



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

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Issue 3 – Sandwich Housing Sites

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Q1 What scale of development is proposed at Stonar Road? To be effective, it is necessary to set this out in the Plan?

Policy SAP17 – Stonar Road, Sandwich

Q1 DDC Response:

1. The scale of development currently estimated for Stonar Road is set out in paragraph 4.177 and Appendix D of the Plan. As set out in the supporting text to the policy, the final scale of development needs to be determined through the planning application process, based on the requirements set out in the Policy in relation to the scheduled monument¹ and flood risk.
2. A figure of 40 dwellings has been used as a conservative estimate for housing supply on the site. The indicative layout provided by the site promotor in response to both the Regulation 18 and Regulation 19 Plan sets out a proposal for 75 units on the site.
3. The identification of the scale of development in the supporting text and housing trajectory of the Plan is considered to be sufficient to make the plan effective, but if for clarity the Inspectors consider that the estimated scale of development should be set out in Policy SAP17, the Council would raise no objection to this post submission modification being made.

Q2 What is the justification for requiring that primary access to the site shall be provided from Ramsgate Road and/or Stonar Road? How have effects on the highways network and safety, including the A257 been considered?

Q2 DDC Response:

4. Initial consultation with KCC Highways on the site carried out as part of the HELAA site assessment² concluded that access to the site appears to be achievable from Ramsgate Road, and that the site is unlikely to have a severe impact on the highway network bearing in mind the existing uses on the site.

¹ Scheduled Monument consent has recently been given for archaeological evaluation works on the site (Scheduled Monument No: SM KE 204, HA 1003120. Historic England Reference: S00244753)

² GEB09d [HELAA 2020 Site Assessments Appendix 3A-3G](#) Appendix 3B



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5. Direct access onto Ramsgate Road is the quickest and safest way to distribute traffic onto the road network from this site. An access is also likely to be required from Stonar Road (which turns into Lancaster Way) to gain access to the western side of the site so that a through route from Ramsgate Road does not need to be provided (providing the most opportunity to maximise the potential to enhance the setting of the Scheduled Monument).
6. The Council's transport consultant, WSP, has developed a strategic traffic model which represents the impact in 2040 of the Plans allocations in Dover and Deal, as reported in the Regulation 19 Transport Modelling Forecasting Report (TIEB02a³). This identifies parts of the road network which require mitigation because of local plan growth. Junctions in the local area which have been identified as needing mitigating as a result of development in Sandwich are A256 Sandwich Road Bypass/A257/Ash Road and are outlined within Policy SP12 and the IDP. (Note, updates proposed in relation to A256/A258 junction set out in response to Matter 7)
7. Effects on highway network and safety, including the A257, have been considered through the transport modelling that has been carried out by the Council as part of the evidence base for the Plan and through consultation with KCC Highways.

Q3 How have the effects of the development on biodiversity, including the Saline Lagoons national priority habitat, Monks Wall Nature Reserve, and protected European Sites been considered?

Q3 DDC Response:

8. The effects on protected European Sites have been considered through the Habitats Regulations Assessment (HRA)⁴ and through consultation with Natural England. Potential significant effects on European Protected sites can be mitigated through the requirements set out in the modification proposed as **AM47** in the Schedule of Additional Modifications (SD06).
9. Through the site assessment process, the development of the site has not been identified as having any effect on the Saline Lagoons national priority habitat or the Monks Wall Nature Reserve. The site is located 300m from the Monks Wall Nature Reserve and therefore any impact in terms of noise and disturbance is considered unlikely. In any event the requirements of modification **AM47** as set out above

³ TIEB02a [Regulation 19 Transport Modelling Forecasting – Main Report \(2022\)](#)

⁴ SDO9 [Habitats Regulations Assessment March 2023](#)



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require the development to provide mitigation in relation to noise and disturbance during construction to avoid impacts on the European Protected sites.

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?

