



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

Matter 7 – Infrastructure and Transport

Issue 1 – Infrastructure Provision – Policy SP11

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Q1 Is the Plan consistent with paragraph 20 of the Framework, which states that strategic policies should make sufficient provision for, amongst other things, new infrastructure including community facilities such as health and education?

Q1 DDC Response:

1. The Plan sets out within the Strategic Objectives (pages 21-22) the role the Plan has in delivering infrastructure through the following:
 - *'To focus new development at accessible and sustainable locations which can utilise existing infrastructure, facilities, and services, and to ensure development contributes to the sustainability of local communities and services...*
 - *To provide new and improved community infrastructure and assets, including open space and sports facilities to meet the needs of the District's communities.*
 - *To support improvements in the health and wellbeing of residents, improve quality of life for all and reduce health inequalities through high quality placemaking, including the provision of high-quality green infrastructure and access to attractive areas of public open spaces in the built up areas of the District.*
 - *To improve connectivity and movement through significantly enhancing the provision of walking and cycling routes and other sustainable modes of transport, as well as delivering improvements to the local and strategic road network.*
 - *To ensure infrastructure is delivered, in a timely manner, to support the needs of new and existing communities in the District.'*
2. These objectives have influenced the strategic policies of the Plan, in particular Policy SP11, which sets out a clear requirement which applies to all relevant developments for them to be delivered sustainably by ensuring that sufficient provision is made for infrastructure and community facilities. Paragraphs 3.192 to 3.195 and the policy itself explain that the policy is supported by the most up to date Infrastructure Delivery Plan (IDP) (ED7)¹ and associated appendices (ED7A)² including the Infrastructure Delivery Schedule which breaks down requires by areas of the district.

¹ [ED7 Infrastructure Delivery Plan - V3 July 2023 \(doverdistrictlocalplan.co.uk\)](https://doverdistrictlocalplan.co.uk/ED7-Infrastructure-Delivery-Plan-V3-July-2023)

² [ED7A Appendices to IDP V3 July 2023 \(doverdistrictlocalplan.co.uk\)](https://doverdistrictlocalplan.co.uk/ED7A-Appendices-to-IDP-V3-July-2023)



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3. Although Policy SP11 applies to all site allocations, site specific infrastructure requirements are also detailed within site policy requirements where they are known, or the relevant policy and/or IDP is referenced. In relation to education, health and community facilities specifically some examples are provided below from the strategic/major site policies (this list is not exhaustive of all site policy infrastructure criteria):

SAP1 – Whitfield Urban Expansion:

- *6,350 homes supported by transport, education, primary, health and social care, utility services and green infrastructure together with retail, leisure and employment uses.*
- *supported by local community infrastructure and services, including small scale local shopping facilities and local employment provided within new local and neighbourhood centres*
- *Open Space and sport and facilities to meet of the needs of the development, in accordance with the standards set out in Policies PM3, and PM4. On-site provision will be expected to meet most of the needs, including, for sports provision, alongside contributions to off-site facilities in the Whitfield area, taking into account the outcomes of the most recent Open Space Assessments, Indoor Sports Facilities Strategy and the Playing Pitches Strategy. The needs for a burial ground/cemetery which forms part of the Open Space should also be assessed.*
- *The necessary community and social infrastructure including new schools and community facilities, as set out in the Infrastructure Delivery Plan and informed by liaison with the relevant service providers, in accordance with Policies SP11 and PM6*

SAP21 - Land adjacent to Sandwich Technology School Deal Road, Sandwich:

- *Allocated partly for 'land for the expansion of the Sandwich Technology School'.*

SAP24 - Land to the South of Aylesham:

- *Employment opportunities, community facilities, and a new small convenience shop in an accessible location to meet the day-to-day convenience shopping needs of new residents;*
- *Formal and informal open spaces for leisure and recreation, including play areas, sports fields, allotments and community orchards to meet the needs of the development.*
- *Financial contributions towards the delivery of required off-site infrastructure including, but not limited to, pre-school, primary, secondary and SEN education provision, libraries, community facilities, youth services, social care, waste provision and local bus services in accordance with Strategic Policy 11. Contributions will be directed towards the upgrade of existing facilities within Aylesham village where these are currently available*



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SAP28 - Land between Eythorne and Elvington:

- *Community facilities, employment opportunities, and a new small convenience shop in an accessible location to meet the day-to-day convenience shopping needs of new residents;*
 - *Formal and informal open spaces for leisure and recreation, including play areas, sports fields, allotments and community orchards, or enhancements to nearby facilities, to meet the needs of the development;*
4. In addition to input into the drafting and requirements within the site policies set out above, key stakeholders were consulted on the IDP (ED7)³ throughout its production to identify the specific infrastructure needed to support the growth envisaged in the Plan, including timeframe, estimated cost, lead agency and a priority category for each piece of infrastructure. The IDP is a 'living' document which was subject to public consultation alongside the Regulation 19 Plan consultation in late 2022. The results of this consultation, and changes made to the IDP between the 2022 and 2023 version can be seen in Appendices 4 and 5.
 5. The 'Types of Infrastructure' listed within the Implementation section of the plan after Policy SP11 sets out the most common types of infrastructure which are covered by the policy and the IDP (but is not exhaustive as each site is assessed on a case-by-case basis). This clearly sets out the forms of infrastructure expected to be contributed towards from all types of developments and includes areas such as health and education which are delivered by other stakeholders.
 6. This list also cross refers to other topic policies which set out more detail of how infrastructure requirements are calculated or assessed for the following:
 - SP12 – Strategic Transport Infrastructure
 - TI1 – Sustainable Transport and Travel
 - TI2 – Transport Assessments, Statements and Travel Plans
 - PM3 – Providing Open Space
 - PM4 – Sports Provision
 - SP14 – Green Infrastructure
 - PM6 – Community Facilities and Service
 7. As set out in the IDP and plan at para 3.195, the Council will continue to work with infrastructure providers to ensure the timely delivery of infrastructure and services, and as the IDP is a 'living document' it will be updated at appropriate stages during the plan period.
 8. The Council considers that the strategic policies and the plan as a whole, meets the requirements of paragraph 20 of the NPPF.

³ [ED7 Infrastructure Delivery Plan - V3 July 2023 \(doverdistrictlocalplan.co.uk\)](https://doverdistrictlocalplan.co.uk)



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Q2 What is the justification for the viability clause in Policy SP11? Is the policy justified, effective and consistent with national planning policy?

Q2 DDC Response:

9. As set out in Planning Practice Guidance – Viability⁴ *'Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure'* (Paragraph: 001 Reference ID: 10-001-20190509).
10. Policy SP11 applies to new development and clearly states that planning permission will only be granted if it can be demonstrated that there is, or will be, sufficient infrastructure capacity to support and meet all the necessary requirements from the proposed development. Proposals must also consider all the infrastructure implications of a scheme, not just those on site. The Plan therefore provides a robust policy framework to ensure that all relevant infrastructure, will be provided.
11. The Whole Plan Viability Study 2020 (GEB08a)⁵, was a comprehensive assessment of the effect of national and emerging local policies on the deliverability of development. It was carried out as per the requirements of the NPPF and the PPG and in line with the Harman Guidance and the relevant RICS Guidance. The preparation of the report included a period of consultation with the development industry. The Council then used the Whole Plan Viability Study 2020 to refine the policies in the Local Plan and to further inform the plan-making process. The Viability Update note 2022 (GEB08b)⁶ was prepared shortly before submission as the Council considered it prudent to pre-empt questions, particularly around inflation, but also around increasing national standards.
12. However, it is accepted that the viability testing at this stage can only ever be a snapshot in time and that it applies a strategic approach, across different areas of the district related to sales values, to the issue of infrastructure requirements and costs, but the extensive and iterative nature of the whole plan viability report clearly ensures that sufficient account has been taken regarding viability. This is in accordance with the PPG in that *'Assessing the viability of plans does not require individual testing of every site or assurance that individual sites are viable. Plan makers can use site typologies to determine viability at the plan making stage'* (Paragraph: 003 Reference ID: 10-003-20180724).

⁴ [Viability - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

⁵ doverdistrictlocalplan.co.uk/uploads/Submission-Documents/GEB08a-Whole-Plan-Viability-Study-Main-Report-and-Appendices.pdf

⁶ [GEB08b Viability Study Update Note \(doverdistrictlocalplan.co.uk\)](http://doverdistrictlocalplan.co.uk)



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13. In order to take account of individual site circumstances, outside the characteristics of the case studies in the viability testing, the Local Plan adopts a flexible approach to the issue of viability within both Policy SP5 and within Policy SP11. Policy SP11 sets out that should viability evidence at planning application stage demonstrate that a site cannot meet all requirements, then either deferred contributions are triggered, or certain infrastructure / obligations may be set aside or reduced where the benefits of delivering the development outweigh the harm. It is explicit within the policy that this position is considered to be an 'exceptional circumstance' and the supporting text at paragraph 3.200 explains this in more detail and requires the applicant to use the Local Plan viability as a starting point and to set out what information has changed which justifies consideration of a site-specific appraisal. This approach is consistent with Paragraph: 007 Reference ID: 10-007-20190509 and Paragraph: 008 Reference ID: 10-008-20190509 of the PPG:
14. *'Such circumstances could include, for example where development is proposed on unallocated sites of a wholly different type to those used in viability assessment that informed the plan; where further information on infrastructure or site costs is required; where particular types of development are proposed which may significantly vary from standard models of development for sale (for example build to rent or housing for older people); or where a recession or similar significant economic changes have occurred since the plan was brought into force'.*
15. *'Where a viability assessment is submitted to accompany a planning application this should be based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since then'.*
16. This flexible approach to review mechanisms being included within S106 agreements to infrastructure requirements based on more up to date information at the time of site delivery where a viability case has been made and accepted by the Council at the time of signing, is already being successfully applied by the Council.

