



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 1 – Duty to Cooperate

#### Issue 1 – Duty to Cooperate

1. The Council's response to the Inspectors Initial Questions refers to meetings with Canterbury City Council regarding new development proposed around Aylesham (developments identified in both Council's emerging Local Plans).
2. The updated Statement of Common Ground with Canterbury City Council puts forward a suggested Main Modification to the Dover Local Plan. It would require proposals for land south of Aylesham (Policy SAP24) to consider the status of the Canterbury Local Plan and provide connectivity between the two corresponding sites. It is suggested that this provides evidence of the Council's working together to agree on necessary policy outcomes.
3. However, elsewhere the Statement of Common Ground identifies issues without providing details on how they have/or will be addressed. For example, it states that the parties agree that strategic education issues exist and relate to the provision of secondary school capacity in the Canterbury/north Dover area. The Council's response to the Canterbury Local Plan consultation also states that *"...it is therefore disappointing that there has been a lack of constructive engagement..."* when referring to the allocations around Aylesham.

**Q1 Taking the above into account, what evidence can the Council point to which demonstrates that it has engaged constructively, actively and on an ongoing basis in relation to the known cross-boundary issues?**

#### Q1 DDC Response:

1. Dover District Council (the Council) has engaged constructively, actively and on an ongoing basis with Canterbury City Council (CCC) in relation to the known cross-boundary issues associated with development proposed at Aylesham. This is evidenced in the Duty to Co-operate Statement (GEB01) and Council's Response to Inspectors' Initial Questions (ED5), which set out the engagement that has taken place throughout the plan making process. In addition, the two Statements of Common Ground (GEB03<sup>1</sup> and ED5A<sup>2</sup>) agreed with CCC identify the strategic cross-boundary matters that needed addressing.
2. The concerns raised by the Council in response to the Canterbury Local Plan consultation relate to when CCC informed the Council they were proposing allocations around Aylesham, which, as set out in the ED5, was shortly before the

<sup>1</sup> [GEB03 Statement of Common Ground with Canterbury City Council Update March 2023 \(doverdistrictlocalplan.co.uk\)](https://doverdistrictlocalplan.co.uk)

<sup>2</sup> [ED5A Appendix 1 - SoCG between DDC and CCC April 2021 \(doverdistrictlocalplan.co.uk\)](https://doverdistrictlocalplan.co.uk)



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 1 – Duty to Cooperate

Council's Regulation 19 Plan was to be published, and shortly before Canterbury's draft Local Plan was to be consulted upon. In responding to the draft Canterbury Local Plan consultation, the Council considered that CCC could have engaged earlier in the process on their proposed plans, as the Council had done regarding sites at Aylesham in the Dover Local Plan. The comment made in the context of the CCC's engagement with DDC in relation to the draft Canterbury local plan where the duty lies on CCC not DDC. It should not be read as suggesting that the Council has not engaged constructively, actively and on an ongoing basis with Canterbury City Council in the context of this plan.

#### **Q2 Are the remaining issues to resolve (such as transport, healthcare and education) matters of soundness or legal compliance?**

#### Q2 DDC Response:

3. There are no remaining issues to resolve in relation to the Dover Local Plan. The references in GEB03<sup>3</sup> to the status of the transport and education as being ongoing relate to the Canterbury Local Plan proposals. GEB03 (page 3) states that the cross-border implications of Land to the South of Aylesham in the Dover Local Plan is 'agreed subject to amendments set out in Section 3'. CCC has confirmed this position in correspondence provided at Appendix 1.
4. In addition, CCC's response to the DDC Regulation 18 Local Plan acknowledged that needs for supporting community infrastructure and transport measures for developments were addressed through draft Strategic Policy 13 (now Strategic Policy 11).
5. In relation to secondary education, as at out at paragraph 4.5 of the Council's response to the Inspectors' Initial Questions (ED5<sup>4</sup>) and evidenced in ED5D<sup>5</sup>, it is agreed that secondary education needs resulting from new development in Dover District will be met through expansion of existing secondary schools in Dover District. This has also been agreed through engagement with Kent County Council (as set out in response to Q3).
6. In relation to transport, ED5 paragraphs 6.2 (i), 6.3 and 6.4 set out how this matter is resolved in relation to the Dover District Local Plan. This has also been agreed through engagement with Kent County Council and National Highways (as set out in response to Q3). Healthcare has not been identified as a cross boundary matter to

<sup>3</sup> [GEB03 Statement of Common Ground with Canterbury City Council Update March 2023 \(doverdistrictlocalplan.co.uk\)](https://doverdistrictlocalplan.co.uk)

<sup>4</sup> [ED5 DDC response to Inspectors' initial questions \(doverdistrictlocalplan.co.uk\)](https://doverdistrictlocalplan.co.uk)

<sup>5</sup> [ED5D Appendix 4 - Notes of meeting CCC and DDC 11.08.2022 \(doverdistrictlocalplan.co.uk\)](https://doverdistrictlocalplan.co.uk)



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 1 – Duty to Cooperate

resolve for the Dover Local Plan. As set out in ED7<sup>6</sup> paragraph 9.9, the Kent and Medway NHS Integrated Care Board (ICB) has noted the level of growth proposed in Aylesham as something that will require specific consideration as part of their future estates planning for the medium/longer term, but no specific identified needs have

**Q3 What evidence can the Council point to which demonstrates constructive, active and ongoing engagement with other relevant prescribed bodies on these issues, such as Kent County Council?**

been raised at this time.

#### Q3 DDC Response:

7. GEB01 sets out the engagement that has taken place with Kent County Council (KCC) in relation to transport and education, and with National Highways (NH) in relation to transport. Appendix 3 provides a summary of the meetings and correspondence with KCC and NH in relation to transport issues.
8. In relation to transport, this is further evidenced by the GEB06 - the Statement of Common Ground with KCC and NH.
9. Following the Regulation 19 consultation, and representations made by KCC on the Plan, the Council has continued to liaise directly with all KCC services to resolve matters addressed in those representations. This has led to various proposed amendments, as set out in the Proposed Additional Modifications (SD06), which have been supported by KCC.
10. In addition to this, the Council has liaised directly with KCC Education in relation to education requirements within the Infrastructure Delivery Plan (IDP) (ED7), updated in August 2023. All amendments and suggestions proposed by KCC Education have been incorporated into the IDP.
11. A Statement of Common Ground has been agreed between the Council and KCC (October 2023) which sets out a summary of all representations made by KCC and how they have been addressed collaboratively. The Council do not consider any of the remaining issue to be related to soundness.
12. In relation to Healthcare, the Council has undertaken continuous engagement with the NHS Kent and Medway ICB, formerly known as the Clinical Commissioning Group, during preparation of the Local Plan. Details of communications with them up to March 2023 can be seen within GEB01<sup>7</sup>, and since this date, further communications have taken place between DDC and the ICB in relation to the updated IDP (ED7) updated in August 2023. This included a meeting on 5<sup>th</sup> June

<sup>6</sup> [ED7 Infrastructure Delivery Plan - V3 July 2023 \(doverdistrictlocalplan.co.uk\)](https://doverdistrictlocalplan.co.uk)

<sup>7</sup> [GEB01 Duty to Cooperate Statement Update March 2023 \(doverdistrictlocalplan.co.uk\)](https://doverdistrictlocalplan.co.uk)



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 1 – Duty to Cooperate

2023, and DDC then sharing with the draft Health and Social Care chapter of the IDP, and them reviewing and amending the content. All suggested changes were incorporated into the final IDP.

13. At that time, as set out in paragraph 9.6, an Interim Kent and Medway Integrated Care System Estates and Infrastructure Strategy was in development, which will be further informed by place-based clinical and estates strategies to be developed by HCPs during 2023. DDC has subsequently met with Kent and Medway ICB (in October 2023) to discuss their emerging strategic estates planning online platform, which is due to be rolled out in 2024. This system will factor in information in relation to extant consents, and local plan allocations to support proactive planning of healthcare estates across the district and county wide.

**Q4 Have any neighbouring authorities approached the Council to help address unmet needs from elsewhere? If so, what process did the Council follow and what was the outcome?**

#### Q4 DDC Response:

14. No, the Council has not been approached by any neighbouring authorities to help address unmet needs from elsewhere.
15. In October 2022, Thanet District Council (TDC) wrote to the Council to advise that it had concerns it may not necessarily be able to meet its full housing requirement, but it was stated in that letter that it was not a formal request for assistance with housing provision at that stage as there were unknowns that needed to be worked through. The Council's response to this is provided at Appendix 2. The signed Statement of Common Ground (GEB05) with TDC agrees that currently housing needs are to be met within their own Districts.

**4. The Statement of Common Ground between the Council and Dover Harbour Board provides background and context regarding the possible need for an Inland Terminal Facility and lorry park. Paragraph 3.4 states that Policy TI4 was included 'as a direct response to Kent County Council's representations in response to the Regulation 18 draft local plan consultation about the strategic need for overnight lorry parking facilities across the County'.**



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 1 – Duty to Cooperate

**Q5 What is the strategic need for overnight lorry parking facilities, how has this been considered as part of the Plan's preparation and how did the Council engage with bodies on this issue?**

#### Q5 DDC Response:

16. Kent County Council (KCC) responded to the Regulation 18 draft Local Plan consultation with the following comment (DLP1748) in relation to lorry parking:

*'The Ministry of Housing, Communities and Local Government made the following amendment to Paragraph 107 of the National Planning Policy Framework (NPPF) 2019: "Planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance." KCC surveys of overnight lorry parking have determined that the Dover area and A2/M2 corridor has significant numbers of HGVs parked inappropriately overnight, as indicated in Figure 1 (further data can be provided on request), and that there are indeed "local shortages" in parking provision to address, which the Local Plan should recognise in order to follow the guidance in Paragraph 107 of the NPPF.'*

17. The response also included a figure which identified the existing lorry parking facilities and results of lorry parking surveys that had been carried out by KCC across Kent.

18. In July 2021 the Council discussed the issue with officers at KCC who provided the Council with the results of the overnight lorry parking surveys that had been carried out by KCC between 2017 and 2019, which was the latest data available. This identified, on average, 805 lorries across Kent parked overnight in inappropriate locations, with 53 of them being in Dover District.

19. The strategic need across Kent for overnight lorry parking is set out in Kent County Council's Local Transport Plan<sup>8</sup>, which has an action to '*identify a network of smaller overnight lorry parks....*' It was agreed that a criteria-based policy to support proposals for overnight lorry parking facilities in appropriate locations was appropriate to address the requirements of para 107 of the NPPF and meet the need for overnight lorry parking. A draft of the policy was shared with KCC in November 2021. KCC responded to the Regulation 19 Local Plan, making no comments in relation to lorry parking. National Highways Regulation 19 response (SDLP 1165)

<sup>8</sup> [Local-transport-plan-4.pdf \(kent.gov.uk\)](https://www.kent.gov.uk/local-transport-plan-4.pdf)



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 1 – Duty to Cooperate

supports the policy, acknowledging that their previous comments had been addressed.

20. The Council is also aware, although is not directly involved in and has not yet been consulted on the proposals, that the Department for Transport is currently developing a long-term strategy for traffic management, border fluidity, and driver welfare with the aim to reduce reliance on on-road traffic management measures. This involves consideration of the use of the White Cliffs Business Park for off-road lorry parking spaces (as set out in responses to Matter 6).

**Q6 Has the Duty to Cooperate under sections 22(5)© and 33A of the 2004 Act and Regulation 4 of the 2012 Regulations been complied with, having regard to the advice contained in the National Planning Policy Framework' ('the Framework') and associated Planning Practice Guidance' ('the 'PG')?**

#### Q6 DDC Response:

21. The Council's Duty to Co-operate Statement<sup>9</sup>, alongside the Statements of Common Ground that have been agreed with the Council's neighbouring authorities and other prescribed bodies, sets out the strategic cross-boundary issues that have arisen throughout the preparation of the Plan, and demonstrates that the Council has engaged, constructively, actively and on an on-going basis with other East Kent Authorities, Kent County Council, and other prescribed bodies including National Highways and Natural England.
22. In accordance with para 27 of the NPPF, Statements of Common Ground have been prepared with the Council's neighbouring authorities; Canterbury City Council<sup>10</sup>, Thanet District Council<sup>11</sup> and Folkestone and Hythe District Council<sup>12</sup> through the plan preparation process, and updated where necessary.
23. In addition, a joint Statement of Common Ground has been agreed with Kent County Council and National Highways<sup>13</sup>, as well as a joint Statement of Common Ground with Kent County Council, National Highways, Canterbury City Council and Swale Borough Council<sup>14</sup>, in relation to strategic transport matters.
24. The strategic cross boundary issues that have been identified through the preparation of the Plan include the approach to meeting housing needs across the housing market area ('HMA'), the Thanet Coast and Sandwich Bay Special

---

<sup>9</sup> [GEB01](#)

<sup>10</sup> GEB03 and ED5A

<sup>11</sup> GEB05

<sup>12</sup> GEB04

<sup>13</sup> GEB06

<sup>14</sup> GEB07 update by ED5F



## **Council's Response to Inspectors' Matters, Issues, Questions**

### **Matter 1 – Legal Compliance**

#### **Issue 1 – Duty to Cooperate**

Protection Area (SPA) and Ramsar site, strategic highway considerations, and other infrastructure provision, such as secondary education and healthcare.

