



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

### Matter 6 – Employment and Economic Development

#### Issue 1 – Employment Land Requirement – Policy SP6

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**Q1 Having regard to the Council's response to the Inspectors' Initial Questions, should the requirement for employment land, and the amount of land to be provided by the employment allocations, be set out in the Plan?**

#### Q1 DDC Response:

1. The requirement for employment land and the equivalent estimated floorspace is set out in the opening paragraph of SP6. The estimated amounts of employment floorspace on allocated employment sites (Policy SP6 section 1) is set out in Table 3.5 of the submitted Plan, together with the extant supply for Discovery Park and separately for the remainder of the District. The physical extent of each allocated site is set out on the Policies map, with SAP2 supported by an indicative development strategy diagram.
2. The Council's response to the Inspectors' Initial Questions (Table 3) provides the amount of employment land that each allocated site and Discovery Park will provide to meet the employment land needs. The Council would raise no objection to a post submission modification to include the amount of land to be provided by the employment allocations being set out in the Plan.

**Q2 How has the requirement figure (a minimum of 31.1ha) been established? It is robust and based on appropriate available evidence?**

#### Q2 DDC Response:

3. The requirement for a minimum of 31.1ha of employment land is based upon the evidence, analysis and recommendations of the Economic Development Needs Assessment Update (EDNA 2021)<sup>1</sup>.
4. In accordance with Planning Practice Guidance, the EDNA provides future growth scenarios based upon up-to-date assumptions and data regarding future economic growth prospects for the District. In this regard, the EDNA 2021 considered two scenarios for future employment growth: a "labour demand" scenario and a "past development rates" scenario. The data, methodology and assumptions used to develop the two scenarios are set out in Chapter 4 of the EDNA 2021.

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<sup>1</sup> [EEB01](#)



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5. The 31.1ha requirement figure is based upon the past development rates scenario (the higher of the two scenarios). This scenario is based upon development data from the years 2015/16 to 2019/20, where there was a notable increase in development activity locally.
6. The Council wants to ensure that sufficient land is provided to continue these growth levels across the Plan period, to ensure that in accordance with the NPPF (paragraph 20), growth is not constrained by insufficient land being identified. The past “development rates” scenario, as the higher of the two scenarios, has therefore been used as the basis for this figure.
7. Evidence of completions from the 2 years since this data shows similar rates of employment floorspace delivery (circa 20,000sqm), demonstrating that these trends are continuing.
8. The requirement figure has been calculated using an established methodology as recommended by Planning Practice Guidance with data that is robust and up to date. The Council therefore considers the figure to be based upon robust and appropriate evidence.

**Q3 In response to the Inspectors' Initial Questions, the Council states that allocated sites at the White Cliff Business Park, Discovery Park in Sandwich, the Aylesham Development Area and Statenborough Farm will provide around 61.5ha of employment land. The reason for the additional land is to provide flexibility and choice. Is this justified?**

#### Q3 DDC Response:

9. The reasons for the allocation of additional land for employment purposes were set out in the Council's response to Inspector's Initial Questions (paragraphs 19.3 to 19.7). An update regarding the availability of White Cliffs Business Park Phase 3 is set out below and in response to Issue 4 Q1 and 2.
10. The primary need for flexibility relates to the likely availability and future use of the Phase 3 land at White Cliffs Business Park, part of which was subject to a Special Development Order (SDO) for an Inland Border Facility. The loss of such a large component of the District's employment land supply (26.5ha) was identified as a risk in the EDNA 2021 (paragraph 6.13).
11. There has been on-going uncertainty regarding the availability of this land throughout the plan making process, as is acknowledged at para 3.109 of the Plan. On 16 June 2023, the Department for Transport advised the Council that a long-term



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strategy for traffic management, border fluidity and driver welfare was being developed to reduce reliance on on-road traffic management measures. It is understood that the Department is evaluating the potential of the whole Phase 3 site in addressing the supply of off-road lorry parking spaces in the region and issues of driver welfare shortages, illegal parking, and littering. On 21 September 2023, the Department confirmed that the scheme under evaluation would be permanent, subject to an initial steer at Ministerial level.

12. The EDNA 2021 recognises that the specialised nature of Discovery Park (10.77ha) may not cater for more general business needs (paragraph 6.20). To ensure a suitable supply of employment land over the plan period, the EDNA 2021 recommended the selective allocation of additional sites, over and above the existing, to provide further flexibility and choice to the market (paragraph 6.22). An alternative site to Phase 3, but with a smaller potential capacity (Phase 4), has been allocated.
13. The total amount of land allocated to meet employment needs would be significantly reduced with the loss of Phase 3 from 61.54ha to 35.04 ha, bringing the total closer to the identified need of 31.1ha.

**Q4 In addition to Part 1 of the policy, Policy SP6 also refers to allocations at the Former Snowdown Colliery, Western Heights, Fort Burgoyne and Dover Waterfront, all of which include economic development. From these allocations, how much additional land for office/industrial development/storage and distribution is proposed? How does this relate to need?**

#### Q4 DDC Response:

14. The reasons for the allocation of the additional regeneration sites were set out in the Council's response to Inspector's Initial Questions (paragraphs 19.8 to 19.9).
15. The Plan refers to, and has allocated on the Policies Map, the entire site area for each of the four regeneration sites as employment allocations. The suitable developable areas of these sites will be significantly smaller than the allocated areas. This is due to the complexity and constrained nature of each site, as described in the respective allocation policies. Development will be focused on the re-use of the existing buildings, structures, and previously developed land, as set out in the Council's response to the Inspector's Initial Questions (paragraph 19.10).
16. The sites have been allocated for a mix of uses, as set out in the relevant site-specific policies, due to their complex nature and the need for flexibility to maximise



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the potential to bring the four areas of brownfield land back into use and to secure the future of important heritage, ecological and landscape assets in the District. Development may contribute to meeting the need for employment uses for which there is an identified need for land, but that is not the primary objective. The suitable developable area may accommodate a range of uses that may or may not include traditional employment uses that would contribute to an identified need. Given these complexities, it is not possible to specify the amount of land that would be brought forward for office/industrial development/storage and distribution uses. However, the following paragraphs where possible provide an estimate in floorspace of these uses for each site.

#### *Dover Waterfront*

17. The allocation of 11ha includes the existing roads, listed buildings, scheduled ancient monument and conservation area, the Camden Crescent car park and open space, together with the area of water within Wellington Dock and a vacant shopping centre building. The developable area of the allocation comprises an area of approximately 3ha around the dock, plus the Camden Crescent car park of approximately 0.25ha and the Marina Curve site for a mixed-use area and motel. The planning permission for the Marina Curve leisure and food/beverage development (DOV/20/01220) would provide 412 sqm of E(g)i office space. The existing, mostly single story, De Bradelei Wharf retail development is currently being demolished (prior approval DOV/23/00595) with the current Dover Harbour Board masterplan currently indicating a like-for-like amount of replacement retail floorspace with residential use above, and up to 10,000 sqm of E(g)i offices.

#### *Western Heights*

18. Up to 3,000 sqm office/light industrial - The Citadel is the current and likely future focus for commercial activity within the Western Heights site, accounting for approximately 6ha of the 33ha site area, with further fortified areas to the north and west. The current use of The Citadel is based on re-using the existing buildings to provide venues for leisure uses, film and drama locations, space and accommodation for training events, wedding receptions and small business space. A number of the buildings within the site are modern and in a good state of repair. In terms of the re-use of historic elements, an emerging idea from the landowner to convert the former officers' mess into a hotel and the recently completed conversion of casemates has created 1,548 sqm of Class E floorspace (DOV/22/00322 and DOV/22/00371). The site is currently expected to be brought forward incrementally but with only a small amount of E(g) i-iii uses.



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##### *Fort Burgoyne*

19. The Fort and the adjacent open spaces are owned by The Land Trust, a charity that seeks to ensure that open spaces are protected for the benefit of the community and the environment. Planning permission DOV/21/01000 would create 427 sqm of E(g) floorspace in converted casemates. There are 7 further areas of similar size within the fort that could contribute a further circa 3,000 sqm of similar floorspace. The Trust will be seeking to provide accommodation for a broad range of uses, including space for training, interpretation, and civil wedding ceremonies. The building facilities and adjacent open spaces will be managed to support biodiversity, recreation and provide space for events. As with The Citadel, the site is expected to be brought forward incrementally with only a small amount of the site likely to provide for traditional employment uses.

##### *Former Snowdown Colliery*

20. The site has a total area of approximately 40 hectares and includes a complex of semi-derelict colliery buildings in the northern part of the site, including two buildings listed in their own right with the other buildings listed as being within the curtilages. The portion of the site containing the main concentration of buildings measures approximately 4 ha. The remainder of the allocation comprises large expanses of shale and spoil that accommodate flora and fauna suited to that environment. A scheme that was the subject of an EIA Scoping Request (DOV/20/00179) proposed the alteration, repair and refurbishment of existing buildings and construction of new buildings to provide up to 12,000 sqm gross of floorspace, comprising a mix of retail, food and drink and business units, together with B2, B8 and D1 uses within the footprint of the previously developed part of the site. The main body of the site would have been used as a natural open space containing an events space (up to 1,000 sqm) and park lodges for holiday accommodation (up to 4,000 sqm). The company behind the scheme envisaged utilising its manufacturing and trade business as a driving force for the improvement of the site. This proposal also formed the basis of a representation from the developer in response to the Regulation 18 consultation.
21. Based on the above, and information submitted by the landowner in response to the Reg 18 consultation, the Council concluded that the sites could come forward for a range of uses that would protect underused assets and stimulate economic growth as their primary objectives. It is not possible to estimate the amount of traditional employment space that may be brought forward on this site.

##### Conclusion

22. These four sites have the potential to deliver a modest provision of additional employment floorspace, primarily in the office uses. The delivery of traditional employment land on these sites is not needed to meet the need for employment land as this is met by the allocation of other sites, as set out in response to Q1 above. However, as set out at paragraph 3.117 of the Plan, these sites have been identified



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to contribute to the Council's overall economic growth strategy to deliver a wide range of employment uses, make effective use of brownfield land and deliver wider regeneration benefits to the District.

**Q5 What is the justification for the suggested changes to Policy SP6? Why are they necessary for soundness?**

#### Q5 DDC Response:

23. The suggested changes to paragraph 3.101 set out in AM15 seek to ensure that the key themes and objectives of the Council's Economic Growth Strategy (2021) are repeated as they appear in the original document. The suggested changes to paragraph 3.121 would highlight the importance of relationships and investment to addressing 'green' issues. The changes would provide additional clarity and are not considered by the Council to be necessary for soundness.



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#### Issue 2 – New Employment Development – Policy E1

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**Q1 What is the justification for allowing new employment development on land adjacent to all settlements in the hierarchy? How would the suitability of a development proposal be determined? For example, how would size and scale be judged? Is the policy effective?**

#### Q1 DDC Response:

24. Employment is an integral part of sustainable development and of the settlement hierarchy approach set out in the Plan and described in Matter 2, Issue 2. The NPPF requires the Plan to meet the economic, social and environmental objectives. The economic objective is “to help build a strong, responsive economy, by ensuring that sufficient land of the right types is available at the right places and at the right time to support growth, innovation and improved productivity” (NPPF, paragraph 8).
25. Policy E1, subsection 1c) recognises that sites to meet local business needs may have to be found adjacent to existing settlements. Allowing employment development on land adjacent to all settlements in the hierarchy will contribute to meeting the requirements of para 84 of the NPPF in relation to rural employment, as addressed in response to Q2 below.
26. Policy E1, criteria i) to ix), provides detailed guidance which would be used to determine the suitability of development proposals, including with regard to size and scale. This includes the requirements that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make the location more sustainable (NPPF paragraph 85).
27. Given the wide range of settlements within the hierarchy, with different levels of services and employment opportunities, each development proposal would need to be considered on its own merits using planning judgement informed by the criteria set out in the Policy.
28. Paragraph 8.11 of the Plan acknowledges that there will need to be a balance between the needs of businesses and rural enterprises and the need for sustainable patterns of development that protect the character and quality of the countryside. For example, a large office complex adjacent to a small and isolated settlement would need to draw on a wide area to meet its needs for staff and office supplies. This would be likely to result in an unacceptable impact on unsuitable local roads, reliance on the private car and potentially a built form that overwhelms the scale and character of the adjacent settlement.





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#### Issue 2 – New Employment Development – Policy E1

29. In reviewing the Policy, the Council has noticed a typographical error in the first sentence of Policy E1, which refers to light industrial uses as E(g)ii in error instead of E(g)iii. This will be the subject of a post submission modification.

**Q2 Is Policy E1 consistent with paragraph 84 of the Framework, which requires planning policies to enable the sustainable growth and expansion of all types of business in the rural areas, both through conversion of existing buildings also well designed new buildings?**

#### Q2 DDC Response:

30. The Council considers that the policy is consistent with paragraph 84 of the NPPF.
31. Policy E1 and paragraphs 8.9 to 8.11 in the Plan reflect NPPF paragraph 84 in supporting sustainable economic growth in rural areas involving the conversion of existing buildings and well-designed new development.
32. Policy E1 relates to employment uses and does not discourage other development that would provide jobs and investment. Criteria 2a), supported by consideration of criteria i) to x), enables the sustainable growth and expansion of all types of business in the rural areas.





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

### **Matter 6 – Employment and Economic Development**

#### **Issue 3 – Loss of Employment Sites – Policy E2**

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**Q1 Does Policy E2 only apply to land and buildings currently in use?**

#### **Q1 DDC Response:**

33. The Policy applies to existing employment sites as identified on the Proposals Map or other buildings and land currently used for employment purposes. The Policy also seeks to ensure there is a process to establish whether a vacant site and premises that is not shown on the Proposals Map and where the last previous use was employment is no longer suitable or viable for that use.
34. The Council does not consider this issue to be a matter of soundness, but if for clarity the Inspectors consider an amendment to the policy wording and supporting text is required to clarify this, the Council would raise no objection to this amendment being made.

**Q2 Is criterion (b) sufficiently clear enough to be effective? Does this relate to the supply of employment land across the district as a whole?**

#### **Q2 DDC Response:**

35. Yes. Policy E2 b) requires the type of employment land affected and its location to be considered. Further clarification and guidance are provided in the implementation paragraphs. Paragraph 8.20 states that the level and scale of evidence required will depend on the scale and location of the proposal, with paragraph 8.22 providing some examples.



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#### Issue 3 – Loss of Employment Sites – Policy E2

**Q3 How have the sites in Table 8.1 been identified? What is the reason for their inclusion in the Plan?**

#### Q3 DDC Response:

36. The sites were identified through the review of the employment land supply portfolio carried out as part of the Economic Development Needs Assessment Update (EDNA, 2021). The detail of this process is set out in Chapter 5 of the EDNA. The purpose of the appraisal was to consider the development potential/capacity of each site to accommodate employment growth, and their suitability, availability, and achievability to meet employment needs and deliver the Council's economic growth strategy. The site assessment identified over 40 sites either currently in employment use or considered for allocation for employment use through the Plan. Some of the sites were existing employment sites where following a review of their employment suitability the EDNA recommends that the sites should be provided with formal protection (paras 5.19, 5.27 and 5.28). The sites identified in Table 8.1 are those which were considered to play an important role in accommodating business activity (para 5.19) and the better performing employment sites that represent established business locations and where the majority of uses fall within the 'traditional B use classes' (para 5.27). Other sites assessed that are occupied mostly by non-B uses and/or poor-quality stock that fails to meet the needs of modern business occupiers were not recommended to be included. (paragraph 5.28).



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

### Matter 6 – Employment and Economic Development

#### Issue 4 – Employment Site Allocations

#### Issue 4 – Employment Site Allocations

- Q1 How were different sites considered for inclusion as allocations? What process did the Council follow in deciding which sites to allocate?**
- Q2 Was the site selection process robust? Was an appropriate selection of potential sites assessed, and were appropriate criteria taken into account?**

#### Site Identification

37. As part of stage 1 of the Housing and Economic Land Availability Assessment<sup>2</sup> process, officers compiled a comprehensive list of 43 employment sites for assessment (see Appendix 6). These employment sites focused on the traditional employment uses of B1 (offices), B2 (general industrial) and B8 (storage and distribution) uses prior to the changes to the Use Classes Order, which came into force on 1<sup>st</sup> September 2020 (which revoked Class B1 and replaced it with Class E(g)). In compiling the list, officers undertook both a call for sites (completed in June 2017 and again during the regulation 18 consultation period) and a desk-based review of existing information, which looked at:

- existing allocated sites in the Core Strategy and Land Allocations Local Plan;
- unimplemented planning permissions, refused planning applications and withdrawn planning applications;
- sites previously considered as part of the Strategic Land Availability Assessment (2009) and Urban Capacity Study;
- sites on the brownfield register and those submitted as part of the call for sites carried out for the brownfield register in 2016;
- land in the Council's ownership;
- public sector land; and
- vacant and derelict buildings.

#### Initial Review of Sites (Stage 1 Assessment)

38. Following this, officers undertook an initial sift of these sites to eliminate sites that were:

- too small to be allocated – those under 0.25ha;

<sup>2</sup> [GEB09a HELAA Main Report October 2022 \(doverdistrictlocalplan.co.uk\)](https://www.doverdistrictlocalplan.co.uk)



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#### Issue 4 – Employment Site Allocations

- entirely covered by specific national designations e.g Special Protection Areas, Special Areas of Conservation, Sites of Special Scientific Interest, Ramsar sites, Heritage Coast, ancient woodland and notified safety zones (sites which are partly covered by specific designations have been taken forward for further assessment);
- Subject to planning permission (to avoid double counting);
- under construction or since built;
- contrary to the policies in the NPPF; and
- considered to be isolated development in the open countryside and had no relationship to any settlement i.e not sustainable in terms of the NPPF.

