was viewed as drawing trade from neighbouring centres, to a detrimental degree.

Medway Council is pleased to note the reversion to a scheme similar to the extant outline permission and while it acknowledges the role of the proposed centres being slightly different from the original, remains consistent with that which had been approved previously.

On that basis, Medway Council withdraw objection to the proposal and considers the currently proposed scheme represents a more sustainable scheme and local provision for the communities proposed as part of the Eastern Quarry development.

Eastern Quarry S106 Obligations Overview – FOR INFORMATION

N.B. 'Site-wide dwellings' = Whole of site including Castle Hill; 'EQ Dwellings' = remaining 2 villages outside Castle Hill' 'CH Dwellings' = dwellings in Castle Hill only.

Schedule 1 - General Provisions

Description	Amount (if relevant)	Trigger
EDC/KCC Officer Contribution	£50,000	On or before the submission of the first Area Master Plan and annually for 4 years thereafter (Paid).
Make available Community Police Accommodation	Up to 50m2	Prior to submission of the first Area Master Plan for the Market Centre
Pay to EDC Community Police Contribution (£250,000)	£250,000	Prior to Occupation of 2,000 Dwellings
Pay Heritage Facility Contribution (£70,000) to County Council	£70,000	By later of a) 10 Business Days after notification that location has been secured for siting of interpretation facility or display; or b) Occupation of 500 Dwellings
Make available to EDC at no cost an area within Interim LLLC for provision of temporary heritage display	-	From when Interim County Facilities open until Life Long Learning Centre available for Occupation
Implement Community Participation Strategy	-	At all times during construction of Development
Appoint Consultation Co-ordinator and provide name and contact details to Councils	-	Appointment during construction of Development and until 1 year after Completion
Report summarising community participation and consultation events and exercises carried out	-	Submitted with AMP / RMA submission
Implement the Local Employment Initiative Action Plan (Annexe to Sch 1)	-	From Implementation through to Completion of the Development and meet with EDC lot less than every 6 months to review performance
Appoint Sustainable Development Co-ordinator	-	Prior to Implementation until 1 year after Completion of Development and meet with EDC lot less than every 6 months to review performance
Pay the Air Quality Monitoring Contribution	£11,000	Prior to Occupation of 300 Dwellings
Pay full costs reasonably and properly incurred by Borough Council in making designation as Air Quality Management Area and arising from such designation	(up to limit of £30,000)	Ongoing - if any part of Site designated as Air Quality Management Area
Health and Social Care Centre provision	-	prior to the Occupation of 1600 Site Wide Dwellings if not already procured under Original Planning Permission or relevant Condition (44)
Provide an ambulance hard standing in accordance with requirements of Community and Leisure Facilities Strategy	-	Provided as part of Health and Social Care Centre
Clinical Social Care Commuted Sum	£500,000	First instalment by occupation of Health and Social Care Centre or alternative premises; subsequent instalments annually until total paid.
SAMM Contribution	£15 per residential unit	Applied to each RMA; to be paid prior to implementation of relevant RMA.
Implement Local Employment Initiative.		Performance reviewed 6-monthly

Schedule 2 - Strategy Review

Description	Amount (if relevant)	Trigger
Review of: (a) Community and Leisure Facilities Strategy; (b) Education Delivery Strategy; (c) Landscape & Open Space Strategy; or (d) Public Realm Strategy.	£ 1,250	If Owner initiates review of a Strategy or action plan within 2 years of last review of that Strategy or action plan

Schedule 3 - Affordable Housing

Description	Amount (if relevant)	Trigger
Equivalent of 30% of the total number of Site Wide Dwellings: <ul style="list-style-type: none"> - 25% : Affordable Housing Units or Affordable Housing Equivalents - 5% : Off Site Affordable Housing Contributions 		
Off Site Affordable Housing Contributions corresponding to 5% of the permitted Dwellings shall be paid to the Borough Council	Commuted sum of £30,000 as 6-monthly contributions	

Schedule 4 – Landscape and Open Space

Description	Amount (if relevant)	Trigger
Manage and maintain areas of Open Land in accordance with the relevant Management and Maintenance Scheme ; access to be permitted to public : (a) to Informal Open Land on every day of the year 24 (twenty four) hours per day; and (b) to Formal Open Land on every day of the year between the hours of 8.00am and dusk; and (c) to any other area of Open Land during such hours as may from time to time be appropriate		
Provide the Public Art in accordance with the Approved Public Art Specification	£1,250,000 : Total for all art	
Off-site signage contribution	Up to £10,000	Prior to the first occupation of an EQ Dwelling
On-site signage provided in accordance with Signage Design Guide	-	-
Appoint Clerk of Works in accordance BAP		
Practically Complete the Ways in accordance with requirements and Thresholds in the Landscape & Open Space Strategy and Site Wide Design & Access Strategy (i.e. footpath, road, cycleway or track but excluding all public rights of way or highway)		