25. The evidence shows that the Council has had on-going dialogue with the relevant parties on these matters throughout the plan making process and the outcomes have been agreed.



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 2 – Public Consultation

#### Issue 2 – Public Consultation

**Q1 Has public consultation been carried out in accordance with the Council's Statement of Community Involvement the Framework, the PPG and the requirements of the 2004 Act and 2012 Regulations? If not, what were the reasons why?**

#### Q1 DDC Response:

26. At each stage of the Local Plan Review production process, the Council has complied with the Town and Country Planning (Planning) (England) Regulations 2012 (as amended) and section 19 (3) of the Planning and Compulsory Purchase Act 2004 (requirement to comply with the Statement of Community Involvement).
27. Consultation was carried out in accordance with the Council's Statement of Community Involvement, the NPPF and Planning Practice Guidance.
28. The Regulation 22 Consultation Statement provides detail on how the Council has involved the local community, statutory consultees and other stakeholders in the preparation of the Local Plan Review. It explains how representors were notified of key stages in the process (including Regulation 18<sup>15</sup> and Regulation 19<sup>16</sup>) and how the representations informed the preparation of the emerging plan.
29. The Sustainability Appraisal of the Plan and the Habitats Regulations Assessment were also available for comment alongside the plan at both Regulation 18 and 19 stages. The Council did not publish the Non-Technical Summary of the Sustainability Appraisal at the time of the consultation of the Regulation 19 Plan and so an additional consultation was completed following the submission of the Plan to seek comments on that document. Further information on the consultation is set out in the Regulation 22 Consultation Statement (Appendix G)<sup>17</sup>.

<sup>15</sup> [SD05a Regulation 22 Consultation Statement Part 1 Regulation18; SD05b Regulation 22 Consultation Statement Part 1 Regulation 18 Appendix E.](#)

<sup>16</sup> [SD05c Regulation 22 Consultation Statement Part 2 Regulation 19; SD05c Regulation 22 Consultation Statement Part 2 Regulation 19 Appendix F](#)

<sup>17</sup> [SD05e Regulation22 Consultation Statement Part 2 Appendix G](#)





## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 2 – Public Consultation

**Q2 Were adequate opportunities made available for participants to access the Plan, and other relevant documents, in different locations and in different formats (such as in paper and online)?**

#### Q2 DDC Response:

30. During the Regulation 18 public consultation, the access to paper copies of the plan needed to adapt to restrictions prevailing at the time (SD05a para 4.1). The primary method to access the plan and associated documents was 'on-line', but hard copies of the plan (or specific sections of the plan) were available on request (SD05a para 4.3).
31. At Regulation 19, numerous opportunities were available to access the Plan and supporting documents, including on the website (SD05c, para 3.21), paper versions at 8 deposit points (SD05c, para 3.6) and copies available to view at exhibitions (SD05c, para 3.8). Paper copies were also available upon request as well as copies in different formats, such as large print (SD05c, para 3.17). Part 3 of the Regulation 22 Consultation Statement (SD05c) provides more information on engagement and advertising and explains in more detail opportunities were available for participants to access the Plan and associated documents. The Statement of Representation Procedure is referred to at paragraph 3.3 of the consultation statement.

**Q3 Were adequate opportunities made available for participants to submit and make representations, having particular regard to the length of public consultation and the process for making comments?**

#### Q3 DDC Response:

32. The consultation for the Regulation 18 version of the draft plan ran from 20<sup>th</sup> January 2021 to the 17<sup>th</sup> March 2021. This was a period of 8 weeks. Due to partial 'lockdown', consultation was focused on the website (SD05a para 4.1), and a 'get involved' page was used to host a 'how to comment' guide and frequently asked questions (SD05a para 4.3). Advice on making representations could also be sought via a dedicated email address and there was a telephone hotline available Monday to Thursday to assist consultees (SD05a para 4.6). Comments could be submitted online via 'objective', a dedicated consultation website or to a dedicated Local Plan email address (SD05a para 4.3 and 4.6). Part 4 of the Regulation 22 Consultation Statement (SD05a) gives further details. Regulation 18 consultation also included numerous workshops/events/briefings between 2018 and 2020'.
33. The formal Regulation 19 consultation period ran from the 21<sup>st</sup> October 2022 to 9<sup>th</sup> December 2022. This was period of 7 weeks. Participants were able to submit comments in numerous ways, including the on-line 'objective' consultation system



## **Council's Response to Inspectors' Matters, Issues, Questions**

### **Matter 1 – Legal Compliance**

#### **Issue 2 – Public Consultation**

(SD05c para 3.23), by email and in writing (see consultation materials in (SD05c Appendix b and c). For those who preferred not to use the on-line consultation system there was a dedicated representation form which could be provided in paper form or electronically by email. These were also available to collect from deposit boxes, which were located in the libraries and Council Office (SD05a para 3.7). The Council was happy to assist people to make comments and had a telephone hotline and dedicated email address to answer questions (SD05c para 3.6). FAQs and virtual tutorial videos for how to make comments using the on-line portal were also available on the website throughout the consultation period. Paragraph 3.3 of the Regulation 22 Consultation Statement (SD05c) refers to the Statement of Representations Procedure which gives advice on the consultation dates and signposts to advice and options for making comments.



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 3 – Sustainability Appraisal

#### Issue 3 – Sustainability Appraisal

**Q1 What are the 'reasonable growth options' in the Sustainability Appraisal ('SA') based on? How have they been determined, and do they adequately reflect a suitable range of alternatives? If not, what should the SA have considered at this stage?**

#### Q1 DDC Response:

34. The growth options set out in Chapter 4 of the SA Report (SD03a) were developed by the Council in consultation with LUC<sup>18</sup> between May and July 2020. The growth options were based upon data and evidence available at the time, during the preparation of the Regulation 18 draft Local Plan. Three growth options were identified at this stage (4.26) and were based upon the following evidence and datasets:

- The minimum requirement for housing need in the district as calculated through the standard methodology set out in National Planning Policy Framework and Planning Practice Guidance as at April 2020. A 10% buffer was added to this total to provide the necessary flexibility to ensure the district's minimum housing needs are delivered in the Plan period.
- The number of existing commitments (sites with existing planning permission as of 1<sup>st</sup> April 2020 from the Council's Housing Information Audit 2019-2020). This was subtracted from the standard method housing need figure, resulting in a residual housing need figure.
- The District's Economic Development Needs Assessment (EDNA) produced in 2017 identified an overprovision of employment land against land already allocated. It was therefore considered reasonable to assume that a minimum employment land growth option would require no new employment allocations and no significant deallocation.
- The District's maximum capacity to deliver homes and employment in the Plan period was calculated using the total capacity of the District's known suitable and potential suitable housing and employment sites identified through the Housing and Employment Land Availability Assessment (HELAA – GEB09) being prepared at that time. For housing, the addition of a roughly 10% allowance for windfall sites was also included.

---

<sup>18</sup> Consultants supporting the Council with the preparation of the SA and HRA



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 3 – Sustainability Appraisal

35. During the preparation of the Regulation 19 Publication Local Plan through 2021 to 2022, the following updates were made to the data and evidence upon which the growth options were based:
- The standard methodology calculation was updated to the position as of April 2022, which increased the housing need by 15 homes a year.
  - The contingency buffer was refined from 10% to 8.4%. This was a result of the site selection process and the Council considering that it was not justified to allocate any further sites, taking into account the growth strategy and site suitability.
  - The number of existing commitments was updated to include all sites with existing planning permission as of 1<sup>st</sup> April 2022.
  - The maximum capacity of the District's known suitable and potentially suitable housing sites identified through the HELAA decreased by 1,230 homes following consultation on the draft Plan and updates to the technical evidence informing the HELAA.
  - The Economic Development Needs Assessment was updated in 2021 (EEB01). This calculated a minimum employment floorspace need of 48,925 m<sup>2</sup> using Experian data. The study also identifies an employment floorspace potential of 117,290 m<sup>2</sup> projecting forward development trends over previous five-year period. The assessment acknowledges the growth aspirations of the District and refers to this scale of growth as an indication of the scale of market potential for employment development, should a sufficient amount of land in the right place be made available for developers and business occupiers in the District.
36. The evidence changes in 2021 and 2022 resulted in the definition of a lower scale of housing growth and a new preferred higher scale of economic growth that balanced supply, need and economic aspiration. The significant effects of these changes were appraised in Chapter 7 through the SA of the Regulation 19 Publication Local Plan. The other changes in data/evidence were considered too small to generate new options materially distinct from the options tested at the Draft Local Plan (Regulation 18) stage. Further details can be found in Chapter 4 of the SA Report.
37. The spatial options tested adequately reflect a suitable range of alternatives based upon the evidence and data available.



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 3 – Sustainability Appraisal

**Q2 Do any of the spatial options test a scale of housing growth that would enable affordable housing needs to be met in full? If not, what are the reasons why?**

#### Q2 DDC Response:

38. The SA of the spatial and growth options assumed that the District's housing needs, including affordable housing needs, would be met in full. Paragraph 4.7-4.11 of the SA Report clearly identifies minimum housing needs as a key parameter in the definition of reasonable growth options. Options that did not meet needs were considered unreasonable at this stage. This was based upon the SHMA Partial Update paragraph 13, which identified, at the time, the affordable housing need (167 dwellings a year) being 26.5% of the annual local housing need (630 homes at that time) and considered that this proportion of new housing as affordable appeared to be achievable to deliver.
39. The minimum scale of housing growth tested is 8,700 dwellings. A secondary minimum housing growth figure of 8,948 dwellings is appraised under the Spatial Option A (site options) scenario, which represented the total capacity of the District's suitable HELAA sites at the time<sup>[1]</sup>. The second and highest scale of housing growth tested is 12,111 dwellings, which represented the total capacity of all suitable and potential suitable site options identified at the time. These housing growth options represented the only known alternatives at the time, noting the need for reasonable alternatives to be sufficiently distinct for a meaningful comparison to be made<sup>[2]</sup>.
40. The SA of the District's growth options noted that the final housing target for the Local Plan was subject to change up until the methodology for calculating need was finalised towards the end of the plan-making process. During the preparation of the Regulation 19 Publication Local Plan, the minimum requirement for housing need in the District was calculated using the standard method in national planning guidance and baseline 2014-based household projections. In April 2022, this equated to a requirement for 611 dwellings per year, totalling 10,998 dwellings across the 18-year plan period 2022 to 2040. A contingency buffer (roughly 8.4%) increases the figure by 926 dwellings to 11,924 dwellings. Factoring in updated extant commitments recorded during the preparation of the Publication Local Plan (5,282 dwellings), the total residual housing requirement that the Publication Local Plan must plan for through the allocation of sites and windfall development is 5,716 dwellings. The significant effects of this scale of growth is appraised in Chapter 7 through the SA of

<sup>[1]</sup> Although arguably not sufficiently distinct enough to generate different effects against the SA Framework over and above the minimum 8,700 growth figure, the testing of 8,948 dwellings was considered reasonable compared to the alternative of removing 248 dwellings worth of suitable site options from appraisal of Spatial Option A.

<sup>[2]</sup> The minimum and maximum housing growth scenarios were tested alongside maximum economic growth potential as part of the appraisal of Growth Options 2 (Medium Growth Scenario) and 3 (Highest Growth Scenario).



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 3 – Sustainability Appraisal

the Regulation 19 Publication Local Plan. In Chapter 7, a significant negative effect is recorded against SA objective 1 (Housing) in acknowledgement of the Plan's inability to deliver affordable homes in Dover.