Q4 DDC Response:

10. As set out in response to Matter 1, Issue 5, the site has been subject to the sequential test and exceptions test. Further detail is provided in CCEB01c Level 2 Strategic Flood Risk Assessment⁵ and CCEB02 Sequential and Exception Test Summary and Review Note⁶
11. Criterion d) of Policy SAP17 sets out how the development will need to mitigate against potential harm and risk, which will need to be informed by a site-specific flood risk assessment as part of the planning application for the development. The requirements of the policy have been informed by the site-specific assessment carried out in the Level 2 Strategic Flood Risk Assessment and consultation with the Environment Agency. As set out in the Statement of Common Ground with the Environment Agency it is likely that for the exceptions test to be met, habitable accommodation will be required to be raised above design flood level, which is likely to be at first floor level. The Council considers this to be acceptable.
12. The Council considers that this demonstrates that the requirements of national planning policy in relation to flood risk can be met.

⁵ [CCEB01c Level 2 Strategic Flood Risk Assessment](#) (December 2021)

⁶ [CCEB02 sequential and Exemption Test Summary and Review Note](#) (May 2022)



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Policy SAP18 – Sandwich Highway Depot

Q1 How have the effects of development on the significance of heritage assets such as the Sandwich Walled Town Scheduled Monument and Conservation Area been considered? Can a suitable scheme be achieved on this site whilst maintaining the significance of these heritage assets?

Q1 DDC Response:

13. The effects of development on the setting of heritage assets have been considered through the Council's site assessment process, through the HELAA⁷ and Sustainability Appraisal⁸. This has been an iterative assessment through the plan making process, taking account of responses received through consultation and additional information submitted in relation to the site.
14. Through the HELAA, the site was subject to a heritage assessment through a site assessment carried out by the Council's Principal Heritage Officer. The original heritage assessment of the site is set out in Appendix 3C of the HELAA and states:
15. The view from the town walls out into the countryside is part of the significance of the heritage assets. Development on the site would reduce its open character and would therefore impact the setting of the scheduled monument and the significance of the conservation area.
16. It is recognised that it is not an undeveloped site and some structures on the site are visible from the walls.
17. This assessment led to the conclusion that the site had the potential to impact on the setting of the scheduled monument and the character and appearance of the conservation area and would require further assessment.
18. Development that makes appropriate consideration to the significance of the designated heritage assets will be achieved through the Policy. Criteria b) requires that development will be designed with consideration to the character of the designated heritage assets and recognises the importance of the relationship of the heritage assets and the surrounding rural landscape. Criteria d) further addresses the potential for development to impact on the setting of the heritage assets by requiring appropriate landscaping. The form of development and any mitigation measures will be guided by a Heritage Assessment, required through criteria c) and Policy HE1.

⁷ GEB09d [HELAA 2020 Site Assessments Appendix 3A-3G](#) Appendix 3B

⁸ SD03a [Sustainability Appraisal \(SA\) And Strategic Environmental Assessment Main Report \(2022\)](#)



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19. In conclusion, the evidence process and policy wording for the site allocation currently reflect that there are no heritage considerations that should preclude the in-principle suitability of the sites development. Therefore, the development can be subject to the usual requirements for heritage and archaeological assessment in local and national planning policy, with the means to avoid harm to significance through the design of the scheme to be determined at the planning application stage. Criteria b, c and d of the policy ensure this can be achieved.

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?

Q2 DDC Response:

20. As set out in response to Matter 1, Issue 5, the site has been subject to the sequential test and exceptions test. Further detail is provided in CCEB01c Level 2 Strategic Flood Risk Assessment⁹ and CCEB02 Sequential and Exception Test Summary and Review Note¹⁰
21. Criterion g) of Policy SAP18 sets out how the development will need to mitigate against potential harm and risk, which will need to be informed by a site-specific flood risk assessment as part of the planning application for the development. The requirements of the policy have been informed by the site-specific assessment carried out in the Level 2 Strategic Flood Risk Assessment and consultation with the Environment Agency. The Environment Agency provided no comment about this site in response to the Regulation 19 consultation.
22. The Council considers that this demonstrates that the requirements of national planning policy in relation to flood risk can be met.

⁹ [CCEB01c Level 2 Strategic Flood Risk Assessment](#) (December 2021)

¹⁰ [CCEB02 sequential and Exemption Test Summary and Review Note](#) (May 2022)



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Policy SAP19 – Land at Poplar Meadow, Sandwich

Q1 What is the justification for allocating the site for housing, and not retail uses? Is the allocation of the land for residential development justified?