Q3 What is the justification for the suggested changes to Policy SP11? Why are they necessary for soundness?

Q3 DDC Response:

17. The proposed changes to the supporting text, set out within SD06⁷ listed as reference **AM17** and **AM18** in the table, have been proposed to add clarity to the implementation section of the Policy.

⁷ [SD06 Schedule of Additional Modifications to the Regulation 19 Submission Plan March 2023 \(doverdistrictlocalplan.co.uk\)](https://doverdistrictlocalplan.co.uk)



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18. AM18 is a minor update proposing factual updates to the name of the NHS Kent and Medway, and to the amount of Household Waste and Recycling Centres within the county.
19. AM17 is proposed in relation to representations made on the Plan at Regulation 19 by National Highways to add more information in relation to the implementation of the Whitfield and Duke of York roundabouts mitigation schemes and has been agreed by both National Highways and KCC Highways within the SoCG (GEB06)⁸.
20. Upon reflection of the current wording of paragraph 3.205 within the Implementation section of policy SP11, the Council considers that this could be clearer in relation to the requirements of Policy SP12 on all new development and the approach for the funding of the Strategic Transport Infrastructure. The Council proposes the following modification to paragraph 3.205 SP11 to add clarity to users of the Plan as to which types or locations of new development will be required to contribute to the transport mitigation:

Proposed Post Submission Modification to SP11

21. 3.205 As set out in SP12 – Strategic Transport Infrastructure, transport modelling has identified a number of highways, rail and bus mitigation schemes and projects which ~~major~~ development schemes ~~will~~ may be required to contribute towards, depending on their scale and/or location in the district. This includes schemes for all types of development. Specific sites and locations which are required to make contributions to Strategic Highway Mitigation schemes are set out in detail within the IDP. Contributions towards public transport, walking and cycling enhancements, including PROW improvements will also be sought in accordance with Policy T11 – Sustainable Transport and Travel.
22. The Council considers that these changes are necessary for soundness, to ensure the policy is justified by the latest available evidence.

⁸ [GEB06 Statement of Common Ground with National Highways and KCC Update March 2023 \(doverdistrictlocalplan.co.uk\)](https://www.doverdistrictlocalplan.co.uk)



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Issue 2 – Strategic Transport Infrastructure – Policy SP12

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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?

Q1 DDC Response:

23. The costs associated with the critical upgrades to Whitfield Roundabout and the Duke of York Roundabouts are currently set out within the Infrastructure Delivery Plan (IDP) (ED7)⁹. Appendix 3 of the IDP (ED7a) sets out a zonal, proportionate contribution per dwelling tariff approach and specifically sets out these zones on a mapped and list of parish/settlement areas, and the per dwelling rate which will be applied. It makes clear that all residential development within the tariff zones are required to contribute, while setting out that there is a deficit in total to funds to be met through other sources, including (as set out in point b) employment, tourism and retail schemes within the tariff zone which may impact on the roundabouts.
24. Given the reliance on forward funding and the uncertainties about securing contributions through this approach, the Council has proposed a refined approach to securing these development contributions towards both roundabout upgrades, to provide more certainty on delivery. This is explained in response to the questions relating to Matter 3. The refined approach is for the Whitfield Urban Expansion (WUE) development to fund the Whitfield Roundabout Mitigation and for the DoY roundabout to be funded by the existing proportionate tariff requirements, as set out within the IDP (with some adaptations).
25. The Technical Note - Whitfield and Duke of York Roundabout Mitigation Contributions and Delivery – October 2023 (Appendix 2 to Matter 3 Issue 1), sets out this refined approach in detail, and it is proposed that this document will supersede the current information contained within the Local Plan and IDP in relation to funding and delivery of these two schemes, and forms the basis for the response to this question.
26. In addition to updating the IDP with this position, the Council considers that additional clarity can be included in the Plan in several locations, including SP11, SP12, SAP1, SAP2 and the Infrastructure Delivery Plan will also be updated as required.

⁹ [ED7 Infrastructure Delivery Plan - V3 July 2023 \(doverdistrictlocalplan.co.uk\)](https://www.doverdistrictlocalplan.co.uk)



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Conclusion:

The Council considers that the Local Plan, with modifications to SP12 specifically and with reference to the IDP (containing the refined approach within the Technical Note) within the Plan, will ensure funding can be secured from development and therefore the upgrades can be delivered in the time necessary to enable the supply of housing as set out in the Housing Trajectory (updated in Appendix 1 of Matter 4).