Schedule 5 – Pitches & Sports Halls

Description	Amount (if relevant)	Trigger
Provision community pitches (1 st set)	2	Prior to First Occupation of 1800 site wide dwellings
Provision Dual Use pitches	(1 artificial pitch, 4 grass senior pitches, cricket square and artificial wicket, ancillary facilities, changing room, car parking as identified in Community and Leisure Facilities Strategy)	Included with Secondary School

Provision community pitches (2 nd set)	Provide 2 pitches or pay Community Pitch Contribution (£500,000)	Prior to First Occupation of 6000 site wide dwellings
Dual Use Sports Hall (which includes main hall, changing rooms for the school and for adult members of the public, storage areas, a dance studio, fitness rooms for the school and adults, a reception, office space, lift (if more than 1 (one) storey), viewing gallery, café and bar finished to Category A Standard and fitted out ready for use (excluding sport and fitness equipment))	1,900m2 (unless otherwise agreed)	As part of Secondary School or otherwise on EQ land
Community Sports Hall (which includes main hall, changing rooms, storage areas, a dance studio, a fitness room, a reception, office space, lift (if more than 1 (one) storey), viewing gallery, café and bar finished to Category A Standard and fitted out ready for use (excluding sport and fitness equipment))	1,300m2 (unless otherwise agreed)	By 3,400 EQ Dwellings (if Owner elects to construct) if Dual Use Sports Hall not constructed as party of the Secondary School. - No obligation to provide both the Dual Use Sports Hall and the Community Sports Hall.

Schedule 6 – Local Facilities

Description	Amount (if relevant)	Trigger
Practically Complete the Community Facilities in accordance with specifications and Thresholds set out in the Community and Leisure Facilities Strategy: (a) the Community Centres; (b) courts for tennis and netball; (c) multi-use games areas; (d) neighbourhood play spaces; (e) local play spaces; allotments; (f) [job centre]; TBC (g) churches/ places of worship; (h) pavilions to the extent not provided with Community Pitches	Set out in the Community and Leisure Facilities Strategy	Set out in the Community and Leisure Facilities Strategy
Maintenance protocol, guidelines and specification manual to be provided for each local facility on its completion.		

Schedule 7 – Education

Description	Amount (if relevant)	Trigger
Primary School (PS1)	2FE	Initiation : 100 CH dwellings Delivery : 500 CH dwellings Fit out : 500 CH dwellings
Primary School (PS2)	2FE	Initiation : 200 CH dwellings Delivery : 850 CH dwellings Fit out : 1,200 CH dwellings
Primary School (PS3)	2FE	Initiation : 100 CH dwellings Delivery : 500 CH dwellings Fit out : 500 CH dwellings
Secondary School (SS) – Phase 1 : Eastern Village	4FE	Initiation : 200 EQ Dwellings / 1200 Site wide dwellings Delivery : 850 CH dwellings / 1850 site wide dwellings Fit out : 1150 CH dwellings / 2150 site wide dwellings
Secondary School (SS) – Phase 2 : Market Centre	2 additional forms up to a total of 6	Initiation : 200 EQ Dwellings / 1200 Site wide dwellings Delivery : 1150 CH dwellings / 2150 site wide dwellings Fit out : 1650 CH dwellings / 2650 site wide dwellings

Secondary School (SS) – Phase 3 : Western Village	2 additional forms up to a total of 8	Initiation : 200 EQ Dwellings / 1200 Site wide dwellings Delivery : 1900 CH dwellings / 2900 site wide dwellings Fit out : 2400 CH dwellings / 3400 site wide dwellings
Multi agency space for use by the County Council or their providers (nil rent)	120m2 within / adjacent PS2 and PS3	
Provision of a lifelong learning centre (LLLC)		As described in the Community and Leisure Facilities Strategy – to be discussed with KCC

Schedule 8 – Retail

Description	Amount (if relevant)	Trigger
Convenience Retail Floorspace	250m2 (internal area)	Prior occupation of 500 CH dwellings
Comparison Retail	200m2 (internal area) within each local centre	Prior occupation of 750 dwellings within relevant village