Q1 DDC Response:

23. The site was submitted through the call for sites in 2017 with potential for housing, employment and/or retail use. In response the availability assessment carried out as part of the HELAA in 2019, the landowner confirmed the site was available for residential uses.
24. The Retail and Town Centre Needs Assessment (RTCNA) 2021¹¹ identified very limited capacity for new convenience goods floorspace over the plan period to 2040. In relation to Deal and Sandwich town centres, it identified capacity of a modest 256 sqm (superstore format) to 458 sqm net (supermarket/discounter format) by 2040. However, it was concluded that the quantum could easily be met through infill development, change of use applications and/or extensions to existing stores, without the need to identify large comprehensive development in-centre or edge-of-centre locations.
25. Taking account of the Council's understanding of the intentions of the landowner for the site, and the conclusions of the RTCNA 2021, the allocation for residential use, rather than retail use is considered justified.

Q2 What effect will the allocation have on the safe and efficient operation of the highway network? Are the requirements of Policy SAP19(c) deliverable?

Q2 DDC Response:

26. Effects on highway network and safety, have been considered through the transport modelling that has been carried out by the Council as part of the evidence base for the Plan and through consultation with KCC Highways.
27. Initial consultation with KCC Highways on the site carried out as part of the HELAA site assessment¹² concluded that access to the site appeared to be achievable

¹¹ [EEB04a RTCNA Update Volume 1 - Retail and Leisure Needs Assessment \(doverdistrictlocalplan.co.uk\)](#)

¹² GEB09d [HELAA 2020 Site Assessments Appendix 3A-3G](#) Appendix 3B



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subject to a right turn lane and pedestrian crossing being provided. These requirements are therefore set out criteria c) of Policy SAP19. These requirements as well as the requirement for replacement of the existing access and bridge to the stream have been demonstrated as being achievable through a previous planning permission¹³ on the site.

28. The Council's transport consultant, WSP, has developed a strategic traffic model which represents the impact in 2040 of the Plans allocations in Dover and Deal, as reported in the Regulation 19 Transport Modelling Forecasting Report (TIEB02a). This identifies parts of the road network which require mitigation because of local plan growth. Junctions in the local area which have been identified as needing mitigating as a result of development in Sandwich are A256 Sandwich Road Bypass/A257/Ash Road. and are outlined within Policy SP12 and the IDP. (Note, updates proposed in relation to A256/A258 junction set out in response to Matter 7)

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?

Q3 DDC Response:

29. As set out in response to Matter 1 Issue 5, the majority of the site falls outside of Flood Zones 2/3 – 78% is located within Flood Zone 1, as shown on Figure 1 below. It is therefore considered that development of the site can avoid the areas at risk of flooding. Criterion e) of Policy SAP19 sets out the requirements for this to be achieved, taking a sequential approach for to the layout of the site.

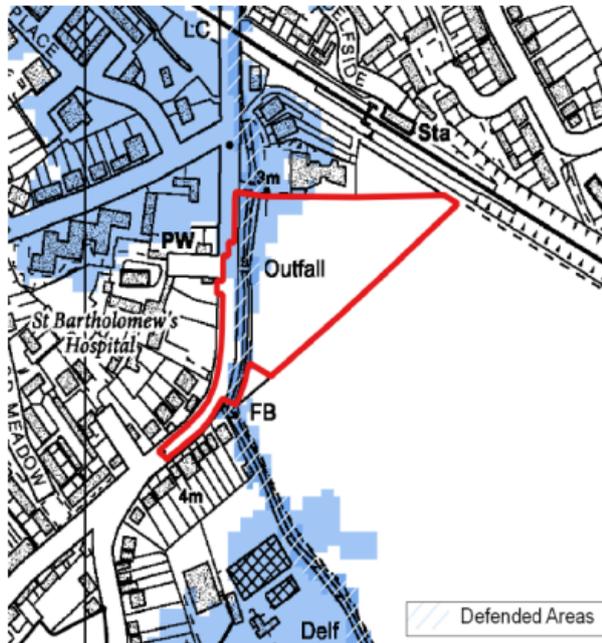
¹³ 13/00867

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Figure 1 – Extent of Flood Zone (SAP19)



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

Q1 What is the justification for requiring the re-provision of on-street parking spaces within the site? Is this deliverable?