This approach is strongly preferred over setting out the specific tariff rates or list of sites which have been identified within the Plan site policies as needing to contribute towards the strategic infrastructure within Policy SP12 itself as this does not allow for changing circumstances or evidence.

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

Q2 DDC Response:

27. The Whole Plan Viability Assessment 2020 (GEB08a)¹⁰ was undertaken alongside the preparation of the Plan in order to ensure viability over the Plan period.
28. The viability assessment covers two substantial matters. The first matter is in respect of testing the deliverability of the Local Plan to ensure that the sites identified in the Plan are not subject to a scale of planning obligations and policy requirements that render them undeliverable. The second matter relates to reviewing the level of section 106 (developer obligation) costs and the level of affordable housing that would allow the funding of infrastructure and meet needs, without putting at risk the economic viability of development in the District. The 2022 update (GEB08b)¹¹ identified that in the two years since the 2020 assessment, house prices had increased at a higher rate than costs of construction and as a result there were no changes to the assessment conclusions.
29. As set out in para 8.41 of the 2019 viability study (GEB08a) £4,000/unit assumption for major development sites was used as a starting point for the assessment of transport and infrastructure costs, and sensitivity testing was undertaken on this, which assumed up to £40,000/unit. Para 8.42 however, makes clear that in relation to strategic infrastructure and costs for strategic sites, the costs were unknown at the time and an assumption of £20,000/unit was used in the base appraisals, sensitivity tested up to £40,000/unit.

¹⁰ [GEB08a Whole Plan Viability Study Main Report and Appendices \(doverdistrictlocalplan.co.uk\)](https://doverdistrictlocalplan.co.uk)

¹¹ [GEB08b Viability Study Update Note \(doverdistrictlocalplan.co.uk\)](https://doverdistrictlocalplan.co.uk)



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30. As set out in paragraphs 10.44 – 10.45 and accompanying tables 10.13 (a-d), a range of testing was undertaken on varied affordable housing rates and varied levels of developer contributions to ensure that a range of potential infrastructure costs were assessed. As can be seen in Table 10.13a (page 169), all sites in the higher value area viable at £10,000 per unit with 30% affordable housing and on some site types, up to £35,000 - £40,000 per dwelling costs. As similar conclusion is drawn in relation to the medium value areas for greenfield sites (Table 10.13b).
31. The update note (GEB08b) produced in 2022 reviewed these amounts based on the latest information, and although para 45. makes clear it remained a 'work in progress', the costs for the two strategic sites of Whitfield Urban Expansion were considered likely to be higher than the £20,000/unit and SAP24 Aylesham slightly less at £15,000/unit. The costs for other areas in the District were also anticipated as being significantly higher than the £4,000/unit base appraisals, and these assessments were based on the emerging IDP costs, including those associated with the critical highway mitigation. For all major sites, the Council is satisfied that the viability sensitivity testing undertaken confirms that the anticipated S106 costs set out in the IDP is sufficient in most cases.
32. The viability assessment acknowledges the uncertainty around the impact of COVID-19 and Brexit on the economy and recommends that the Council monitors their effects closely, so that appropriate changes can be made to the Local Plan before it is adopted and highlights the importance of ongoing and proactive dialogue between site owners and developers and the Council. It is also recommended in the PPG that plan makers should continue to engage with landowners, developers and infrastructure providers to secure evidence.
33. The Council has taken this approach and has specifically engaged, not only with providers on production of the IDP, but with the developers of the two strategic site allocations in relation to the costs of all infrastructure, including the funding and delivery of the highway mitigation.
34. In relation to Whitfield Urban Expansion, the Council has been working alongside the developers, Persimmon Homes, to review the full infrastructure requirements and viability of the remaining areas of the site. This has included a review of the viability position. Appendix 3 of Matter 3 provides an updated site-specific viability assessment for the remaining unconsented parts of Whitfield Urban Expansion. The update takes account of changing circumstances since the 2020 study, including the updated infrastructure costs and phasing, as well as changes in sales values and build costs. All assumptions have been agreed with the main site promotor, Persimmon Homes, as set out in the Statement of Common Ground.
35. The results of this are also reflected in the Technical Note - Whitfield and Duke of York Roundabout Mitigation Contributions and Delivery - October 2023 (Appendix 2 of Matter 3 Issue 1), which sets out the refined approach to financial contribution collection to those critical infrastructure projects upgrades.



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36. In relation to the other strategic site SAP24 – Land South of Aylesham, the Council and site promoters, Axis Land Partnerships for Trustees of the Lord Fitzwalter (1988) settlement, have entered into a Statement of Common Ground which sets out an agreed position on expected infrastructure costs, including the proportionate contributions to the strategic highway network mitigation and the viability of the site.
37. As an emerging policy requirement through SP12, the Council has been applying the strategic highway proportionate contribution tariff set out in the IDP to planning applications which have been received during 2023. Of particular note is an application relating to the site in site policy SAP9 - Barwick Road within Dover town centre, and an outline application is currently being considered for 120 units (DOV/22/01305). No case has been made by the applicant in relation to viability or not meeting the costs of the strategic highway mitigation rates set out in the IDP.
38. In conclusion, the Council confirms that the costs of highway infrastructure has been subject to viability and feasibility testing through a number of routes throughout the plan making process and based on the above evidence, is confident that the Plan as a whole is viable and deliverable.