#### **Suitability Assessment (Stage 2 Assessment)**

39. The remaining sites were then taken forward for more detailed assessment. The first stage of this process involved a desktop review using GIS mapping layers to identify any relevant on-site constraints. Following this, sites were then assessed to determine their suitability, any remaining developable floorspace and future development potential/opportunities for intensification or redevelopment, using the following criteria:

- site size, physical characteristics, location and age and quality of existing buildings;
- character of surrounding area and compatibility with neighbouring uses;
- landscape impact, impacts on landscape views and screening of site;
- potential impact on heritage assets relevant to the site;
- public transport accessibility, proximity to local services and parking; and
- environmental constraints.



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**Issue 4 – Employment Site Allocations**

40. The findings of the suitability assessment of the HELAA sites in relation to landscape, highways and access, heritage and environmental constraints then informed the overall suitability assessment and suitability rating for each site, with sites classified as being either suitable (green), potentially suitable (amber) or unsuitable (red) in accordance with criteria below.

Suitable	The site offers a suitable location for development for the use proposed and is compatible with neighbouring uses. There are no known constraints that will significantly limit the development of the site.
Potentially Suitable	The site offers a potentially suitable location for development for the use proposed but is subject to a policy designation which inhibits development for the defined use and/or constraints that require mitigation. The development plan process will determine the future suitability for the defined use and whether the constraints can be overcome.
Unsuitable	The site does not offer a suitable location for development for the proposed use and/or there are known constraints which cannot be mitigated. The site is unlikely to be found suitable for the defined use within the next 15-20 years.

41. The assessment process outlined above was carried out in the same way for all sites identified at the beginning of the HELAA in 2017 and those submitted to the Council during the Targeted Call for Sites (2021), which ran concurrently with the consultation on the draft Local Plan.
42. Through the targeted call for sites, the Council sought sites suitable for employment uses of greater than 500sqm in size to address a shortfall of suitable and available employment land against its Economic Growth Strategy minimum target of 31.1ha from HELAA (2017) sites.
43. As part of the update to the Economic Development Needs Assessment<sup>3</sup> (EDNA), carried out in 2021, this included a review of the supply portfolio (Chapter 5), which assessed the potential of available employment land to meet the needs for employment development. This assessment and its conclusions informed the final site suitability conclusions in the HELAA 2022<sup>4</sup>.

**Local Plan Allocation process**

44. A total of 30 suitable or potentially suitable sites resulted from the Stage 2 assessment (including sites identified through the targeted call for sites), which were

<sup>3</sup> [EEB01 Economic Development Needs Assessment November 2021](#)

<sup>4</sup> [GEB09a HELAA Main Report October 2022](#)



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#### Issue 4 – Employment Site Allocations

given an estimated development potential based on any remaining undeveloped land and with reference to under construction or extant planning consents. Those sites with no remaining land available were not suitable for allocation, but are protected by Policy E2, should proposals to change the use of the land come forward.

45. Taking account of the recommendations of the ENDA set out in paragraphs 6.18 to 6.23, the Council chose to allocate all suitable or potentially suitable sites with unconsented development potential in the Plan.

#### Policy SAP2 – White Cliffs Business Park

**Q1 What is the area of land available for development at the White Cliffs Business Park, by phase and as defined by Policy SAP2?**

#### Q1 DDC Response:

46. The land available for development at White Cliffs Business Park is set out in Table 3 of the Council’s response to the Inspector’s Initial Questions and replicated below in Table 1. The table includes the land at Phase 3 of White Cliffs Business Park, however, as addressed in response to Q2 below, the land is not currently available for employment development.

*Table 1 - White Cliffs Business Park land available by Phase*

WCBP Phase	Total area of allocation boundary (ha)	Area allocated to meet employment needs (ha)
Phase 2 <sup>5</sup>	7.3	7.3
Phase 3	28.5	26.5
Phase 4	31	14.27
<b>TOTAL with Phase 3</b>		<b>48.07ha</b>
<b>TOTAL without Phase 3</b>		<b>21.57ha</b>

<sup>5</sup> There are four sites remaining within Phase 2, comprising a site nearing completion, 2 sites with planning permission and an area of farm land without planning permission adjacent the Fastrack route.



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#### Issue 4 – Employment Site Allocations

**Q2** In response to the Inspectors' Initial Questions, the Council clarified that the Phase 3 land (as show in the submitted Plan) is that which relates to the intended Inland Border Facility. The Council's response also confirms that the Inland Border Facility is no longer being taken forward. Is the land available for development and what evidence is there to suggest that it will come forward within the Plan period? Is the extent of the allocation justified?

#### Q2 DDC Response:

47. The Phase 3 land at White Cliffs Business Park was subject to an SDO for an Inland Border Facility. On 16 June 2023, the Department for Transport advised the Council that a long-term strategy for traffic management, border fluidity and driver welfare was being developed to reduce reliance on on-road traffic management measures. The Department was evaluating the potential of the Phase 3 site in addressing the supply of off-road lorry parking spaces in the region and issues of driver welfare shortages, illegal parking, and littering. On 21 September 2023, the Department confirmed that the scheme under evaluation would be permanent with an initial ministerial steer expected shortly.
48. Until the Department confirms that a decision has been made, the Council cannot say at the time of writing that the land is available for employment development during the plan period.

**Q3** Is it sufficiently clear what 'employment generating uses which do not form part of the use classes order' entails? Is the policy effective?

#### Q3 DDC Response:

49. The Policy currently refers to trade counters. The other employment generating uses that have formed part of the development of the site to date and would be acceptable moving forward would be the sale of fuel for motor vehicles and the sale or display for sale of motor vehicles.