Q1 DDC Response:

30. As set out in response to Matter 2 – Issue 4 – Question 3 constraint on the local highways network has been a factor influencing the selection of sites for allocation and has been informed through consultation with Kent County Council Highways (KCC) and the Transport Modelling that has been carried out. KCC have provided comments on all HELAA sites subject to the suitability assessment in relation to access requirements and potential impacts on the local highway network, with updates to their comments being provided following the Regulation 18 consultation, targeted call for sites, and in response to additional information submitted by site promoters, and post Regulation 19 stage.
31. Despite this section of Woodnesborough Road being private, the requirement for the re-provision of on-street parking spaces within the site has been requested by KCC Highways who considers that it is required to avoid parking overspill on the public



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highway to secure adequate visibility and passing places between the site access and the public highway is re-provided on-site. Such arrangements are not without precedent. This would be deliverable within the visitor parking provision of the site and is considered justified.

Q2 How will the site be accessed and are there any ownership constraints preventing its redevelopment?

Q2 DDC Response:

32. The site will be accessed from the site's existing access that is located on Woodnesborough Road, along the southern boundary of the site. KCC Highways has advised that a suitable access appears to be achievable through improvements to the existing access, in their assessment provided as part of the HELAA^{14,15}.
33. The site promoter has indicated that there is a right of way over the site access and that the site is deliverable.

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?

Q3 DC Response:

34. As set out in response to Matter 1, Issue 5, the site has been subject to the sequential test and exceptions test. Further detail is provided in CCEB01c Level 2 Strategic Flood Risk Assessment¹⁶ and CCEB02 Sequential and Exception Test Summary and Review Note¹⁷
35. Criterion c) of Policy SAP20 sets out how the development will need to mitigate against potential harm and risk, which will need to be informed by a site-specific flood risk assessment as part of the planning application for the development. The

¹⁴ [GEB09d Appendix B](#)

¹⁵ [SD05b Regulation 22 Consultation Statement Part 1 Regulation 18 Appendix E October 2022](#)

¹⁶ [CCEB01c Level 2 Strategic Flood Risk Assessment](#) (December 2021)

¹⁷ [CCEB02 sequential and Exemption Test Summary and Review Note](#) (May 2022)



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requirements of the policy have been informed by the site-specific assessment carried out in the Level 2 Strategic Flood Risk Assessment and consultation with the Environment Agency. The Environment Agency provided no comment about this site in response to the Regulation 19 consultation.

36. The Council considers that this demonstrates that the requirements of national planning policy in relation to flood risk can be met.

Policy SAP21 – Land adjacent to Sandwich Technology Centre

Q1 What is the justification for the proposed mix of uses on the site? What proportion of the site would be residential and how much land would be for the future expansion of the school?

Q1 DDC Response:

37. Paragraph 95 of the NPPF states that *'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*
- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*
 - b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.*
38. The purpose of the plan is to guide decisions on future development and to address the needs and opportunities within the District. As such, consideration must be given to the need to secure land for education expansion where there is evidence for a need and where an opportunity to secure land arises. The additional housing allocated in the plan will increase the pressure for additional secondary school places which will need to be mitigated, so there is a need that must be met.
39. The Council has worked on a continual basis with Kent County Council, as Strategic Commissioner of Education Provision in Kent, throughout the development of the Local Plan in order to understand the education implications of the proposed development allocations. This is detailed at paragraphs 3.31 to 3.33 of the Duty to Co-operate Statement (up to March 2023) and continued right up to August 2023



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where they provided additional commentary to be included within the updated Infrastructure Delivery Plan¹⁸. and the resultant wording is contained within Theme 5.

