

DOVER LOCAL PLAN EXAMINATION: MATTER 7, ISSUE 2

STRATEGIC TRANSPORT INFRASTRUCTURE

(HALSBURY HOMES REF. 1232)

POLICY SP12 STRATEGIC TRANSPORT INFRASTRUCTURE

- 1.1 This statement has been prepared on behalf of Halsbury Homes. It follows the Inspectors Notes ED 13 (Examination Guidance Note) and ED14 (Matters, Issues and Questions) and considers the soundness of the Submitted Regulation 19 Local Plan and Suggested Changes (SD04).
- 1.2 As background, Halsbury is a SME housebuilder with a long standing interest in the delivery of Whitfield Urban Extension (WUE) having led the formulation of the adopted 2011 Whitfield Supplementary Planning Document (SPD).
- 1.3 In April 2015 it secured outline planning consent for phase 1/1a of WUE (LPA ref. DOV/10/01010) for 1,250 residential homes, a 66 bed care home, 2 form of entry primary school, retail space and associated works ('the OPP'). Following the phased submission of various reserved matters, the scheme is being built out by Halsbury and others. In recognition of the pioneering nature of the OPP, the S106 agreement included considerable upfront investment for the wider WUE much of which has now been delivered by, or on behalf of, Halsbury. In transport terms this included works to establish the principal access into WUE from the A256 which cost in excess circa. £6.5 million and contributions towards Fastrack which is currently being delivered. Other infrastructure which benefits WUE beyond Phase 1/1a includes drainage, education and amenity/ecological land provision.
- 1.4 As part of the package of transport infrastructure Condition 10 of the OPP requires Halsbury to undertake defined upgrades to the Whitfield Roundabout prior to the construction of 801 homes. Paragraph 3.16 of the July 2023 Infrastructure Delivery Plan 'IDPv3' [ED7/7a] states that given the time that has elapsed since these works were originally envisaged, National Highways has modelled the extant mitigation scheme and concluded that this scheme does not create any meaningful capacity and advises that it would not support a s278 to allow it to be secured¹. Halsbury considers that any contributions which relate to the Local Plan growth must be fairly distributed against all future developments. It also considers that Halsbury should not be required to mitigate for any more than for its own site in the current situation, consistent with the relevant tests for planning obligations².

¹ Halsbury submitted application in December 2022 removes this condition LPA ref. 22/01713, which was appealed for non-determination (PINS ref: APP/X2220/W/23/3328672).

² a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development (Regulation 122(2) of the CIL Regulations; NPPF paragraph 57).



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Q1 Is it clear to users of the Plan the total costs associated with the necessary upgrades to the Whitfield roundabout and the Duke of York roundabout? Aside from the strategic allocations (discussed above), what other forms of development are expected to contribute to these upgrades?

- 1.5 Halsbury considers that the approach and likely scale of financial contributions to road and other infrastructure (including the Whitfield Roundabout) must be identified as part of the local plan process to ensure that it is robust in transport and viability terms and has been subject to necessary scrutiny. Currently, criterion u of SAP1 merely states that financial contributions will be required in accordance with policy SP12; which itself only states that proportionate contributions will be sought³. On this basis the policy would allow the tariffs to be defined and updated in due course without necessary scrutiny possibly as part of any subsequent master planning process.
- 1.6 As we come on to explain, the Council's approach to tariffs appears flawed and the appropriate scale of financial contributions can't be established.
- 1.7 In ED5 '*DDC response to Initial Questions for Examination*' the Council explain that the 2022 IDP contains a number of caveats, with work ongoing to address them including in respect of White Cliffs Business Park's contribution to the tariff.
- 1.8 However, it not evident that this has been undertaken as part of the work for IDPv3 published in July 2023. The tariff remains unchanged at £1,500 per home and no contribution has been factored in for employment development.
- 1.9 To put the points around traffic generated by residential and employment land uses into perspective, and to demonstrate the proportionality of the load each places on the highway network, we turn to Tables 5.6 and 5.7 of document TIEB02a. The traffic generated by the collective employment allocations equates to c.22% (AM Peak) and c.19% (PM Peak) of all allocation traffic forecast in the DS1 assessment scenario and c.17% (AM Peak) and c.15% (PM Peak) of all allocation traffic forecast in the DS2 assessment scenario.
- 1.10 In simplistic terms we are concerned that mitigation has been derived based upon the cumulative traffic demands arising from all allocation sites, but the tariffs for this mitigation have only been calculated and directly related to residential allocations. The 'IDPv3' [ED7/7a], at Appendix 3 describes how funding will be pooled from various additional sources to address the currently calculated funding gap for the delivery of both Whitfield and Duke of York roundabout improvements; however, no calculation methodology is set out leading to follow on questions on proportionality and affordability for all those anticipated to need to contribute.