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#### Issue 4 – Employment Site Allocations

50. The Council does not consider this issue to be a matter of soundness, but if for clarity the Inspectors consider that an amendment to first sentence of the Policy is required to ensure it is effective, the Council would raise no objection to this being made.

**Q4 What are the reasons for the very prescriptive sizes of landscape buffers and building heights. How have they been established and are they appropriate for a strategic Local Plan policy? Are they justified and effective?**

#### Q4 DDC Response:

51. The prescribed extents of the landscape buffers are based on landscape and visual assessment work which identified that a range of mitigation measures would be required to prevent detrimental impacts on views and the amenity of neighbours. Landscape buffers have been a consistent policy requirement for the site through previous and current adopted development plan policies.

#### Local Plan 2002

52. Phases 1, 2 and 3 of White Cliffs Business Park were rolled forward from the Dover and Western Parishes Local Plan into the 2002 Local Plan, based on a 20/40/40 per cent split between B1/B2/B3 uses. The split incorporated a reduction in the percentage for B1 uses as the site was regarded as a less-likely location for offices, compared to other sites at the time. Phase 1 has now been completed.
53. Paragraph 3.29 of the 2002 Local Plan noted that Phase 2 was open to long views from the north and west and could be readily seen from the A2. Owing to the topography of Dover, buildings on the southern part of the site could be visible from a considerable distance and a shelter belt would be required along the southern boundary. The mitigation requirements for Phase 2 were set out in Policy LE3 as a shelter belt at least 20 metres in width along the southern boundary, with no buildings to be constructed within 15 metres and no buildings over 10 metres in height within 50m.
54. Paragraph 3.30 of the 2002 Local Plan noted that Phase 3 would also be open to views, especially from the west, with the southern boundary set by landscape considerations. Where the site adjoined Dover Road the amenities of residents would be protected by a landscape buffer at least 25m wide, consisting of an earth bund and dense planting, and by allowing only B1 development at lower density in



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#### **Issue 4 – Employment Site Allocations**

this location. The mitigation requirements for Phase 3 were set out in Policy LE3 as a landscape buffer at least 25 metres in width in the vicinity of Dover Road with B1 development adjacent not exceeding 10 metres in height. There was no reference to the bund in the policy.

#### **Land Allocations Local Plan 2015**

55. The allocations for Phases 1,2 and 3 were rolled forward into the 2015 Plan. The issues and mitigation requirements, including the provision of a bund, were included in Policy LA2.

#### **Submission Local Plan**

56. Given the landscape sensitivities on this site, a Landscape and Visual Appraisal was commissioned by the Council and undertaken by LUC in August 2021. The LVA identifies that the key landscape and visual sensitivities which would be affected by development of the site relate to the landscape of the site and its visual prominence, local views from PRoW in close proximity (the North Downs Way National Trail/White Cliffs Country Trail and bridleway EB 12), views from Dover Road and Burgoyne Heights, and some views from Western Heights.
57. The site is judged to be sensitive in landscape and visual terms. Any development on this site would therefore need to be carefully designed and located to minimise effects. Development of the southeastern part of the site would be unsuitable in landscape terms and should be avoided, given this is the most sensitive part of the site in landscape terms. Furthermore, development should also be set back from both the western area of the site to minimise impacts on views from bridleway EB12 and views from Western Heights; and from the North Downs Way National Trail/White Cliffs Country Trail to minimise impacts and conserve its setting. However, development of the middle part of the site behind Phase 2 of the White Cliffs Business Park would be potentially suitable in landscape terms, subject to the completion of a full LVIA and the provision of suitable landscape mitigation.
58. The Kent Downs AONB Unit submitted comments of support for Policy SAP2 and the supporting text during the Regulation 19 Consultation. The AONB Unit recognised that the location of the site, and its proposed use as a Business Park had potential to impact on the Kent Downs AONB due to intervisibility, and the proposed scale and form of commercial buildings that can be difficult to mitigate in views from the AONB. However, the Unit considered that appropriate safeguards have been included in the policy wording to appropriately manage potential AONB impacts. The proposed safeguards to the North Downs Way as it passed through the site were also supported.



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#### Issue 4 – Employment Site Allocations

**18. Policy SAP2(f) (as suggested to be modified) requires a travel plan for the site to include targets and measures to achieve a modal shift of between 10 and 20% from private car use to sustainable modes of transport.**

**Q5 What is the justification for this, how will it be measured (both at application stage and going forward) and is it clear to decision-makers, developers and local communities what exactly is required?**

#### Q5 DDC Response:

59. The target has been developed in consultation with KCC Highways and relates to the measures associated with the planned provision of Dover Fastrack. The target has been informed by KCC's experience of the success of other Fastrack schemes in Kent. The success of Fastrack in Ebbsfleet provides an indication of the effectiveness of BRT services, as a prime example, and supports the need and validity for an ambitious target for the Dover scheme.
60. The allocation at White Cliffs Business Park benefits significantly from the planned delivery of the Dover Fastrack scheme which will run directly through the site. The development will therefore be expected to engage employees with the scheme, as well as facilitating the physical infrastructure both on and off-site. Measures will include community engagement with new residents for the Fastrack service, with service updates, opportunities for feedback and incentives for use. In line with the 'predict and provide' approach, it would be expected that Transport Assessments start with the 20% target and model plausible scenarios that make provision for sustainable and active modes, of sufficiently high quality to achieve the requisite modal shift. This would typically include measures such as free bus travel and cycle vouchers. The Travel Plan which would be secured by condition and/or S106 agreement can further address the monitoring of modal choice for the site over time.



