

**New Dover District Local Plan - 2040**

**Dean Lewis Estates**

**Statement in Response to**

**Inspectors Main Issues and Questions**



**DEAN LEWIS.**  
ESTATES LIMITED

**Examination in Public November 2023**

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## **1 INTRODUCTION**

### **1.1 Context**

- 1.1.1 Dean Lewis Estates Limited is a professional strategic land promotion company specialising in the delivery of residential and mixed-use development.
  - 1.1.2 This statement provides Dean Lewis Estates Limited (hereinafter referred to as DLE) response to both Inspectors MIQ's and in respect of the Main Issues identified by the Council. It builds on the representations submitted by DLE in respect the Regulation 19 Consultation stage of the Dover District Local Plan.
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## 2 MATTER 2 – HOUSING GROWTH AND RESIDENTIAL WINDFALL DEVELOPMENT

### 2.1 Issue 1 – Local Housing Need and the Housing Requirement – Policy SP3

**MiQ – Item 13.** The supporting text to Policy SP3 states that a non-implementation reduction of 5% has been applied to the total number of commitments identified in Table 3.1.

2.1.1 **Q5.** What is the justification for the use of a 5% figure? Does this reflect the circumstances in Dover?

#### **DLE Response**

2.1.2 It is unclear as to how Dover District has derived the figure of a 5% non-implementation percentage. Historically the under delivery of new market and affordable homes on a district wide basis has been a persistent problem.

2.1.3 The table below is taken directly from the Annual Monitoring Reports produced by Dover since 2006.

**Table 1. Dover District Annual Monitoring Report 2006 to 2022**

Year	Net Completions	CS Annual Target	Under /Over Delivery
2006/07	327	505	-178 (-35%)
2007/08	342	505	-163 (-32%)
2008/09	269	505	-236 (-46%)
2009/10	262	505	-243 (-48%)
2010/11	201	505	-304 (-60%)
2011/12	227	505	-278 (-55%)
2012/13	228	505	-277 (-54%)
2013/14	228	505	-312 (-61%)
2014/15	344	529	-185 (-34%)
2015/16	726	529	+197 (+37%)
2016/17	406	529	-123 (-23%)
2017/18	446	529	-83 (-15%)
2018/19	446	529	-83 (-15%)
2019/20	442	529	-87 (-16%)
2020/21	494	529	-35 (-6%)
2021/22	625	529	+96 (+18%)
2022/23 (Figures Not Available to date)			

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- 2.1.4 The annual housing delivery figures shown above highlights the fact that in only two years during the sixteen-year monitoring period the district has achieved an exceedance of its housing delivery target.
- 2.1.5 In the fourteen years where housing under delivery has occurred the average **annual deficit** against target is some **182 dwellings per annum** (*my emphasis*).
- 2.1.6 During the fourteen-year period where significant under delivery has occurred it is logical to conclude that insufficient land in the right locations within the Housing Market Area were allocated during the current Local Plan.
- 2.1.7 When including the two years where an exceedance of the housing target did occur the average **annual deficit** only improves to minus a position of **141 dwellings per annum** (*my emphasis*).
- 2.1.8 The Council's approach of applying a non-implementation rate of 5% is mathematically unjustified. The 5% figure bears no relation to the actual average non implementation rate of **26.6%**. Even if the figures are recalculated to account for the period beginning at the adoption of the last Local Plan Core Strategy – (adopted 2010), the annual average percentage figure for non-implementation is just under **23%**.
- 2.1.9 The implication of this past trend analysis is that the council's reliance on an arbitrary non implementation figure of 5% is **unjustified**.
- 2.1.10 The corollary to this is that this new Local Plan is also likely to fail in terms of delivery of the objectives of building sustainable communities and meeting housing and employment needs. Unless additional land is identified to ensure a sufficiency of land supply to counter act the effects of non-implementation, it is highly likely that the under delivery related to non-implementation rates will persist.
- 2.1.11 In recognition of the fact that the non-implementation rate may slightly improve over a sixteen-year period an appropriate non implementation rate of a minimum of 20% would be appropriate.
- 2.1.12 The Housing Topic Paper March 2023 deals with the matter of non-implementation. The way in which the council has assessed non implementation is to look at expired planning permissions that fail to be implemented. Whilst this is a measure of housing delivery performance, on its own it does not provide a full basis necessary to obtain a statistically robust data set on which to assess the true attrition rate for non-implementation. To do so the assessment of non-
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implementation rates should account for allocated sites that fail to come forward at all, planning permissions that are not implemented, and importantly, an analysis of actual annual delivery rates of allocations and permissions is required. This rounded picture provides a robust statistical basis on which to determine the actual amount of land needed to ensure delivery of sufficient sites to meet the housing need during the plan period.