40. KCC advised as part of this engagement that Policy SAP21 is adjacent to Sandwich Technology School, which would be the most appropriate school to expand to mitigate the need for additional secondary school places in the planning group. Sandwich Technology School is a 6.5FE school which has a site of 6.5ha. The school is already under the minimum DFE site guidelines for a school of its current size by at least 0.7ha. As this is the only non-selective secondary school in the town and one of only two in the planning group, expansion may be required to support allocated and extant housing in Sandwich and across the planning group. As such, it would be remiss of the County Council and the Local Planning Authority not to take the opportunity to secure the land required.
41. The land within Policy SAP21 is adjacent to the school's sports centre and as such would be better suited as a sports field and would facilitate any additional building required to expand the school by 1FE to be located within the existing site.
42. The policy is currently worded that 'around 1-2ha' of land would be required. However, following a more detailed assessment of the site in 2023, KCC have agreed that 0.8ha allocated would be sufficient to provide a football/sports field, in line with national specifications, which enables the expansion of the school buildings within the current school site. This updated requirement has been agreed with the landowner of the site within the Statement Of Common Ground between the council (Dover District Council and the Bean Family).

Proposed Further Modifications

43. The Council therefore propose the following further modifications to the policy and supporting text as follows.
 - 4.191: The previous site allocation policy for this site safeguarded an area of land within this site for the expansion of Sandwich Sports and Leisure Centre. However, the council has recently updated the Indoor Sport and Leisure Facility Strategy (2022) which does not identify a need for expansion of this facility, and the site is now under management of the school. KCC education, and the school themselves have identified a need for school expansion as the site is already undersized for the form entry (FE) it provides. Due to the location of the site adjacent to an existing school, it is the most appropriate site to enable expansion of the school. KCC advise around 1-2ha of land would be required to provide an additional 1FE, through the provision of a new football/sports field of 0.8ha, in accordance with national specifications. This will enable expansion of the school buildings within the current site.

¹⁸ [ED7 Infrastructure Delivery Plan - V3 July 2023 \(doverdistrictlocalplan.co.uk\)](https://www.doverdistrictlocalplan.co.uk)



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- *First paragraph of policy:*
 - The site Land adjacent to Sandwich Technology School, Deal Road, Sandwich as shown on the policies map is allocated for an indicative capacity of 40 dwellings and land ~~for~~ to facilitate the expansion of the Sandwich Technology School through the provision of a 0.8ha sports/football field.
 - *Second paragraph of policy:*
 - The final capacity of the site shall be informed the site-specific flood risk assessment, with the need to avoid areas at risk of surface water flooding. ~~and the land needed school expansion has been finalised.~~
 - *Criterion i:*
 - Provision for the land safeguarded for a new sports/football field to enable the expansion of the education provision to be transferred to the local education authority at nil cost shall be provided within the planning permission for the residential development, which shall be in lieu of the contributions for new secondary school places normally required ~~by~~ through policy SP11.
44. These proposed modifications are supported by KCC Education and the landowner (See SocG). The Council considers that this change is necessary for soundness, to ensure the policy is justified by the evidence and effective.
- *Note – the proposed modification to criterion i supersedes AM49 within SD06.*

Q2 How does the proposed allocation differ from the existing development plan? What are the reasons why the existing allocation has not come forward?

Q2 DDC Response:

45. The existing development plan, The Land Allocations Local Plan 2015¹⁹ Policy LA 17 safeguards land for 'expansion of the Sandwich Sports and Leisure Centre', in addition to residential development with an estimated capacity of 60 dwellings (See page 76). The Council is not aware of the specific reasons the landowner has not brought forward the site, however there are no overriding constraints to its future delivery. There are no specific delivery reasons why the site has not come forward.

¹⁹ [Land Allocations Local Plan Adopted 2015 \(dover.gov.uk\)](http://dover.gov.uk)