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**Q6 Is it sufficiently clear to users of the Plan what off-site highway mitigation is required to facilitate the allocation? How have the costs associated with necessary contributions to the Whitfield roundabout and Duke of York roundabout been considered as part of the plan making process?**

#### Q6 DDC Response:

61. As set out within the current IDP (ED7) and appendices (ED7a) and SP12, the approach to the funding of the Whitfield and Duke of York Roundabout upgrades includes a requirement for all development uses within the zones identified to provide proportionate financial contributions to the upgrade schemes. As part of the transport modelling undertaken to support the Local Plan, it has been identified that development at WCBP will have a traffic impact on these junctions. Appendix 3 of the IDP sets out how, due to the unknown phasing and specific uses expected to be delivered within WCBP, the specific proportionate contributions are unable to be calculated at this time, and instead will be determined at the time of individual planning applications which will require Transport Assessments/Statements to be submitted in accordance with Policy TI2.
62. However, the Council is proposing a refined approach to the funding of Whitfield Roundabout upgrade, which will require the Whitfield Urban Expansion to meet the full costs of this scheme, with a reduced contribution (per dwelling) to the Duke of York upgrade scheme. This approach, including total costs, how they will be met, and expected delivery timescales is set out in full in Appendix 1 to the Council's response to Matter 3 - Technical Note - Whitfield and Duke of York Roundabout Mitigation Contributions and Delivery - October 2023.
63. As part of this approach, there will remain a requirement for developments within WCBP to comply with Policy TI2 and provide details of their traffic impacts on the capacity of Duke of York roundabout. Once this information is known, a proportionate financial contribution will be required to deliver that mitigation. As set out in the Technical Note referred to above, if contributions from sites outside of the current dwelling tariff approach lead to an overpayment, this will be addressed through clauses in legal agreements.



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64. In order to secure the refined approach, the Council considers that main modifications will be required to Policy SAP2 criterion g i) and the Council would be happy to draft these should the Inspectors agree.

**Q7 What is the justification for the suggested changes to Policy SAP2? Why are they necessary for soundness?**

#### Q7 DDC Response:

65. AM31 seeks to provide additional clarity regarding the type of modal shift required, beyond the “use of sustainable transport measures” referred to in preceding paragraph 4.8 to Policy SAP2. The modification was requested by and has been agreed with National Highways and Kent County Council as set out in the Statement of Common Ground. Please refer to Q5 above for further justification.
66. The proposed deletion of criterion i) in AM31 relates to update the Habitats Regulations Assessment, as set out in response to Matter 1, Issue 7. It is considered necessary for soundness so that the Plan is justified by the latest evidence.

### Policy SAP5 – Fort Burgoyne

**Q1 What type and amount of development is proposed at Fort Burgoyne? To be effective, it is necessary to set this out in the Plan?**

#### Q1 DDC Response:

67. The site area of the Scheduled Ancient Monument is approximately 10ha and includes an area of Protected Open Space to the south-east. The East and West Wing Batteries, which form part of the monument are located on the opposite sides of Dover Road and the A258, are not included within the allocation. The fort, gun batteries and open space are owned by the Land Trust, a charity.
68. The estimated area within footprint of the fort is approximately 5.45ha. Planning permission (DOV 21/01000) was granted in July 2022 for the Trust to change of use of four casemates to create 427sqm of Class E floorspace with toilet and kitchenette



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facilities, plus the change of use of an existing building to a site office and the creation of vehicle and cycle parking space. There are seven more areas within the fort of similar size to that already granted permission which would provide approximately 3,000 sqm of space. The Trust intends the site to become a mixed-use facility, including accommodation for education, civil ceremonies, and cultural events. The additional area of land to the east would be used to support activities at the site, for example car parking during cultural events and heritage open days, and to encourage biodiversity.

69. If the Inspectors consider it to be necessary for the Plan to be effective, the Council would raise no objection to the type and amount (indicative capacity of 3,000 sqm of floorspace through conversion of existing buildings) of development to be set out in the Plan.

**Q2 The supporting text to Policy SAP5 states that the 'open nature of the surrounding area has an important function in the significance and setting of Fort Burgoyne'. How has the significance of the site been considered and what evidence can the Council point to which demonstrates that the site is suitable for development?**

#### Q2 DDC Response:

70. The effects of development on the heritage asset have been considered through the HELAA. This led to the conclusion that mixed use and consequential increased access to the site has the potential to secure the future of Fort Burgoyne.
71. As set out in response to Q1 above, it is not envisaged that new build development would come forward on the open areas of the site. Criteria a) of the Policy states the need for a Heritage Statement which must meet the requirements of Policy HE1. Any such assessment will identify those elements of the site which contribute to its significance, including its setting, and in conjunction with criteria b), c) and j) of the Policy (the latter of which restricts development within the boundary of the scheduled monument which would be harmful to its significance), will ensure any potential new development protects or where possible enhances the heritage significance of the site. The potential use of the parade ground for parking to be considered as part of the normal planning process on a case-by-case basis has been discussed with and supported by Historic England and included in the Statement of Common Ground. In addition, as set out in AM34, in discussion with Historic England, the Council proposes to amend paragraph 4.109 of the preamble to emphasise the heritage



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benefits of a wider range of uses on the site which would contribute to the long-term sustainability of the site.

**Q3 How are development proposals expected to 'enhance the economic well-being of Dover' as per Policy SAP5(d)?**

#### Q3 DDC Response:

72. The uses that are proposed for the site will deliver economic benefits to the town through the creation of employment opportunities a visitor attraction with facilities and flexible indoor spaces and a location for events in combination with the adjoining open space.

**Q4 Part of the site falls within the AONB? How has this been considered as part of the allocation of the site? Can a scheme be achieved that would meet the requirements of national planning policy concerning development within AONBs?**

#### Q4 DDC Response:

73. The site is not located in the AONB, although the eastern boundary of the site adjoins the AONB.
74. The effects of the proposed development on the setting of the AONB have been considered through the Council's assessment of the site through the HELAA and SA, informed by consultation with the Kent Downs AONB Unit. The proposals for the site focus on the re-use of existing buildings, and therefore a scheme can be achieved that would meet the requirements of national planning policy concerning development adjoining AONBs and Policy NE2 provides the appropriate policy framework to ensure this. The Kent Downs AONB Unit agrees with this, as set out in the Statement of Common Ground.