**Modification - an appropriate non-implementation rate of a minimum of at least 20% should be applied to the housing trajectory and the implications of non-implementation be reassessed by the council and published and consulted upon.**

2.1.13 **Q6.** Is a similar non-implementation rate applied for the Whitfield Urban Extension and/or other allocated housing sites in the Plan? If not, why not?

**DLE Response**

2.1.14 It is noted within the March 2023 Housing Topic Paper that, "*Whilst the development has not come forward as quickly as was originally envisaged, there is now significant interest from local and national housebuilders, and it is expected that this will enable a significant increase in the delivery of housing on the site, compared to the previous delivery rates. The original developer, Halsbury Homes, has built out one sub-phase of the Phase 1 development, and is selling parcels to other housebuilders. At the current time Barratt Homes are building out further sub-phases of Phase 1. The completed element of Phase 1a has been built out by Abbey Homes, along with the Phase 4a development. The remaining 26 dwellings of Phase 1a are currently being constructed by Dover District Council*".

2.1.15 The adopted Core Strategy planned to deliver 5,750 homes at Whitfield between 2010 and 2026. The Housing Topic Paper March 2023 notes that as of April 2022, 363 homes have been completed on the site and a primary school has been constructed and opened.

2.1.16 Notably, the council consider that 3,483 additional dwellings will be delivered at Whitfield between 2022 and 2040 and that this is not meant as a ceiling to delivery within the Plan period but has been provided as an estimate in order to ensure that sufficient provision is provided through other sites in the Plan to meet the District's housing need.

2.1.17 It is reasonable to assume that the delivery of these initial phases together with school and road infrastructure will now assist the implementation of the scheme

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during the next plan period. However, a non-implementation rate of 5% is entirely unjustified. The figure of 5% lacks any evidential basis.

2.1.18 It is notable that there is no lead developer engaged on the site and that development is being brought forward on a piecemeal basis. The effect of proceeding on this basis is that each phase of development requires individual tranche land sales to be completed before infrastructure delivery in that phase can be secured to enable commencement of development on individual housing plots. Each tranche sale therefore requires a period for marketing, selection of preferred bidder, legal due diligence to be carried out on behalf of the preferred bidder, any renegotiation of price or terms having regard to the due diligence findings, and then a further period to secure full or reserved matter planning approval on each phase in accordance with the overall Framework Masterplan. There is no evidence from the council that indicates that they have had due regard to the time factors involved in this type of delivery model. Further, the planning applications for Phase 2 that the council envisaged coming forward in summer 2023 also appear to be delayed.

2.1.19 Applying a robust methodological approach as set out above (Matter 2 - Issue 1 - MiQ - Item 13 Q5), the evidence demonstrates that a figure of 20% non-implementation should be applied discreetly to the Whitfield site, consistent with the rest of the plan area.

**Modification - an appropriate non-implementation rate of a minimum of 20% should be applied to the housing trajectory for the Whitfield Allocation and the implications of non-implementation be reassessed by the council and published and consulted upon.**

## **2.2 Issue 3 – Housing Distribution**

2.2.1 **Q1** - Having established a settlement hierarchy, what process did the Council follow to determine the distribution of new development? Was this process robust and based on reasonable judgements about where to direct new development?