41. The Council has calculated that the plan would have to allocate in the region of an additional 4,000 dwellings in order to meet the need for affordable housing (as set out in response to Matter 5, Issue 1, Q4). The residual housing need figure of 5,716 plus an additional 4,000 homes equates to a scale of growth of 9,716 dwellings. This scale of growth was not tested through the SA as a standalone growth option due to the fact that by the time this figure was known, the Council had concluded this scale of growth was undeliverable due to a lack of suitable and potentially suitable site options and was therefore considered to be unreasonable at this stage.

**Q3 How were the spatial options A-E determined? Are there any other reasonable spatial options that should have been tested by the Council through the SA, and if so, why?**

#### Q3 DDC Response:

42. The spatial options and how they were determined is set out in Chapter 4 of the SA Report (SD03a) were developed by the Council in consultation with LUC<sup>19</sup> between May and July 2020 based on data and evidence available at the time, during the preparation of the Regulation 18 Draft Local Plan. The Council considered:
- Compliance with national planning policy, as set out in the NPPF.
  - The current distribution of development in the district, such as where the main towns are, the main transport links, how urban or rural the district is, the role and function of settlements, and the relationship between them and with settlements in neighbouring authorities, particularly where these are of a large scale and influence.
  - Development that is already planned, such as where planning consent has been granted but not yet implemented.
  - The environmental assets and constraints in the district, in order to ensure that the most important environmental assets are safeguarded, and where possible the environment is improved.
  - The objectives of the Council, insofar as they relate to the Local Plan, such as ensuring there are enough of the right type of homes and employment land to meet people's needs, supporting economic development and jobs, addressing

<sup>19</sup> Consultants supporting the Council with the preparation of the SA and HRA



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 3 – Sustainability Appraisal

the needs of more disadvantaged communities, minimising carbon emissions and dealing with air quality issues that can affect human health.

With these in mind, the Council carried out the following exercises:

- Review of existing plans and strategies at a national, regional and local level – including the existing growth strategy set out in the Core Strategy and Land Allocations Local Plan.
- Review of the existing evidence base to identify key issues to be addressed as part of the growth strategy.
- Review of existing environmental constraints – for example landscape designations, flood risk historic assets.
- Initial stakeholder and community engagement workshops to discuss issues and opportunities to be addressed in the new Local Plan, and options to manage them.

This led to the definition of five reasonable spatial options (para 4.32):

- Spatial Option A: Distributing growth to the District's suitable and potentially suitable housing and employment site options (as needed to deliver the scale of growth required).
  - Spatial Option B: Distributing growth proportionately amongst the District's existing settlements based on their population.
  - Spatial Option C: Distributing growth proportionately amongst the District's existing settlements based on the District's defined settlement hierarchy.
  - Spatial Option D: Distributing growth in the same way as the adopted Local Plan, focussing most growth in and around Dover town.
  - Spatial Option E: Distributing growth more equally across the District's settlements: Dover, Deal, Sandwich and Aylesham, as well as the rural villages.
43. The appraisal of these options considered both the densification and expansion of existing settlements simultaneously.
44. The only other spatial options considered distinct enough for a meaningful comparison to be made with the other distinct spatial options were options involving the allocation of one or more new settlements. New settlement options were raised and discussed during the Council's early Local Plan workshops but were eventually discounted for the following reasons as set out at para 4.55 of the SA Report.



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 3 – Sustainability Appraisal

- The Council has enough suitable and potentially suitable promoted site options to meet needs and aspirations of the Local Plan period, without the need for a new settlement.
  - No sites have been promoted through the Council's 'call for sites' exercises as new settlement proposals.
  - In the absence of suitable new settlement site options, the process of identifying reasonable and sustainable locations for a new settlement, contacting landowners etc., is time consuming and resource intensive. Proceeding with such an option would require a considerable amount of specialist evidence, such as a detailed growth options study, and a longer plan programme. This could pose a risk in terms of speculative planning applications and the determination of appeals.
  - The allocated Whitfield Urban Extension is of a scale large enough to be described as a new settlement. Delivering other allocations at this scale within the Plan period would limit the range and choice of homes available, as well as limit the ability of the Plan to deliver homes in the short to medium term.
45. The final spatial strategy in the Regulation 19 Publication Local Plan represents a balanced combination of the above reasonable spatial options. The broad reasons for the selection of the preferred growth and spatial strategy are outlined at the end of Chapter 5 of the SA Report. The growth and spatial strategy of the Regulation 19 Publication Local Plan is appraised in Chapter 7 of the SA Report alongside the SA of the wider Local Plan. There are no further reasonable options that should be tested through the Sustainability Appraisal.

**Q4 What are the percentages of growth in option C based on? Why do Sandwich and Aylesham vary?**

#### Q4 DDC Response:

46. Spatial Option C distributes the growth options proportionately amongst the District's existing settlements based on their position in the District's Settlement Hierarchy (at the time of the assessment). The higher a settlement is on the District's settlement hierarchy, the more sustainable it is considered to be in terms of the range of its existing services and facilities, and its access to those services by public transport. Therefore, greater proportions of growth are reserved for the settlements higher up the hierarchy.





## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 3 – Sustainability Appraisal

47. Sandwich and Aylesham are both identified as rural services centres within the hierarchy, however Sandwich has a greater range of existing services and facilities, and access to those services by public transport than Aylesham. Regarding the levels of services within Sandwich, an analysis is provided within EEB04a – Retail and Leisure Needs Assessment 2021<sup>20</sup> – Table 7.3. This shows the total outlets for retail and service offer in Sandwich as 104, compared to 34 outlets in Aylesham (HEB03 – Settlement Hierarchy Study). In relation to education facilities, both settlements have primary school provision, however only Sandwich has secondary schools (two), with pupils in Aylesham having to travel to reach secondary schools in other towns. Given the greater number of services and facilities in Sandwich, a larger proportion of growth was tested in Sandwich than in Aylesham.

**Q5 How were suitable and potentially suitable housing sites determined for the purposes of the SA? What type of sites were discounted as part of this process?**

#### Q5 DDC Response:

48. The suitable and potentially suitable housing sites for the purposes of the SA were determined through the Housing and Economic Land Availability Assessment (HELAA – GEB09). The detailed methodology which underpinned the HELAA and outlines how it was informed by relevant and up-to-date evidence can be found in the [HELAA Main Report \(2022\) \(GEB09a\)](#).
49. At the HELAA Stage 2 initial desktop assessment, the types of sites discounted were sites (para 1.11 – GEB09):
- Too small to be allocated in the Local Plan – sites with capacity to accommodate less than 5 dwellings;
  - Entirely covered by national environmental constraints, specifically Special Protection Areas (SPAs), Special Areas of Conservation (SACs), Sites of Special Scientific Interest (SSSIs), Ramsar sites, Heritage Coast, ancient woodland and notified safety zones (sites which were partly covered by these designations were taken forward for further assessment);
  - Subject to planning permission (to avoid double counting housing supply);
  - Under construction or since built; and/or
  - Contrary to the policies in the NPPF, for example isolated development in the open countryside, including the AONB, with no relationship to established settlements.

<sup>20</sup> [EEB04a RTCNA Update Volume 1 - Retail and Leisure Needs Assessment \(doverdistrictlocalplan.co.uk\)](#)



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 3 – Sustainability Appraisal

50. The HELAA Stage 2 suitability assessment of sites discounted further sites. Unsuitable is defined in the HELAA as (para 1.18); '*site does not offer a suitable location for development for the proposed use and/or there are known constraints which cannot be mitigated. The site is unlikely to be found suitable for the defined use within the next 15-20 years.*'
51. Sites were assessed as being unsuitable for the following reasons, and therefore the types of sites different types of sites that were discounted through this process of detailed site-specific assessment.
- Impact on heritage (CA/LB/Historic Park or archaeology)
  - Flood Risk (surface water, tidal or fluvial)
  - Impact on landscape (AONB not referred to)
  - Impact on AONB landscape/setting
  - Poor relationship to settlement
  - Not in-keeping with local character/urbanisation/not commensurate
  - Unacceptable highways access
  - Cumulative highway impact
  - Impacts on biodiversity/protected sites (LWS/BOA/SSSI/RAMSAR)
  - Not in accordance with growth strategy<sup>21</sup>
  - Loss of existing use not acceptable (employment land, G&T site, open space, asset of community value)
  - Borders Coastal Change Management Area (CCMA)
  - No further housing required following adoption of Ash NDP
  - Coalescence between settlements
52. It should be noted that some sites that were identified in the HELAA as unsuitable have been subject to an SA site specific assessment, this is where in earlier iterations of the HELAA assessment, the site was considered suitable or potentially suitable, but subsequent information and evidence has made the final assessment of the site unsuitable.

---

<sup>21</sup> These are sites which during earlier iterations of the HELAA had been considered as suitable or potentially suitable for development, and were therefore subject to SA.



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 3 – Sustainability Appraisal

#### **Q6 How was the Kent Downs Area of Outstanding Natural Beauty ('AONB') taken into account as part of the appraisal of sites in the SA?**

#### Q6 DDC Response:

53. ED5<sup>22</sup> sets out in response to question 13 how the AONB was taken into account as part of the appraisal of sites in the SA following on from the Council's HELAA, landscape sensitivity assessment and comments from the AONB Unit and the Council's landscape consultant. It explains that (paras 13.12 – 13.14):
- SA objective 11, which focusses on the conservation and enhancement of the special qualities, accessibility, local character and distinctiveness of the District's settlements, coastline and countryside, considers impacts on the AONB.
54. The assessment of effects of site options on SA objective 11 drew exclusively on the Council's HELAA site assessments, which bring together the Council's landscape sensitivity assessment, comments from the AONB Unit and Officer assessment. The landscape assessment in the HELAA considered designated and non-designated assets, including the AONB. The HELAA assessed sites within and in close proximity to the AONB. Chapter 5 and Appendix F of the SA sets out the assessment outcome of the SA assessment for sites. No sites were assessed as having a major impact upon the AONB given such sites had already been discounted by the Council during the initial stages of the HELAA assessment. Some sites within and in close proximity to the AONB were judged in the HELAA to be able to accommodate development with suitable mitigation measures and were therefore found to have the potential for more minor or even negligible effects on the local landscape. These sites were recognised in Chapter 5 and Appendix F the SA as having the potential for more minor negative or negligible effects on SA objective 11.
55. Prior to the selection and allocation of specific sites and the definition of specific mitigation measures, some uncertainty is acknowledged for all of the effects identified against SA objective 11 in Chapters 4 (SA of growth and spatial options) and 5 (SA of site options) of the SA Report. This is in acknowledgement of the fact that impacts very much depend on the final location, design, scale and layout of development. This uncertainty is removed from the assessment of effects for the final site allocation policies (see Chapter 7 of the SA Report).

---

<sup>22</sup> [ED5 DDC Response to Inspectors' Initial Questions](#)



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 3 – Sustainability Appraisal

**Q7 Is the SA based on a robust and up-to-date assessment of housing and employment sites? Were adequate reasonable alternative options considered and were they tested on a consistent basis?**

#### Q7 DDC Response:

56. Yes, all suitable and potentially suitable site options identified through the HELAA have been subject to SA. As set out in the HELAA Main Report (GEB09a) paragraph 1.9, the sites came from a range of sources including:

- Sites submitted through the Council's ongoing call for sites exercises;
- Existing allocated sites in the Core Strategy and Land Allocations Local Plan;
- Unimplemented planning permissions, refused planning applications and withdrawn planning applications;
- Sites previously considered as part of the Strategic Land Availability Assessment (2009);
- Sites on the Council's brownfield register;
- Land in the Council's ownership or known by the Council to be available;
- Public sector land; and/or
- Vacant and derelict buildings.
- Other potential sites identified by the Council through site visits.

57. Each residential and Gypsy and Traveller site option was appraised using the detailed assessment criteria and associated assumptions outlined in Table C.1 in Appendix C of the SA Report (SD03a). Each employment site option was appraised using the detailed assessment criteria and associated assumptions outlined in Table C.2 in Appendix C of the SA Report (SD03a). These assessment criteria are designed to highlight the potential effects generated by development in each location before detailed consideration has been given to measures that might help to avoid and mitigate adverse effects or enhance positive effects in any given location. This is a conscious decision to ensure that all site options have been appraised to the same level of detail.

