

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

### **Matters, Issue and 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?

**Policy SP1 aims to ensure that flood risk is not increased elsewhere by following National Policy and taking a sequential approach to development to avoid development in flood risk areas wherever possible. It is important the LPA can justify development in Flood Zone 2 & 3 through application of the Sequential Test.**

##### **Issue 5 – Strategic Flood Risk Assessment**

Q5. 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.

Q6. 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?

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?

**In accordance with the National Planning Policy Framework (paragraph 162), development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding. The sequential test establishes if this is the case.**

**It is for the local planning authority to determine an appropriate area of search and to decide whether the sequential test has been passed, with reference to**

**the information you they on land availability based on information held within the Strategic Flood Risk Assessment.**

**We are unable to advise on whether alternative sites are reasonably available or whether they would be suitable for the proposed development. We are also unable to advise on whether there are sustainable development objectives that mean steering the development to any alternative sites would be inappropriate.**

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#### **Matter 3 – Housing Allocations**

##### **Issue 1 – Dover Housing Sites**

##### **Policy SAP3 Dover Waterfront**

Q2 The site is located within Flood Zone 2 and 3 and the River Dour flows into the sea at the Wellington Dock via the Northampton Key outflow. How is development expected to mitigate against any potential harm or risk? Can the requirements of national planning policy in relation to flood risk be met?

**Providing the site is subject to a detailed masterplan and site specific FRA assessing all forms of flooding as outlined in the policy it should be possible to develop the site safely without increasing flood risk elsewhere. It is likely ‘less vulnerable’ uses only will be suitable for the ground floor. The LPA will need to be satisfied the flood warning and evacuation procedures proposed for the development are acceptable through consultation with their own emergency planners and all relevant authorities.**

##### **Policy SAP6 Dover Midtown**

Q4 The site is located within Flood Zone 2 and 3. How is development expected to mitigate against any potential harm or risk? Can the requirements of national planning policy in relation to flood risk be met?

Q5 What is the justification for the suggested changes to Policy SAP6? Why are they necessary for soundness?

**The site lies in FZ2, 3 and 3b (functional floodplain) as well as being at risk from surface water flooding. Given the complex nature of flood risk present, The Environment Agency has historically raised significant concerns over the site’s potential development and inclusion in the Local Plan. Policy SAP6 will need to be strictly adhered to – particularly in relation to the functional floodplain and floodplain compensation - in order for the site to be developed safely. It is not possible to determine if the current proposals are acceptable until the detailed FRA has been completed.**

### **Policy SAP10 Buckland Paper Mill**

Q2 Is it sufficiently clear to users of the Plan what noise and flood-risk mitigation is required?

**The development is subject to a detailed site specific FRA. No additional comments at this stage.**

### **Issue 3 – Sandwich Housing Sites**

#### **Policy SAP17 Stonar Road**

Q4 The site is located within Flood Zone 3. How is development expected to mitigate against any potential harm or risk? Can the requirements of national planning policy in relation to flood risk be met?

**The development is subject to a detailed FRA – it is likely that much of the development affected by a breach of the defences will be required to have ‘less vulnerable’ uses only on the ground floor.**

#### **Policy SAP18 Sandwich Highway Depot**

Q2 The site is located within Flood Zone 3. How is development expected to mitigate against any potential harm or risk? Can the requirements of national planning policy in relation to flood risk be met?

**The development is subject to a detailed site specific FRA. ‘Less vulnerable’ uses only should be below flood level on the ground floor. Appropriate resistance and resilience measures to be incorporated into the building and a satisfactory Flood Warning and Evacuation Plan produced which should take into account the vulnerability of residents (*previous application involved retirement accommodation*).**

#### **Policy SAP19 – Land at Poplar Meadow, Sandwich**

Q3 The site is located within Flood Zone 2/3. How is development expected to mitigate against any potential harm or risk? Can the requirements of national planning policy in relation to flood risk be met?

**Site in FZ1,2 &3 The site should be sequentially assessed and subject to a site-specific FRA to identify appropriate mitigation.**

**Policy SAP20 – Wood’s Yard, rear of Woodnesborough Road, Sandwich**

Q3 The site is located within Flood Zone 2/3. How is development expected to mitigate against any potential harm or risk? Can the requirements of national planning policy in relation to flood risk be met?