### **DLE Response**

2.2.2 The council's Sustainability Appraisal (SA) sets out the rationale for the distribution of new development under the auspices of a preferred option which represents a hybrid of Spatial Options A (Suitable Sites), C (Settlement Hierarchy) and D (Adopted Plan Dover Focus), delivering a scale of residential and employment growth closest to Growth Option 2 (Medium Growth). The SA concludes that delivering Growth Option 2 (the District's residential development

needs in combination with more economic land) through Spatial Options C (Settlement Hierarchy) and D (Adopted Plan Dover Focus) were found to represent the most sustainable scale and patterns of growth in the District.

- 2.2.3 The housing growth, aside that already identified at the main settlements of Dover Deal and Sandwich, is planned to be delivered through the strategic expansion of Aylesham. The development is to be brought forward building on the original vision conceived by Sir Patrick Abercrombie in 1928 for Aylesham which proposed a small garden town. In addition, there will be development in other rural settlements within the district which is to be distributed across the District's local centres and large and small villages whilst having regard to the settlement hierarchy.
- 2.2.4 The continued expansion of Aylesham, in line with the evidence in the SA, **is supported by DLE**. Aylesham is a sustainable location and capable of delivering a greater level of housing growth within the plan period. DLE believe that a further allocation of circa 500 homes and commensurate community facilities to the north of Aylesham would help provide flexibility and choice and ensure the delivery of much needed housing over the plan period. This matter is commented on further under Issue 4 below.
- 2.2.5 **Q3** - Table 12 in the Council's Housing Topic Paper states that, combined, almost 50% of all new housing will occur in Dover and at Whitfield. When considering the acknowledged viability challenges around Dover, and the strategic size and scale of the Whitfield Urban Expansion, is the distribution of development justified?

#### **DLE Response**

- 2.2.6 The reliance of almost 50% of future housing delivery within the plan period from Dover and Whitfield is unjustified. The evidence of past under delivery in Dover and Whitfield demonstrates that logically the delivery of future sites will be slower than the requisite delivery rates the council needs to meet its housing targets. Sites within and on the edge of Dover urban area have been demonstrably difficult to develop, with viability often being compromised. The delivery constraints manifest at Whitfield are rehearsed above at **Q6**.
- 2.2.7 For the reasons alighted upon here the Inspector is urged to invite the council to modify the allocations list within the LP to include additional land to mitigate the impact of under delivery of new homes within the plan period.

**Modification – The amount of housing allocations within the plan area should be increased on sites outwith Dover and Whitfield and in line with**

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**the findings of the SA, that amongst other matters, identifies Aylesham as a sustainable settlement capable of accommodating growth of circa 1,1450 dwellings, employment, and associated community infrastructure. This approach would contribute toward remedying the non-implementation rate of 20% as noted above to ensure that sufficient land is identified within the plan area to ensure that the housing need is met over the plan period.**

2.2.8 **Q5** - Is the scale of new housing growth justified at Aylesham, having regard to its role, function and position in the settlement hierarchy?

**DLE Response**

2.2.9 Within the SA 'Site Selection Proposed Housing Allocations' process it is noted that Aylesham is identified as a Rural Service Centre in the settlement hierarchy with the potential to accommodate further growth. Through the Housing and Economic Land Availability Assessment work the Council has identified two sites for development in Aylesham, one to the North of Aylesham for the delivery of approximately 500 new homes and the second to the south of Aylesham for the delivery of approximately 640 new homes. Strategic Policies 5 and 6 at Regulation 18 stage proposed the allocation of both of these sites for development in accordance with the growth and settlement strategy of the Plan. The two sites are referred to as AYL003 (south of Aylesham) and AYL004 (north of Aylesham).