58. It is recognised that in some cases site promoters have specified the location of development within promoted site boundaries and this has been considered by the Council in selecting and / or allocating land use distribution on sites. However, not all site options have detailed development plans. In order to ensure that all options are appraised to the same level of detail, all options have been appraised at a high level based on each site's redline boundary and the Council's most up-to-date evidence base.



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 3 – Sustainability Appraisal

59. Following the selection of the preferred site options for allocation in the Draft Local Plan, changes were made to the boundaries of a small number of residential and employment sites to better manage the issues and aspirations at each allocation and address considerations that had been raised by key stakeholders. Similarly, several site options were resubmitted by site promoters in response to the Regulation 18 consultation with alternative boundaries. These redrawn site options have been appraised alongside their originals and other sites for comparison. They can be distinguished from their original counterparts through the addition of an 'r' at the end of the site reference.
60. The site options that have been selected for allocation in the Publication Local Plan are highlighted in bold. The Council's reasoning for the selection of the selected site options over the reasonable alternatives is set out in detail in Appendix D of the SA Report and ED3 – Selection of Site Allocations – Housing Sites Addendum. The broad reasons for the selection of the preferred growth and spatial strategy are outlined at the end of Chapter 5 of the SA Report.
61. The effects of the Council's selected site allocations, including the policy measures employed to avoid and mitigate identified adverse effects and enhance positive effects, are appraised in Chapter 7 of the SA Report.

**Q8 How were employment site allocations tested as part of the SA and how (if relevant) was the approach different appraising residential development?**

#### Q8 DDC Response:

62. The SA of the employment site allocation policies appraised the policy wording of each site allocation policy and drew on the policy-off SA findings of the employment site options tested in Chapter 5 of the SA Report.
63. Each employment site option was appraised using the detailed assessment criteria and associated assumptions outlined in Table C.2 in Appendix C. These differed from the detailed assessment criteria and associated assumptions outlined in Table C.1 in Appendix C for the residential and gypsy and traveller site options in the following ways:
  - Employment site options record a negligible (0) effect on SA Objective 1 (Housing), whereas the residential and Gypsy and Traveller sites recorded a minor positive effect in acknowledgement of their potential to deliver homes within the Plan period.
  - The appraisal of employment site options' access to local services and facilities (SA objective 2a), transport effects (SA objective 4) and greenhouse



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 3 – Sustainability Appraisal

gas emission effects (SA objective 8) consider proximity to services and facilities most likely to be accessed by workers during the working day/night – GP surgeries, open spaces and sports facilities, public rights of way and cycle networks and town centres. Residential and gypsy and traveller sites options consider access to the same services and facilities as employment sites, but also schools and colleges used by those more often not of working age, and existing employment centres.

- The appraisal of residential and Gypsy and Traveller sites' considered proximity to notable sources of high and persistent noise pollution (SA objective 2b) capable of affecting sleep patterns and general health and well-being, specifically strategic trunk roads and railway lines, whereas these sources were considered less relevant to employment sites, which are generally visited for shorter periods of time and generate their own noise associated with their activities.
  - Judgements on the potential effects of employment sites on Sites of Special Scientific Interest (SSSIs) in the appraisal of effects on SA objective 9 (biodiversity) drew on different nationally defined SSSI Impact Risk Zones (IRZs) than the residential and gypsy and traveller sites. Employment sites were appraised in relation to their intersection with 'rural non-residential', 'air pollution' and 'water supply' or 'all planning applications' IRZs, whereas residential and Gypsy and Traveller sites were appraised in relation to their intersection with 'all planning applications', 'residential' or 'rural residential' IRZs.
64. It is acknowledged that National Planning Practice Guidance identifies which types of land uses are considered to be appropriate in Flood Zones 2, 3a and 3b with residential properties categorised as a 'more vulnerable use' that is suitable in Flood Zones 1 and 2 but would require an exception test in Flood Zone 3a and is unsuitable in Flood Zone 3b. Comprehensive data of the extent of Flood Zone 3a and 3b across the District was not available, therefore nationally available Flood Zone 2 and 3 datasets were used and so no distinction could be made between employment and residential and Gypsy and Traveller sites with regard to the extent of Flood Zone 3a in the appraisal of effects of site options on SA objective 7 (Climate Change Adaptation).
65. Several suitable and potentially suitable site options have been promoted for a mixture of residential and employment uses and have therefore been appraised against both the housing and employment site assessment criteria in Appendix C separately, i.e. they feature in both the residential and employment site appraisal sections and summary tables.



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 3 – Sustainability Appraisal

**Q9 What are the implications of the SA Addendum and Errata Sheet II and the SA Non-Technical Summary? Do either of these documents, published after submission of the Local Plan for examination, justify the submitted Plan or result in the need for any main modifications to it?**

#### Q9 DDC Response:

66. The SA Non-Technical Summary was prepared alongside the full SA Report that was published for consultation alongside the Publication Local Plan. As a summary, it does not by itself justify the submitted Plan and contains no new recommendations that would result in the need for any main modifications to it.
67. The SA Addendum and Errata Sheet II were prepared after the publication of the SA Report and Publication Local Plan.
68. The SA Addendum was prepared in response to a Regulation 19 consultation response from Natural England on the 9<sup>th</sup> of December 2022 with regard to the HRA. The Addendum summarises the changes made to the HRA (in light of Natural England's consultation response) and concludes that the changes result in ruling out potential significant adverse effects on SA objective 9 (Biodiversity) caused by potential poor water quality and physical damage and loss of functionally linked land. The HRA of the Publication Local Plan, both before and after the update, concludes that sufficient safeguards and mitigation measures have been put in place to ensure no adverse effects on the integrity of European sites. The SA Addendum does not justify the submitted Plan in isolation but does so in combination with the full SA Report and Errata Sheet. The SA Addendum does not identify any Main Modifications in response to these changes.
69. The SA Errata Sheet II acknowledges three reporting errors included in the full SA Report that accompanied the Publication Local Plan during the Regulation 19 consultation. The effects recorded before and after the errors had been addressed either remain unchanged or relate to options which were not allocated for reasons independent of the SA. Therefore, the effects of the Publication Dover District Local Plan as a whole and in-combination with other plans policies and programmes set out in Chapter 7 of the SA Report still stand. Consequently, the Errata does not justify the submitted Plan in isolation but does so in combination with the full SA Report and Errata. The Errata does not identify any Main Modifications in response to the corrections it contains.



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 4 – Climate Change

#### Issue 4 – Climate Change

### Q1 Is it clear what is required of proposals for new development under Policy SP1? Is the policy effective?

#### Q1 DDC Response:

70. This is a strategic overarching policy that, in compliance with paragraph 20 (d) of the NPPF and the obligations of the Climate Change Act 2008, establishes the planning measures that the Plan requires all new built development to deliver, in order to contribute to the mitigation of, and adaptation to, the effects of a changing climate over the lifetime of the Plan. These requirements are set out succinctly and with clarity. The requirements accord with national policy and are considered to be reasonable and deliverable over the Plan period. As paragraph 3.10 makes clear, the Policy SP1 supports the Council's own Climate Change Strategy as well as the objectives of the Kent Environment Strategy and the Kent Energy and Low Emissions Strategy. It is therefore considered to meet the test of effectiveness.
71. As a strategic policy, SP1 provides the framework for the Plan's development management policies which provide more detail on the requirements set out in SP1. In particular, Policies CC1 - CC8 inclusive establish increased detail on the requirements of the measures of the strategic policy. Policy SP1 requires planning applications for all new built development to be accompanied by a climate change statement. This statement should explain how the development responds to climate change through both mitigation and adaptation. Further information is set out in the Climate Change Topic Paper (CCEB07)<sup>23</sup>.
72. The concepts of adaptation to and mitigation of the effects of climate change are now familiar concepts. The Council does not consider this issue to be a matter of soundness, but if for clarity, the Inspectors consider that the policy criteria should be briefly described in the supporting text (after paragraph 3,11), and links made to the relevant development management policies, the Council would raise no objection to this minor amendment being made.

---

<sup>23</sup> [CCEB07 Climate Change Topic Paper](#) October 2022





## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 4 – Climate Change

**Q2 Does the Plan (taken as a whole) include policies designed to secure that the development and use of land in the area contributes to the mitigation of, and adaptation to, climate change? If so, how?**

#### Q2 DDC Response:

73. The Plan does include policies designed to secure that the development and use of land across the District over the Plan period contributes to the mitigation of, and adaptation to, climate change. These include policies that require the reduction of carbon emissions, and increased energy efficiency, through the requirements for the integration of design and construction features and methods that enable resilience to the harmful effects of a warming and more volatile climate. In addition, policies in this Plan are clear in setting out requirements with which new development must comply to minimise flood risk, reduce the risk of coastal change, protect water supply, and enhance biodiversity and landscapes.
74. Policies that deliver on the objective of mitigating and adapting to climate change include (but are not limited to) the sustainable spatial distribution of development (SP3 and SP4), encouraging sustainable modes of travel (TI1), policies to encourage sustainable construction and design (CC1, CC2), and policies relating to green Infrastructure (SP14, NE1, NE6), water quality (NE5), flood risk (CC5), renewable energy (CC3), sustainable drainage systems (CC6), coastal change (CC7) and tree planting (CC8). SP1 is the overarching policy which, inter alia, requires that all proposals for new development will be accompanied by a climate change statement to demonstrate how the proposal meets the requirements a – j of the Policy, and therefore contributes to the delivery of the legal duty on the Plan to contribute to the mitigation of, and adaptation to, climate change.



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 5 – Strategic Flood Risk Assessment

#### Issue 5 – Strategic Flood Risk Assessment

**5. Paragraphs 161 and 162 of the Framework state that all plans should apply a sequential approach to the location of development. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.**

**6. In response to the Inspectors' Initial Questions, the Council stated that sustainable development could not be achieved through development entirely located in areas at the lowest risk of flooding and provided the reasons why. However:**

**Q1 How did the Council apply the sequential, risk-based approach to the site selection process? At what stage was this carried out?**

#### Q1 DDC Response:

75. The sequential test was carried out between Regulation 18 and 19, following a review of the suitability and availability of proposed sites that took place after the Regulation 18 consultation<sup>24</sup>. Suitable and available sites were subject to the

<sup>24</sup> The HELAA Stage 2 suitability assessment discounted some sites prior to the sequential test being carried out. 'Unsuitable' is defined in the HELAA as (para 1.18); '*site does not offer a suitable location for development for the proposed use and/or there are known constraints which cannot be mitigated. The site is unlikely to be found suitable for the defined use within the next 15-20 years.*' In accordance with the requirements of the NPPF the Council has sought to avoid areas at risk of flooding and direct development to areas of the lowest risk of flooding. This includes sites at risk of surface water flooding, where the change to national policy in this regard resulted in changes to the suitability assessment for some sites between the draft and final stages of the Plan. The HELAA classified each site in terms of their defined flood zones (as defined by the Environment Agency) or notable surface water flood risk. Sites where it was not considered possible to avoid areas identified at risk of surface water flooding were removed from allocation, and other sites have had their indicative capacities reduced to enable the areas at risk of surface water flooding to be avoided. The Council's approach to this is set out in the Sequential Approach to Site Selection (CCEB03), which was informed by the Strategic Flood Risk Assessment (CCEB01) and consultation with the Environment Agency. 28 sites with flood risk were excluded at this stage. Please note that flood risk may not have been the primary reason for rendering each of these sites unsuitable. Other reasons for identifying a site as unsuitable at this early (pre- sustainability appraisal) stage included the impact on landscape, highways, biodiversity assets, and others. These are described in more detail at Matter 1, Issue 3, Question 5. This is a reasonable and appropriate approach to take.



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 5 – Strategic Flood Risk Assessment

sequential test by identifying the severity and variation in risk. Further details are provided in the Level 2 Strategic Flood Risk Assessment (CCEB01c)<sup>25</sup> and the document titled Sequential and Exemption Test Summary and Review Note (CEB002)<sup>26</sup> to summarises the process.

76. There were insufficient sites identified as suitable and available by the HELAA process in Flood Zone 1 to meet the Local Plan requirement, and therefore the assessment moved on to sites in Flood Zone 2 and 3. This includes two small sites with the Council also considering the need to meet the requirement of paragraph 69 of the NPPF.
77. All Flood Zone 1 sites identified as suitable and available by the HELAA process subject to the sequential test were considered necessary to meet the housing requirement, including the buffer. Please note that all suitable and available sites at Ash were allocated in the Ash Neighbourhood Plan. A small number of housing sites subject to the sequential test were subsequently considered unsuitable (AYL005, EYT001 due to surface water flooding, part SHO002, AYL004) or received planning permission (AYL002, GUS002, part SHO002, NOR005).
78. All the sites in Flood Zones 2 and 3 that were subject to the sequential test have also been allocated. Where required, these have been subject to the exceptions test. The housing requirement has been met with a buffer sufficient to provide mix and choice in the market and address any under delivery of site allocations.