**Site in FZ,2 &3 The site should be sequentially assessed and subject to a site-specific FRA to identify appropriate mitigation.**

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#### **Matter 10 – Climate Change**

#### **Issue 1 – Climate Change and Development Requirements – Policies CC1, CC2, CC3, CC4, CC5, CC6, CC7 and CC8**

Q6: What is the justification for the requirement set out in Policy CC4 for all new dwellings to be built to a higher water efficiency standard? Is this appropriate in all circumstances?

*Policy: “CC4 - Water Efficiency All new dwellings must be built to the higher water efficiency standard under Regulation 36(3) of the Building Regulations, to achieve a maximum use of 110 litres per person per day. The Council will strongly support proposals that seek to reduce daily water consumption even further, through the use of additional measures such as rainwater harvesting. For non-residential development, development must achieve BREEAM 'Very Good' standard overall, including Very Good for addressing maximum water efficiencies under the mandatory water credits, unless it can be demonstrated that it is not technically feasible and viable.”*

**Dover LPA have produced an updated (2023) Water Cycle: [CCEB03 Water Cycle Study Update March 2023 \(doverdistrictlocalplan.co.uk\)](https://www.doverdistrictlocalplan.co.uk) this sets the context and provides evidence from the Environment Agency and water companies for supporting the higher water efficiency standard planning policy new development.**

**Defra’s [Environmental Improvement Plan 2023](#) (EIP) (First revision of the 25 Year Environment Plan) encourages Local Authorities to adopt tighter water efficiency standards in new homes.**

**Under the Environment Agency’s [National Framework for Water Resources](#) it includes an expectation from water companies to Per Capita Consumption (PCC) to 110 litres per person per day or litres per head per day (l/h/d) by 2050.**

**Affinity Water's latest dWRMP24 refers to targets based on Defra's Environmental Improvement Plan (EIP) with expectations of 122l/p/d by 2038 and 110l/p/d by 2050 for all households as part of their demand management plan. The plan notes that achieving these targets will need government action on appliance efficiency standards, and improved implementation and policing of efficiency requirements on new development by local authorities. SWS's dWRMP24 also aims to reduce consumption by household customers in order to reduce average Per Capita Consumption to 110 litres per head per day by 2045 under dry year conditions and potentially go further to reduce water usage to 100 litres per person per day by 2040 under 'normal year' conditions in line with their previously stated 'Target 100' ambitions set out in their WRMP19.**

**The Environment Agency's own assessments of water availability (under [Stour ALS publication](#)) and the impacts of existing abstraction on the aquatic environment in the Stour catchment (of which the Dover district lies) shows that the majority of the surface and groundwater sub catchments are over licensed and over abstracted. This means that there is already limited environmental capacity to support further abstraction to meet demand from new development.**

**Through investigations and assessments under the Water Industry National Environment Program (WINEP) it has been established that Affinity Waters existing groundwater sources impact the River Dour and the aquatic dependent environment. As a result the Environment Agency in partnership with Affinity Water agreed the Dour Low Flow Alleviation scheme. The objective was to reduce abstraction in the upper catchment when the aquifer was stressed and reductions in river baseflow would result in impacts the aquatic environment. This is achieved through a number of operating conditions moving abstraction volumes to the lower parts of the catchment where water is available. Additionally, part of the scheme involves Affinity Water needing to augment the river flow during dry periods with water taken from the ground.**

**Ongoing water company Asset Management Plan (AMP) funded schemes seek to continue to mitigate abstraction impacts on aquatic environment.**

**Therefore, an important element of SWS and Affinity Waters' succeeding in their demand management plans is achieved through greater efficient use of water alongside leakage reduction, applying the higher water efficiency standard in planning policy for new development aligns with those plans.**

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#### **Matter 11 - Natural and Historic Environment**

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

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?

**The Biodiversity Net Gain requirements in the policy are consistent with the upcoming statutory minimum.**

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

**The changes to policy NE1 put the policy requirements into industry recognised language.**

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?

**We support the strengthening of the language from should to must in policy NE6. This is consistent with what we would expect from proposals when reviewing planning application consultations.**