

From: Shaun Williams  
Subject: Shaun Williams Hearing Statement - Hearing Day 6:  
Wednesday 22 November 2023 Afternoon Session 14:00 – 17:30  
Date: 18 October 2023 at 10:35:17 BST  
To: "louise@poservices.co.uk" <louise@poservices.co.uk>

Good morning Louise,

As per our conversation please find attached revised statement. I would be grateful if this were submitted and my previous (dated 17/10/23 @17:30hrs) deleted.

Many thanks  
Shaun

## **Examination of the Dover Local Plan**

### **Hearing Statement submitted by Shaun Williams**

Hearing Day 6: Wednesday 22 November 2023 Afternoon Session  
14:00 – 17:30

The questions 1 and 3 raised planning by inspectorate in -  
ED14: Matters, Issue and Questions (v1 dated 30 August 2023)  
Matter 3: Housing Allocations  
Issue 5: Eastry and Shepherdswell Housing Site  
Policy SAP36: Land north and east of St Andrew's Gardens,  
Shepherdswell

Capture the key issues with the inclusion of SAP36 in the Dover Local Plan.

I stand by my original comments made to the consultation under SDLP726-1331817. Especially those in relation to the cumulative effect on the wider road network.

I would like to draw attention to further evidence that has come forth since the above representation in respect of the two separate pending planning applications for the two separately owned parcels of

land that make up SAP36

- SHE004 - DOV/22/01207 Land at St Andrews Gardens, Shepherdswell Outline application for the erection of 39 dwellings (with all matter reserved except access).

- TC4S082 - DOV/23/00235 Land adjacent to Mill House, Mill Lane, Shepherdswell. Erection of 10 dwellings with associated access, parking, landscaping and ancillary works.

These applications have been allocated to separate planning officers at DDC and statutory consultee responses have been made by different highways officers at KCC.

***Q1 What is the justification for the primary access being taken from St Andrews Gardens? Is a safe and suitable access achievable and how have the effects on the highways network been considered?***

### **Secondary Emergency Access**

The issue of access was captured in the December 2020 HELAA report. SHE004 was indicated as an amber (part potentially suitable/part unsuitable) and the need for secondary access was raised “secondary emergency access required which does not appear achievable”.

Many others and I have raised this point at each stage of consultation for Dover Local Plan and in my objections to the current planning application DOV/22/01207 an outline application for the erection of 39 dwellings (with all matter reserved except access). This requirement is clearly outlined in KCC’s Kent design for adoptable highways, step 3 design for movement page 26 states that Minor Access roads if a Cul-De-Sac shall serve no more than 50 dwellings unless an alternative access route to serve also as a pedestrian and cycle route can be provided. St Andrews gardens and Coombe Close currently serve 57 bungalows from a single point of access. **This remains to be addressed.**

KCC’s initial consultee response dated 25<sup>th</sup> October 2020 (as attached) in relation to the current planning application DOV/22/01207 an outline application for the erection of 39 dwellings (with all matter reserved except access), for SHE004. Failed to comment

on secondary emergency access.

Having raised this directly with KCC highways along with concerns regarding the need for the need for adoptable highways in terms of access width and gradient to the lower western site at St Andrews Gardens. Two further consultee responses were issued by KCC dated 27<sup>th</sup> July and 1<sup>st</sup> August 2023 (as attached).

The latter of which states “**KCC highways can confirm that the cumulative impact of the proposed development would require an emergency access**” confirming the need for secondary emergency access to SHE004.

This resulted in the application DOV/22/01207 be removed from the planning agenda for 10th August 2023 and the application remains undetermined.

The Dover Local Plan Regulation 19 submission fails provide a clear direction on what is required, stating -

- 4.245 The site is made of two parcels of land but should be **designed and implemented as one contiguous scheme, where possible.**
- Each phase of development, regardless of ownership, **shall provide adoptable highways and services up its boundaries** to enable subsequent phases to be delivered.
- Development proposals for the site **must meet** the following criteria: c. Primary vehicular, pedestrian and cycle access to the whole site shall be provided from St. Andrews Gardens, and therefore development of site SHE004 must provide vehicle access and servicing up the boundary with TC4S082 to enable a main access road to be created through the whole development. **An additional, secondary emergency access onto Mill Lane may be achievable from TC4S082 and should be explored,**

The bold text highlights the ambiguities and questions what can be achieved or dictated given the sites topographical constraints and separate ownership of the two parcels of land SHE004 and TC4S082 that make up SAP36 and this does not align with KCC’s requirement for secondary emergency access.