**Q2 Where sites were identified in areas at risk of flooding as part of the sequential test process, why were they carried forward and not discounted entirely at that stage?**

#### Q2 DDC Response:

79. In CCEB02 Sequential Test and Exemption Test Summary Review the sites are broadly placed in groups (Tables 1 – 5) which reflect flood risk, from Flood Zone 1 with a low chance of surface water flooding (Table 1) to sites in Flood Zone 3 (Table 5). Sites identified to be of risk of flooding include the following:

*Sites in Flood Zone 1 with a high chance of surface water flooding*

80. There were 5 relevant (proposed allocation) sites (including 1 Gypsy and traveller sites). These included:
  - SAP13 (DOV022c) Land in Coombe Valley, Dover (SWFR High risk18%, Medium 6%, Low 16.5%);

<sup>25</sup> [CCEB01c Level 2 Strategic Flood Risk Assessment](#) (December 2021)

<sup>26</sup> [CCEB02 sequential and Exemption Test Summary and Review Note](#) (May 2022)



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 5 – Strategic Flood Risk Assessment

- SAP50 (GOO006) Land adjacent Short Street, Chillenden (SWFR High risk 1%, Medium 21%, Low 27%);
- SAP47 (LYD003) Land adj Lydden Court Farm, Church Lane, Lydden (SWFR High risk 30%, Medium 6%, Low 15.5% of the site);
- SAP28 (EYT009) Land to the East to Terrance Road, Elvington (SWFR High risk 2.5%, Medium 24%, Low 28% of the site);
- H3 (TC4S044) Half Acres, Short Lane, Alkham Elvington (SWFR High risk 1.5%, Medium 11%, Low 34% of the site).

81. These sites were carried forward because (with carefully considered capacity and layout) development can avoid areas of flood risk, while leaving space for water (SUDS/biodiversity/open space). Site capacity was carefully considered and at LYD003 the capacity was reduced from 65 units at Reg 18, to 30 units at Reg 19 in response to constraints, including surface water flood risk. The policy for each site requires that any application is informed by a site-specific flood risk assessment.

#### *Sites located in Flood Zone 2.*

82. There was only 1 site located solely in Flood Zone 2:

- SAP49 (WOR006) Land to the East of Jubilee Road (53% FZ1 and 47% FZ2, greenfield site).

83. This is another example of a site with flood risk where (with carefully considered capacity and layout) development can avoid areas of flood risk, while leaving space for water (SUDS/biodiversity/open space). It is noted that the Exceptions test is not required. This is because the development is 'more vulnerable' in the Flood Risk Vulnerability Classification. The policy for each site requires that any application is informed by a site-specific flood risk assessment.

#### *Sites located in flood Zones 2 and 3.*

84. There were two sites in Table 4 where a very small proportion of the site is affected by medium and high flood risk. These are as follows:

- SAP19 (SAN007) Land at Poplar Meadow (78% FZ1, 12% FZ2m, 11% FZ3 and main river flowing on the western boundary);
- SAP22 (SAN023) Land at Archers Low Farm (97.5% FZ1 0.5% FZ2, 2% FZ3).



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 5 – Strategic Flood Risk Assessment

85. These sites contain Flood Zones 2 and 3, but only a small proportion of land is affected, such that development could easily be directed to those parts of the site with lowest flood risk. The policy for each site requires that any application is informed by a site-specific flood risk assessment.
86. The remainder of the allocated sites in Flood Zones 2 and 3 were not discounted at an early stage because they were needed to meet the housing requirement (with buffer) and meet local plan objectives for sustainable development. Furthermore, there were no sequentially preferable suitable sites.
87. Paragraph 163 of the NPPF states:
- 'If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3'.*
88. As well as the Sequential Test, the Sustainability Appraisal is a key assessment in the plan-making process. Sites are assessed against a range of sustainability objectives. It is inevitable that urban (and often previously developed) sites close to services and sustainable transport will perform well in a sustainability appraisal, compared to greenfield sites in the countryside or settlement edge. Previously developed urban sites, including sites with a regeneration focus, do score well against a range of sustainability objectives, including reducing inequality and social exclusion, delivering and maintaining employment opportunities, reducing the need to travel, conserving and enhancing historic environments and avoiding the development of countryside/ agricultural land.
89. Furthermore, development and regeneration of urban and other brownfield sites also meet a range of strategic plan objectives, including the following objective at paragraph 2.4 of the submitted Plan:
- 'To focus new development at accessible and sustainable locations which can utilise existing infrastructure, facilities and services, and to ensure that development contributes to the sustainability of local communities and services, supporting regeneration and where possible make best use of brownfield land'.*
90. Many urban sites are on land at risk of flooding, close to rivers and harbours simply due to the historical reasons of convenience for traders and travellers. The most sustainable parts of the District, in terms of access to existing infrastructure, services and facilities are the main towns of Dover Deal and Sandwich, all of which have flood risk areas. Due to other sustainability benefits, while taking in to account the flood risk it is right that previously developed urban sites are considered carefully in the plan-making process.



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 5 – Strategic Flood Risk Assessment

91. The NPPF dedicates a chapter to 'making effective use of land' and indicates that planning policies should give substantial weight to the value of using suitable brownfield land (para 120c), promote and support the development of underutilised land and buildings (para 120d), support opportunities to use existing airspace above existing residential and commercial premises (120e), for local authorities to take a proactive role in bringing forward suitable sites on brownfield registers or held in public ownership (para 121), and support the efficient use of land (para 124). Paragraph 85 gives support to the use of previously developed land and sites that are physically well-related to existing settlements.
92. It is therefore the case, that although many sites at risk of flooding were discounted at early stages of the HELAA process, some sites such as brownfield sites in sustainable locations which would meet local plan and sustainability appraisal objectives, were carried forward for further assessment, including sustainability appraisal. This included urban and edge of urban brownfield sites.
93. Using the Exception Test, the Council was able to confirm that all the sites in Flood Zone 3 were able to demonstrate sustainability benefits and could be made safe for their lifetime (taking account of the vulnerability of its proposed users) without increasing the flood risk elsewhere. The sites are discussed in detail at paragraphs 14.9 in the Council's Response to Inspectors Initial Questions (ED5)<sup>27</sup>, and further below.
94. Sites proposed for allocation can be grouped as follows:
- Brownfield, regeneration sites in Dover Town Centre:
  - SAP3 (DOV017) Dover Waterfront (32% FZ1, 4% FZ3, 64% FZ3, 50% FZ3b some SWFR, existing brownfield allocation and a mixed-use proposal).
  - SAP6 (DOV018) Dover Midtown (40% FZ1, 17% FZ2, 43% FZ3, 8% FZ3b, some SWFR, existing brownfield allocation and a mixed-use proposal).
  - SAP7 (DOV17a) Bench Street (small proportion affected by FZ2 and 3, some SWFR, existing brownfield allocation and a mixed-use proposal).
  - SAP10 (DOV023) Buckland Mill (33% FZ1, 59% FZ2, 7.5% FZ3, 6% FZ3b, some SWFR, existing brownfield allocation).
  - SAP12 (DOV028) Charlton Shopping Centre (92% FZ1, 7% FZ2, 0.3% FZ3 and 0.2% FZ3b, some SWFR, brownfield site).

---

<sup>27</sup> [ED5 DDC Response to Initial Questions for Examination](#) (June 2023)



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 5 – Strategic Flood Risk Assessment

- Brownfield, small regeneration sites in Deal:
  - SAP16 (TC4S032) Ethelbert Road, Deal (100% FZ3, some SWFR, brownfield site). This contributed to meeting the small sites 10% requirement.
  - SAP16 (TC4S047) 104 Northwall Road (100% FZ3, SWFR, partially brownfield site). This contributed to meeting the small sites 10% requirement.
  - Brownfield, regeneration sites in Sandwich:
  - (SAN006) Sandwich highway depot (3% FZ1, 96% FZ3, brownfield site).
  - (SAN008) Woods yard (3% FZ1, 27% FZ2, 70% FZ3, brownfield site).
  - SAP17 (SAN004) Land to the south of Stonar Lake (48% FZ1, 10% FZ2, 42% FZ3, brownfield site).
95. All the above sites meet the Exception Test that *'the development will be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere, and where possible, will reduce flood risk overall'* (para 164 NPPF). The level 2 Strategic Flood Risk Assessment makes recommendations for mitigation which will inform site specific Exceptions Test and are set out in the site specific policies.



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 6 – Public Sector Equality Duty

#### Issue 6 – Public Sector Equality Duty

**Q1 In what ways does the Plan seek to ensure that due regard is had to the three aims expressed in s149 of the Equality Act 2010 in relation to those who have a relevant protected characteristic?**

#### Q1 DDC Response:

96. GEB12<sup>28</sup> sets out how the Plan seeks to ensure that due regard is had to the three aims expressed in s149 of the Equality Act 2010 in relation to those who have a protected characteristic. This includes detail on how the Plan seeks to meet the Council's relevant Equality Objectives for the period 2016-2020 and an analysis of the Plan's impact on those with protected characteristics using the Council's Equality Impact Assessment table at Appendix A.

---

<sup>28</sup> [GEB12 Equality Impact Assessment \(September 2022\)](#)





## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 7 – Habitats Regulations Assessment

#### Issue 7 – Habitats Regulations Assessment

**Q1 What are the main differences between the Habitats Regulations Assessment ('HRA') produced in support of the Regulation 19 version Local Plan, and the document dated March 2023? Has this been subject to any public consultation, including with Natural England?**

#### Q1 DDC Response:

97. The HRA produced in support of the Regulation 19 Version Local Plan was amended in the March 2023 HRA (SD09) to address comments received from Natural England in their responses dated 9<sup>th</sup> December 2022 and 13<sup>th</sup> January 2023<sup>29</sup>. A summary of comments made by Natural England and the resulting changes to the HRA are set out in the Statement of Common Ground with Natural England<sup>30</sup>.
98. Please note the HRA is being updated to address the Ammonia air quality assessment (as referred to in Q9 below), as part of this update some administrative errors in the March 2023 are also being corrected. These are identified below when setting out the changes from the September 2022 HRA.
99. Natural England have been consulted on the changes and have confirmed the changes are acceptable. The document has not been subject to any wider public consultation. The main differences are the following<sup>31</sup>:

#### *Screening of Policies*

- Policies H3 and E4 were moved from paragraph 4.4; policies that could result in some development, but the development arising would be either located away from sensitive European sites within the urban area or would be small in scale so would not be expected to contribute significantly to increased vehicle traffic, recreation pressure or changes to water quantity and quality, to paragraph 4.5 being policies which are highlighted as having potential impact pathways to European sites and Likely Significant Effects cannot be ruled out.

#### *Physical Damage and Loss – Functionally Linked Land (offsite)*

- For Thanet Coast and Sandwich Bay SPA and Ramsar the buffer to consider offsite functionally linked land for certain species, notably golden plover and lapwing, was reduced from 15km to 5km. For Thanet Coast and Sandwich

<sup>29</sup> Examination Document ED5H

<sup>30</sup> Examination Document ED8

<sup>31</sup> Unless otherwise stated, paragraph, table and appendix numbering references are to the September 2022 HRA



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 7 – Habitats Regulations Assessment

Bay SPA and Ramsar, NE confirmed that (due to the species for which designation is notified) the buffer for functionally linked land should relate to the SPA only. This resulted in amendments to paragraphs 4.10 and 5.13 and removal of Appendix 3.