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?

Q3 DDC Response:

39. As set out in Appendix 1 of the IDP (The Infrastructure Delivery Schedule (IDS)), Table 1, currently lists the two mitigation schemes listed in Policy SP12 for the A256/A257 Ash Road and A266/A258 Deal Road junctions in the north of district (west of Sandwich) are critical infrastructure but identified in the 'medium' category for timing. The table for Sandwich in the IDS also refers to the sites which will be required to contribute to those schemes.
40. However, further assessment of the Transport Modelling for the plan, contained within TIEB03¹² the data for the A256/A258 junction mitigation requirements have been shown that the plan does not lead to a requirement for this junction to be upgraded. This updated position has been reviewed and agreed by KCC Highways. Therefore, the requirements for mitigation to the A256/A258 junction as 'critical' infrastructure is no longer applicable, and it is proposed that it will be removed from Policy SP12 as a junction which requires mitigation. There will also be subsequent updates required to reflect this position in the IDP. It has been agreed with KCC highways that the junction will remain the IDP but downgraded to 'desirable'.

¹² [TIEB03 Additional Junction Modelling March 2023 \(doverdistrictlocalplan.co.uk\)](https://doverdistrictlocalplan.co.uk)



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41. Paragraph 2 of Appendix 3 of the IDP currently sets out that in some areas of the district, the trip rates were very low on Whitfield and Duke of York Roundabouts, so it was determined that it was more appropriate for sites coming forward in those areas outside of the zones to contribute to other mitigation schemes needed (such as the A256 schemes listed in SP12) or other local improvements. Table 1 also confirms that site allocations in the northern areas of the district (outside of the Tariff zone for Whitfield and DoY roundabouts proportionate contributions) will be expected to contribute towards these schemes, to be confirmed through Transport Assessments. It is proposed that this will be amended to reflect A256/A257 only.
42. The improvement scheme to the A256/A257 in the vicinity of Sandwich is designed to increase junction capacities as a result of the cumulative impact from a number of allocations in this Plan. The proposals are to enlarge the roundabout, thereby increasing entry/exit lane lengths and circulatory capacity.
43. Further work on both junction improvements has been undertaken since production of the August IDP (ED7 and ED7a). Initial junction designs have been agreed with KCC Highways and have both been costed at circa £2.5 Million each by KCC's own cost consultants.
44. However, following a review of the design and costs for the A256/A257 which will remain as 'critical', and consideration that some of the growth impacting the junction is not related specifically to Dover local plan growth, it has been agreed with KCC Highways that a further review of the design for the A256/A257 junction will be undertaken to assess if a less significant upgrade scheme could be considered as an alternative. At this time, all sites in Sandwich, and SAP1 and SAP2 are shown by the trip modelling to have an impact on this junction and will be required through their Transport Assessment to identify specific impacts from their scheme and pay proportionate contributions to the final agreed mitigation, to be agreed with KCC.
45. In relation to delivery timescales, the transport modelling shows that the A256/A257 upgrade will be required as sites in the plan, referenced above, come forward which are shown through their Transport Assessments to be creating an impact.
46. It is intended that this position will be updated within a revised IDP in due course.

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 taken into account in the Council's Housing Trajectory?



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Q4 DDC Response:

47. As set out in within the IDP (ED7) and IDS (ED7a), and Policy SP12, and updated in response to Q3 above, there are three highway improvements which are identified as 'critical' in terms of delivery:
- Whitfield Roundabout
 - Duke of York Roundabout
 - A257/A256 Roundabout

Whitfield Roundabout:

48. The details of the phasing Whitfield Urban Expansion (WUE) in particular has been factored into the delivery timescales of Whitfield roundabout. National Highways have agreed a trigger point of 1,250 dwellings from the whole of WUE before this roundabout is required to be upgraded. Further details of this can be found within Appendix 2 of Matter 3 Issue 1 - Technical Note - Whitfield and Duke of York Roundabout Mitigation Contributions and Delivery - October 2023. It is important to note that this flexible approach has been taken to the trigger point of Whitfield Roundabout mitigation, which is already operating over capacity.
49. The revised Housing Trajectory (Appendix 1 to the Council's Matter 4 Hearing Statement), takes into account the 1,250 dwellings for the whole of WUE, including past completions, extant consents for Phase 1/1a and the future phases. Proposed modifications to Policies SAP1 and SAP12 set out in response to Matter 3 – Issue 1 – Question 7 and Issue 2 – Question 1 above, add clarity to the trigger point requirements for Whitfield Roundabout.

