

Statement of Common Ground

Dover District Council and Natural England

1. Overview

1.1 This Statement of Common Ground (SoCG) reflects the jointly agreed position between the parties, Dover District Council (DDC) and Natural England (NE), in relation to the Dover District Local Plan (DDLP) and its evidence base, as of June 2023.

1.2 The purpose of this SoCG is to demonstrate how DDC and NE have been working together to identify and address outstanding matters. It sets out the areas of agreement on matters raised by NE in response to the Dover District Local Plan (Regulation 19 Submission).

1.3 The NPPF sets an expectation that Local Plans should be prepared with the active involvement of statutory consultees and to this end, DDC has been co-operating with NE throughout the preparation of the Local Plan since work started in 2017. This co-operation has been in the form of regular meetings and email correspondence and the sharing of draft documentation. NE formally responded to the Regulation 18 draft DDLP consultation which took place between January to March 2021, and to the Regulation 19 Submission DDLP. A summary of activity is set out in the Duty-to-Cooperate Statement.

1.4 This Statement of Common Ground, without prejudice, relates to the representations made by NE to the Regulation 19 DDLP and further submission of comments received following the close of the consultation. It addresses unresolved issues, specifically to resolve differences and arrive at an agreed position.

2. Representations made by Natural England

2.1 Natural England made formal representation on the Regulation 19 Submission Dover District Local Plan which took place between 21 October and 9 December 2022. Due to staff shortages and illnesses this representation arrived in two parts, by email of 9 December 2022, and of 13 January 2023.

2.2 The representation of 9 December 2022 has been addressed by, and is included in, the Regulation 22 Statement alongside all other representations received during the consultation period as part of compliance with Regulation 22 (1) (c) of the Town and Country Planning (Local Planning) (England) Regulations 2012.

2.3 The representations made in the email of 13 January 2023, five weeks after the closure of the consultation event, were however deemed inadmissible, and therefore have not been assessed and responded to in the Regulation 22 Statement. However, these matters have been considered and where necessary addressed by the Council in proposed Additional Modifications submitted with the Plan.

2.4 The additional response received on 13th January has been submitted as ED5H.

2.5 Meetings and email exchanges have taken place between DDC and NE to discuss and agree the Additional Modifications (AM) to the Plan. If the Inspectors are

supportive of the view of NE on these matters, the Council would accept additional modifications and as such the following text has been agreed for a number of policies, without prejudice, by both parties for this purpose.

2.6 For the avoidance of doubt none of the proposed additional modifications are considered necessary to address soundness issues, however, provide further clarity and detail to the policies.

3. Current agreed position

3.1 The following tables set out the responses received from Natural England to the Regulation 19 DDLP and the Habitats Regulations Assessment September 2022. A summary of NE comments is included as well as the current agreed position and proposed AM.

3.2 Comments received in relation to Habitats Regulations Assessment have been addressed in an updated Habitats Regulations Assessment March 2023 (SD09) which was submitted with the Plan. Comments on the Habitats Regulations Assessment have knock-on effects to policy drafting in the Local Plan, so have been addressed through the submitted AMs, and are set out in Table 2 with where relevant cross-referencing with Table 1.

3.3 It has been agreed that further assessment work will be carried out in relation to the potential impact of Ammonia from road traffic, as set out in Table 2 below. This will require a further update to the HRA. This work is planned to be completed in advance of the Local Plan examination hearing sessions.

Table 1 – NE Local Plan Representations and agreed position

Local Plan Representations			
Policy	Rep numbers	Summary of NE representations	Latest Agreed position/AM reference
SP1	SDLP1193*	Natural England welcomes the policy's recognition under points (e) and (h) of the importance that multi-functional green infrastructure can play in climate change mitigation and adaptation. We suggest that an additional point could be added to the 'Mitigation' list: <ul style="list-style-type: none"> • Exploring nature-based solutions to climate challenges 	AM4 – amendment to criterion e to include 'exploring nature-based solutions to climate challenges'
SP3	SDLP1985*	Support	N/A