## **Access and gradient to the lower western parcel from St Andrews Gardens**

KCC have raised concerns numerous times in their consultee responses to DOV/22/01207, regarding the gradient of the access to the lower western parcel as accessed between 52 and 54 St Andrews Gardens and these issues should be considered:

- 25<sup>th</sup> October 2022 states “It is noted that KCC highway definition plans have been requested. **These plans are required prior to planning approval** to ascertain the exact parameters of the highways boundary. As the application is outline, with all matters reserved except access, the exact boundary is required **to ensure that the proposed access at the western site is achievable.**

Furthermore “While the site is not intended to be offered for adoption”

- 27 July 2023 states “Further to previous comments dated 25<sup>th</sup> October 2022 it is noted that details in relation to the existing highways boundary (especially the western parcel have not been submitted” furthermore “Without the required highway definitions plans it is uncertain as to the exact parameters of the access. **Should the LPA be minded to approve the application, I suggest that this is subject to the submission and approval of the highway definition plans.** The access currently proposed for the western site is steep and the gradient is approximately 1:9 for the initial access. I note that the site is not intended to be offered for adoption. **KCC Highways would generally accept a gradient of 1:16.7 as a maximum, and 1:12.5 if unavoidable (which is DDA compliant).** **To enable the access to be achieved, there would need to be raising of the levels and a form of retaining structures, thus moving the the access road away from the boundary to avoid impact on neighbouring properties”.**

- 1st August 2023 states “Comments were previously submitted in relation to the highway definitions plans and the gradient of the western parcel.” Furthermore “As previously outlined, we have outstanding issues in relation to the highway boundary and gradient of the western parcel. While not being offered for adoption, the access would **require significant realignment to safeguard the neighbouring properties.**”

There are inconsistencies in KCC responses in relation to if the highways definition plans are required prior to or as a condition of

granting planning approval. However, it is clear they have significant concerns regarding boundaries, retaining structures (which will impact the already constrained width), raising of levels and realignment.

Scrutiny of the site sections in DOV/22/01207 shows a fall of 3 metres over a distance of 20 meters on the proposed access to the lower western site between 52 and 54 St Andrews Gardens. As the site continues to fall away beyond the bottom of this proposed access, I calculate that to achieve a gradient of 1:12.5, that 2 meters of build-up is required out onto bend in the access road at the centre of the lower site.

The HELAA report stated, **“Development conflicts with many landscape characteristics and some significant landscape/visual impacts are likely to occur”**.

The Dover Local Plan Regulation 19 submission states –

- 4.245 ..... Each phase of development, regardless of ownership, shall provide adoptable highways.
- Development proposals for the site must meet the following criteria: a. The existing trees along the southern border of the site are to be maintained and enhanced with new screening to be provided to northwest and western boundaries **to mitigate the impact of development on the countryside**

The required increase in level to achieve the required gradient would no doubt increase the visual impact of the development to the detriment of the surrounding landscape and the Dover local plan does not address this or KCC concerns **that the proposed access at the western site is achievable**.

***Q3 How will the two parcels of land come forward to create a single, coherent development site? Is the allocation as a whole deliverable?***

### **Deliverability of SAP36**

As outlined above there are two separate planning applications for the separately owned parcels of land. The aspirations and style of dwelling differ significantly in each case and neither site offer any

interconnecting links.

Dover District council is also treating these applications separately have assigned a different planning officer to each application. Two responses have been received from KCC in respect of DOV/ 23/00235 Land adjacent to Mill House, Mill Lane each from different highways officers. The KCC response dated 6<sup>th</sup> October 2023 (as attached) mentions this under “Emerging Policy”.

The Dover Local Plan Regulation 19 submission fails provide a clear direction on what is required, states–

- 4.245 The site is made of of two parcels of land but should be designed and implemented as one contiguous scheme, **where possible**. Each phase of development, regardless of ownership, shall provide adoptable highways and services up its boundaries to enable subsequent phases to be delivered. No 'ransom strip' or other gap should be left between the highway and the site boundary.

- C. Primary vehicular, pedestrian and cycle access to the whole site shall be provided from St. Andrews Gardens, and therefore development of site SHE004 must provide vehicle access and servicing up the boundary with TC4S082 to enable a main access road to be created through the whole development. **An additional, secondary emergency access onto Mill Lane may be achievable from TC4S082 and should be explored**

The bold text highlights the ambiguities and questions what can be achieved or dictated given the sites topographical constraints and separate ownership of the two parcels of land SHE004 and TC4S082 that make up SAP36 and this does not align with KCC’s requirement for secondary emergency access.