³ This is also referenced in new supporting text after paragraph 3.243 (AM20)



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- 1.11 Indeed. IDPv3 acknowledges that it is based on incomplete and out of date transport modelling (paragraph 3.22) and has not taken into account post covid traffic data and modal shift improvements that could arise from Dover Fastrack⁴ both of which are inferred to result in reductions in traffic volume. It is also unclear whether the transport analysis takes into account criteria w of draft policy SAP1⁵ (which seeks targets and measures to achieve 10-20% modal shift). This will again result in a reduction in traffic volumes from those considered to date.
- 1.12 Consistent with requirements of the current Whitfield SPD, Halsbury and other developers have been required to contribute to the Dover Fastrack scheme and it is therefore patently unfair and unsound for this not be accounted for in the modelling. The NPPF (paragraph 104) requires transport issues to be considered at the earliest stage of plan-making with transport impacts, infrastructure and opportunities for public transport use needing to be considered alongside each other. This approach has not been followed here. Instead, the evidence base adopts an unrealistic worst-case scenario, which ignores the significant investment in public transport by the public and private sector (through contributions) and means that the highway impacts have been over-estimated, leading to mitigation requirements being potentially overestimated and the corresponding proposed development tariffs likely to be too high. As we come on to now explain, without further transport analysis it is not possible to properly identify impacts, infrastructure requirements associated costs and their fair apportionment across allocation sites.

⁴ Which should be regarded as a commitment given that it benefits from planning permission, compulsory acquisition powers, funding and is in the process of being built.

⁵ As proposed to be modified by AM30 and states: *'The travel plan for the site should include targets and measures to achieve a modal shift from private car to sustainable travel modes of between 10 and 20%; and should include community engagement with new residents for the Fastrack service, with service updates, opportunities for feedback and incentives for use.'*



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Q2 *Have the necessary costs been subject to viability and feasibility testing?*

- 1.13 It is noted in Appendix 3 of ED7A states that contribution tariffs relating to the Whitfield and Duke of York junctions have been adjusted downwards for development in the Dover Town Area given viability issues. No calculation is provided to substantiate the methodology or assumptions employed and nor is it clear whether the reduction in Dover area contribution tariff has resulted in an uplift in tariffs for other areas and the rationale behind doing so? Given the issues raised in these representations pertaining to the calculation and apportionment of trip impacts, mitigation proposals and hence development tariffs we raise concerns as to the viability of the tariffs as they are currently presented.
- 1.14 It is clear that the position summarised in Appendix 3 of ED7A results in a shortfall of funding towards the required works at Whitfield and Duke of York junctions is inherent in the plan period. The Council suggests that the shortfall can be made up by a combination of existing Whitfield WUE S106 monies.
- 1.15 What is not presented are the calculations and assumptions combining all avenues of proposed cash collection to arrive at the c.£12M mitigation pot. Without these it is impossible to undertake an objective review of the process followed, the proposed proportionality of contributions and whether these are realistically viable for the entirety of the planned growth.
- 1.16 At a simplistic level four area based tariffs are presented in Appendix 3 of ED7A, very little background information is provided to evidence why the tariffs are set at the levels currently proposed, it is therefore impossible to determine whether these costs are reasonable.
- 1.17 Furthermore, additional strategic highway infrastructure, and hence costs are attributed (at least in part) to Whitfield SUE (SAP1) in Tables 1 and 2, Appendix 1 of EDA7A, namely the A260 Canterbury Road/Alkham Valley Road/A20 Junctions and Slips.
- 1.18 No costs are currently identified and it is clear that further work is required to determine what (if any) mitigation is required and the appropriate means through which it will be secured. On this basis viability and feasibility testing cannot have occurred.
- 1.19 We are concerned that a full summary of costs to be apportioned to individual developments is not currently available therefore rendering an objective assessment of viability for any given site impossible.



