

# Public Document Pack



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14 December 2020

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **OVERVIEW AND SCRUTINY COMMITTEE** on Monday 14 December 2020 at 6.00 pm, the following documents that were unavailable when the agenda was printed.

13 **LOCAL PLAN - REGULATION 18 CONSULTATION** (Pages 2 - 9)

To consider the attached updated key questions from members of the committee.

Yours sincerely

A handwritten signature in black ink, appearing to be "N. