

Home Builders Federation

Matter 11

DOVER LOCAL PLAN EXAMINATION

Matter 11 – Natural and Historic Environment

Issue 1 – The Natural Environment – Policies SP13, SP14, NE1, NE2, NE4, N5 and NE6

Q1 What are the reasons for the suggested changes to Policy SP13? Why are they necessary for soundness?

No comment.

Q2 Is it clear to users of the Plan how all development proposals (excluding householder developments) should connect to 'off-site networks' under Policy SP14? Will this be possible for all development types and locations?

No comment.

Q3 What is the justification for biodiversity net gain requirements in Policy NE1? What information is available to demonstrate that these targets can be achieved?

As set out in our representations the HBF were concerned that by setting out the detail in this policy that there could be discrepancies between the approach in the local plan and that taken forward by Government. For example, application of this policy to small sites is not reflected accurately given that these sites will now not have to implement the policy until April 2024. It has also been confirmed that BNG will not apply to development impacting on a habitat of an area below a de minimis threshold of 25 meters squared or a 5m linear habitats such as hedgerows and watercourses. As such it will not apply to all planning applications as stated in the policy. Further clarification on the issue of stacking



credits will also need to be reflected with regard to criterion 2. It is assumed that this relates to the stacking of credits with other forms of compensation, however this will need to be clarified by the Council. If this is the case then the Council will be aware that the uncertainty around stacking has been address and BNG credits can now be stacked with other credits, such as those for nutrients, is allowed and criterion 2 should therefore be deleted.

As the Inspectors will be aware the uncertainty with regard to the implementation of BNG has escalated to the point at which the Government had to delay the implementation of the legislation due to the significant gaps in the policy and guidance required to support its implementation. Whilst the Government have now stated that BNG will be implemented from January 2024 there is still uncertainty as to the final detail of the guidance for implementing BNG or even whether the deadline will be extended further. Given this situation we would recommend that the Council must state that the implementation of the 10% BNG will be delivered in line with the legislation and only once it is legally required.

On a more specific elements to the policy the HBF does not consider criterion 1a to be sound. There is already an expectation that the mitigation hierarchy will be followed with developers in the first instance avoiding or minimising habitat loss followed by delivering net gains on site and then delivering off site measures where all net gains cannot be delivered onsite. This approach is reinforced through the metric being proposed by DEFRA which will further encourage on site delivery by increasing the amount of credits required to mitigate a development where this is delivered either off site or out of the area.

However, criterion 1a is overly burdensome by requiring development to demonstrate that ecologically meaningful net gains cannot be delivered on site and fails to mention that there will be practical and financial reasons why net gain may not be delivered in full on site. Given that the cost of delivering BNG off site will be more costly then delivering off site there is already an incentive to maximise on site BNG and the Council should ensure that consideration can be given to the practical and financial reasons for not meeting net gains in full onsite. This is particularly important with regard to small sites where the 10% BNG will be significantly more difficult to deliver on site.

Q4 Is Policy NE1 effective and justified by including requirements for developments to accord with supplementary planning documents?

SPD is there to provide guidance and should not be used to introduce policy. As such the requirement to accord with SPD should be amended to have regard to.

Q5 What are the reasons for the suggested changes to Policy NE1? Why are they necessary for soundness?

This is for the Council to answer. However, further modifications be needed to reflect any changes/ clarifications in national policy and guidance.

Q6 Is Policy NE2 (subject to the Council's suggested changes) consistent with paragraphs 176 and 177 of the Framework, which require great weight to be given to conserving and enhancing the landscape and scenic beauty of AONBs and require the scale and extent of development within these areas to be limited?

No comment

Q7 What are the reasons for the suggested changes to Policies NE4, NE5 and NE6? Why are they necessary for soundness? Subject to these changes, will the policies be justified, effective and consistent with national planning policy?

No comment

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