

Date: 27 March 2023
 Our ref: 427157
 Your ref: Local Plan Regulation 19



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BY EMAIL ONLY

Dear Ashley

Dover District Local Plan – Regulation 19 Submission Document – DDC’s response to NE advice

Thank you for your email dated 14th March 2023 and the attached document setting out Dover DC’s response to Natural England’s Regulation 19 comments on your submission draft Local Plan (given in two parts on 9th December 2022 and 13th January 2023).

Natural England advice not covered in the DDC response

I have cross-checked your document against my December and January advice letters and there are three points, as set out below, which were raised in my letter of 9th December but do not appear to have been addressed. Assuming these aren’t simply oversights I would appreciate an explanation as to why our advice has not been followed (as you have helpfully done for other policies).

- **CC8 (Tree Planting and Protection)** – requested that requirement (d) in the Tree Planting section be expanded to explicitly secure the inclusion of aftercare for newly-planted trees in order to maximise survival rates and achieve desired outcomes for carbon, people and nature.
- **NE2 (Landscape Character and the Kent Downs AONB)**
 - Policy to make clear that only ‘limited’ development (in terms of scale and extent) will be acceptable within the AONB.
 - Policy to clearly define what constitutes ‘major’ development in the AONB.

Areas that still require further work / discussion

Policy requirement for ‘habitats and species’ surveys

I would still like to understand what evidence was used to inform which site allocation policies this requirement was applied to (as it is by no means all). A notable exception appears to be SAP28 (Land between Eythorne and Elvington).

SP13 (Designated sites) – Mitigation Hierarchy section

I have reviewed your proposed updated wording for this section but while some aspects have improved I think there are still some incorrect uses of mitigation / compensation and it’s not entirely clear whether some of this section relates to Biodiversity Net Gain requirements or other considerations. It would be helpful to understand what you want this section to do and why you feel it is necessary given that a number of the other policy sections relating specifically to internationally,

nationally and locally designated sites etc. all contain their own references to the application of the mitigation hierarchy.

NE3 (Thanet Coast and Sandwich Bay SPA Mitigation and Monitoring Strategy)

I previously advised that the policy should make explicit reference to large developments outside the 9km Zone of Influence (ZOI). The ZOI is a pragmatic, evidence-based distance which captures the majority of visits to the SPA but it is not a maximum travel distance. Large developments just outside the 9km ZOI may have the potential for a likely significant effect on the Thanet Coast SPA, either alone or in-combination, that would warrant further assessment under the Habitats Regulations and potentially the use of mitigation measures. Natural England has given similar advice on other strategic solutions to manage recreational pressure impacts on designated sites and I have provided two examples below as to how this has been applied:

From the adopted Chichester District Council Local Plan:

The provisions of this policy do not exclude the possibility that some residential schemes either within or outside the Zone of Influence might require further assessment under the Habitats Regulations. For example, large schemes, schemes proposing bespoke avoidance/mitigation measures, or schemes proposing an alternative approach to the protection of the SPAs. Such schemes will be assessed on their own merits, and subject to advice from Natural England.

From the Thames Basin Heaths Delivery Framework:

Applications for large scale development proposals beyond the zone of influence should be assessed on an individual basis. Where appropriate a full appropriate assessment may be required to ascertain whether the proposal could have an adverse effect on the SPA.

Coastal squeeze

It would be good to get clarity on any specific projects / conversations that you are already aware of in relation to the statement in the Plan that “work to examine and address coastal squeeze...will be progressed during the lifetime of the Plan.” I remain of the view that given the importance of this as an issue the Plan would benefit from having a specific policy hook requiring coastal development to consider it.

Air quality

I am currently in the process of seeking further advice on the traffic-generated ammonia issue and would still appreciate the opportunity to discuss the alone vs in-combination air quality impacts of the Plan more generally with your consultants.

Areas where Natural England agrees with the proposed Dover DC approach

- **HRA**
 - Agree that the policy requirement for wintering bird surveys (specifically to ascertain whether allocation sites comprise land functionally-linked to designated sites) need only apply to relevant allocations (i.e. those where desk-study indicates potentially suitable) within 5km of SPAs (not 15km as originally proposed). This is considered suitably precautionary and will bring the distance in line with Natural England’s Impact Risk Zones (IRZs).
 - Agree update of paragraph 5.85 to address incorrect use of ‘in-combination’
- **SP1 (Planning for climate change)** – agree amendment to policy requirement e) to add “Exploring nature-based solutions to climate challenges” to mitigation list.

- **SP13 (Protecting the Districts Hierarchy of Designated Environmental Sites and Biodiversity Assets)**
 - Agree removal of supporting paragraph 3.259 and bracketed SSSI reference for Princes Beachland LNR.
 - Agree amendments to policy requirement c) (Thanet Coast 500m) and d) wintering bird surveys.
 - Agree additional paragraph in Implementation section referring to monitoring of Dover to Kingsdown Cliffs SAC.
- **SAP5 (Fort Burgoyne)** – noted that this site does not in fact lie within the Kent Down AONB and agree amendment to supporting paragraph 4.110 to reflect this.
- **SAP17 (SAN004)** – agree additional policy requirement for project-level HRA (Thanet Coast 500m).
- **SAP22 (SAN023)** – agree removal of policy requirement (h) relating to project-level HRA (Thanet Coast 500m).
- **SAP26 (Snowdown Colliery)** – agreement amendment to requirement (c).
- **SAP28 (Land between Eythorne and Elvington)** – agree amended wording for policy requirement (k).
- **SAP48 (Apple Tree Farm)** – agree deletion of policy requirement (g) relating to wintering bird surveys.
- **CC4 (Water Efficiency)** – we acknowledge the reasons given for your authority being unable to explicitly require a more stringent water efficiency target than that set out in the national Building Regulations at this time.
- **NE2 (Landscape Character and the Kent Downs AONB)** – agree movement of supporting paragraph 11.20 (re. RIGS).
- **NE3 (Thanet Coast)** – agree proposed amendment to Implementation section to make clear that policy applies to permanent gypsy and traveller pitches.
- **NE4 (Air Quality)** – agree amendment to paragraph 11.42 to include reference to habitats and species.

If you have any queries relating to the advice in this letter please contact me on heather.twizell@naturalengland.org.uk

Yours sincerely

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