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**Q5 Taking into account the constraints of the site, is the allocation viable and deliverable?**

#### Q5 DDC Response:

75. Yes. Planning permission was granted in 2022 for the charitable trust that owns the site to convert a portion of the site to E(g) uses. The works will provide indoor accommodation and facilities for the charity to use in combination with the open space to enhance their existing programme of events. The conversion works will add to the investment in the historic fabric already undertaken using funding from Homes England.

**Q6 What is the justification for the suggested changes to Policy SAP5? Why are they necessary for soundness?**

#### Q6 DDC Response:

76. Modification AM34 proposes additional text to paragraph 4.109, acknowledging the challenges inherent in adapting an historic building whilst highlighting the benefits that a mixed-use development could bring to the area. The proposed changes to paragraph 4.110 seek to clarify that the site is not known to be contaminated but there is potential due to previous military use. This responds to representations received from Historic England, as agreed in the Statement of Common Ground.
77. Modification AM35 proposes changes to criteria h) and i) regarding SuDS, open space management and minor typographical changes to j) and k). The Council considers the changes would provide further clarity but are not necessary for soundness.
78. The proposed change to criteria f) ensures appropriate species and habitat surveys are carried out prior to application submission, rather than prior to determination. This is because the evidence is required by the decision maker in order to ensure that impacts have been assessed and have informed the design, layout and development capacity of the site, and to inform ecological mitigation and enhancement measures.



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79. The Council considers that this change is necessary for soundness, to ensure the policy is effective and applicants are clear in how the policy will be implemented and information required to be submitted alongside a planning application.
80. Modification AM35 also proposes an additional criterion related to the Dover Fastrack service which passes, and will be of benefit to, the site. The modification was requested by KCC. The Council consider this change is necessary for soundness.

### Policy SP6/E2 – Discovery Park, Sandwich

**Q1 What is the reason for Discovery Park not having an allocation in the same way as other employment sites?**

#### Q1 DDC Response:

81. Discovery Park is allocated for employment uses through Policy SP6 and also benefits from the protection of Policy E2. The site does not have a site-specific policy as it is an existing employment site with an extant planning consent. The Pfizer pharmaceutical company operated an R&D and manufacturing facility on the site from the 1950s. The facility was expanded in several phases but was drastically reduced in 2011 with the loss of 2400 jobs. The site was sold and rebranded as Discovery Park. The site was designated as an Enterprise Zone and the subject of a Local Development Order (LDO), following which it received outline permission in 2015 for the re-purposing or replacement of buildings (DOV/14/00058). The remaining available land can come forward under the existing planning consent. Proposals which fall outside of the existing planning consent would be covered by Policies E1 and E2 of the Plan.



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**Q2 How much land is available for development and is it clear what uses will be permitted? Is the Plan effective where Discovery Park is concerned?**

#### Q2 DDC Response:

82. The re-use of the site has been guided by the outline planning permission, which included a master plan and development schedule that broadly split the site into two parts. The southern portion, between Sandwich bypass and Ramsgate Road, was identified for a mix of housing, employment, and other uses. The redevelopment of the northern site was to broadly comprise a mix of office, R&D, manufacturing, distribution, and commercial uses. The 72.5ha covered by the outline permission excluded a biomass energy plant on the site, an area to the east of the bypass to be developed as a petrol station, cafes and hotel and a water treatment plant to the north.
83. No new development has commenced on the southern site. The buildings identified for demolition on the northern site have been removed with retained and new buildings accommodating approximately 150 companies, ranging from start-ups to multinationals, generally working in pharmaceuticals, biotechnology, healthcare, technology, and professional services. The site was designated one of six Life Sciences Opportunity Zones in 2020. Approximately 10ha of developable land remains within the northern portion of the site.
84. The planning permission covers a broad range of use classes including E(g)i-iii, B2, B8, C1, F1 and Sui Generis (energy). Buildings to be retained or demolished and the parameters for new development are set out in outline planning permission DOV/14/00058 Condition 12 (as amended), based on a site-wide master plan and development schedule. The Environmental Statement, Transport Assessment and Viability Appraisal are predicated on the identified amounts.
85. As set out in response to Q1 above, the remaining available land of 10ha is expected to come forward through the outline planning consent for the site. Proposals which fall outside of the existing planning consent would be suitable covered by Policies E1 and E2 of the Plan.



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#### Policy SAP26 – Former Snowden Colliery, Aylesham

**Q1 What type and amount of development is proposed at the Former Snowdown Colliery site, especially the type and amount of leisure and retail uses? To be effective, it is necessary to set this out in the Plan?**

#### Q1 DDC Response:

86. The type of development proposed at the Former Snowdown Colliery site is set out in Policy SAP 26 which identifies the site for E(g)(i-iii), B2, B8 and “some leisure, retail food and drink, non-residential and tourism uses”.
87. In terms of the amount of development, as set out in para 4.207 the final amount of development will need to be informed by further site investigations and the need to preserve or enhance the designated and non-designated heritage assets, to deliver a viable and sustainable proposal for the site. The allocated site area is 39.94ha with the land currently and previously occupied by the main complex of colliery buildings (brownfield) being approximately 4ha. Preceding paragraph 4.207 refers to “limited retail”. At the current time, the precise amount of development is not known and this will need to be determined on a case by case basis taking into account the criteria of the policy.
88. The Council does not consider it necessary to set out the scale of development in the Plan in order for it to be effective.
89. The Council is aware that term ‘non-residential institution’ used in preceding paragraph 4.207 has been incorrectly referred to as “non-residential” in the opening paragraph of the Policy SAP26. The Council would be happy to suggest a modification correcting the omission.



