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# Hearing Statement

## Dover District Local Plan to 2040

Iceni Projects Limited on behalf of  
Quinn Estates

October 2023

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ON BEHALF OF QUINN  
ESTATES

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**Hearing Statement**  
DOVER DISTRICT LOCAL PLAN TO 2040



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## CONTENTS

1. INTRODUCTION .....	1
2. MATTER 1 – LEGAL COMPLIANCE .....	3
3. MATTER 2 – HOUSING GROWTH AND RESIDENTIAL WINDFALL DEVELOPMENT .....	7
4. MATTER 3 – HOUSING ALLOCATIONS .....	14
5. MATTER 4 – MEETING HOUSING NEEDS .....	20
6. MATTER 5 – TYPE AND MIX OF HOUSING .....	21
7. MATTER 8 – RETAIL, TOWN CENTRES AND TOURISM .....	23

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# 1. INTRODUCTION

1.1 This hearing statement has been prepared by Icen Projects on behalf of Quinn Estates to support the Examination In Public (EIP) of the Dover District Local Plan to 2040. This statement addresses the Inspector's matters, issues and questions considered relevant to Quinn Estates and their interests in the District.

## Quinn Estates

1.2 Quinn is a prominent local developer in Dover District. The company is in many ways completely unique; the company is Kent-based and committed to delivering development in the District almost irrespective of market conditions, it specialises in strategic-scale development proposals, it specialises in mid-sized developments attractive to volume housebuilders and housing associations, and it specialises in small and bespoke developments in villages and towns, including self/custom build homes and developments.

1.3 To give some perspective as to the diversity of Quinn's projects, in recent years, the company has delivered the following in Dover District:

- Secured planning permission and subsequent construction and completion of the largest housing development in Deal - 140 homes at Albert Road together with the delivery of associated commercial development;
- Unlocked 210 homes for Redrow Homes at Betteshanger and is delivering 12 self/custom build plots;
- Dover's first ever self/custom build development at Hammill Brickworks; and
- Management of the Betteshanger Country Park visitor attraction

1.4 In addition to the above, Quinn has numerous land interests in the District – a number of which have been identified for development in the Regulation 19 Local Plan. Quinn wants the Dover District Local Plan to serve as an effective and sound Development Plan for the long term, and would like to be able to support the Council in delivering development that is wholly consistent with the District's strategic aims and objectives.

1.5 Quinn Estates wish to participate in the following Matters & Issues:

- Matter 1 – Legal Compliance

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- Issues 3 and 5
  - Matter 2 Housing Growth And Residential Windfall Development
    - Issues 1, 2, 3, 4 and 5
  - Matter 3 – Housing Allocations
    - Issue 9
  - Matter 4 – Meeting Housing Needs
    - Issues 1 and 2
  - Matter 5 – Type and Mix of Housing
    - Issue 5
  - Matter 8 – Retail, Town Centres and Tourism
    - Issue 3

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## 2. MATTER 1 – LEGAL COMPLIANCE

### Issue 3 – Sustainability Appraisal

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#### **Q5 How were suitable and potentially suitable housing sites determined for the purposes of the SA? What type of sites were discounted as part of this process?**

2.1 The Council's SA and evidence base suggests that the Council considered 5 spatial options and 3 growth scenarios (15 options in total). Whilst the Council selected a blended approach of the spatial options, it is evident that the Council leaned heavily on Spatial Option A - Distributing growth to the District's suitable and potentially suitable housing and employment site options (as needed to deliver the scale of growth required). In this regard, just 5.38% of housing growth was directed to Deal under the selected spatial approach, which reflected the 5% for Deal identified under Spatial Option A.

2.2 All of the other spatial options proposed significantly higher quantum of growth for Deal ranging between 10 and 30%:

**A:** Distribution based on suitable and potentially suitable housing and employment site options – 5% to Deal

**B:** Based on population – 28% to Deal

**C:** Based on the District's defined settlement hierarchy – 20% to Deal

**D:** Distributing growth in the same way as the adopted Local Plan – 10% to Deal (on the condition that 70% went to Dover)

**E:** Distributing growth more equally across the District's settlements (given potential undeliverability of Whitfield) – 30% to Deal

2.3 As profiled in previous representations, whilst Quinn has no in principle problem with using the Council's HELAA to identify suitable/potentially suitable sites, in this instance the HELAA failed to identify suitable and partially suitable land to the north of Deal, or rather erroneously discounted suitable land to the north of Deal (DEA012).

2.4 Quinn Estates have played a full and active role throughout the plan-making process and have demonstrated prior to the publication of the Regulation 18 version of the Plan that, with appropriate mitigation, land to the north of Deal could be suitable for a high quality, holistic community extension

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that would satisfy the objectives of the Sustainability Appraisal and unlock significant social, economic and environmental benefits for the area.

- 2.5 Given the clear benefits of locating significant development at Deal (in terms of the settlement's high sustainability, proven housing delivery potential and its obvious suitability given its population size and position in the settlement hierarchy), Dover District Council should have taken a more thorough and proactive approach to unlocking growth in and around Deal, rather than diverting growth away from the settlement and dismissing the concept of growth to the north of Deal where areas of the land are clearly and evidentially suitable and preferable.