2.2.10 With regards to the assessment of these two sites, the conclusions of the 2022 version of the HELAA differs from the earlier iteration. With respect to both sites the wider highways implications are identical but there is no proper justification to demonstrate that the northern site is any less capable of satisfactorily mitigating the highways issues that are identified as being equally applicable to both sites. Therefore, the decision of the council to delete the proposed allocation AYL004 was illogical, particularly as the Highways issues stated are the same, and would need addressing for both sites. In fact, the allocation of both sites would have provided greater financial certainty of ensuring mitigation of these highway constraints could be adequately funded.

2.2.11 The assessment also notes that the landscape sensitivity is identified as greater for the site to the south AYL003 and it also faces added complexities of being a cross boundary site, with part of the site falling in Canterbury District. Such constraints are not manifest in respect of site AYL004.

2.2.12 Whilst we consider that the council's decision to delete site AYL004 is illogical when viewed against the evidence, it is also clear that with appropriate mitigation

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both sites are capable of being accommodated at Aylesham without adversely impacting on services and facilities, environmental thresholds, or the highway network.

- 2.2.13 Therefore DLE consider that the planned scale of new housing growth at Aylesham **is justified** and that the evidence demonstrates that the additional growth in the form of AYL004 could also be accommodated.

### **2.3 Issue 4 – Site Selection Methodology**

- 2.3.1 **Q1** - How were different sites considered for inclusion as allocations? What process did the Council follow in deciding which sites to allocate?
- 2.3.2 **Q5** - Was the site selection process robust? Was an appropriate selection of potential sites assessed, and were appropriate criteria taken into account?
- 2.3.3 Having regard to the information provided in the 'DLE response', it is evident that, in the context of sites AYL003 & AYL004, the selection process was not robust. It is unclear from the evidence available as to how the council weighed the issues pertaining to AYL003 and AYL004 as the logical conclusion would have supported the allocation of AYL004 in preference to AYL003.

**Modification – Should the Inspector find that additional land is required to meet the housing needs for Dover District the proposed Allocation AYL004 should be reinstated as an allocation.**

**Should the Inspector determine that additional allocations at this stage are not required in order to find the plan sound but that reserve sites should be identified and drawn upon on a plan monitor manage basis when housing delivery falls below the five-year supply, then AYL004 should be identified as a reserve site.**

### **3 MATTER 4 – MEETING HOUSING NEEDS**

- 3.1.1 Q7 What flexibility does the Plan provide if some of the larger sites, such as the Whitfield Urban Extension, do not come forward in the timescales envisaged?
- 3.1.2 The Inspectors questions in respect of Issues 1 and 2 under Matter 4 will elicit answers from the council in respect of their assumptions and justifications in respect of Five-year land supply and anticipated delivery rates.
- 3.1.3 With regard to the analysis provided above in this statement under 2 MATTER it is essential that the council's builds sufficient flexibility in the planned housing
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allocations to account for the historic under delivery. It is unclear from the evidence base as to whether this is down to market failure, viability issues, long lead-in times related to larger scale allocations or slower than predicted delivery rates in respect of consented allocations. It is likely, given the composition of the types of allocations in the previous local plan that all of these factors have played a part in stymieing the timely delivery of growth.

- 3.1.4 In order to avoid under delivery of housing and the consequential social and economic harm that arises when households cannot form, the plan should build in sufficient flexibility, preferably with the introduction of additional allocations or at the least, reserves sites that can be drawn upon where the five-year supply becomes deficient.

**Modification – Should the Inspector find that additional land is required to meet the housing needs for Dover District the proposed Allocation AYL004 should be reinstated as an allocation.**

**Should the Inspector determine that additional allocations at this stage are not required in order to find the plan sound but that reserve sites should be identified and drawn upon on a plan monitor manage basis when housing delivery falls below the five-year supply, then AYL004 should be identified as a reserve site.**

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