Duke of York Roundabout:

50. With regards to Duke of York roundabout upgrade, Appendix 2 of Matter 3 Issue 1 - Technical Note - Whitfield and Duke of York Roundabout Mitigation Contributions and Delivery – October 2023, sets out the amount of development which can come forward based on the Council's most up to date Housing Trajectory referenced above. This updates the previous trigger point assessment contained within the Reg 19 Forecasting Report Appendix N, which was also based on assumptions of housing delivery across the plan period. As set out in within the Technical Note, there is some flexibility with regards to these mitigation measures and their delivery timescales.
51. The Council will consider whether the trigger points should be pushed back in the context of individual applications for planning permission accompanied by Transport Assessments.

A256/A257 Junction:

52. In relation to delivery timescales, the transport modelling shows that the A256/A257 upgrade is dependent on site specific transport assessment results and how much



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development comes forward which shows impacts on the junction, including sites not related to the local plan.

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?

Q5 DDC Response:

53. The Council's transport consultants (WSP) developed a strategic traffic model which represents the impact in 2040 of the Local Plan sites in Dover and Deal as reported on in Regulation 19 Transport Modelling Forecasting Reports (TIEB02, TIEB03, TIEB04, TIEB05, TIEB06 and TIEB07). The strategic model predicts the impacts that the Local Plan sites will have on the local and strategic highway network and identifies any issues which are being generated by the proposed development. The strategic model was then used to, within the modelled area of simulation, Dover and Deal, identify the areas where the additional Local Plan traffic was generating issues on the highway and junctions. These junctions were looked at in detail and if necessary junctions modelled were developed, as outlined in Chapter 8 of the Regulation 19 Transport Modelling Forecasting Report. For those areas outside the strategic model simulation area where Local Plan developments were proposed more detailed static assessment was undertaken as reported on in the Regulation 19 Transport Modelling Forecasting Report. The work undertaken was informed through consultation with Kent County Council Highways (KCC) as the local highway authority and National Highways (NH).
54. As set out within the response to Matter 2 – Issue 4 – Question 3 in relation to site selection methodology, the constraints on the local highways network have been a factor influencing the selection of sites for allocation and has been informed through consultation with KCC. KCC provided comments throughout the Housing and Employment Land Availability Assessment (HELAA) process on sites subject to the suitability assessment, with updates to their comments being provided following the Regulation 18 consultation, targeted call for sites, and in response to additional information submitted by site promoters, and post Regulation 19 stage.
55. The comments from KCC have been factored into the site selection process and into the site-specific policy requirements where sites were taken forward, and have also been replicated within the Infrastructure Delivery Plan. The plan and IDP clearly sets out how and where highway mitigation will be achieved and where specific sites will be required to deliver mitigation. This includes an assessment of the cumulative impacts of the local plan on the local highway network within and outside the district



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and on-site allocation detail such as identifying specific access points, footpath connections and improvements and sustainable travel requirements.

56. Where queries or additional comments were raised by KCC through the plan making stages, the Council has responded with additional transport modelling work, and the results of this work is contained within the Transport Modelling reports or through proposed changes to policy wording, including through proposed Additional Modifications set out in SD06.
57. The evidence of this collaboration between the Council and KCC is set out within the Duty to Cooperate Statement, the Transport modelling reports (where technical notes were produced to respond to their queries) and the Statement of Common Ground (and updates) between the council, KCC Highways and National Highways. The council considers that the requirements of the Framework at para 106.b that *'planning policies should be prepared with the active involvement of local highways authorities'* has been met.

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

Q6 DDC Response:

58. The proposed changes to the supporting text, set out within SD06¹³ listed as reference AM19 and AM20 in the table, have been proposed to add clarity to the implementation section of the Policy.
59. AM19 is a minor update referencing the need for a hyperlink to the transport modelling evidence base. AM20 is proposed in relation to representations made on the Plan at Regulation 19 by National Highways to add more information in relation to the proportionate zonal developer contributions approach and implementation of the Whitfield and Duke of York roundabouts and have been agreed by both National Highways and KCC Highways within SoCG (GEB06).
60. However, as set out in the responses above, several post submission modifications are proposed to be made to Policy SP12 to reflect the latest evidence on the Strategic Highway Mitigation. It is the intention of the Council to review all the changes required as part of one full review and present these to the Examination, alongside all the resultant other changes from this update to other parts of the plan and its supporting documentation.