**Q7 Is the SA based on a robust and up-to-date assessment of housing and employment sites? Were adequate reasonable alternative options considered and were they tested on a consistent basis?**

- 2.6 Based on the SA's repeated assessment of the land north of Deal (DEA012), Quinn Estates questions the robustness, fairness and accuracy of the Council's assessment approach. In this regard, whilst the SA was iteratively updated as the Plan advanced, the assessment has consistently and irrationally concluded that land was unsuitable on the basis that mitigation would be required for development to be delivered. Quinn Estates would question whether any greenfield development could be suitably delivered without mitigation of environmental effects and that this constitutes a wholly inadequate justification for dismissing such a key landholding that could enable Deal to play a proportionate role in delivering the District's growth.
- 2.7 The SA should have recognised that the Regulation 18 spatial strategy was diverting growth away from Deal, the negative effects of this and whether an alternative option existed. In this regard, the spatial approach diverts growth away from the only one of the three identified main towns in the District that has been assigned proportionately lower levels of growth compared to its population and settlement hierarchy status, yet has consistently over-delivered through windfall development, compared to Dover and Sandwich, which conversely have been assigned growth levels that exceed their population and settlement hierarchy status and have consistently underdelivered in meeting that growth.
- 2.8 The SA was supplied with clear evidence demonstrating that its assessment of land at Deal was incorrect. Rather than recognising this at Regulation 19 stage, the SA maintained its position, in spite of the evidence.
- 2.9 As demonstrated in the Regulation 19 Representation for the land at Cottington (appended to this Hearing Statement), the site is clearly suitable for strategic-scale development and even if more peripheral areas of the landholding are removed, it would still support the delivery of circa 585 additional homes in and around Deal. Its allocation would increase the settlement's share of the

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District's growth to 17.08%, which would much better reflect the characteristics of the settlement and the spatial options. Quinn Estates would welcome a new iteration of the SA that objectively and fairly considers the effects of this alternative approach to development at Deal.

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

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### **Q1 How did the Council apply the sequential, risk-based approach to the site selection process? At what stage was this carried out?**

- 2.10 Quinn understands that the Council used the Stage 1 SFRA from 2019 (CCEB01a) to inform the site selection process, and the Stage 2 SFRA from 2021 (CCEB01c) to inform the achievability of sites selected from the HELAA process. The Council states in document CCEB02 that sites with flood risk were only considered in the most sustainable, and on balance, most suitable locations, against the District's settlement hierarchy and growth strategy. Criteria including highways, landscape, biodiversity, heritage were also considered.
- 2.11 The absence of a clear recommendation from the SFRA (CCEB01a) to specifically divert development away from Deal raises questions about the Council's early exclusion of key potential sites at Deal, particularly the Cottington site (DEA012). The decision to exclude this site, seemingly mostly on flood risk grounds, was made before a more detailed sequential test could assess the site's suitability for housing development. If the SFRA had indeed highlighted Deal as a high-risk area, this might have been a reason to consider alternative locations. However, the lack of such a recommendation suggests that the sites promoted in Deal should have been carried forward, as sites in Sandwich (which the SFRA shows has a far higher actual risk of flooding) were.
- 2.12 Overall, the findings of the Stage 1 SFRA do not justify the Council's strategy of excluding Deal sites from further assessment from a flood risk perspective. A more detailed evaluation of the Cottington site, among others, could and should have provided a more accurate picture of the area's suitability for housing development, allowing for a more balanced and better distribution of new homes with greater and more proportionate levels of development directed to the second highest order settlement of Deal, where a strong housing market exists and high quality housing delivery can be driven forward.

### **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?**

- 2.13 The Stage 2 FRA (CCEB01c) states that sites in Flood Zone 2 and 3 were carried forward for consideration and subsequently allocation due to a lack of available sites outside of Flood Zone 1 areas. However, there are significant areas of suitable land in Flood Zone 1 adjoining key settlement boundaries, such as land at north Deal (DEA012), that were seemingly discounted on flood grounds.



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Quinn Estates has reviewed the evidence and does not understand how application of the sequential approach resulted in this occurring and how the sequential approach informed the HELAA assessment of sites.

- 2.14 The Sustainability Appraisal suggests that allocated sites with flood risk can be mitigated through policies in the Local Plan, so this lack of consistency in the selection process raises questions about the robustness of the assessment and its alignment with the District's settlement hierarchy and growth strategy, whereby proportionate growth at Deal has seemingly been dismissed on the basis of flood risk.
- 2.15 The Council acknowledges that Deal, a settlement of higher sustainability, should have a secondary focus for development. However, the Council considers there to be a limited supply of suitable housing sites in Deal due to previous windfall development. This approach is not reflective with the approach taken at Sandwich, where a significant number of allocations at Sandwich in Flood Zones 2 and 3 have been identified.

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### 3. MATTER 2 – HOUSING GROWTH AND RESIDENTIAL WINDFALL DEVELOPMENT

#### Issue 1 – Local Housing Need and the Housing Requirement

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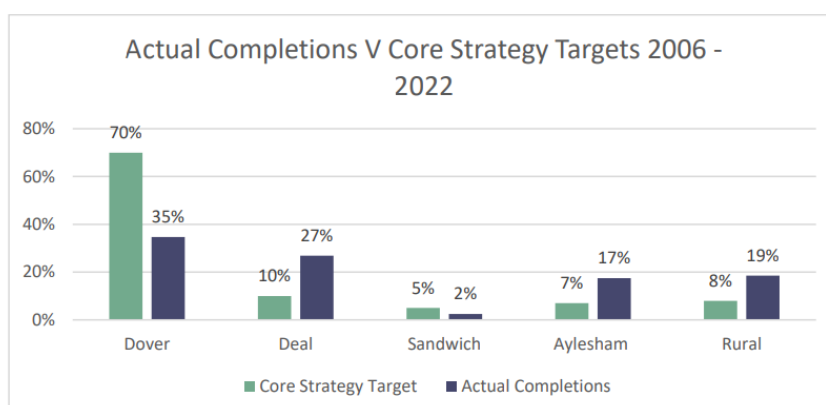
##### Q5 What is the justification for the use of a 5% figure? Does this reflect the circumstances in Dover?