Local Plan Representations			
Policy	Rep numbers	Summary of NE representations	Latest Agreed position/AM reference
SP6 SAP2 SAP4 SAP5 SAP25 SAP26	SDLP1986*	<p>Support for focusing employment growth on existing or previously allocated sites. Pleased to see new sites focus on redevelopment of brownfield land. Generally satisfied that site specific policies address matters required, subject to the following:</p> <p>Fort Burgoyne, Dover (SAP5) – given acknowledgement in supporting text that part of the site falls in Kent Downs AONB, the policy should include criteria in relation to it.</p> <p>Former Snowdown Colliery, Aylesham (SAP26) – Recently been made aware of evidence of the site providing a good example of open mosaic habitat. Strong support policy requirement g)</p>	<p>AM34 – SAP5 does not lie within the Kent Downs AONB, amendment to paragraph 4.110 to clarify this.</p> <p>AM55 – Criteria g) proposed to replace criteria c)</p>
SP13	SDLP1987*	<p>Pleased to see changes made since Regulation 18 draft. Recommend additional changes:</p> <ul style="list-style-type: none"> • 3.259 Supporting Text – Other International Sites as being over precautionary • Policy – Mitigation Hierarchy text lacks clarity 	<p>AM21 – delete paragraph 3.259 requirements for other international sites outside the District in relation to recreational pressure</p> <p>AM23 – Amendments to text in policy relating to the Mitigation Hierarchy</p>
	SHRA17*	See comments on HRA also relating to SP13	See comments on HRA
SP14	SDLP1988*	<p>Pleased to see reference to the future Kent Local Nature Recovery Strategy (LNRS). Request further engagement regarding the details and timescales for considering the matter of coastal squeeze</p>	<p>No modifications required – As paragraph 3.289 notes, work on examining and addressing this issue will be progressed during the lifetime of the Plan. This issue is not sufficiently advanced to be in Policy.</p>
CC1	SDLP1459	Support	N/A
CC2	SDLP1461	Support	N/A
CC3	SDLP1462	Support	N/A

Local Plan Representations			
Policy	Rep numbers	Summary of NE representations	Latest Agreed position/AM reference
CC4	SDLP1991	Note that this policy still refers to the 110 litres per person per day set by Regulation 36(3) of the Building Regulations. We maintain the advice given at Regulation 18 that in light of Dover District containing areas of Serious Water Stress this policy should go beyond the Building Regulations and set a more stringent water efficiency target. While we appreciate the second sentence in the policy stating that “The Council will strongly support proposals that seek to reduce daily water consumption even further, through the use of additional measures such as rainwater harvesting” we are not sure how effective this will be in driving the levels of change needed in the current climate emergency.	DDC agree that the evidence suggests that a more stringent target should be imposed, however National Policy Guidance and the Housing Technical Standards do not currently allow LPAs to impose a more stringent water efficiency target than the 110 litres per person per day. The policy is supportive of proposals that include higher reductions in water consumption if they are proposed.
CC8	SDLP1463	Support with encouragement to expand ‘d’ to secure aftercare	No modification required: The maintenance element of the required Landscaping Scheme (CC8 d) will address the care and maintenance of any new planting and that therefore no additional mention of maintenance is required in the Policy. In relation to this issue, the Council’s standard conditions for newly planted trees and plants require the replacement of new trees that die within five years of planting.
PM1	SDLP1465	Support	N/A
PM3	SDLP1467	Support	N/A
PM5	SDLP1471	Support	N/A
NE1	SDLP1471	Support	N/A
NE3	SDLP1478	Support subject to review of SAMM and HRA	