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Q3 What are the upgrades identified as necessary to the A256 at the junctions with the A257 and A258? How have they been costed and what developments will be expected to contribute towards them? Are the necessary upgrades achievable in the plan period?

1.20 The IDPv3 Appendices [ED7a], Table 1 directly link these sites to Local Plan site allocations in the northern areas of the district (outside of the Tariff zone for Whitfield and DoY roundabouts proportionate contributions). It is understood that these sites will be expected to contribute towards these schemes and that this is to be confirmed through Transport Assessments. Halsbury offers no further comment on this basis.



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Q4 Where strategic highway improvements have been identified as necessary, what amount of development can come forward in advance of their implementation? How has this been considered in the Council's Housing Trajectory?

- 1.21 Halsbury are concerned that the triggers identified for the delivery of strategic scale works are relatively early in the plan period. Using the identified works at Whitfield and Duke of York roundabouts as a case study the IDPv3 [ED7A] describes works at Whitfield roundabout being required 2028/29 and at Duke of York roundabout in the medium term ([ED7]; para 3.21 defines this as by 2031.
- 1.22 The Council's housing trajectory included at Appendix Di of their Reg 19 Submission Plan [SD01] assumes only 350 dwellings delivered at Whitfield WUE by 2028/29 and only 903 dwellings delivered across the remainder of the plan allocations in the same time period.
- 1.23 As discussed in our response to inspectors question 6 below we identify a potential unquantified shortfall in funding towards these works by the end of the plan period that may be reliant upon development following the plan period to fully address.
- 1.24 This raises questions as to how the schemes can be delivered if required in the shorter term, particularly when a substantial portion of receipts have not been collected and there is a danger of growth being stymied until schemes are delivered.
- 1.25 We note that paragraphs 3.22 and 3.23 [ED7] discuss various factors that could push delivery triggers to later in the plan period and [ED7A]. Appendix 1, identifies potential forward funding to be confirmed; however, without further justification and/or surety on these items we remain concerned as to long term delivery.



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Q5 How have the effects of development on the non-strategic (local) highway network been assessed as part of the plan-making process? Where highway mitigation is required, where is this set out and how will it be achieved?

- 1.26 Based upon statements made in documents ED7, ED7A and GEB06 local impacts have been considered in the traffic modelling to a limited degree with derivation of actual schemes pushed back to planning stage.
- 1.27 Policy SAP1 – u(ii) [SD01] identifies works at the A256/A258 Deal Rd junction albeit the IDPv3 Appendices [ED7a], Table 1 directly links this junction to Local Plan site allocations in the northern areas of the district (outside of the Tariff zone for Whitfield and Duke of York roundabouts proportionate contributions). It is understood that these sites will be expected to contribute towards these schemes and that this is to be confirmed through Transport Assessments.
- 1.28 The responsibility for these works requires clarification given the unclear message across the evidence base.



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Q6 What is the justification for the suggested changes to Policy SP12? Why are they necessary for soundness?

- 1.29** To inform this statement for Matter 7 and the one for Matter 3 Halsbury's Transport advisors, Mode, have carefully examined the evidence base underpinning the tariff approach for the Whitfield Roundabout and the extent to which development at WUE places demands on the transport network.
- 1.30** This review has identified a number of fundamental unresolved issues which remain unanswered and without the information requested it is not possible to conclude whether the tariff approach proposed is sound and the plan will secure necessary mitigation as per question 5. It is noted that:
- 1.30.1** Paragraphs 4.4.8 to 4.4.10 of document TIE02a describe growth assumptions related to Port of Dover traffic. These were last considered in April 2020, albeit at the time forecasting will have been subject to a great degree of uncertainty given the Covid-19 pandemic and Brexit. This is a baseline assumption inherent in all modelled scenarios and give the time that has elapsed since April 2020, should be revisited, even if just to revalidate the already utilised assumptions.
 - 1.30.2** Section 7.2 of document TIE02a considers sensitivity testing of the impacts of the Dover Fastrack scheme. The IDPv3 (paragraph 3.22) describes how Dover Fastrack has not been factored into modelling to derive mitigation triggers. We infer from this that the work reported in document TIE02a is purely informative and therefore question the approach to how this infrastructure has been considered given the certainty of its delivery and positive impacts that are foreseen in terms of reducing vehicular trip making?
 - 1.30.3** Paragraphs 5.2.13 and 5.2.14 of document TIE02a discuss windfall sites identifying how a further 1,120 dwellings have been identified to account for windfall development. It is understood that no infrastructure tariffs have been allocated to these developments despite them comprising a significant proportion of growth when considered relative to the identified site allocation quantum's. This potentially leads to overestimation of future traffic conditions and hence mitigation requirements also being overestimated.
 - 1.30.4** Paragraph 3.16 of the IDPv3 states that National Highways has modelled the Condition 10 Mitigation scheme. However, this modelling has not been provided to date to support this statement.
 - 1.30.5** No modelling has been provided to substantiate the claim that the safety led £200,000 scheme described in IPDv3 (para 3.24) does not fundamentally increase (or decrease) capacity. On behalf of Halsbury, Mode's preliminary modelling indicates a similar scope of works would provide adequate mitigation for Phase 1 of WUE.