100. As a result of this, the identification of Local Plan site allocations which fall within the buffer was updated (paragraph. 4.14 and Table 5.3 amended, deletion of para 4.15, Appendix A Figure 2 amended). Following the desk-based review of site allocations within the revised buffer, the number of sites identified with moderate or high potential to support Golden Plover reduced to five sites from 12 in the September 2022 HRA with the 15km buffer (paragraph 5.15).
101. For Stodmarsh SPA and Ramsar a 2km buffer is applied, rather than the 5km buffer, as the Stodmarsh SPA does not support golden plover or lapwing (paragraph 4.16). Three HELAA sites (PRE017, 016 and 003 - which are proposed as one site allocation – SAP48) lie within the 2km buffer and were assessed in the appropriate assessment (para 5.20). The September 2022 HRA concluded that whilst the impacts of proposed development are unlikely to adversely affect the integrity of the European site, that there remained uncertainty, so safeguards (wintering bird surveys) and mitigation was recommended. Natural England advised this was over-precautionary and the relevant amendments were made at paragraph 5.23 with the addition of paragraph 5.24 in the March 2023 HRA.
102. The assessment of functionally linked land in relation to the Dungeness, Romney Marsh and Rye Bay SPA has been removed from the HRA, as the site is located more than 5km from the Dover District boundary (Paragraphs 4.18 to 4.20 and 5.24 to 5.25 deleted; Paragraph 5.5 bullet point 1 and Table 4.1 updated)

#### *Non-physical Disturbance*

- The requirement 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 has been removed and is only required to be considered on a case-by-case basis for each site. The case-by-case assessment identified only site SAP17 justifies requiring a project-level HRA for the allocation. Paragraphs 4.22 to 4.24, 5.29 updated. The September 2023 HRA will include further update to paragraphs 5.36 to 5.38.

#### *Recreation- Thanet Coast and Sandwich Bay SPA*

- In response to Natural England's comment that the current/baseline levels of impact cannot be considered in-combination with likely future impacts, amendments have been made to paragraph 5.85.



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 7 – Habitats Regulations Assessment

**7. The Council's response to the Inspectors' Initial Questions clarifies the position regarding proposed housing sites and their proximity to the Thanet Coast and Sandwich Bay Special Protection Area ('SPA') and Ramsar site, the Stodmarsh SPA and Ramsar Site and the Dungeness, Romney Marsh and Rye Bay SPA for the purposes of functionally linked land. In summary, this clarifies that the buffer used to determine which sites should require applicants to assess the potential loss of habitat for wintering birds can be reduced from 15km to 5km following dialogue with Natural England.**

**Q2 Is it necessary to delete the requirement from all sites beyond the 5km buffer through Main Modifications to ensure that the Plan is justified and reflects the evidence-base? Are further changes to the Plan required to consider the impacts arising from windfall development proposals?**

#### Q2 DDC Response:

103. The Council considers that it is necessary to delete the requirement from all sites beyond the 5km buffer from the Thanet Coast and Sandwich Bay SPA through Main Modifications to ensure the Plan is justified and reflects the evidence-base. In addition, only sites that are considered to have high or moderate suitability for qualifying golden plover species within the 5km are required to assess the potential loss of habitat for wintering birds. The site-specific assessment is set out at Table 5.3 of the March 2023 HRA, and five sites are identified with high or moderate suitability. These are:

- SAN0023 – SAP22 – Land at Archers Low Farm, Sandwich (in Reg 19 policy)
- EAS002 – SAP32 – Land at Buttsole Farm, Eastry (in Reg 19 policy)
- WOO006 – SAP55 – Land South of Sandwich Road, Woodnesborough (added in AM84)
- DEA008 – SAP14 – Land of Cross Road, Deal (in Reg 19 policy)
- WAL002 – SAP15 – Land at Rays Bottom, Walmer (in Reg 19 policy)

104. In reviewing this matter, the Council has identified two further modifications to site specific policies (in addition to those set out in SD06) that the Council consider are required to ensure the Plan is justified by the evidence set out in the HRA. These are:

- SAP52 (NON006) – criteria d) to be deleted to remove requirement for wintering bird survey, site lies outside of 5km buffer.



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 7 – Habitats Regulations Assessment

- SAP37 (SHE006) – Wintering bird survey site-specific issue and requirement to be removed, site lies outside of 5km buffer.

105. In relation to the Stodmarsh SPA and Ramsar, a 2km buffer is used, as set out at paragraph 4.16 of the March 2023 HRA and explained in response to Q1 above. The proposed main modification to remove the requirement for wintering bird surveys does not relate to the change in buffer, but other advice received from Natural England, as set out in the Statement of Common Ground (ED8)<sup>32</sup>.

106. For Dungeness, Romney Marsh and Rye Bay SPA, the site is more than 5km from all locations in the Dover District, therefore no sites in the District are required to assess the potential loss of habitat for wintering birds in relation to the Dungeness, Romney Marsh and Rye Bay SPA. The removal of the requirement is therefore proposed for CAP006 (SAP44) in AM71 and Policy SP13(d) and paragraph 3.281 (AM23 and AM24 of SD06<sup>33</sup>). This has been agreed with NE in the Statement of Common Ground (ED8).

107. In relation to windfall development, Policy SP13 would apply. AM23 and AM24 of SP13 criteria d) and paragraph 3.281 respectively, propose to remove the requirement for assessment of potential loss of habitat for wintering birds in relation to Stodmarsh SPA and Ramsar and Dungeness, Romney Marsh and Rye Bay SPA. This is justified in relation to Dungeness, Romney Marsh and Rye Bay SPA as the site is further than 5km from the District. Natural England has also confirmed this is justified in relation to Stodmarsh SPA as they are satisfied that it is dealt with by the overarching protective wording in requirement (a) of SP13.

**Q3 Where sites are within the 5km buffer zone, what impact will development have on the availability of suitable habitat? If mitigation is required, what will this consist of and how will it be achieved? Do the relevant policies provide an appropriate and effective mechanism to provide mitigation as required?**

#### Q3 DDC Response:

108. As set out in answer to Q2 there are five proposed site allocations which have the potential to impact upon functionally related land and are therefore required to assess the potential loss of habitat for wintering birds.

<sup>32</sup>[Statement of Common Ground with Natural England \(ED8\)](#).

<sup>33</sup>[Schedule of Additional Modifications \(SD06\)](#).



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 7 – Habitats Regulations Assessment

109. The requirement for mitigation is dependent upon the findings of the wintering bird surveys. As set out at paragraph 5.25 of the March 2023 HRA, the mitigation required is habitat creation and management in perpetuity, either on-site or through provision of strategic sites for these species elsewhere within Dover District, will be required. If required, mitigation will need to create and manage suitably located habitat which maximises feeding productivity for these SPA species, and such mitigatory habitat would need to be provided and be fully functional prior to development which would affect significant numbers of SPA birds.
110. Due to the common and widespread nature of the habitats present, it is considered with certainty that mitigation can be easily achieved through the creation of alternative habitat of equal or greater value should a significant number of qualifying birds be found to utilise the site.
111. The site-specific policies alongside criteria d) of Policy SP13 (taking into account the proposed modifications) provide the policy framework to ensure that the appropriate mitigation is provided if required.

**Q4 What is the justification for the suggested change to Policy SAP17 in Core Document SD06? If mitigation is necessary, is it sufficiently clear what is required, by whom and when?**

#### Q4 DDC Response:

112. This suggested change removes the requirement for the wintering bird surveys to address the issue of functionally linked land (as set out above), as whilst the site is within 5km of the SPA and Ramsar, the site-specific assessment at Table 5.3 of the March 2023 HRA assesses the site as one where the habitats present are entirely unsuitable for SPA birds.
113. The suggested change replaces the criteria with a requirement for a project-level assessment to consider the impacts of non-physical disturbance on the Thanet Coast and Sandwich Bay SPA, in response to Natural England comments and the recommendations of the HRA as set out in response to Q1 above. This is considered by the Council to be a main modification necessary to ensure the Plan is justified and reflects the evidence-base.
114. The need for and identification of mitigation measures would be determined through the project level HRA. Any planning application for the development of the site would be expected to provide the necessary supporting information to enable the Council to be able to carry out the Appropriate Assessment. This is set out in the implementation section of Policy SP13 at para 3.280.



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 7 – Habitats Regulations Assessment

115. The Council does not consider this issue to be a matter of soundness, but if for clarity the Inspectors consider that a further amendment to Criterion e) of Policy SAP17 is needed to include the requirement for information to be submitted with the planning application, the Council would raise no objection to this minor amendment being made.

**8. Where recreational disturbance is concerned, the HRA concludes that mitigating the effects of Local Plan growth on the Thanet Coast and Sandwich Bay SPA is necessary for certain developments by contributing towards the ongoing application of the Strategic Access Monitoring and Mitigation Strategy ('SAMM').**

**Q5 Is the Plan sufficiently clear which allocations this relates to, including (where relevant) different types of development?**

#### Q5 DDC Response:

116. The site-specific requirements for contributions towards the SAMM are set out in Policy SP13 b) and Policy NE3. Policy NE3 requires proposals for new residential development within a 9km zone of influence of the SPA to contribute towards the SAMM. The Zone of Influence is set out in the Plan at Figure 11.1 and is included on the Policies Map. The requirement is not repeated in the site-specific policies, as the Plan is expected to be read as a whole. The introductory text to the Housing and Employment Allocations chapter of the Plan at para 4.40 onwards sets this out stating that *'the site policies do not repeat other policies in the plan unless site specific issues relating to how the policies should be addressed have been identified at this stage. The Local Plan should be read as a whole.....'*
117. The Council considers this to be sufficiently clear in identifying which residential site allocations are required to contribute to the SAMM. However, if for clarity the Inspectors consider that each residential (including Gypsy and Traveller) site allocation within the 9km zone of influence should include a specific criterion in this regard, the Council would raise no objection to this modification being made.
118. In relation to other types of development, there are employment site allocations proposed within the zone of influence, however employment development is not required to contribute.



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 7 – Habitats Regulations Assessment

119. In relation tourism and leisure uses, there are no site allocations within the zone of influence.

**9. In response to the Inspector's Initial Questions, the Council states that the costs of the mitigation strategy have increased and therefore the values referred to in Table 11.2 of the Local Plan are no longer up to date.**

**Q6 What are the reasons for the suggested changes to Policy NE3 in Core Document SD06? Are they necessary for soundness?**

**Q7 Is it necessary to delete Table 11.2 from the Local Plan in the interests of soundness? If so, should the table be removed entirely or updated with relevant costs from the latest SAMM?**

#### Q6 and Q7 DDC Response:

120. This provides a response to Q6 and Q7. The suggested changes to Policy NE3 can be grouped into four areas:

- Removal of Table 11.2 – The Council's response to the Inspectors initial questions sets out why the Council considers the modification is necessary for soundness reasons. The tariff set out in Table 11.2 will not provide sufficient funding to deliver the necessary mitigation measures required in perpetuity, and qualifying development needs to contribute the increased figures set out in the March 2023 Update SAMM<sup>34</sup> otherwise the mitigation measures as required by the SAMM and HRA will not be delivered in perpetuity. It is considered necessary to remove the Table in its entirety, rather than replacing the figures, to provide future flexibility should the SAMM need to be reviewed in the future and to account for changing circumstances, as set out in the second paragraph of the Policy. If the Inspectors agree with this modification, a further change to those set out in SD06 would be required to remove reference to Table 11.2 from the Policy text itself. However, should the Inspectors consider that this is not necessary for soundness of the submitted Plan, the Council would raise no objection to a modification which updates the relevant costs rather than deleting the Table in its entirety.

<sup>34</sup> NEEB04a



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 7 – Habitats Regulations Assessment

- Addition of reference to other large scale residential developments outside of the zone of influence to be considered on a case-by-case basis within the policy – this change has been suggested to address representations received from Natural England (SDLP1992) as set out in the Statement of Common Ground. The intention is to ensure that any large-scale development (outside those proposed for allocation in the Plan) should assess their impact on a case by case basis. The Council does not consider this change is necessary for soundness but has been requested by Natural England.
- Supporting text to provide clarity on what is included in new residential development – new build, conversions and permanent Gypsy and Traveller Pitches, and where replacement dwellings are proposed, the increase in bedroom numbers will be assessed. This change has been suggested to address representations received from Natural England (SDLP1992) as set out in the Statement of Common Ground. Whilst it adds clarity and therefore contributes to the effectiveness of the Policy, the Council does not consider the change to be necessary for soundness.
- Removal of para 3.30 – this paragraph only repeats what is said in the policy so is not considered to be necessary to include. The Council does therefore not consider this to be a main modification or a change necessary for soundness.

**10. The HRA considers the effects of Local Plan growth on other sites, including the Lydden and Temple Ewell Downs Special Conservation Area ('SAC') and the Dover to Kingsdown Cliffs SAC. In both cases it recommends mitigation measures.**





## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 7 – Habitats Regulations Assessment

**Q8** Aside from the Thanet Coast and Sandwich Bay SPA SAMP, what other mitigation is required and how does the Local Plan ensure that it will be achieved? Is the Plan effective in this regard?