- 3.1 Parts of Dover District, especially areas in and around Dover town, are particularly susceptible to market changes, with high build costs and low sales rates often resulting in national housebuilders being willing to develop and then unwilling to develop due to small changes to these sensitive margins. This is evidenced by the slow pace of delivery of Whitfield, which is the Council's main allocation in the Core Strategy from 2010 (as evidenced by Figure 2 of HEB02). Quinn Estates is aware that there are many social and economic factors which can impede housing delivery and the potential for this pattern to reoccur during the next plan period should be considered. Accordingly, a non-implementation rate of 5% is considered to be sensible.

##### 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?

- 3.2 Given past delivery challenges with the Whitfield Urban Extension, it would be justifiable to apply a high non-implementation rate to the Whitfield Urban Extension. Given that this site allocation accounts for nearly half of the district's overall share, any delays or obstacles in its implementation could have more significant consequences for the overall plan, as has been the case over many years previously (see Figure 2 of HBE02). The urban extension is located in an area where national housebuilders may be hesitant to deliver homes at times when there is a weak or weakening housing market.

Figure 2 - Distribution of Completions against Core Strategy Targets 2006-2022



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**Q7 Is the housing requirement of 10,998 (net) new homes over the plan period justified? If not, what should the housing requirement be?**

- 3.3 Given the Plan's bold overarching vision, Quinn Estates consider that the Council should be seeking to achieve and exceed the minimum requirement of homes over the plan period. To fully realise the vision and objectives of the Plan, a proactive and positive spatial approach is needed and the policy approach set out in Policy SP3 and SP4 provides scope to achieve this.
- 3.4 To better achieve the Plan's objectives, and given the heavy reliance on the Whitfield Urban Expansion to deliver such a significant proportion of growth, a buffer of approximately 20% is seen as necessary and that additional growth could easily be delivered at Deal to better reflect its position in the settlement hierarchy and its obvious suitability to deliver sustainable patterns of development.

**Issue 2 – Settlement Hierarchy – Policy SP3**

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**Q2 What methodology has the Council used to determine which settlements fall within each category for the purposes of Appendix E? Is that methodology appropriate and sufficiently robust?**

- 3.5 The Council's evidence base for the Local Plan comprises a range of technical reports and topic papers including a Rural Settlement Hierarchy Study (2022). The Council's methodology to assess the sustainability of settlements in the Rural Settlement Hierarchy Study is not considered to be sufficiently robust, as whilst a consistent methodology has been formulated, the quantified points system is not considered to be a true measure of sustainability.
- 3.6 For example, a settlement could score points for having a furniture store within it, despite such a store making limited contribution to meeting everyday needs. If anything, having such a shop rurally located could serve to weaken the potential to achieve more sustainable travel patterns, as the store would be reliant upon visitors from afar to travel to it. The assessment approach appears to pay insufficient regard to the accessibility of settlements to major settlements and the potential to achieve sustainable patterns of development that can be achieved through having good public transport linking settlements together in a way that enables sustainable living and working patterns to be established and maintained. This more nuanced qualitative approach was taken through the previous Local Plan Review, but appears to have been discarded in the current Plan review for no discernible reason. As such, the method used to review settlements calls into question the soundness of the Local Plan as it would not be considered appropriately justified under Paragraph 35B of the NPPF.
- 3.7 It is requested that the sustainability of settlements, notably Capel-le-Ferne (addressed fully in Matter, 3 Issue 9), is reconsidered with recognition to the point that some shops and services are able to make a greater contribution to the sustainability of a settlement than others. It is requested

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that the ability for residents to quickly and sustainably reach larger neighbouring settlements for work or leisure be factored into the assessment.

**Q3 The Rural Settlement Hierarchy Study states that 2019 survey data was used as a starting point to assess sustainability due to restrictions on survey work caused by the Coronavirus pandemic. Has this work been updated as part of the Plan's preparation?**

- 3.8 The COVID-19 pandemic had a profound impact on communities and their sustainability. However, this impact was not static; it evolved over time. By relying solely on data from 2019, the Council may not have captured the dynamic economic and social changes that occurred during 2020 and 2021. This period saw fluctuations in services, employment, health, and community needs that should be considered to reflect the current state of rural settlements accurately.
- 3.9 The Settlement Hierarchy Topic Paper states that the data was supplemented with inputs from local Parish Councils. However, Parish Councils are not responsible for the draft Local Plan and may have their own agendas, priorities, or limitations that could introduce bias or provide a limited perspective when verifying survey data. The study cannot verify whether their input reflects their specific interests or the broader needs of the District and sustainability of the entire community. Therefore, while Parish Council input is valuable, it should be complemented with objective, up-to-date data collection to ensure a comprehensive and unbiased assessment of rural settlement sustainability, based on a sound methodology.

