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## Hearing Statement Examination of the Dover Local Plan

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Prepared by Strutt and Parker on behalf of the Dover Harbour Board  
18<sup>th</sup> October 2023

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## **1. Matter 1 – Legal Compliance (Week 1, Hearing Day 1)**

### ***Duty to Cooperate***

- 1.1 Matter 1, Issue 1, Point 4 of the Inspector’s Matters, Issues and Questions (‘MIQs’) for the Examination notes the Statement of Common Ground (SoCG) between Dover District Council (DDC) and the Dover Harbour Board (DHB).
- 1.2 The SoCG was prepared as a response to Strutt and Parker’s representations to DDC on behalf of DHB to the Regulation 19 Consultation on the local plan.
- 1.3 As the Inspector will note from those representations, DHB were concerned that the emerging Policy TI4 in respect to overnight lorry parks could prejudice the future provision of an inland terminal facility during the lifetime of the new Local Plan.
- 1.4 DDC engaged with DHB offering an amendment to emerging Policy TI4 which satisfactorily addressed concerns raised in the Regulation 19 representation. We have provided further details in our response below on Matter 7, Issue 4.
- 1.5 In respect of Matter 1, Issue 1, Point 4, the Inspector at Q5 has queried the strategic need for overnight lorry parking facilities and DDC’s engagement with relevant parties on this issue.
- 1.6 DHB is responsible for the administration, maintenance and improvement of the harbour at the Port of Dover, which itself is the busiest international roll-on roll-off ferry port in the UK. It is therefore a significant and important body within DDC.
- 1.7 DHB generally supports the strategic need for overnight lorry parking though notes that it is for KCC and DDC to provide details in respect of the evidence.
- 1.8 In respect of Matter 1, Issue 1, Point 4, Q6, DHB is satisfied with its engagement to date with DDC on the issue of a future inland terminal facility in terms of the Council’s requirements under the Duty to Cooperate in relation to sections 22(5)(c) and 33A of the 2004 Act and Regulation 4 of the 2012 Regulations, the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).

## **2. Matter 7 – Infrastructure and Transport (Week 3, Hearing Day 11)**

### ***Overnight Lorry Parking Facilities***

- 2.1 In respect of Matter 7, Issue 4, Question 1: “ *why overnight lorry parking facilities must not be located within the AONB*” is for the Council to address. However, we wish to provide the Inspector with further detail in respect of the DHB representation on emerging Policy TI4 and the difference between a future inland terminal facility and a stand-alone lorry park.
- 2.2 As noted in the DHB representations, there are a number of existing and anticipated challenges to the

operations at the Port of Dover and more broadly the Short Straits (i.e. including LeShuttle), specifically in relation to the free flow of traffic to and from the Port and on the surrounding Strategic Road Network (SRN). The Inspector will be aware of the significant issues caused in recent months and years when situations beyond the control of DHB (such as cancellations of ferry crossings, weather events, strike action etc) have resulted in HGVs being stranded on the roadsides for miles on the approaches to Dover. In addition to the aforementioned ad hoc system events, there are also numerous impending political impacts such as the implementation of the European Union's Entry Exit System, UK Target Operating Model, etc that will impact border fluidity and therefore have the potential to materially impact traffic on the SRN around the port.

- 2.3 DHB is in the process of undertaking feasibility studies into the delivery of an Inland Terminal which would be an important new facility to greatly improve traffic management to and from the Port. This work is ongoing and will eventually inform a preferred location (or locations) and a planning application in due course. The timescales are currently unknown, but given the urgency of finding long-term solutions to traffic management problems there is a high probability that such an application would come forward during the lifetime of the emerging plan.
- 2.4 Emerging Policy TI4 seeks to control the location of new Lorry Parks within the plan area. Lorry parking is an essential and indivisible component of an inland terminal facility. DHB was concerned that the Emerging Policy as written would prejudice the delivery of such a facility (or facilities) given there are very different locational requirements for an inland terminal compared to a standalone lorry park.
- 2.5 HGVs arrive at all times of the day given ferry crossings operate from the Port of Dover through 24 hours a day, 365 days a year. The inland terminal facility will allow HGVs to leave the strategic highway network prior to their arrival at the Port to undertake relevant checks and administrative functions. They would then be allowed to continue to the Port when ready thereby reducing the possibility of queues on the roads into Dover.
- 2.6 However, the amount of time a HGV driver can operate between rest periods is strictly limited: e.g. nine hours in a day - this can be extended to 10 hours twice a week; 56 hours in a week; and 90 hours in any 2 consecutive weeks. This means that overnight lorry parking is a required and necessary element of an inland terminal facility so that drivers can rest at the point they also complete the necessary checks and administrative functions prior to boarding a ferry crossing.
- 2.7 The locational requirements for an inland terminal will be driven by different factors to those of a standalone lorry park. For example, it will most likely be required alongside one of the strategic roads into Dover, meaning the A20 corridor (east of Roundhill tunnels) and/or the A2/M2 Corridor so that it is close enough to the Port for effective operational and management reasons.
- 2.8 Further, highway safety and capacity issues will be also be paramount when considering whether the facility could be located off an existing or new junction along these routes. An Inland Facility such as this may also be considered 'in the public interest' given the importance of the Port of Dover to the national economy.

- 2.9 It is DHBs position therefore that there are fundamental differences between the locational requirements of a dedicated lorry park compared to the needs of an inland terminal facility (with associated lorry parking). It is for the Council to address whether lorry parks should or should not be located within the AONB; it is DHBs contention that inland terminal facilities should be considered on their own merits.
- 2.10 In respect of Matter 7, Issue 4, Question 2, "What are the reasons for the suggested changes to Policy TI4 (and the further suggested changes in Examination Document ED9)? Why are they necessary for soundness", the DHB notes that much of the land adjacent to the A20 corridor (east of Roundhill tunnels) and/or the A2/M2 Corridor in the vicinity of the Port of Dover are within the Kent Downs Area of Outstanding Natural Beauty (AONB). Emerging Policy TI4 as originally written would potentially restrict the potential location of an inland terminal in these areas.
- 2.11 The NPPF correctly places great weight on the preservation of the special character and landscape value of AONBs and includes proper tests against which major development (such as a terminal facility) would be assessed. The need for and overall public benefit of an inland facility should be appropriately weighed against NPPF policies at the future planning application stage, rather than be predetermined by Emerging Policy TI4 as written.
- 2.12 The amendments proposed make it clear that a future Policy TI4 would not be applicable to such a proposal for an Inland Terminal Facility, and that any future application would be considered on its own merits. Further, it notes that the A20 corridor (where such a facility could be considered in future) is located within the Kent Downs Area of Outstanding Natural Beauty (AONB), and therefore proposals that come forward would need to meet the tests set out in national policy (and Policy NE2 of the emerging Plan) in relation to major development in the AONB.
- 2.13 The amendments also clarify that an inland terminal would offer the ability to address traffic management issues that are of regional and national importance.
- 2.14 DHB considers the potential for an inland terminal to be a matter of strategic importance. Policy that could potentially constrain or otherwise impact the location of such a facility before the relevant studies have been undertaken would not be positively prepared or effective, and would therefore be unsound.
- 2.15 The proposed amendments to the policy, as set out in the SoCG between DHB and DDC would provide appropriate and necessary clarity, would reflect positive engagement between the parties, and would ensure an effective policy on this matter. They are therefore considered necessary for soundness.