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46. As set out in the Council's response to representations made on the Plan, within SD05d²⁰ (page 78) the position change with regards to the safeguarded land for the expansion of the Sports and Leisure Centre in new site policy SAP21 is based on several factors, set out below.
47. Firstly, through an update to the Indoor Sport Facility Strategy (ISFS) (PMEB02)²¹ which does not recommend that an extension to the Leisure Centre is required in Sandwich at this time and an extension is not supported by the current operators of the leisure facility (Sandwich Technology School). The ISFS was available for public consultation for several months and all comments were taken into consideration. No comments were made in relation to this matter at that time.
48. The evidence to support the continued approach to inclusion of the safeguarding of the land for a sport use in the Plan is not considered to be justified and is not in accordance with paragraph 98 of the NPPF which requires that *'Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities'* as there is no evidential basis for that approach for this plan.
49. Secondly, as set out in response to Q1 above, the consultation with KCC Education identified a need for additional land for secondary school expansion in this location. The School also supported this view.
50. Thirdly, DDC received a representation from the land promoter during the Regulation 18 consultation which set out an objection to part of the land being safeguarded for Leisure/Sport use (representation DLP856).
51. The reduction in capacity of the allocation from 60 units in LA 17 to indicative capacity of 40 units is not related to the change of the safeguarded land from leisure use to education use, it was made in response to updated SFRA information and surface water flood risk on the site.
52. Site capacities referred to in the Plan's site policies are indicative and it remains the responsibility of the applicant in bringing forward a planning application to demonstrate how their proposed scheme, including its quantum of development, are in conformity with the Plan taken as a whole. At this time, it is considered that 40 units is a justified starting point for the allocation, taking into account these factors. It is accepted by DDC that as the land required by KCC education is now defined, the indicative capacity of this site could be increased to reflect the available land.

²⁰ [SD05d Regulation 22 Part 2 Appendix F -Summary of Representations March 2023 \(doverdistrictlocalplan.co.uk\)](#)

²¹ [PMEB02 Indoor Sports Facility Strategy November 2022 \(doverdistrictlocalplan.co.uk\)](#)



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53. As set out within paragraph 2 of the policy itself, a more detailed assessment of surface water flooding is required, to determine final capacity which could be higher than 'indicative' 40 units.
54. *Note, the modification in response to Q1 removes the assessment required of land required for school expansion.*

Q3 How and when will the proposed expansion of the school occur? Is the allocation viable and deliverable?

Q3 DDC Response:

55. Given the level of housing with extant planning permission along with sites allocated in the Local Plan, KCC would expect the expansion of the school to be needed in the latter part of this decade/or early in 2030's. This will require the construction of a new block on the existing school site which could take around 18 months to complete.
56. The housing trajectory within the plan has anticipated delivery of the residential elements of the site to be within 2029/30 and 2030/31. The school would require access to the new football/sports field on the allocated land prior to any building works commencing on the school site. It is likely that it will take a couple of years for the developer to construct a new sports field in line with KCC land transfer requirements and expectations for intended use. Given that the expansion of the school is not expected until the latter part of the decade or early in the next, there is sufficient time for this to be considered further, and for the site delivery to be earlier than currently set out in the Trajectory.
57. As set out in criteria i) of the policy (taking into account the amendments proposed), the provision of the land for education uses will not impact upon the viability of development. The site is located in the higher value area (identified in the Whole Plan Viability Study²²) where development can afford to bear the required policy costs.

²² [GEB08a Whole Plan Viability Study Main Report and Appendices \(doverdistrictlocalplan.co.uk\)](https://doverdistrictlocalplan.co.uk)



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Q4 Can the proposed uses be achieved on the site, including any necessary mitigation and other policy requirements?

Q4 DDC Response:

58. As set out above, KCC has worked closely with the developer in order to identify the size and-most appropriate location of the land required for the sports/football field to enable the school to expand, following the Regulation 19 plan consultation.
59. The response to Q2 above sets out the site-specific requirements for the mix of uses, and it is confirmed that the proposed uses, at those scales (or potentially higher for residential) can be achieved on the site whilst meeting the other policy requirements.
60. This has been supported by the landowner in the statement of common ground with the council.

Q5 What is the justification for the suggested changes to Policy SAP21? Why are they necessary for soundness?

Q5 DDC Response:

61. As set out in SD06²³ **AM49** proposes a minor amendment to criterion b is for clarity only to correct spelling errors. The Council considers this to be a minor factual update and does therefore not consider this to be a main modification or a change necessary for soundness.
62. As set out above in response to Q1, the proposed modification to criterion i has been further amended to reflect the latest position on land required. The Council considers that this change is necessary for soundness, to ensure the policy is justified by the latest evidence.