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**Q2 How has the allocation site boundary and the mix of uses been established? Are they justified and effective?**

#### Q2 DDC Response:

90. The boundary of the site is based upon the landowner's submission for the site (with the exception of a small area of land on the opposite of Holt Street which has not been included as this was proposed for housing) and enable a wide range of proposals to be considered.
91. The proposed mix on the site has been based upon what was proposed by the landowner/developer in response to the Regulation 18 consultation. A broad mix has been proposed to provide flexibility and to maximise the potential for a viable and deliverable proposal to be established.

**Q3 Where main town centre uses are concerned, what is the justification for their inclusion and is the approach consistent with national planning policy as set out paragraph 87 of the Framework?**

#### Q3 DDC Response:

92. The Council is seeking to encourage a viable and sustainable development to enable the heritage assets to be brought back into productive use. The Council acknowledges that the first paragraph to Policy SAP26 does not provide a mechanism by which the impact of any main town centre uses forming part of development proposals could be assessed.
93. The Council would be happy to propose a post submission modification requiring any main town centre uses forming part of development proposals to meet the sequential/impact test requirements set out in accordance with Policy R2.



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**Q4 Is it clear to users of the Plan what off-site highway improvements are required by Policy SAP26?**

#### Q4 DDC Response:

94. The location of any highway improvements will be dependent on the type and amount of development proposed and this will need to be informed by transport assessments in support of the planning applications for development of the site. Criteria f of the Policy identifies two specific junctions that will need considering through the transport assessment.

**Q5 What evidence has been produced to demonstrate that the proposed mix of uses are viable, and that the allocation is therefore deliverable and effective, having particular regard to heritage and possible land contamination issues?**

#### Q5 DDC Response:

95. Snowdown colliery became the first commercial pit in Kent in 1912 and closed in 1987. The site includes the former colliery buildings complex, which is incomplete due to demolition. There are 20 buildings remaining (some linked) of which the Fan House and the No.2 Winder/Engine House are Grade II listed. The combined footprint of the two listed buildings is approximately 650sqm. The other buildings are likely to pre-date July 1948 and are within the curtilage of the listed buildings. The condition of all the buildings was assessed in detail in 2003, 2005 and 2007. The reports concluded that the buildings could not be brought back into use for a cost appropriate to the resultant value and that an enabling development would be required to conserve or re-use the buildings.
96. The disused colliery tip is managed by the Coal Authority, a non-departmental public body and partner organisation of the Department for Energy Security and Net Zero. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans to protect the public and the environment in mining areas.
97. The Council acknowledges that the buildings are of special architectural and historic interest and, as part of the wider site, of special importance to the development of the nearby settlement and the cultural heritage of residents. The Council is also aware preserving that heritage in an appropriate and viable form in combination with



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an acceptable form of development will be challenging. Nevertheless, without a policy in the Plan, providing guidance and a level of certainty to potential developers, the site may never be brought back into a productive use.

**Q6 How have the effects of the proposed development on the setting of the AONB been considered? Can the site be developed in a way that avoids any harmful visual impacts to the character and appearance of the area?**

#### Q6 DDC Response:

98. The site is not located within the AONB and proposals will need to comply with criteria d) of Policy SAP26 and Policy NE2. Proposed amendment AM108 would amend the second paragraph of Policy NE2 to ensure that proposals affecting the setting of the AONB should be limited in scale and extent.
99. The HELAA process did not identify the AONB as an overarching constraint to development and the Kent Downs AONB Unit have made no comments on the allocation. It has been agreed in the Statement of Common Ground with the AONB Unit that criteria d) of the Policy will ensure that the site is developed in a way that avoids any harmful visual impacts upon the AONB.

**Q7 What is the justification for the suggested changes to Policy SAP26? Why are they necessary for soundness?**

#### Q7 DDC Response:

100. The proposed changes in AM55 to criteria c, d, g and h seek to provide additional clarity regarding trees, ancient woodland and the need for species and habitat surveys. The changes are necessary for soundness given the potential biodiversity sensitivities of the site.
101. The proposed deletion of criteria h responds to recommendations of the March 2023 HRA and is considered necessary for soundness to ensure the Plan is justified by the latest evidence, as set out in response to Matter 1, Issue 7.





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#### Policy SAP31 – Statenborough Farm, Eastry

**Q1 What type and amount of development is proposed at Statenborough Farm? To be effective, it is necessary to set this out in the Plan?**

#### Q1 DDC Response:

102. The type of development is set out in Policy SAP 31 which allocates the site for employment uses within Class E and B2. Paragraph 4.229 sets out that there was 2,125 sqm of floorspace available based on the footprints of the existing buildings. This allowed the remainder of the site to be used for access/egress, manoeuvring, deliveries, and customer parking.
103. The Council considers this to be sufficient to make the plan effective, but if for clarity the Inspectors consider that the scale of development should be set out in Policy SAP31, the Council would raise no objection to this modification being made, to add an indicative total floorspace of 2,000 sqm.

**Q2 What is the justification for requiring the existing buildings to be re-used? Is this justified?**

#### Q2 DDC Response:

104. The site comprises an established yard with existing agricultural and commercial operations. Two large existing buildings are currently in use for agriculture, with a third building used as a retail and commercial space. The commercial use comprises a pet/country store and a brewery. The policy requires the re-use of the existing buildings as this was the proposal submitted for consideration by the landowner. Whilst the re-use of the existing buildings would be more sustainable, they are not of special historic and architectural interest. The Council would therefore raise no objection to a modification to criteria a) of the Policy.



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**Q3 How have the effects of noise on the living conditions of existing local residents been taken into account in allocating the site for further industrial uses? Can a suitable scheme be achieved?**

#### Q3 DDC Response:

105. Through the site assessment process, the Council identified the potential for new uses to impact upon surrounding residential properties. However, given the relatively small-scale nature of the proposals, it is considered that the provisions of Policy SAP 31 d) which require proposals to be supported by a noise survey to identify any potential mitigation measures necessary to protect the amenity of neighbouring residents, will be sufficient to mitigate any unacceptable noise impact from additional uses on the site.