Given the numerous issues with the allocation SAP36 is not a sound policy in terms of its preparation and justification and the allocation should be removed or amended to a deliverable scale.



## Appendix A



**Dover District Council**  
White Cliffs Business Park  
Dover  
Kent  
CT16 3PJ

### Highways and Transportation

Ashford Highway Depot  
4 Javelin Way  
Ashford  
TN24 8AD

**Tel:** 03000 418181

**Date:** 25 October 2022

**Our Ref:** LM

**Application - DOV/22/01207**

**Location - Land At St Andrew's Gardens, Shepherdswell, CT15 7LP**

**Proposal - Outline application for the erection of 39 dwellings (with all matters reserved except access)**

Thank you for your consultation in relation to the above planning application.

A Transport Statement has been submitted to outline the transport implications associated with the site. The proposal seeks to provide 39 dwellings, split over two sites

The western site is proposed to be accessed to the west of 52 St Andrews Gardens where there is an existing turning area. The turning area appears to be adopted highway for approximately 6.5 metres and includes a footway which appears overgrown at present. T

The eastern site is to be accessed by continuing the highway northwards between numbers 38 and 40 St Andrews Gardens.

St Andrews Gardens is accessed off Mill Lane, which is subject to a 30mph speed limit. Footways are available on the southern side of Mill Lane in the vicinity of Moon Hill. In this location, Public Right of Way (PROW) ER78 routes north (west of the proposed western parcel), connecting with ER79 routing east to west towards Shepherdswell railway station. Consideration should be given to improving these routes.

### Access

It is noted that KCC Highway Definitions plans have been requested. These plans are required prior to planning approval to ascertain the exact parameters of the the highway boundary. As the application is outline, with all matters reserved except access, the exact boundary is required to ensure that the proposed access at the western site is achievable.

The proposed access roads are 4.8 metres in width with separate footways. It is noted that the site are intended to remain private.

While the site is not intended to be offered for adoption, I suggest all accesses provide 2 metres pedestrian visibility on either side of crossovers.

Tracking for an 11.4 metres long refuse freighter ha been submitted. The turning area creates a direct conflict with spaces 16 and 17. Any vehicles larger or overhanging the spaces by a slight



degree are likely to restrict movement for refuse operatives. This will be subject to details of reserved matters.

## **Parking**

While I acknowledge that there is very little on street parking along St Andrews Gardens, it is noted that parking does often take place in the turning area between No. 38 and 40. Therefore, I suggest 1 parking space(s) within the proposed access to offset this.

The east and west land parcel appear to have been confused in the parking numbers and allocations. Clarification is sought as it is understood that the western site is the smaller of the two parcels.

### Western site -

16 x 2 bed dwellings - 1.5 spaces per dwelling in line with IGN3.  
3 additional visitor spaces.

### Eastern site -

2 x 2 bed dwellings - 1.5 spaces per dwelling in line with IGN3  
21 x 3 bed dwellings - 2 independently accessible spaces  
5 additional visitor spaces. An additional 0.5 spaces will be required to offset tandem parking outlined at Plot 33.

The parking arrangement for Plots 17 and 18 appear in conflict. However, these matters can be clarified at reserved matters.

## **Trip Generation**

TRICS has been interrogated to establish trip rates for the proposed development. For 39 dwellings, this would see 17 two way trips in the AM peak and 18 two way trips in the PM peak.

These trips will be between the two sites. Although all trips would be utilising the St Andrews Gardens / Mill Lane junction, this equates to 1 vehicle every 4 minutes. This is not considered severe an impact in line with the NPPF.

## **Construction**

Due to the location of the site, it is considered that deliveries should be restricted to avoid the AM and PM peak periods. Moreover, the size of vehicle proposed to be utilised during construction will need to be outlined to ensure no or limited use of HGVs and trailers.

Sufficient contractor parking will be required within the site, to ensure no overspill into St Andrews Gardens.

Loading and unloading of all plant and materials shall take place within the site boundary. An experienced banksman should be available for all loading and unloading activities.

Wheel washing facilities are required at both access points, to reduce debris on the highway.

While routing of vehicles via A256 and Barville Road is preferred, Wigmore Lane and Shepherdswell Road are subject to reduced highway widths, pinch points and localised on street parking. Mill Lane on this approach is narrow in width. Therefore, the size of vehicles and timings of deliveries is paramount.

A Construction Management Plan (CMP) can be secured by way of a suitable condition.

While I raise no objection to the principal of the proposal, the following information is required to enable the LHA to establish the exact parameters of the proposed access:

While it is noted that the proposal is not intended to be offered for adoption, the access is subject to the current outline application. KCC Highways Definitions plans are required prior to planning approval to ascertain the exact parameters of the the highway boundary. As the application is outline, with all matters reserved except access, the exact boundary is required to ensure that the proposed access at the western site is achievable.