¹³ [SD06 Schedule of Additional Modifications to the Regulation 19 Submission Plan March 2023 \(doverdistrictlocalplan.co.uk\)](https://doverdistrictlocalplan.co.uk)



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

Matter 7 – Infrastructure and Transport

Issue 3 – Sustainable Travel and Parking Provision – Policies TI1, TI2 and TI3

Issue 3 – Sustainable Travel and Parking Provision – Policies TI1, TI2 and TI3

- Q1 Are Policies TI1 and TI2 justified, effective and consistent with national planning policy?**
- Q2 What are the reasons for the suggested changes to Policies TI1 and TI2? Why are they necessary for soundness?**

Q1 and Q2 DDC Response:

61. The NPPF, at Chapter 9– Promoting Sustainable Transport - Para 104, requires that *'transport issues be considered at the earliest stages of plan-making and development proposals'* and that *'opportunities to promote walking cycling and public transport use are identified and pursued'*.
62. Policy TI1 – Sustainable Transport and Travel requires all new developments to be designed so that opportunities for sustainable transport modes are maximised. It is made clear that each proposal will be assessed in relation to the size, characteristic and location in the district which is in accordance with para 105 of the NPPF and draw on existing plans for sustainable transport schemes and projects identified in the IDP, which is in accordance with NPPF para 106 b).
63. Additional modifications have been proposed to TI1 as set out in SD06¹⁴. AM99 adds detail to criterion e that off-site sustainable transport improvements may include complimentary infrastructure such as bus shelters. AM100 to the Implementation section also adds further explanation of this requirement and adds further detail in relation to longer term maintenance and safeguarding of the PROW network. These modifications are proposed based on representations from KCC and have been agreed within the Statement of Common Ground between DDC, National Highways and KCC (GEB06). They are considered necessary for soundness as they add to the effectiveness of the policy, and as they are requested by the local highway authority, are justified as they are consistent with para 106 b) of the NPPF.
64. It is also recognised by the Council that the criteria numbering of the policy as set out in SD01 is incorrect, in that criterion b is assigned part way through the wording for criterion a due to a typo which inserted a semicolon after the word 'for'. It is proposed that the semicolon be removed, and numbering corrected through a post submission modification to add clarity.

¹⁴ [SD06 Schedule of Additional Modifications to the Regulation 19 Submission Plan March 2023](https://www.doverdistrictlocalplan.co.uk)
([doverdistrictlocalplan.co.uk](https://www.doverdistrictlocalplan.co.uk))



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

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Issue 3 – Sustainable Travel and Parking Provision – Policies TI1, TI2 and TI3

65. Policy TI2 – Transport Statements, Assessments and Travel Plans requires that developments that would generate levels and types of traffic movements resulting in severe cumulative impacts in terms of capacity and road safety will not be permitted, and that this must be demonstrated through a transport statements, Transport Assessment and/or a travel plan. The council considers that the policy is consistent with the requirements of NPPF paras 111-113.
66. As set out within SD06, AM101 includes proposed modifications to supporting text submitted relating to how transport planning operates in practice and was requested to be added by National Highways to add clarity to the overall policy and how it applies to transport assessments and travel plans.
67. Reference to the DfT Circular 1/2022 'Strategic Road Network and the delivery of sustainable development'¹⁵ has been added, as requested by National Highways. This policy paper explains how National Highways engage with the planning system in their role to manage and operate a safe and efficient strategic road network.
68. All proposed modifications have been agreed with KCC and National Highways as set out in SoCG between DDC, KCC and NH (GEB06)

Summary:

69. As required by NPPF para 106 b) Policies TI1 and TI2, and the proposed Additional Modifications, have been prepared with the active involvement of the local highway authority and National Highways and their advice and guidance.
70. The policies are considered to be justified, effective and consistent with National Planning Policy and other national and local guidance.

Q3 Is it sufficiently clear what Policy TI3 requires from decision-makers and developers? Is the policy effective and justified by including references to supplementary planning documents and guidance?

Q3 DDC Response:

71. The approach taken to policy TI3 to retain the current parking standards, set out by KCC through the Kent Design Guide, is set out in the supporting text to the policy at paragraphs 10.21 and 10.22. It is explained that maximum standards remain appropriate for the Districts urban areas and nil provision will be encouraged where appropriate as it is recognised that over-provision can give rise to developments

¹⁵ [Strategic road network and the delivery of sustainable development - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/circular-economy/strategic-road-network-and-the-delivery-of-sustainable-development)



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which are visually dominated by parked cars without appropriate design consideration. This must however be balanced against the risk of under-provision of car parking which could cause overspill and congestion on surrounding streets.