#### Q8 DDC Response:

121. The required mitigation measures are set out in the March 2023 HRA<sup>35</sup>.
122. For the Lydden and Temple Ewell Downs SAC, the HRA recommends (paragraph 5.91) that the provision of suitable alternative natural green spaces (SANGs) within the Whitfield Urban Expansion to mitigate impacts of increase recreational pressure at this SAC. The specific requirement is set out in the Plan within Policy SAP1 and the Plan is therefore considered effective in this regard.
123. The HRA also recommends that updated visitor surveys are carried out every 5 years following adoption of the Plan to ensure that the measures continue to be effective. This would be carried out by the Council as part of the plan making process, and evidence base supporting the next review of the Plan.
124. For the Dover to Kingsdown SAC, the HRA recommends (paragraph 5.126) access management and monitoring. The SAC is predominantly managed by the National Trust who have committed to an extensive programme of on-site visitor management and mitigation measures. The Council has provided commitment in the Local Plan through Policy SP13, AM24, to work closely with the National Trust to deliver onsite visitor management and mitigation measures over the plan period.
125. In addition, for both sites, the HRA recommends site specific planning applications, especially larger ones in proximity to the European sites, will need to consider the requirement to undertake project level HRA. This is set out in criterion a of Policy SP13.
126. Subject to the inclusion AM24, and as set out in the Statement of Common Ground, Natural England supports the mitigation proposals recommended in the HRA and how they have been incorporated into policies within the Plan to ensure they can be achieved and are effective.

---

<sup>35</sup> Core Submission Document SD09



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 7 – Habitats Regulations Assessment

127. The Council considers, subject to the inclusion of AM24 (additional paragraph after 3.282), that the Plan includes policies that will be effective in delivering the mitigation necessary.
128. The Council considers, subject to the inclusion of AM24 (additional paragraph after 3.282), that the Plan includes policies that will be effective in delivering the mitigation necessary.

**Q9 The Statement of Common Ground with Natural England confirms that further work is ongoing to consider the potential air quality impacts from increased ammonia, with a target completion date at the end of August 2023. What is the latest position regarding this work, what conclusions has it reached and what are the implications (if any) for the submitted Plan?**

#### Q9 DDC Response:

129. Work is ongoing on this matter and a further update will be provided in due course.
130. To date, early drafts of the work have demonstrated that the impact of development in the local plan will (subject to mitigation measures in the plan) not have adverse effects on the integrity of Sandwich Bay SAC, Thanet Coast and Sandwich Bay SPA/Ramsar, Lydden to Temple Ewell Downs SAC, Dover to Kingsdown Cliffs SAC as a result of air quality impacts from increased ammonia (including ammonia component of nitrogen deposition and acid deposition, and ambient ammonia conditions). Other sites were screened out of this part of the assessment.
131. Discussions are ongoing with Natural England in respect of the measurement of in-combination inputs and effects. The Inspectors' will be kept up to date and the resulting air quality assessment and the updated HRA will be made available as soon as possible. It is envisaged that any implications for the submitted plan will be capable of being addressed through the examination process.



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Issue 8 – Other Matters

#### Issue 8 – Other Matters

**Q1 Where the Plan contains a policy that is intended to supersede another policy in the adopted development plan, does it state that fact and identify the superseded policy?**

#### Q1 DDC Response:

132. The Submission Local Plan at paragraph 1.2 sets out that alongside the Kent Minerals and Waste Local Plan and 'made' Neighbourhood Development Plans forms the statutory development plan which provides the framework on which all planning decisions in the district will be judged.
133. Paragraph 1.3 states that the new Local Plan, once adopted, replaces the Core Strategy 2010 and Land Allocations Local Plan 2015, as well as saved policies from the 2002 Local Plan. In order to provide clarity over which policies are to be replaced, Table 1 below lists all 'saved' policies from the existing Development Plan (including the 2002 Local Plan, the 2010 Core Strategy, and the 2015 Land Allocations Local Plan) and identifies which Policy in the Submission Local Plan they are being superseded by or otherwise deleted. It is therefore proposed that reference to the information set out in Table 1 is added with a textual change as follows:

*1.3 "The new Local Plan, once adopted, ~~replaces~~ supersedes the current development plan documents of the Core Strategy 2010 and Land Allocations Local Plan 2015, as well as saved policies from the 2002 Local Plan. Appendix H sets out the full list of policies replaced or deleted by the adoption of this Local Plan."*



**Council's Response to Inspectors' Matters, Issues, Questions**

**Matter 1 – Legal Compliance**

**Issue 8 – Other Matters**

*Table 1: Superseded Development Plan Policies*

'Saved' Policy Reference	'Saved' Policy Name	Existing Policy Document. 2002 Local Plan = LP02, 2010 Core Strategy =CS10, 2015 Land Allocations Local Plan = LALP15	Status (Local Plan Superseded policy reference)
LE5	Albert Road development, Deal	LP02	Deleted
LE10	Development of Tilmanstone Spoil Tip (North)	LP02	Superseded by E2 Loss or Re development of Employment Sites and Premises
LE15	Safeguarding land at Town Yard	LP02	Deleted
LE24	Relocation of Dover Castle car park	LP02	Deleted
LE30	Caravan sites	LP02	Superseded by SP6 Economic Growth /E4 Tourist Accommodation and Attractions
LE31	Holiday chalet sites	LP02	Superseded by SP6 Economic Growth / E4 Tourist Accommodation and Attractions
TR4	Land safeguarded for A2 dualling and A256	LP02	Deleted
TR9	Cycle Routes	LP02	Deleted
TR10	Safeguarding of major urban footpaths	LP02	Deleted
TR12	Land safeguarded at Richborough Power Station for CTRL development	LP02	Deleted
CO5	Undeveloped or Heritage Coasts	LP02	Deleted
CO8	Development which would adversely affect a hedgerow	LP02	Deleted
WE6	Moorings and Pontoons	LP02	Deleted
ER2	Roman Road, Danes Court, Dover Safeguarded for sub station	LP02	Deleted
ER6	Light pollution	LP02	Deleted
DD21	Horse-related development	LP02	Deleted
DD23	Chalk Scars	LP02	Deleted



**Council's Response to Inspectors' Matters, Issues, Questions**

**Matter 1 – Legal Compliance**

**Issue 8 – Other Matters**

'Saved' Policy Reference	'Saved' Policy Name	Existing Policy Document. 2002 Local Plan = LP02, 2010 Core Strategy =CS10, 2015 Land Allocations Local Plan = LALP15	Status (Local Plan Superseded policy reference)
SP9	Sandwich Town Centre Frontages	LP02	Superseded by SP10 Sandwich Town Centre /R1 Primary Shopping Areas /R4 Shop Fronts
SP12	Amusement centres	LP02	Deleted
OS6	Proposals for indoor sports and recreational facilities	LP02	Superseded by SP11 Infrastructure And Developer Contributions /PM4 Sports Provision
OS7	Proposals for outdoor sports and recreational facilities	LP02	Superseded by PM4 Sports Provision
OS8	New development involving the Stonar Lake area, Sandwich	LP02	Deleted
CF2	Mobile Classrooms	LP02	Deleted
AS1	Betteshanger Colliery Pithead	LP02	Deleted
AS9	St James's Area, Dover	LP02	Deleted
AS13	Lydden Circuit	LP02	Deleted
AY1	Land for the strategic expansion of Aylesham	LP02	Deleted
AY2	Ensuring community benefits	LP02	Deleted
AY3	Residential development in the Development Area	LP02	Deleted
AY4	Employment development in the Development Area	LP02	Superseded by SP6 Economic Growth /SAP25 Aylesham Development Area (ELR4)
AY5	Land allocated at Market Place for a food store	LP02	Deleted
AY6	Petrol Filling Station	LP02	Deleted
AY7	Open Space and Landscaping	LP02	Superseded by SP11 Infrastructure and Developer Contributions /PM3 Providing Open Space
AY8	Primary School provision in the	LP02	Deleted



**Council's Response to Inspectors' Matters, Issues, Questions**

**Matter 1 – Legal Compliance**

**Issue 8 – Other Matters**

'Saved' Policy Reference	'Saved' Policy Name	Existing Policy Document. 2002 Local Plan = LP02, 2010 Core Strategy =CS10, 2015 Land Allocations Local Plan = LALP15	Status (Local Plan Superseded policy reference)
	Development Area		
AY9	Land allocated at Snowdown Colliery Welfare Ground for an equipped sports hall	LP02	Deleted
AY10	Provision of a spinal footpath and cycle network	LP02	Deleted
AY11	Land safeguarded for utility services	LP02	Deleted
CP1	Settlement Hierarchy	CS10	Superseded by SP3 Housing Growth /SP4 Residential Windfall Development
CP2	Provision for Jobs and Homes between 2006-2026	CS10	Superseded by SP3 Housing Growth /SP6 Economic Growth
CP3	Distribution of Housing Allocations	CS10	Superseded by SP3 Housing Growth
CP4	Housing Quality, Mix, Density and Design	CS10	Superseded by H1 Type and M10f Housing /PM1 Achieving High Quality Design, Place Making and provision of Design Codes /PM2 Quality of Residential Accommodation
CP5	Sustainable Construction Standards	CS10	Superseded by SP1 Planning for Climate Change, CC1 Reducing Carbon Emissions CC2 Sustainable Design and Construction
CP6	Infrastructure	CS10	Superseded by SP11 Infrastructure And Developer Contributions
CP7	Green Infrastructure Network	CS10	Superseded by SP13 Protecting The Districts Hierarchy of Designated Environmental Sites and Biodiversity Assets /SP14 Enhancing Green Infrastructure And Biodiversity
CP8	Dover Waterfront	CS10	Superseded by SAP3 Dover Waterfront (part



**Council's Response to Inspectors' Matters, Issues, Questions**

**Matter 1 – Legal Compliance**

**Issue 8 – Other Matters**

'Saved' Policy Reference	'Saved' Policy Name	Existing Policy Document. 2002 Local Plan = LP02, 2010 Core Strategy =CS10, 2015 Land Allocations Local Plan = LALP15	Status (Local Plan Superseded policy reference)
			DOV017) /SAP7 Bench Street Dover (part DOV017)
CP9	Dover Mid Town	CS10	Superseded by SAP6 Dover Mid Town (DOV018)
CP10	Former Connaught Barracks Complex	CS10	Deleted
CP11	The Managed Expansion of Whitfield	CS10	Superseded by SAP1 Whitfield Urban Expansion (WHI001 and WHI008)
DM1	Settlement Boundaries	CS10	Superseded by SP4 Residential Windfall Development
DM2	Protection of Employment Land and Buildings	CS10	Superseded by E2 Loss or Re Development of Employment Sites and Premises
DM3	Commercial Buildings in the Rural Area	CS10	Superseded by SP6 Economic Growth /E1 New Employment Development
DM4	Re-Use or Conversion of Rural Buildings	CS10	Superseded by SP4 Residential Windfall Development /E1 New Employment Development
DM5	Affordable Housing	CS10	Superseded by SP5 Affordable Housing
DM6	Rural Exception Affordable Housing	CS10	Superseded by H2 Rural Local Needs Housing
DM7	Provision for Gypsies, Travellers and Travelling Showpeople	CS10	Superseded by SP3 Housing Growth /H3 Meeting the Needs of Gypsies and Travellers/H4 Gypsy and Traveller Windfall Accommodation
DM8	Replacement Dwellings in the Countryside	CS10	Superseded by SP4 Residential Windfall Development
DM9	Accommodation for Dependent Relatives	CS10	Superseded by H6 Residential Extensions and Annexes
DM10	Self-contained Temporary Accommodation for Dependent Relatives	CS10	Superseded by H6 Residential Extensions and Annexes
DM11	Location of Development and	CS10	Superseded by SP11 Infrastructure And Developer