**Issue 3 – Housing Distribution - Policy SP3**

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**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?**

- 3.10 The Council's process for determining the distribution of new development appears to have been informed by the Spatial Growth Options set out in SD03a. Quinn Estates consider that the approach taken to Spatial Option A, which outlined that only 5% of housing could be delivered at Deal, was not robust. This is due to the fact that Option A was underpinned by the Council's HELAA from April 2020, which erroneously dismissed suitable land to the north of Deal at the initial stages of the plan-making process (prior to the Regulation 18 publication), and which the SA still continued to identify the land as unsuitable at Reg 19 stage, despite having been supplied with clear evidence to the contrary.
- 3.11 As a result, this approach may have inadvertently limited the Council's consideration of additional development opportunities in the District's second largest settlement and the one town that has over

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rather than under performed on housing delivery throughout the previous plan period because of the strength of its local housing market.

- 3.12 Spatial Option A should have also been informed by the Regulation 18 submissions, as well as supporting evidence such as the Stage 1 Flood Risk Assessment (CCEB01a) which considered Deal and Sandwich to be equally flood-prone settlements. This evidence should have led the Council to have reasonably concluded that the spatial approach was unnecessarily limiting growth at Deal and to have recognised that there are settlement edge sites that are well suited to development at Deal. This should have led the Council to adopt a more proactive approach to accommodating growth at Deal by evolving and suitable development opportunities, ensuring a more balanced approach to housing in line with the settlement hierarchy and the town's undisputed credentials as a sustainable growth location.

**Q2 Paragraph 3.45 of the Local Plan states that Deal has seen high levels of windfall development over the past 10 years due to market demand which has resulted in a limited supply of suitable housing sites. How were factors such as market demand considered in making judgements about where to locate new development?**

- 3.13 The Local Plan recognises high levels of windfall development in Deal due to market demand, but does not present a strategy to reflect and capture the opportunity this presents. Rather, the Council have limited development at the one main settlement that has consistently overachieved in terms of housing delivery.
- 3.14 Paragraph 3.45 states that Sandwich and Deal are equally averse to Flooding, Heritage and Ecology considerations, and therefore limited growth will be directed towards these settlements. However, despite being lower on the Council's Hierarchy and having approximately 1/6<sup>th</sup> of the population size, Sandwich has been assigned a commensurate level of housing to Deal, mainly through settlement edge development, which Quinn Estates considers is not a justified approach from either a market demand perspective or a land suitability perspective.
- 3.15 As outlined in Figure 2 of HEB02, Deal received 10% of the 2010 Core Strategy's allocations, however, the settlement delivered 28% of the District's growth through high amounts of windfall development. By contrast, other settlements such as Dover and Sandwich have significantly underperformed due to issues such as viability and having a weaker housing market. The available and developable brownfield opportunities at Deal have largely been exhausted, and so going forward, for Deal to continue to play its proportionate role in meeting the District's housing needs, windfall development is likely to have to come forward through settlement edge development.
- 3.16 A sustainable and suitable strategic-scale development opportunity does exist at north Deal that could enable Deal to continue to play its proportionate role in meeting the Council's housing needs

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and which the Council would have a high degree of confidence would be delivered. The Regulation 18 and Regulation 19 Representations for Land at Cottington (HELAA ref. DEA012) outline a cohesive and comprehensive strategic allocation which is suitable from a planning perspective and achievable from a delivery perspective. The proposed development incorporates sustainable transport infrastructure, a suite of ecological enhancements, public open space, employment floorspace, and community facilities.

- 3.17 Quinn Estates considers that the spatial distribution set out Spatial Growth Option A of SD03a, which became the de facto spatial strategy for Deal should be reconsidered and evaluated against a wider range of supporting evidence. In this regard, a higher quantum of growth at Deal rather than a reliance on other areas to deliver such a large quantum of the District's growth, would entirely accord with Paragraph 60 of the NPPF, which emphasises that sufficient land should come forward where it is needed, and Paragraph 73, which states that authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way.

**Q5 How did the Council differentiate between Deal (a District Centre) and Sandwich (a Rural Service Centre) in the settlement hierarchy?**

- 3.18 Quinn Estates support the fact that Deal ranks higher on the settlement hierarchy, as it is evidenced by the significant amount of growth and market demand witnessed at Deal in the previous 10 years, amongst other factors that justify its higher position. However, Quinn Estates do not support the fact that the two settlements have received effectively the same amount of growth despite the many factors which point towards higher development at Deal.

**Q4 What is the justification for the scale of development proposed at Deal, which will contribute around the same amount of housing growth as the smaller, Rural Service Centres of Sandwich and Aylesham?**

- 3.19 Given the clear superiority of Deal in terms of sustainability, and its ranking on the settlement hierarchy, it is considered that there is very weak justification for such a low amount of growth at this settlement. As previously stated, the approach outlined in Spatial Option A of SD03a is based on an early assessment of sites and was not informed by a complete evidence base, and therefore is not a robust justification to divert growth from Deal to the district's smaller, less sustainable settlements.
- 3.20 Throughout the plan-making process, Quinn Estates have demonstrated that the land at Cottington (DEA012) is suitable, and that this site should not have been discounted at such an early stage. This is particularly evident when considering the Council's own assessment of the site, which states that the environmental constraints could have been mitigated (Appendix 1a of GEB09b). Despite the lack of support from the Council, Quinn Estates have continued to promote the site and the latest representation submitted for the Regulation 19 consultation (dated 9<sup>th</sup> December 2022) shows that

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the site could support circa 585 additional homes without being at any risk of flooding and this option would remove those land areas that the Council referred to as having a weak spatial relationship with the existing settlement. The inclusion of this allocation would single-handedly be able to increase Deal's share of growth from 5.28% to 17.08%, and could provide vast social, economic and environmental benefits, which the supporting Regulation 18 representation sets out in detail.