Yours Faithfully

**Director of Highways & Transportation**

\*This is a statutory technical response on behalf of KCC as Highway Authority. If you wish to make representations in relation to highways matters associated with the planning application under consideration, please make these directly to the Planning Authority.

## Appendix B



**Dover District Council**  
White Cliffs Business Park  
Dover  
Kent  
CT16 3PJ

### **Highways and Transportation**

Kroner House  
Eurogate Business Park  
Ashford  
TN24 8XU

**Tel:** 03000 418181

**Date:** 27 July 2023

**Our Ref:** LM

### **Application - DOV/22/01207**

**Location - Land At St Andrew's Gardens, Shepherdswell, CT15 7LP**

**Proposal - Outline application for the erection of 39 dwellings (with all matters reserved except access)**

Further to previous comments dated 25 October 2022, it is noted that details in relation to the existing highway boundary (especially for the western parcel) have not been submitted.

However, pedestrian routing and proposed tactile crossings have been submitted. This is acceptable with the schemes being subject to a Section 278 Agreement with KCC Highways. This will form a separate agreement and require a Stage 1 Road Safety Audit which will form part of the submission of the agreement. I suggest the works are secured by way of a suitable condition, to be completed prior to first occupation, should planning permission be granted.

These works include a tactile crossing point to the east of 52 St Andrews Gardens, a tactile crossing point to the west of 47 Mill Lane, a tactile crossing point at Millfields and a dropped kerb at 16 Mill Lane providing access to Public Right of Way ER79.

Without the required highway definitions plans it is uncertain as to the exact parameters of the access. Should the LPA be minded to approve the application, I suggest that this is subject to the submission and approval of the highway definition plans.

The access currently proposed for the western site is steep and the gradient is approximately 1:9 for the initial access. I note that the site is not intended to be offered for adoption. KCC Highways would generally accept a gradient of 1:16.7 as a maximum, and 1:12.5 if unavoidable (which is DDA compliant). To enable the access to be achieved, there would need to be raising of the levels and a form of retaining structures, thus moving the the access road away from the boundary to avoid impact on neighbouring properties.

The proposed sections and site levels should be secured by a pre-commencement Condition, and it may be considered appropriate to deal with the details of this at reserved matters stage given that the current application is outline.

While there a number of details outstanding, I raise no objection to the principle of the proposal subject to the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:

Submission of a Construction Management Plan before the commencement of any development on site to include the following:

- (a) Routing of construction and delivery vehicles to / from site
  - (b) Parking and turning areas for construction and delivery vehicles and site personnel
  - (c) Timing of deliveries
  - (d) Provision of wheel washing facilities
  - (e) Temporary traffic management / signage
- Gradient of the access to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter. The details shall be submitted and approved by prior to commencement of the site.
  - Submission and approval of highway definitions plans prior to the site commencing.
  - The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.
  - Submission and approval of pedestrian crossing points tactile crossing point to the east of 52 St Andrews Gardens, a tactile crossing point to the west of 47 Mill Lane, a tactile crossing point at Millfields and a dropped kerb at 16 Mill Lane providing access to Public Right of Way ER79, prior to first occupation.

**Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.**

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common

law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

Yours Faithfully

**Director of Highways & Transportation**

\*This is a statutory technical response on behalf of KCC as Highway Authority. If you wish to make representations in relation to highways matters associated with the planning application under consideration, please make these directly to the Planning Authority.

## Appendix C



**Dover District Council**  
White Cliffs Business Park  
Dover  
Kent  
CT16 3PJ

### **Highways and Transportation**

Kroner House  
Eurogate Business Park  
Ashford  
TN24 8XU

**Tel:** 03000 418181

**Date:** 1 August 2023

**Our Ref:** LM

**Application - DOV/22/01207**

**Location - Land At St Andrew's Gardens, Shepherdswell, CT15 7LP**

**Proposal - Outline application for the erection of 39 dwellings (with all matters reserved except access)**

Comments were previously submitted in relation to the highway definitions plans and the gradient of the western parcel. KCC Highways can confirm that the cumulative impact of the proposed development would require an emergency access, which is an unfortunate oversight on our part.

The parcel to the south on Mill Lane is currently subject to a planning application for 10 dwellings (LPA reference: DOV/23/00235) which formed TC4S02 within the emerging Local Plan. As per Policy SAP36, emergency access to this site should have come forward via the southern parcel of TC4S02, with a direct connection onto Mill Lane to form a loop road (for emergency vehicles), with the cul-de-sac connection off St Andrews Gardens.