Schedule 9 – On Site Transport

Description	Amount (if relevant)	Trigger
Implement the Vehicle Monitoring Scheme in accordance with the Transport Strategy		Prior first occupation 625 site wide dwellings until 2 years after completion
Transport Review Group to be established : <ul style="list-style-type: none"> - Consisting up to 5 members represented by owners of the site , EDC, County Council, Transport Co-ordinator - To consider: <ul style="list-style-type: none"> (a) whether implementation of measures from the Transport Tool Kit are necessary and if so what measures should be implemented; (b) the cost effective and efficient management of the Transport Fund to implement measures from the Transport Tool Kit; (c) whether the frequency of the Bus Services set out in the Public Transport Plan represents a cost effective and efficient use of the Transport Fund; (d) the possible joint procurement of Bus Services utilising third party funds and the Transport Fund where that would be a cost effective and efficient way of providing the Bus Services; and (e) any matters referred to in this Schedule as being within the remit of the Transport Review Group 	Meet 6-monthly or as requested	
Pay into the Transport Fund the Initial Transport Contribution	£100,000	Prior to First Occupation of any Dwelling
Pay into the Transport Fund the Transport Contributions for the applicable Monitoring Review Period	£2,000 per dwelling (up to maximum of £10,000,000)	6-Monthly
Appoint Transport Co-ordinator and supply contact details of them to the Councils		Prior to any Material Operation until 2 years after completion

Provision of interim travel plan for buildings identified in Transport Strategy (employment; communal buildings etc)		Within 6 months of the first Occupation of each relevant building (interim Travel plan provided with relevant RMA)
Pedestrian and cycle links detailed in Area Master plan and financial contribution equal to its reasonable and proper share of the design and construction cost provided by the Owner		Paid within 20 (twenty) Business Days of a certificate of completion (issued by the relevant Council) in respect of such works having been carried out.
Provision of site accesses		no more than 50 Site Wide Dwellings : first access no more than 300 Site Wide Dwellings : second access Central Facilities Accesses provided on completion of Education Campus
A pedestrian and cycle way shall be Practically Completed connecting the boundary of the Ebbsfleet Green Site and a point within the Castle Hill		Prior to the Practical Completion of the Secondary School
Comply with Southfleet Road Access and Management Plan – setting out stages required for access into site		Triggers set out in document
Watling Street Access – improvement scheme including pedestrian/cycle route; connection to Sandy Lane		No access permitted until improvement scheme agreed
Hedge Place Roundabout		No access permitted until improvement scheme agreed
Mounts Road Access and road improvement - from the western or the northern boundary of the Eastern Quarry Land onto Alkerden Lane		No access permitted until improvement scheme agreed including improvements to junction with St Clements Way
Review Public Transport Plan		As necessary but not more frequently than annually
Provide or procure extensions to the Bus Services to provide: (a) A bus to link the Development to Swanscombe High Street and Greenhithe Station interchange (b) A bus service linking the Development to Bluewater, Greenhithe and Ebbsfleet Station (c) Mounts Road/Alkerden Lane and providing connections to Bluewater and Ebbsfleet and allowing interchange to the wider public transport network; (d) direct link between the Development and Bluewater, and linking to Ebbsfleet, Ingress Park and Greenhithe Station and such service shall also allow for connections to Darenth Hospital and Dartford to the west and to Gravesend to the east (e) public transport scheme to serve the Leisure Podium in centre of site (f) a through service to link dwellings in western village to local facilities and a public transport interchange		Triggers at: (a) 50 dwellings (b) 50 dwellings (c) 2000 dwellings (d) 3600 dwellings (e) 15,000m2 total development (f) prior to the First Occupation of 50 (fifty) Dwellings accessible from the west of the Site
Construction Of Fastrack route and appropriate stops		Complete before First Occupation of 3000th Site Wide Dwelling
Procure and install any necessary on-street equipment for their respective parts of the Real Time Information System		In accordance with the requirements and timings set out in the Transport Strategy, and the latest Public Transport Plan
Pay to the relevant Council the reasonable and proper costs incurred by the Council in procuring such traffic regulation orders		

Schedule 10 – Off Site Transport Improvements

Description	Amount (if relevant)	Trigger
Pay to the County Council the Kent Thameside Contribution	£24,700,000	Payable as roof tax For all Dwellings First Occupied at 6 month intervals