²³ [SD06 Schedule of Additional Modifications to the Regulation 19 Submission Plan March 2023 \(doverdistrictlocalplan.co.uk\)](https://www.doverdistrictlocalplan.co.uk)



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Policy SAP22 – Land at Archers Low Farm

Q1 How have the effects of the allocation on the landscape character of the area been considered? In allocating the site, how has the Council taken into account the planning history of the site, including the previous dismissed appeal and previous Inspectors' recommendations as part of the examination of the Land Allocations Local Plan?

Q1 DDC Response:

63. The site had been identified for allocation for an estimated capacity of 50 dwellings in the Submission Document for the Land Allocations Local Plan 2015. The Inspector concluded in the Land Allocations Final Report (at para 63 and paras 104-106) that the site would result in harm²⁴. This resulted in the allocation (Policy LA15) being deleted from the adopted Land Allocations Local Plan.
64. In summary, the Inspectors' concerns related to:
- The harmful visual impact on the character and appearance of the local area that would result.
 - The site “makes a significant contribution to the town’s setting” and would result in “unwarranted intrusion into the countryside to the detriment of the sensitive landscape setting of this part of Sandwich”.
 - “The retention of the trees on the site, even if associated with a buffer area, and coupled with the retention of farming and woodland uses nearby, would not be able to mitigate the visual harm to an acceptable extent. The development would be particularly apparent from Sandown Road during the winter months when the existing deciduous vegetation is not in leaf.
 - The standard of road likely to be required and the necessary sight-lines along Sandown Road would also open up views of the site and would be likely to involve tree loss.
65. The HELAA 2020 took into account the previous removal of this site by the Examining Inspector on landscape grounds. The HELAA 2020 “amber” rated the site for approximately 40 dwellings, setting out that the landscape harm could be mitigated by reducing the housing to an indicative 40 dwellings with an enhance landscape buffer to the east, south and west of the site to provide year-round screening.

²⁴ [Inspectors-Report-Complete.pdf \(dover.gov.uk\)](#)



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66. The HELAA 2022 reduced the housing numbers for the site (SAN023) further, from 40 to 35 dwellings to “mitigate the impact on adjacent trees and wider landscape” (p17) and this resulted in the “green” rating of the allocation²⁵.
67. There has been one appeal associated with this site, for the erection of 44 no. dwellings with associated access, parking, open space, landscaping, drainage, and infrastructure (amended plans and details), which was dismissed on 9 February 2023.²⁶ This was in respect of planning application 21/00274.²⁷
68. The Appeal Hearing dismissed a planning application on 9 February 2023 for a proposal involving the erection of 44 dwellings. The main issue in the appeal was the effect of the proposal on the character and appearance of the area, with particular regard to the loss of trees. The Inspector concluded that “the proposal would have an adverse effect on the character and appearance of the area, with particular regard to the loss of trees, resulting in a substantial degree of harm”.
69. The Selection of Site Allocations Housing Sites Addendum April 2023 (ED3)²⁸ sets out that the site;

“Scored well in the SA process. There are constraints on this site including landscape impacts which have resulted in refusal and a dismissed appeal on site for a larger number of dwellings” (application 21/00274). It concludes that, through the reduced capacity proposed in the site allocation, the specific policy requirements of Policy SAP22 and the proposed additional modification in SD06 to require an LVIA, these constraints can be mitigated through design and layout. (p.53).

70. On the basis of this evidence through the plan making process, the council is satisfied that a suitable scheme can be achieved on the site. Site capacities referred to in the Plan's site policies are indicative and it remains the responsibility of the applicant in bringing forward a planning application to demonstrate how their proposed scheme (including its quantum of development) is in conformity with the Plan taken as a whole. At this time, it is considered that 35 units is a justified indicative capacity for the allocation, taking into account these factors.

²⁵ [GEB09a HELAA Main Report October 2022](#) and [GEB09b-HELAA-Appendix-1-a-to-c-HELAA-2022-Site-Assessments-October-2022](#) – row 289

²⁶ [APP/X2220/W/22/3303230](#)

²⁷ [21/00274](#)

²⁸ [ED3 Selection of Site Allocations Housing Sites Addendum April 2023 \(doverdistrictlocalplan.co.uk\)](#)



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

Matter 3 – Housing Allocations

Issue 3 – Sandwich Housing Sites

Q2 What is the justification for the suggested changes to Policy SAP22? Why are they necessary for soundness?