- 3.21 Sandwich is a less sustainable and viable development location when compared to Deal, yet it is equally as prone to flooding. Therefore, considering that several sites in Flood Zone 2 and 3 have been allocated at Sandwich, Quinn Estates do not believe an adequate justification exists for suitable sites at Deal to be ignored. The market factors also indicate that, if the Council do not positively plan Deal's growth, the expansion of the settlement will likely continue through windfall development. A Local Plan allocation is considered to be a more positive, plan-led response that would ensure development is comprehensively designed and that important new infrastructure for the town could be secured through policy mechanisms.
- 3.22 Overall, Quinn Estates consider that Deal should be given a higher level of growth, commensurate with its ranking on the settlement hierarchy, its population and its potential to accommodate sustainable development. This could be achieved through the allocation of the available land at Cottington (DEA012), which Quinn Estates have demonstrated would be suitable from a planning perspective. As outlined previously, Sandwich is a less sustainable and viable development location when compared to Deal, yet it is equally as prone to flooding. Therefore, considering that several sites in Flood Zone 2 and 3 have been allocated at Sandwich, Quinn Estates consider there is no justification for this highly suitable and sustainable site to be omitted.

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

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##### **Q5 Was the site selection process robust? Was an appropriate selection of potential sites assessed, and were appropriate criteria taken into account?**

- 3.23 The site selection process was based on a range of criteria, including flood risk, planning constraints such as highways or landscape, and their alignment with the growth and distribution strategy. However, the robustness of the site selection process could be questioned in terms of its potential limitations in exploring a broad range of development opportunities. In particular, the early ruling out of certain sites in Deal, like Cottington ('DEA012'), due to constraints which could have been mitigated (Appendix 1a of GEB09b), is considered to have limited the range of options considered for development in Deal. By contrast, the Council has allocated several sites in Sandwich which are flood-prone and subject to heritage or landscape issues. The Strategic Flood Risk Assessment (SFRA) did not recommend diverting development away from Deal, indicating that the settlement was not significantly more flood-prone than others, so it is questioned why additional sites, like Cottington ('DEA012A'), were not considered for allocation.

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## **Issue 5 – Residential Windfall Development – Policy SP4**

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### **Q1 How were the list of settlements defined for the purposes of Policy SP4(1)? It is justified?**

- 3.24 Quinn Estates considers the approach to be entirely justified given the characteristics of the District. In this regard, the District has low levels of developable previously developed land and limited opportunities, especially for small and medium-sized housebuilders, to source land opportunities. Windfall development has played an important role in driving housing delivery in the District to date, but this requires sensitive settlement edge development opportunities at settlements across the District throughout the plan period.

### **Q3 What are the reasons for the two groups of settlements in Policy SP4? How have the settlements in Part 2 of the policy been defined?**

- 3.25 Quinn Estates questions the need to split settlements into two groups. Regardless of a settlement's size, a commensurate amount of local housing need exists, and therefore restricting minor residential development to within settlement boundaries is not justified or effective.
- 3.26 To address these concerns and make the policy sound, it is suggested that part 2 of the policy be amended to allow for exceptional cases where local housing need cannot be met within settlement boundaries. This could be achieved by inserting text into Policy SP4(2) that provides flexibility for residential development outside the strict settlement boundaries under specific conditions.



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## 4. MATTER 3 – HOUSING ALLOCATIONS

### Issue 9 – Housing Sites in Villages

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#### Policy SAP44 and SAP45 – Capel-le-Ferne

#### **Q1 Is the cumulative scale of development proposed at Capel-le-Ferne commensurate with its size, role and function as a Large Village?**

- 4.1 Quinn Estates consider that the cumulative scale of development proposed at Capel-le-Ferne is not commensurate with its size, role, and function, and consider that the settlement should be supporting more housing growth.
- 4.2 This contradiction is rooted in the fact that the assessment of Capel-le-Ferne was based on a flawed methodology that fails to accurately portray the settlement's sustainability. This has resulted in Capel-le-Ferne being downgraded from a 'Local Centre' in the 2010 Dover Core Strategy to a 'Large Village' in the Draft Local Plan.
- 4.3 It is considered that Capel-le-Ferne is equally sustainable as Eythorne and Elvington, despite the local plan's allocation of approximately 300 homes between the latter two. While the 2022 Rural Settlement Study acknowledges that Eythorne boasts a greater number of services within walking distance, the mere presence of hairdressers, takeaways, and community facilities such as a bowls club, does not meaningfully reduce the number of vehicle trips that residents will need to take to access day to day services.
- 4.4 If anything, Capel-le-Ferne has greater potential to support sustainable development, as the Rural Settlement Study states it has a 'regular bus service to the neighbouring towns of Dover and Folkestone every 20 minutes', whereas Eythorne has 'infrequent' bus services to Dover and Sandwich with notably longer travel times. Despite this difference, the study afforded only one additional point to Capel-le-Ferne for its superior bus service, which under the current methodology would be equal to one hairdresser salon. The ability for residents to quickly and reliably access healthcare or employment in two of Kent's most sustainable settlements far outweighs the presence of non-essential services.
- 4.5 Therefore, as per our supporting Regulation 19 representation, Quinn Estates ask that Capel-le-Ferne is restored to a 'Local Centre', and that SAP44 be amended to allow a 'minimum' of 70 homes. As the last remaining land parcel adjoining the settlement and not within the AONB, every opportunity to maximise the site should be explored.