The western parcel would not benefit from the emergency access, although the number of dwellings served from the single point of access would be limited and less than the 50 units detailed in Kent Design Guide.

As previously outlined, we have outstanding issues in relation to the highway boundary and gradient of the western parcel. While not being offered for adoption, the access would require significant realignment to safeguard the neighbouring properties.

In line with the above, due to the lack of emergency access or a looped arrangement, I wish to place a holding objection until this matter is resolved.

Yours Faithfully

**Director of Highways & Transportation**

\*This is a statutory technical response on behalf of KCC as Highway Authority. If you wish to make representations in relation to highways matters associated with the planning application under consideration, please make these directly to the Planning Authority.

## Appendix D



**Dover District Council**  
White Cliffs Business Park  
Dover  
Kent  
CT16 3PJ

### **Highways and Transportation**

Kroner House  
Eurogate Business Park  
Ashford  
TN24 8XU

**Tel:** 03000 418181

**Date:** 6 October 2023

**Our Ref:** LM

**Application - DOV/23/00235**

**Location - Land Adjacent To Mill House, Mill Lane, Shepherdswell, Dover**

**Proposal - Erection of 10 dwellings with associated access, parking, landscaping and ancillary works**

Thank you for your consultation in relation to the above planning application. Further to previous comments dated 4 April 2023, additional information has been submitted.

The proposal seeks the development of the site for 9 dwellings, with access via Mill Lane.

### **Access**

Further clarification was sought in relation to the proposed access arrangements, which sees a separate access for Mill House off the main access. The access has been widened to 5 metres to improve manoeuvrability.

A Stage 1 Road Safety Audit has been provided with relation to the access. This raised 3 issues, where a Designers response has been provided.

- Issue 1 - surface water increasing the risk of flooding and loss of control of vehicles. The designer has agreed to provide water collection facilities as part of the detailed design phase. I suggest that surface water drainage is secured by way of a suitable condition.
- Issue 2 - telegraph pole located within the visibility splays, which the Designer has agreed will be relocated. I suggest that the relocation of the telegraph pole is secured by way of a suitable condition.
- Issue 3 - mature trees are located in the immediate vicinity of the proposed access. The designer has agreed that the trees are to be removed. Subject to this being accepted by an arboricultural expert, I am satisfied that the trees are to be removed for the proposed access.

Tracking has been submitted to illustrate an 11.4 metres refuse freighter entering and exiting the site. The manoeuvre of vehicles exiting to the north east sees vehicles traversing on the opposite side of the road. However, given the rural aspect of the local highway network this is considered acceptable.

An uncontrolled pedestrian crossing is proposed east of the access. I suggest this is secured by way of a suitable condition and will be subject to a separate Section 278 Agreement with KCC Highways should planning permission be granted.

Tracking has not been submitted with regard to the separate access to Mill House. Visibility splays are required for vehicles exiting the access route.

### **Emerging Policy**

The site comprises Policy SAP36 within the emerging Dover Local Plan, which forms part of a wider site allocation to the north. The policy outlines that an emergency access for this site (DOV/22/01207) should come forward via the southern parcel (DOV/23/0023) with a direct connection onto Mill Lane to form a loop road for emergency vehicles.

The two sites have come forward as separate applications and are within separate ownership, clearly detached and not providing the emergency link required. I acknowledge that the number of units proposed for this application does not warrant a stand alone emergency access. However, the emerging policy requirements seek to provide an emergency access to facilitate wider development aspirations which should not be dismissed.

I note that written representations have been made to the Policy, requesting that the two sites are allocated separately.

However, I consider it appropriate to raise a holding objection in relation to this.

### **Parking**

Two visitor parking spaces are proposed, which is sufficient for the 20% additional parking required. Plots 1-3 have tandem parking arrangements, where an additional 0.5 visitor parking spaces should be provided per tandem arrangement. This would equate to an additional 1.5 spaces, where I suggest an least 1 further visitor space is provided.

### **Servicing Arrangements**

A bin collection point is proposed adjacent to the green open space. This arrangement is resisted by waste collection operatives as it is difficult to ascertain if any bins are missing. I suggest bins are allocated for each property.

In line with the above, I confirm that I wish to submit a **holding objection** with regard to the departure from emerging policy.

Yours Faithfully

### **Director of Highways & Transportation**

\*This is a statutory technical response on behalf of KCC as Highway Authority. If you wish to make representations in relation to highways matters associated with the planning application under consideration, please make these directly to the Planning Authority.