Q2 DDC Response:

71. The suggested changes to Policy SAP22 (ref **AM50**, p21)²⁹ are to:

- Amend criterion d to add that the layout of the scheme should be informed by a Landscape and Visual Impact Assessment; and
- Delete criterion h, which required an Environment Assessment Study to address any potential impact on the Sandwich Bay SPA and Ramsar.

72. Criterion d: The policy already had proposed specific requirements in relation to landscape and trees, which are considered to create appropriate mitigation to the issues raised in the Inspectors' Decision for the Appeal Hearing. However, in response to the significant Regulation 19 responses, the provision of a Landscape and Visual Impact Assessment will provide an extra robustness to the consideration of landscape impacts to ensure that the resultant layout fully considers wider views of the site and addresses the points raised in the Inspectors' Appeal Decision. Given the landscape matters raised in the Inspectors' Appeal Decision, this requirement is considered necessary for soundness.

73. Criterion n: This change has been made following representations from Natural England that the requirement was not justified. The removal of the criteria has been agreed, as set out in the Statement of Common Ground (ED8³⁰) –necessary for soundness – NE comments. Not in reg 20 NE reps policies

74. The Council considers these modifications are necessary for soundness to ensure the Plan is justified and reflects the evidence base.

²⁹ [SD06](#) Schedule of Additional Modifications to the Regulation 19 Submission Plan March 2023

³⁰ [ED8 DDC and NE SoCG Final Redacted June 2023_Redacted \(doverdistrictlocalplan.co.uk\)](#)



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

Matter 3 – Housing Allocations

Issue 3 – Sandwich Housing Sites

Policy SAP23 – Sydney Nursery, Dover Road

Q1 What is the justification for the type and scale of development proposed and the proposed site boundary? Is the allocation for 10 dwellings justified?

Q1 DDC Response:

75. The site (SAN019), when originally submitted was larger than the proposed allocation boundary and extended between Dover Road and Deal Road. Through the site assessment process undertaken as part of the HELAA, only the parcel of land adjoining Dover Road was considered suitable. The unsuitability of the remaining land was based on a number of factors, including the impact on highways and comments received from KCC Highways through the HELAA process in relation to the impacts on the local road network and proximity of the access in Dover Road to the junction with Deal Road and the proposed quantum of development of the submitted area (see Appendix 3B)³¹.
76. In addition, the relationship of the site with the current built form and grain of the area was an important consideration in the assessment process, and it was concluded that the parcel of the site which adjoined Dover Road/The Crescent, which is a current gap in the linear built form along the road frontage, was the only area suitable for development within the site. Development of this parcel would infill this gap without significant impact on the built form and character, and in consideration with the highways concerns the reduced area would mitigate the concerns.
77. The remaining area of the site containing a barn and other outbuildings in addition to several paddocks, is considered very rural in character with wooded areas and mature trees and hedgerows along the boundary with Deal Road and development of the whole site was considered not be in keeping with the current settlement form and rural character.
78. An initial site capacity was identified using the density standards for the location of the site. In this case 45dph (as set out in response to Matter 4 Issue 1 Q3). The site is 0.38ha in size and would result in around 17 dwellings. However, the capacity was reduced to take account of the surrounding built form of low-density housing and the potential highways constraints to and indicative capacity of 10 dwellings which is considered to be more in keeping and suitable for this edge of settlement location.

³¹ [GEB09d-HELAA-Appendix-3-a-to-g-HELAA-2020-Site-Assessments-October-2022.xlsx \(live.com\)](#)



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

Matter 3 – Housing Allocations

Issue 3 – Sandwich Housing Sites

79. Site capacities referred to in the plan's site policies are indicative and it remains the responsibility of the applicant in bringing forward a planning application to demonstrate how their proposed scheme (including its quantum of development) is in conformity with the plan taken as a whole. It is considered that the site boundary and indicative capacity 10 units is justified, taking into account the evidence and officer assessment explained above.