<b>CAPEL-LE-FERNE</b>	
Public Transport	Regular bus service to Dover and Folkestone with buses every 20 minutes
Retailing	one general store, Public House, café
Community Facilities	village hall, two churches, weekly farmers market, two nurseries, play area
Education	primary school
Medical services	none

<b>EYTHORNE</b>	
<b>Elvington</b>	
Public Transport	infrequent bus services to Dover and Sandwich
Retailing	village store, hairdressers, barber's shop, two take-aways, PO three afternoons a week in the village store; facilities in Eythorne in walking distance
Community Facilities	village hall, heritage centre, allotments, bowls club, play area
Education	Nursery. Primary school in Eythorne is within walking distance (300m) of Elvington
Medical services	none
<b>Eythorne</b>	
Public Transport	infrequent bus services to Dover and Sandwich
Retailing	Post Office, village shop, public house, café
Community Facilities	village hall, two churches, play area
Education	Primary School. Woodpecker Court specialist post-16 education centre.
Medical services	none

**Q2 Can a safe and suitable access be achieved for both vehicles and pedestrians to site SAP44? How has this been assessed as part of the allocation of the site? Where will access be taken from?**

4.6 The impact of 200 new dwellings to the existing Capel Street/New Dover Road junction arrangement has been assessed as part of the Regulation 19 supporting representation. Traffic counts have been surveyed and used to test the capacity of the existing junction. Vehicle speeds were also surveyed to inform the visibility splays required. The conclusion of this work was that the existing junction operates well within capacity with the addition of 200 dwellings and conforms with the DMRB standards for visibility.

4.7 As a result, it is considered that there would be no significant impact on highway safety or on junction capacity arising from the allocated sites, in accordance with NPPF Paragraph 110d and although mitigation options may be possible, they are not required for this junction based on this evidence. The access road from Capel Street would be delivered through 11 Capel Street which is under the same ownership as the SAP44/CAP006 site. This access has been assessed by highways engineers, who concluded that satisfactory access can be achieved, as well as an emergency access within the same ownership connecting to Cauldham Lane to the west.

**4.8 Q3 What is the capacity of the site SAP44 based on? Is it justified?**

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- 4.9 As stated for Question 1, Quinn Estates believes that SAP44 should be amended to allow for ‘a minimum’ of 70 homes. Excluding the access roads, the indicative housing capacity of 70 dwellings would give a density of 18.9dph.
- 4.10 The site in Capel-le-Ferne is the only land parcel adjoining the settlement that lies outside the Area of Outstanding Natural Beauty (AONB). This makes the site the most viable and strategically preferable option for development within the village, and given this, it becomes imperative to make effective use of this land to accommodate additional housing.
- 4.11 Efficient land use is demonstrated by an Indicative Site Layout Plan provided with the supporting Regulation 19 Representation, indicating the potential for up to 100 homes (which would still be less than 30dph) while retaining existing trees and hedgerows. As per the Regulation 19 representation, expanding the allocation to a minimum of 70 dwellings could also support existing services in the settlement as well as the viability for new services to be provided in the future. These factors collectively justify the capacity for additional growth on the site.

**Q6 What is the latest position regarding proposals for the sites in Capel-le-Ferne?**

- 4.12 Quinn Estates intend to work positively with the Council in delivering the site allocation at Capel-le-Ferne and are in a position to submit a planning application shortly following the adoption of the Local Plan.

**Policy SAP47 – Land adjacent to Lydden Court Farm, Lydden**

**Q1 Can a safe and suitable access be achieved for both vehicles and pedestrians to the site? How has this been assessed as part of the allocation of the site? Where will access be taken from?**

- 4.13 Quinn Estates consider that the approach towards the access arrangements sufficiently addresses the requirements of the NPPF para. 110. The development plan ensures that appropriate opportunities to promote sustainable transport modes are taken up through the provision of a pedestrian crossing where PROW ER116 joins Canterbury Road which will enable safe access to the westbound bus stop, promoting public transport to Dover.
- 4.14 The suggested realignment of Church Lane to the north within the highway boundary will enhance visibility at the access junction, ensuring safe access/egress. The proposed realignment of Church Lane and the rationalisation of the junction between Church Lane and Canterbury Road contribute to safer and more efficient traffic management within the village.

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**Q2 How have the effects of development on the setting of heritage assets such as the Grade II\* listed St Mary's Church been considered? Can a suitable scheme be achieved on this site whilst maintaining the significance of the heritage asset?**

- 4.15 Quinn Estates consider that the requirements of SAP47 are sufficient to ensure that the effects of any future development on the site do not harm the setting of the adjacent Heritage Assets. Acknowledging the proximity toward the assets, the site allocation mandates a sensitive approach to the design and restricts development to the southern part of the site with a substantial buffer zone and reduced density.
- 4.16 To demonstrate that these requirements are met, SAP47 ensures that Heritage Assessment is conducted in alignment with Policy HE1 of the Dover Local Plan. This assessment, which fulfils the criteria outlined in paragraphs 200 and 202 of the NPPF, would be able to conclude that the proposed development would prevent coalescence with the farmstead and preserve the significance of the Church's setting. Moreover, a large buffer zone and tree planting, to prevent harm to the AONB, will also provide separation from the heritage assets, thereby preserving the church's isolation and sense of place. As such, the allocation of SAP47 ensures a well-considered and sustainable scheme that safeguards the significance of the Grade II\* listed St Mary's Church while accommodating the need for development in Lydden.