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- 1.30.6 Specific modelling is needed to understand the impacts of the housing and other development at WUE itself, not just the wider zones referred to in Table 1 of IDPv3. WUE's main road access is from the A256 with limited (bus only) access from Whitfield Roundabout via Archers Court Road as well as via a new roundabout junction to be formed with the A2 to the west of Whitfield roundabout. These accesses in combination allow development related traffic to avoid the Whitfield roundabout in significant volumes as evidenced in document TIE02b, Appendix B, Technical Note 1, Figures 11, 13, 19 and 21.
- 1.31 Despite timely requests for information and escalating matters through freedom of information requests, responses to requests were only provided on 13 October 2023 leaving no meaningful time to analyse what had been provided. Information requests also remain outstanding.
- 1.32 In respect of question 10 and the trigger points, IDPv3 states that a further 1,250 homes at WUE can come forward in advance of the Whitfield Roundabout rather than the 801st trigger agreed in the OPP (IDPv3 paragraph 3.20). On this basis it should not be necessary for already consented development to contribute towards the Local Plan Mitigation works.
- 1.33 In the assessments provided 800 dwellings of the OPP are included in the 2040 Do Minimum scenario (with no mitigation included at Whitfield roundabout), as summarised in document TIE02a. Mitigation has been derived to seek a nil-detriment solution when the DS1 and DS2 modelling scenarios (reflecting anticipated Local Plan conditions) are compared to the DM scenario. The mitigation therefore cannot be linked to the 800 dwellings at Whitfield SUE that are assumed in the DM scenario as the mitigation is not derived in relation to their impact.
- 1.34 The mitigation scheme has been derived based on a combination of factors, (i.e. residential plan growth, windfall growth and employment plan growth) over and above a calculated baseline position.
- 1.35 It is inferred in the IDPv3 Appendices [ED7A] that funds will be collected in relation to the extant consent at Whitfield in relation to the Whitfield roundabout mitigation scheme and via S106 towards improvement works at the Duke of York junction. It is unclear as to the full extent of the funds assumed in the tariff setting and accordingly it is impossible to assess whether these have been apportioned fairly and equitably across all development in the plan.
- 1.36 It is noted in Appendix 3 of ED7A that contribution tariffs have been adjusted downwards for development in the Dover Town Area given viability issues. No calculation is provided to substantiate the methodology or assumptions employed and nor is it clear whether the reduction in Dover area contribution tariff has resulted in an uplift in tariffs for other areas and the rationale behind doing so. Given the issues raised in these representations pertaining to the calculation and apportionment of trip impacts, mitigation proposals and hence development tariffs we raise concerns as to the viability of the tariffs as they are currently presented.
- 1.37 It is clear that the position summarised in Appendix 3 of ED7A results in a shortfall of funding towards the required works at Whitfield and Duke of York junctions in the plan period. The



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council suggests that the shortfall can be made up by a combination of existing WUE monies as well as other avenues of cash collection.

- 1.38 What is not presented are the calculations and assumptions combining all avenues of proposed cash collection to arrive at the c.£12M mitigation pot. Without these it is impossible to undertake an objective review of the process followed, the proposed proportionality of contributions and whether these are realistically viable for the entirety of the planned growth.
- 1.39 At a simplistic level four area based tariffs are presented in Appendix 3 of ED7A, very little background information is provided to evidence why the tariffs are set at the levels currently proposed.