



Examination of the Dover District Local Plan

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Dear Ms Taylor,

1. As you will be aware, we have been appointed by the Secretary of State to conduct the examination of the Dover District Local Plan to 2040. We have commenced our preparation and have some initial questions where a response from the Council would be helpful in taking matters forward.
2. Firstly, thank you for your letter dated 2 May 2023 (Exam Doc ED2) which highlighted that the Non-Technical Summary of the Sustainability Appraisal had been omitted from earlier public consultation in error. We agree with your suggestion that this should be rectified now and understand that it will be made available for consultation alongside the Sustainability Appraisal Addendum shortly.
3. A Selection of Site Allocations Addendum has also been produced and this has been added to the examination website (Exam Doc ED3). This will be discussed, where appropriate, at the relevant hearing session.

Initial Questions for Examination

Duty to Cooperate

4. Policy SAP24 allocates land to the south of Aylesham for approximately 640 dwellings close to the administrative boundary with Canterbury. It is our understanding that the emerging Canterbury Local Plan also proposes growth in this area. Please can you direct us to the relevant documents which evidence how the Council has engaged constructively, actively and on an ongoing basis in relation to any strategic cross-boundary issues in this location?

5. The Duty to Cooperate Statement Update (Submission Doc GEB01) refers to a Statement of Common Ground with the Port Authority. What is the latest position regarding this document and why are the suggested changes to the Plan (relating to an Inland Terminal Facility) necessary for soundness?
6. The Statement of Common Ground in relation to Strategic Highways Matters (Submission Doc GEB07) remains unsigned by National Highways. What are the reasons for this? How has the Council considered the strategic cross-boundary impacts of Local Plan growth on the wider highways network?

Infrastructure Provision

7. The Infrastructure Delivery Plan (Submission Doc TIEB01) provides a useful summary of the highways mitigation necessary to support the level of growth proposed in the Plan. Further information is provided in the Statement of Common Ground between the Council, National Highways and Kent County Council (Submission Doc GEB06). In the Statement of Common Ground, it identifies further work which is required in relation to the 'Whitfield roundabout' and the 'Duke of York roundabout'. This includes an assessment of proportionate contributions from developments, identification of forward funding and delivery mechanisms. For the Duke of York Roundabout, it also requires a consideration of third-party land.
8. What is the latest position regarding this additional work? What confidence does the Council have that the necessary highways improvements (as set out in Policy SP12) will be viable, deliverable, and thus effective in mitigating the impacts of Local Plan growth?

Environmental Considerations

9. Natural England's Regulation 19 representation, dated 9 December 2022, only provided comments on some aspects of the Plan and its supporting evidence. A further written submission was provided on 13 January 2023, after the deadline for consultation responses. In the interests of clarity, please can the Council confirm whether this further letter was taken into account as a formal representation, or whether it forms part of the wider evidence supporting the Plan?
10. Information provided by Natural England suggests that a buffer of 15km for considering the potential loss of functionally linked land could be seen as a "highly precautionary" distance. What implications does this have on the soundness of the submitted Plan? Were any sites discounted based on using a 15km buffer from designated sites?
11. The Duty to Cooperate Statement Update (Submission Doc GEB01) states that discussions are ongoing with Natural England regarding potential impacts from ammonia. Advice from Natural England also refers to the potential air quality impacts from increased ammonia. Please can the Council confirm what the latest position is, and whether any further information has been prepared (or is needed) to support the growth proposed in the Plan?

12. What is the justification for the suggested main modification which seeks to remove the tariff from Table 11.2 of the submitted Plan? Why is this necessary for soundness?
13. To assist the examination, please can the Council produce a list of allocated sites which fall within (or adjacent to) the Kent Downs AONB? How was the AONB considered as part of the site selection process, including through the Sustainability Appraisal? For example, did the Council seek to preclude certain forms of development in the AONB when deciding which sites to allocate?

Flood Risk

14. The Sequential and Exception Test Summary and Review Note (Submission Doc CCBE02) states that most of the sites allocated for development are within Flood Zone 1. However, because suitable sites in Flood Zone 1 would not meet the minimum housing requirement in full, other sites in Flood Zones 2 and 3 had to be considered. Please can the Council 1) identify the extent of the shortfall against the housing requirement when only looking at suitable sites in Flood Zone 1 sites, and 2) explain how sites in Flood Zones 2 and 3 were then considered for allocation.
15. Is the overall approach consistent with paragraph 11b of the Framework, which states that strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development? This includes areas at risk of flooding and coastal change.

Policy SAP1 – Whitfield Urban Expansion

16. Who will be responsible for producing the revised Supplementary Planning Document for the amended Whitfield Urban Expansion? Is it sufficiently clear what will be required?
17. Please can the Council point us to the relevant supporting information which demonstrates that the site will deliver new housing as envisaged. What confidence does the Council have that the site will deliver as expected?
18. Does the Plan include any contingency arrangements should the site not come forward as expected? If not, what are the reasons for this?

Employment

19. How much land (in hectares) is proposed to be allocated for employment purposes by Policy SP6? How does this relate to the identified need for additional employment land?

20. How does the amount of allocated employment land relate to the housing requirement in Policy SP3? Does the Plan make enough provision for new housing and the workforce needed to support the planned growth in employment?
21. What is the status of the Phase 2 and Phase 3 land at the White Cliffs Business Park, which had previously been identified as the Inland Border Facility? Is the Plan sufficiently clear what uses will be permitted on both sites?

Viability

22. The Viability Study Update Note (Submission Doc GEB08b) found that the delivery of sites in the lower value areas is likely to remain challenging. A similar conclusion was drawn in respect of the strategic sites. Based on this evidence, what is the justification for the affordable housing requirements in Policy SP5?

Next Steps

23. In order to progress matters we would be grateful if the Council could provide a written response to the above questions by **Friday 16th June 2023**. At this stage, it is not possible to confirm the exact dates for the forthcoming hearing sessions, as this will largely depend on the answers to the questions set out above. However, we have asked the Programme Officer to explore the potential for hearing dates in October and November 2023. Please note that at least 6 weeks' notice will be required before the start of the first hearing.
24. We trust that the above questions are all self-explanatory, but should you have any queries please do not hesitate to contact us through the Programme Officer. We have asked the Programme Officer to upload this letter to the examination website, but we are not seeking representations from any participants at this stage.

Yours Sincerely,

Matthew Birkinshaw and Clive Coyne

Inspectors