**Q3 What is the justification for the suggested changes to Policy SAP47? Why are they necessary for soundness?**

- 4.17 Quinn supports the amendment to criterion A as it underscores the importance of avoiding harm to the Grade II\* Listed church's significance while being sensitive to its setting and that of the adjacent farmstead. Additionally, Quinn Estates supports the amendment to Criterion G in the interests of securing a better pedestrian environment and the integration of the development with the wider settlement and countryside.

**Policy SAP48 – Apple Tree Farm, Preston**

**Q1 What is the justification for the scale of development proposed? Is it commensurate with the size of the village and the level of services on offer?**

- 4.18 The site is approximately 4.35ha in total, which equates to a proposed residential density of 14.5 dwellings per hectare (dph). This is considered to be low to reflect the village settlement edge location. By comparison, the nearest residential area immediately to the south of Site SAP48 is approximately 4.67ha which equates to a density of just over 16 dph.
- 4.19 It is considered that the allocation is commensurate with the size of Preston and its role as a Larger Village within the settlement hierarchy, given the similar or greater number of homes allocated in

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other Larger Villages such as Capel le Ferne (95 new dwellings) and East Langdon (40 new dwellings).

4.20 As identified in the submission version of the Dover District Local Plan to 2040, Preston and Worth serve the northern parts of the district and each has a good range of services and facilities which serve their own residents and those of nearby hamlets, including a primary school and a village shop in the case of Preston; Capel-le-Ferne is the only other Larger Village with a village shop.

4.21 As such, the scale of development is considered to be consistent with the settlement's accessibility, infrastructure provision, level of services, suitability of sites and environmental sensitivity. An appropriate scale of development in Preston will help to sustain and strengthen the role of the settlement as a Larger Village through an appropriate level of additional housing over the plan period.

**Q2 Is the site all within the same ownership? Is it deliverable in the form allocated in the Plan?**

4.22 The site is in different ownerships, however they have been assembled by the site promoter through promotion agreements to ensure that the site is deliverable.

**4.23 Q3 What is the justification for the suggested changes to Policy SAP47? Why are they necessary for soundness?**

4.24 Quinn Estates consider that the proposed changes to SAP48 are suitable.

**Policy SAP53 – Land at Ringwold Alpines**

**Q1 Does the site allocation represent major development in the AONB, and if so, is it justified? How have the potential impacts of development on the character and appearance of the area, including the AONB, been considered?**

4.25 Footnote 60 to para 177 NPPF states that for the purposes of paras 176 and 177 NPPF, whether a proposal is 'major development' is a matter for the decision maker, taking into account the nature, scale and setting of the development proposed development. This definition is distinct from the general definition of 'major development' in NPPF Annex 2, which expressly states that the general definition does not apply to paras 176 and 177 NPPF. In this instance, the site is densely screened from wider views over the protected landscape. Any forthcoming planning application for the site would need to be accompanied by a landscaping strategy and supported by a Landscape Impact Assessment. This will ensure that any scheme coming forward on this site should be designed to be appropriate to the site's sensitive location within the Kent Downs AONB in respect of scale, form, materials and colour palette.' The height of the proposed development will be in keeping with the surrounding village as well as the design of the properties. In light of these points, the allocation would not comprise major development for the purposes of paras 176 and 177 NPPF, and would

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not have a significant adverse impact on the character and appearance of the area or on the AONB characteristics, with capacity to mitigate any minor adverse impacts.

**Q2 Is it sufficiently clear what is expected of applications for planning permission in respect of additional infrastructure requirements including surface and wastewater drainage**

- 4.26 It is clear that any forthcoming planning application for development of the site would need to be accompanied by a full suite of supporting documentation including a workable surface and wastewater drainage schemes.

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## 5. MATTER 4 – MEETING HOUSING NEEDS

### Issue 1 – Total Supply

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**Q3 Is the projected supply of housing justified and has sufficient land been identified to ensure that housing needs will be met, including an appropriate buffer to allow for changing circumstances on development sites?**

- 5.1 The overreliance on the Whitfield extension is a concern due to its history of delivery problems, and therefore heavy reliance upon it to meet a significant portion of the District's needs poses a risk to meeting the district's housing needs effectively and in full. In contrast, as has been shown previously, Deal has a strong housing market, which indicates its viability and reliability for housing delivery. Given Deal's positive market conditions, and the available land at Cottington (DEA012A), it would be prudent to allocate additional housing in Deal to ensure housing needs are met more reliably.

### Issue 2 – Five Year Housing Land Supply

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**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?**

- 5.2 The Plan should incorporate flexibility to address potential delays in the larger sites like the Whitfield Urban Extension. This can be achieved by maintaining a housing buffer that allows for changing circumstances on development sites. Additionally, to ensure a reliable supply of housing, the Plan should consider allocating more housing in Deal, which has a strong housing market and could help compensate for potential delays in larger developments. This approach would provide a safety net against housing shortfalls and ensure the district's housing needs are met more effectively.