Local Plan Representations			
Policy	Rep numbers	Summary of NE representations	Latest Agreed position/AM reference
	SDLP1992	<p>Strongly support inclusion of Policy, request amends to policy to specify the following as being considered on a case by case basis:</p> <p>Large developments outside the 9km ZOI</p> <ul style="list-style-type: none"> • Permanent gypsy and traveller pitches – which under a number of other such strategic approaches around the country are generally considered to equate to new dwellings. 	<p>AM110 – amendment to final para of NE3 to include large development outside the 9km ZOI</p> <p>AM111 – amendment to 11.29 to include reference to gypsy and traveller pitches</p> <p>AM109 – remove specific table of costs and refer to SAMM itself. Agree with updated costs in SAMM.</p>
NE4	SDLP1483	NE recommend that reference should be made (at least in supporting text) to the potential non-human impacts of reduced air quality	AM112 – amendment to paragraph 11.42 to include reference to habitats and species
NE5	SDLP1490	NE has no comment on this policy since it was agreed in September 2022 that Dover District was no longer subject to nutrient neutrality requirements linked to Stodmarsh Habitat Sites.	N/A
NE6	SDLP1491	Support	N/A
4. Housing and Employment allocations	SDLP1454	<p>Raise potential that requirements for wintering bird surveys and project level HRA requirements are over precautionary – see comments on HRA (SHRA17)</p> <p>Clarification requested on requirements for habitats and specific surveys in site policies</p>	<p>See response to SHRA017</p> <p>Clarification provided. AM59 agreed for SAP28.</p>
SAP1	SDLP1455 SDLP1989*	Pleased to see that Policy SAP1 provides considerably increased high level policy steer on a number of matters relevant to our remit compared to policy CP1 in the adopted Local Plan. Support for specific policy provisions at d, e, f, g, h, k, l, p, and z.	N/A
SAP24	SDLP1456	Depending on final HRA comments it may be possible to remove criteria (o).	See Response to SHRA017

Local Plan Representations			
Policy	Rep numbers	Summary of NE representations	Latest Agreed position/AM reference
Sandwich	SDLP1990*	Request clarification as to why Discovery Park, Sandwich does not have a site allocation policy	Discovery Park, Sandwich does not have its own site allocation policy as it is the subject of a Local Development Order and Outline Planning Permission.
SAP28	SDLP1457	Request amendment to required masterplan to be informed by LVIA. Query why the site policy does not include a requirement for habitats and species surveys	AM59 – amendment to criteria k) and n)

Table 2 – NE Habitats Regulations Assessment Representations and Agreed position

Habitats Regulations Assessment Representations (SHRA17*)			
Issue/Section	Related Local Plan Policies	Summary of NE comments made in SHRA17	Latest Agreed position/AM reference
4.2 – 4.5	n/a	Policies H3 and E4 listed under 4.4. would be better under 4.5	HRA amended to move H3 and E4 from list 4.4 to list 4.5.
Physical Damage and Loss – Functionally Linked Land (Offsite)	SP13 SAP44	Agree the following sites can be screened out <ul style="list-style-type: none"> • Dungeness, Romney Marsh and Rye Bay Ramsar site (19km) • Outer Thames Estuary SPA (5km) • The Swale SPA / Ramsar (15.5km). For designated sites supporting golden plover and lapwing recommend reducing the buffer of 15km to 5km – see below for site specifics	HRA amended to reflect advice, AM24 to amend Policy SP13 AM71 to remove criteria requiring wintering bird survey
Physical Damage and Loss – Functionally Linked Land (Offsite) – Thanet Coast and Sandwich Bay SPA and Ramsar Site	SP13 SAP1 SAP2 SAP17 SAP24 SAP26 SAP28	For Thanet Coast and Sandwich Bay SPA functionally linked land requirement, the 15km buffer is over-precautionary and would recommend this is reduced to 5km	Advice accepted, and buffer reduced from 15km to 5km. HRA amended to reflect NE advice. Functionally linked land survey requirements removed from the following sites:

Habitats Regulations Assessment Representations (SHRA17*)			
Issue/Section	Related Local Plan Policies	Summary of NE comments made in SHRA17	Latest Agreed position/AM reference
	SAP34 SAP36 SAP41 SAP44 SAP46 SAP47		SAP1 (AM30) SAP2 (AM31) SAP17 (AM47) SAP24 (AM53) SAP26 (AM55) SAP28 (AM59) SAP34 (AM61) SAP36 (AM62) SAP41 (AM69) SAP44 (AM71) SAP46 (AM76) SAP47 (AM77) Proposed Additional Modification AM24:
Physical Damage and Loss – Functionally Linked Land (Offsite) – Stodmarsh SPA and Ramsar site	SAP48	Policy requirement for a wintering bird survey is excessive given the distance, size of site and behaviour of the species	AM79 – remove criterion g from policy
Non-physical disturbance	SP13 SAP17 SAP22	Query the requirements for all sites within 500m of the Thanet Coast and Sandwich Bay SPA and Ramsar site to be subject to a project-level HRA to demonstrate no adverse impacts through the pathway of non-physical disturbance. This should be considered on a case-by-case basis. Comments specifically provided on sites, SAN001, SAN0011, SAN004 (SAP17), TC4S032 (SAP16), SAP31, SAP22 and SAP49 – recommend that only site SAP17 justifies requiring a project-level HRA for the allocation.	HRA amended to reflect this advice. AM23 – Policy SP13 criteria c amended to reflect advice AM47 – Policy SAP17 criteria e amended in relation to requiring a project level HRA AM50 – Policy SAP22 criteria h removed

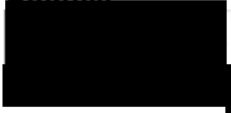

Habitats Regulations Assessment Representations (SHRA17*)			
Issue/Section	Related Local Plan Policies	Summary of NE comments made in SHRA17	Latest Agreed position/AM reference
Air Pollution	N/A	We would be happy to discuss the potential air quality impacts from increased ammonia further with your Authority to agree a pragmatic way forward.	NE have taken further advice and consider this needs to be assessed. DDC agree to carry out this assessment and update HRA. Agreed next steps: <ol style="list-style-type: none"> 1. Methodology to be agreed by 7th July. 2. Assessment carried out and HRA updated (mid August) 3. NE to review outputs and provide feedback Target completion date end of August 2023
Recreation – site screened out	N/A	Agree with HRAs conclusions regarding the following sites: <ul style="list-style-type: none"> • Parkgate Down SAC • Dungeness, Romney Marsh and Rye Bay SPA / Ramsar • Thanet Coast SAC • Margate and Long Sands SAC • Outer Thames Estuary SPA • Stodmarsh SAC 	N/A
Recreation – Sandwich Bay SAC/ Thanet Coast and Sandwich Bay SPA /Ramsar	NE3	Agree additional housing growth proposed in Plan could have adverse impact on Thanet Coast and Sandwich Bay SPA and Ramsar site. Agree to mitigation proposed in the Thanet Coast and Sandwich Bay SPA Strategic Access Monitoring and Mitigation Strategy (SAMM). Agree to the 9km ZO1. Para 5.85 is incorrect as current/baseline levels of impact cannot be considered in -	Paragraph 5.85 of HRA amended See Response to NE3 in Local Plan Policy Table

Habitats Regulations Assessment Representations (SHRA17*)			
Issue/Section	Related Local Plan Policies	Summary of NE comments made in SHRA17	Latest Agreed position/AM reference
		combination with likely future impacts	
Recreation – Lydden and Temple Ewell Downs SAC	SAP1	Support the HRA's conclusions and requirements of Policy SAP1 to deliver mitigation on site.	N/A
Recreation – Dover to Kingsdown SAC	SP13	Support recommendations of HRA, subject to clarification on where this recommendation if committee to.	AM24 to include commitment to visitor surveys in supporting text of SP13
Recreation – Folkestone and Etchinghill Escarpment SAC, Stodmarsh SPA and Ramsar site, Blean Complex SAC	SP13	See comments on Policy SP13	See comments on Policy SP13

4. Conclusions

4.1 It is agreed by both parties that, except for the issue of Ammonia, all matters have been addressed through the update to the Habitats Regulations Assessment (SD09) submitted with the Plan, and the proposed additional modifications (SD06).

5. Signatories

<p>Signed on behalf of Dover District Council</p>  <p>Sarah Platts Head of Planning and Development</p> <p>Date: 29th June 2023</p>	<p>Signed on behalf of Natural England</p>  <p>Heather Twizell Senior Advisor – Sustainable Development</p> <p>Date: 29th June 2023</p>
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