**Council's Response to Inspectors' Matters, Issues, Questions**

**Matter 1 – Legal Compliance**

**Issue 8 – Other Matters**

'Saved' Policy Reference	'Saved' Policy Name	Existing Policy Document. 2002 Local Plan = LP02, 2010 Core Strategy =CS10, 2015 Land Allocations Local Plan = LALP15	Status (Local Plan Superseded policy reference)
	Managing Travel Demand		Contributions /T11 Sustainable Transport and Travel
DM12	Road Hierarchy and Development	CS10	Superseded by SP12 Strategic Transport Infrastructure
DM13	Parking Provision	CS10	Superseded by SP2 Planning for Healthy and Inclusive Communities /T13 Parking Provision on New Development
DM14	Roadside Services	CS10	Deleted
DM15	Protection of the Countryside	CS10	Superseded by SP4 Residential Windfall Development /SP6 Economic Growth, SP13 Protecting the Districts Hierarchy Of Designated Environmental Sites and Biodiversity Assets
DM16	Landscape Character	CS10	Superseded by NE2 Landscape Character and the Kent Downs AONB
DM17	Groundwater Source Protection	CS10	Superseded by NE5 Water Supply and Quality
DM18	River Dour	CS10	Superseded by NE6 The River Dour
DM19	Historic Parks and Gardens	CS10	Superseded by SP15 Protecting The Districts Historic Environment /HE4 Historic Parks and Gardens
DM20	Shopfronts	CS10	Superseded by R4 Shop Fronts
DM21	Security Shutters and Grilles	CS10	Superseded by R4 Shop Fronts
DM22	Shopping Frontages	CS10	Superseded by SP7 Retail and Town Centres, R2 Sequential Test and Impact Assessment
DM23	Local Shops	CS10	R3 Local Shops
DM24	Retention of Rural Shops and Pubs	CS10	Superseded by R3 Local Shops
DM25	Open Space	CS10	Superseded by SP11 Infrastructure And Developer Contributions /PM3 Providing Open Space
LA1	Provision for Gypsies,	LALP15	Superseded by SP3 Housing





**Council's Response to Inspectors' Matters, Issues, Questions**

**Matter 1 – Legal Compliance**

**Issue 8 – Other Matters**

'Saved' Policy Reference	'Saved' Policy Name	Existing Policy Document. 2002 Local Plan = LP02, 2010 Core Strategy =CS10, 2015 Land Allocations Local Plan = LALP15	Status (Local Plan Superseded policy reference)
	Travellers and Travelling Showpeople		Growth /H3 Meeting the Needs of Gypsies and Travellers /H4 Gypsy and Traveller Windfall Accommodation
LA2	White Cliffs Business Park	LALP15	Superseded by SP6 Economic Growth /SAP2 White Cliffs Business Park (ELR7andTC4S120)
LA3	Charlton Sorting Office, Charlton Green	LALP15	Deleted
LA4	Albany Place Car Park	LALP15	Superseded by SAP13 Albany Place Car Park, Dover (DOV019)
LA5	Land at Manor View Nursery, Lower Road, Temple Ewell	LALP15	Deleted
LA6	Land adjacent to the Former Melbourne Country Primary School	LALP15	Deleted
LA7	Former TA Centre, London Road	LALP15	Deleted
LA8	Land in Coombe Valley	LALP15	Superseded by SAP8 Land Adjacent to the Gas Holder , Coombe Valley Road (DOV022B) /SAP9 Land at Barwick Road Industrial Estate (DOV022E) /SAP13 Land to the North of Coombe Valley Rd, Dover (DOV022C)
LA9	Buckland Mill	LALP15	Superseded by SAP10 Buckland Paper Mill, Crabble Hill Dover (DOV023)
LA10	Residential Allocations (Dover)	LALP15	Superseded by SAP1 Whitfield Urban Expansion (WHI001 and WHI008), SAP3 Dover Waterfront (part DOV017), SAP4 Dover Western Height, SAP6 Dover MidTown (DOV018),SAP7 Bench Street Dover (part DOV017), SAP8 Land adjacent to the Gas Holder , Coombe Valley Road (DOV022B), SAP9 Land at Barwick Road Industrial Estate



**Council's Response to Inspectors' Matters, Issues, Questions**

**Matter 1 – Legal Compliance**

**Issue 8 – Other Matters**

'Saved' Policy Reference	'Saved' Policy Name	Existing Policy Document. 2002 Local Plan = LP02, 2010 Core Strategy =CS10, 2015 Land Allocations Local Plan = LALP15	Status (Local Plan Superseded policy reference)
			(DOV022E), SAP10 Buckland Paper Mill, Crabble Hill Dover (DOV023), SAP11 Westmount College , Folkestone Road , Dover (DOV026), SAP12 Charlton Shopping Centre, High Street, Dover (DOV028), SAP13 Land at Dundedin Drive (south), Dover (DOV006)
LA11	Dover Western Heights	LALP15	Superseded by SAP4 Dover Western Heights
LA12	Land to the north west of Sholden New Road	LALP15	Deleted
LA13	Land between Deal and Sholden	LALP15	Deleted
LA14	Land between 51 and 77 Station Road, Walmer	LALP15	Deleted
LA15	Residential Development (Deal)	LALP15	Deleted
LA16	Land to the west of St Bart's Road, Sandwich	LALP15	Deleted
LA17	Land adjacent to the Sandwich Technology	LALP15	Superseded by SAP21 Land Adjacent to Sandwich Technology School (SAN013)
LA18	Sandwich Town Centre	LALP15	Superseded by SP7 Retail and Town Centres, SP10 Sandwich Town Centre
LA19	New Convenience Retail Provision in Sandwich	LALP15	Superseded by SP7 Retail and Town Centres, SP10 Sandwich Town Centre
LA20	Land to the West of Chequer Lane, Ash	LALP15	Deleted
LA21	Land to the South of Sandwich Road, Ash	LALP15	Deleted
LA22	Land at Mill Field, Ash	LALP15	Deleted
LA23	Residential Development (Ash)	LALP15	Deleted
LA24	Land to the south of New Dover Road, between Capel Court Caravan Park and Helena Road, Capel le	LALP15	Deleted



**Council's Response to Inspectors' Matters, Issues, Questions**

**Matter 1 – Legal Compliance**

**Issue 8 – Other Matters**

'Saved' Policy Reference	'Saved' Policy Name	Existing Policy Document. 2002 Local Plan = LP02, 2010 Core Strategy =CS10, 2015 Land Allocations Local Plan = LALP15	Status (Local Plan Superseded policy reference)
	Ferne		
LA25	Land to the north of the junction of Capel Street and Winehouse Lane, Capel le Ferne	LALP15	Deleted
LA26	Land between 107 & 127 Capel Street	LALP15	Deleted
LA27	Gore Field, Gore Lane	LALP15	Deleted
LA28	Eastry Court Farm	LALP15	Superseded by SAP33 Eastry Court Farm (EAS009) Land Adjacent to Cross Farm (TC4S023) (TC4S023)
LA29	Eastry Hospital	LALP15	Deleted
LA30	Residential Development (Eastry)	LALP15	Deleted
LA31	Employment Allocation (Eastry)	LALP15	Deleted
LA32	Residential Development (Shepherdswell)	LALP15	Superseded by SAP36 Land to The north and east of StAndrews Gardens and adjacent to Mill House (SHE004 & TC4S082), SAP37 Land at Botolph Street Farm (SHE006)
LA33	Residential Development (Wingham)	LALP15	Deleted
LA34	North of Langdon Primary School, East Langdon	LALP15	Deleted
LA35	Residential Development (East Studdal)	LALP15	Deleted
LA36	Residential Development (Elvington and Eythorne)	LALP15	Superseded by SAP28 Land Between Eythorne and Elvington SAP28(EYT003/EYT009/EYT01), SAP29 Landon the south eastern side of Roman Way, Elvington (EYT008), SAP30 Chapel Hill Eythorne (TC4S039)
LA37	Residential Development (Great Mongeham)	LALP15	Deleted
LA38	Land between the village hall and The Bothy,	LALP15	Deleted



**Council's Response to Inspectors' Matters, Issues, Questions**

**Matter 1 – Legal Compliance**

**Issue 8 – Other Matters**

'Saved' Policy Reference	'Saved' Policy Name	Existing Policy Document. 2002 Local Plan = LP02, 2010 Core Strategy =CS10, 2015 Land Allocations Local Plan = LALP15	Status (Local Plan Superseded policy reference)
	Upper Street, Kingsdown		
LA39	Residential Development (Kingsdown)	LALP15	Deleted
LA40	Land at Canterbury Road, Lydden	LALP15	Deleted
LA41	Prima Windows, Easole Street/Sandwich Road, Nonington	LALP15	Superseded by SAP52 Prima Windows, Easole Street/Sandwich Road, Nonington (NON006)
LA42	Residential Development (Nonington)	LALP15	Deleted
LA43	The Paddock, Townsend Farm Road, St Margarets at Cliffe	LALP15	Deleted
LA44	Residential Development (St Margarets at Cliffe)	LALP15	Deleted
LA45	Residential Development (Staple)	LALP15	Deleted
LA46	Land between Stoneleigh and Nine Acres, The Street, Woodnesborough	LALP15	Deleted
LA47	Residential Development(Woodnesborough)	LALP15	Deleted
DM26	Provision of Comparison Floorspace in Deal	LALP15	Superseded by SP7 Retail and Town Centres, SP9 Deal Town Centre
DM27	Providing Open Space	LALP15	Superseded by SP11 Infrastructure and Developer Contributions /PM3 Providing Open Space



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Appendices

#### Appendix 1 – Correspondence from Canterbury City Council, October 2023

The screenshot shows an email client window titled "DDC Local Plan - Duty to Cooperate - Message (HTML)". The email is from Andrew Thompson (AT) to Ashley Taylor and Leo Whitlock, dated Monday, 09/10/2023 at 13:22. The subject is "DDC Local Plan - Duty to Cooperate".

**DDC Local Plan - Duty to Cooperate**

Andrew Thompson <andrew.thomp: >  
To: Ashley Taylor  
Cc: Leo Whitlock

Mon 09/10/2023 13:22

If there are problems with how this message is displayed, click here to view it in a web browser.

Ashley,

In respect of DDC Local Plan examination, Inspector's MIQs Matter 1, Issue 1, Question 2 I can confirm that CCC do not consider that there are any outstanding matters to resolve under the Duty to Cooperate in respect of the DDC Local Plan.

The SoCG between DDC and CCC (March 2023) confirms that the parties have reached agreement on all strategic matters in respect of the DDC Local Plan. The matters listed as "ongoing" are in respect of the emerging CCC Local Plan, which DDC and CCC will continue to work collaboratively on as this is developed.

Andrew

--

**Andrew Thompson**  
Corporate Policy and Strategy Manager  
Canterbury City Council, Military Road, Canterbury, CT1 1YW  
T: 07542266735 E: [andrew.thompson@canterbury.gov.uk](mailto:andrew.thompson@canterbury.gov.uk)



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 1 – Legal Compliance

#### Appendices

##### Appendix 2 – Correspondence from Dover District Council to Thanet District Council



Cllr Ash Ashbee  
Leader of Thanet District Council  
Thanet District Council  
PO Box 9  
Cecil Street  
MARGATE  
Kent CT9 1XZ

Leader's Office  
White Cliffs Business Park  
Dover  
Kent CT16 3PJ

Telephone: (01304) 821199  
Fax: (01304) 872452  
e-mail: [cllr-trevor.bartlett@dover.gov.uk](mailto:cllr-trevor.bartlett@dover.gov.uk)  
Website: [www.dover.gov.uk](http://www.dover.gov.uk)

**Councillor Trevor Bartlett**  
Leader of the Council

Our Ref: AT/TB/DJD  
Your Ref:  
Date: 12 December 2022

By email to: [cllr-ash.ashbee@thanet.gov.uk](mailto:cllr-ash.ashbee@thanet.gov.uk)

Dear Ash

Thank you for your letter of 21 October 2022, informing me that Thanet District Council may not be in a position to meet its full housing requirements in its Local Plan update.

I understand your letter is not a request to meet unmet need, but that further work will be undertaken by your Council around meeting your housing need within your district and that you want to understand what the future changes to the planning system will be and how any Government changes to the standard methodology will impact the district.

As you are aware, Dover District Council is at an advanced stage of its Local Plan process; recently completing the Regulation 19 stage consultation and expecting to submit our Plan in Spring 2023. In accord with duty to cooperate discussions undertaken with Thanet District Council throughout the course of our emerging Local Plan and given that to-date we have not formally been asked to meet any of Thanet district's housing need, we intend to continue to progress our Local Plan to Examination, on that premise.

I would request that DDC officers are kept informed of the likely timescales for the outcome of this work, so that we are able to co-operate effectively with you on this matter.

Yours sincerely

**Trevor Bartlett**  
Leader of the Council  
Responsible for Investment, Growth & Tourism