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## 6. MATTER 5 – TYPE AND MIX OF HOUSING

### Issue 5 – Self Build and Custom Housebuilding – Policy H5

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#### **Q1 What is the identified need for self-build and custom housebuilding?**

- 6.1 The Council's register for Self and Custom-Build homes in the Dover District likely underestimates the actual demand for such housing. The awareness of Right to Build legislation is generally low and therefore the Council's register may not accurately portray the need position. Moreover, the Council have imposed a local connection test and a registration fee of £30 to join the register, followed by an annual payment of £15 to be kept on the register which will deter people from registering their interest. The PPG recognises that secondary sources of information are a material consideration and therefore Policy H5 should enable developers to present evidence on local need using secondary sources of information. An amendment for Policy H5 is proposed in the following question.

#### **Q2 What is the justification for allowing self-build, but only where it would not result in the 'over provision' of housing against the identified need? How would this be determined? Is Policy H5 justified and effective?**

- 6.2 Restricting additional Self and Custom-Build Permissions, as implied by Policy H5, is not considered to be justified and effective, as it would be counteractive towards the Local Plan's vision for Dover District, as well as the Government's broader aims for this sector.
- 6.3 Self and Custom-Build housing can contribute to more sustainable and innovative housing by incorporating advanced technologies and environmentally friendly materials. This supports the Local Plan's vision which states that Dover District will be a "place of aspiration, providing outstanding opportunities for sustainable living" and that "Dover District will be a destination of choice for people of all ages to make their home".
- 6.4 The Council's strategy to reduce the number of Self and Custom-Build homes will make it difficult for the Council to meet these elements of its vision, as high-paying and skilled workers who aspire to build a home in Dover will be driven elsewhere. The local authority should focus on developing supportive policies and identifying opportunities for Self and Custom-Build plots, following the foot of the National Government who are taking a progressive approach towards the growth and diversification of this sector. Quinn Homes (incorporated by Quinn Estates) is one of the leading Self and Custom-Build housing developers in Kent and have a track record for delivering sustainable and innovative homes of exceptional design. In this context, Quinn Estates consider that Policy H5 in its current form will not promote the delivery of sustainable and innovative homes in the district, and



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therefore it needs to be amended achieve the District's vision and support the delivery of sustainable and innovative homes. As such, Quinn Estates request Policy H5 is amended to the following:

*"The Council will support self-build and custom house building schemes on housing sites allocated in the Local Plan and on non-allocated windfall developments subject to compliance with the other Policies in the Local Plan and where overall this would not result in an over-provision of this type of housebuilding when compared to ~~the Council's~~ supply/demand evidence."*

- 6.5 Additionally, the current policy position on affordable housing for Self and Custom-Build development lacks clarity. Policy SP5 assumes that affordable housing is required for self-build projects exceeding certain thresholds, which can be problematic for slightly larger schemes due to the unattractiveness of a small number of affordable units in isolated locations. To address this, Self and Custom housebuilding schemes should have the option to provide a financial contribution for off-site affordable housing, enabling specialist Housing Associations to create better-located and more appropriate affordable housing options, thus promoting self/custom build opportunities and increasing affordable housing delivery in the District.

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## 7. MATTER 8 – RETAIL, TOWN CENTRES AND TOURISM

### Issue 3 – Tourism and Homeworking – Policies E3 and E4

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#### **Q3 Does Policy E4 enable sustainable rural tourism and leisure developments as required by paragraph 84 of the Framework?**

- 7.1 Policy E4, as set out in the Regulation 19 draft of the Local Plan, does not enable sustainable rural tourism and leisure developments as required by Paragraph 84 of the NPPF. In this regard, the policy approach to visitor accommodation (hotels and B&B development) within part b) of Policy E4 only supports this use within and adjoining designated settlement confines.
- 7.2 Whilst Quinn Estates accepts that a hotel can be a town centre use, neither Hotels or Bed and Breakfast residences are exclusively an urban or settlement confines use. Moreover, such uses are frequently located outside and well beyond settlement confines and have an extremely important role in providing a wide diversity of visitor accommodation to a District, as well as supporting the tourism sector by drawing visitors to visitor attractions that lie outside of existing settlements.
- 7.3 Paragraphs 84 and 85 of the NPPF recognise that sites to meet needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. Paragraph 84 positively promotes the concept of development and diversification of agricultural and other land-based rural businesses through well-designed buildings (and conversions) that respect the countryside. Policy E4 is stymying this national policy approach if the well-designed building happens to be visitor accommodation, and this is clearly inconsistent with national planning policy.
- 7.4 Quinn wholly supported the Regulation 18 version of Policy E4, which supported tourism proposals being located within or adjacent to existing visitor attractions or accommodation sites. The amendment between Reg 18 and Reg 19 versions of the Plan has not been explained or justified by the Council and is considered to result in significant harm to the tourism strategy for the District. In this regard, a policy conflict is created for proposals at existing visitor attractions, which provide the scope to deliver new visitor accommodation where existing settlements are unable to. For example, there is no market requirement or demand for a luxury hotel within or adjoining any existing settlement within Dover District, but there is a requirement for a luxury hotel at Betteshanger Park, where a signature setting forms a unique selling point.
- 7.5 In order to remedy the soundness deficiency with Policy E4, which is considered unsound on the basis of it being ineffective and not positively prepared, an amendment is requested to section 1 b), which if agreed, would render the policy sound:

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“1 Provision of new, improved, upgraded or extended accommodation and attractions

a Proposals for visitor attractions will be supported in appropriate locations across the District where it increases the range and/or quality of tourist facilities and accords with criteria i) to x) below.

b Proposals for serviced visitor accommodation (hotels and B&B development) will be supported within and adjoining designated settlement confines (as defined in Policy SP4) **and within or adjacent to an existing visitor attraction or accommodation site** subject to criteria i) to x) below...”