72. Whilst the Parking Standards for Kent does contain maximum standards, these have generally been appropriate for Dover District. It is therefore considered these should continue to be used as a starting point for establishing parking provision ahead of the emerging parking strategy.
73. However, Paragraph 107 of the NPPF states that policies should take into account accessibility, the type, mix and use of development proposed, the availability of public transport, local car ownership levels and the need to provide facilities for ultra-low-emission vehicles and therefore the policy is considered justified in using these standards as a 'starting point for decision-taking', which enables these site and location specific factors to be considered alongside the standards and applicants are then able to make a case for departure from standards.
74. The Council considers that the implementation section after the policy adds more detail for decision-makers and developers on how elements of the policy will be applied at application stage, particularly with reference to criterion a.
75. With regards to the references to standards set out in the policy, these are county wide standards in adopted SPD and Kent Design Guide. It is important to note that the standards are drawn from those employed across Kent from many years in the County Council's previous SPG4. It has been an accepted approach to reference these county wide documents and standards within district/borough local plan policies in a number of areas, including the neighbouring districts; Thanet Local Plan Policy TP06 (adopted July 2020)¹⁶ and Folkestone and Hythe Places and Policies Local Plan Policy T2 (adopted September 2020).¹⁷
76. However, the Folkestone and Hythe Plan does replicate the standards in a table before the policy, which does remove the need to cross reference other documents. The council would not object to applying a similar approach and inserting the referenced parking standards into the plan to add to the effectiveness of the policy.

¹⁶ [LP-adjusted.pdf \(thanet.gov.uk\)](https://www.thanet.gov.uk/LP-adjusted.pdf)

¹⁷ [Places and Policies Local Plan Adopted September 2020 \(folkestone-hythe.gov.uk\)](https://www.folkestone-hythe.gov.uk/Places-and-Policies-Local-Plan-Adopted-September-2020)



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

Matter 7 – Infrastructure and Transport

Issue 4 – Overnight Lorry Parking Facilities – Policy TI4

Issue 4 – Overnight Lorry Parking Facilities – Policy TI4

Q1 What is the justification for specifying that overnight lorry parking facilities must not be located within the AONB?

Q1 DDC Response:

77. There is a presumption against approval of 'major development' in the AONB unless there are exceptional circumstances. Planning policy does not define major development. Footnote 60 of the NPPF confirms that: *'For the purposes of paragraphs 176 and 177, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined'*.
78. When allocating sites in an AONB it is necessary to make a reasoned and reasonable judgement and to ensure that sustainable development is delivered.
79. In the case of developments such as a lorry park, the scale and highway impact, in addition to associated requirements such as a building for staff and driver facilities and lighting requirements, it is already known that it is likely to require EIA and Transport Assessments to be undertaken. It is the view of the council that a lorry park would almost certainly have a significant damaging effect on landscape and is likely to create a visual impact as well as affecting tranquillity of this part of the district. As set out in the Statement of Common Ground between the council and the Kent Downs AONB unit, proposals for overnight lorry parking in the AONB would result in major development in the AONB. Given the need is a strategic need across Kent, it is considered that it would be difficult to justify major development in the AONB when alternative sites are likely to exist.



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Issue 4 – Overnight Lorry Parking Facilities – Policy TI4

Q2 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?

Q2 DDC Response:

80. Modification AM102 within SD06¹⁸, and subsequent revision to this proposed additional modification as set out within the SoCG between the council and Dover Harbour Board within ED9¹⁹, is proposed in response to representation made on the Regulation 19 Plan in relation to proposals for an Inland Terminal Facility coming forward on the A20, within the AONB. As set out in the SOCG, the council disagrees, as the Policy is not intended to capture proposals for an Inland Terminal Facility. The policy was included as a direct response to Kent County Council's representations in response to the Regulation 18 draft Local Plan consultation about the strategic need for overnight lorry parking facilities across the County. To add clarity to the policy application for users of the plan, both parties have agreed to the wording set out in GEB06, and as stated within that document, it is agreed by both parties that the modification is not necessary for soundness.
81. AM103 is proposed in response to representations on the policy at Regulation 19, and is considered to add clarity to the policy in relation to assessment of lorry park applications and the requirements that they would not be considered appropriate in residential locations due to potential air quality, noise and other impacts on amenity and therefore the access should be from the existing strategic highway network or from the local road network at an appropriate location agreed by the appropriate highways authorities. It is considered justified in that it meets the requirements of the NPPF at paragraphs 130 f) which requires planning policies to *'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'* and 174 e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability'*.
82. The modification is agreed by both National Highways and KCC Highways within SoCG (GEB06)²⁰

¹⁸ [SD06 Schedule of Additional Modifications to the Regulation 19 Submission Plan March 2023 \(doverdistrictlocalplan.co.uk\)](https://doverdistrictlocalplan.co.uk)

¹⁹ [ED9 SoCG DDC and DHB - Inland Terminals - Final 27.06.23 redacted Redacted \(doverdistrictlocalplan.co.uk\)](https://doverdistrictlocalplan.co.uk)

²⁰ [GEB06 Statement of Common Ground with National Highways and KCC Update March 2023 \(doverdistrictlocalplan.co.uk\)](https://doverdistrictlocalplan.co.uk)



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

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Issue 4 – Overnight Lorry Parking Facilities – Policy TI4

83. The proposed modification AM103 adds clarity for users of the plan and therefore contributes to the effectiveness of the Policy. The Council considers that this change is necessary for soundness, to ensure the policy accords with national policy and is justified.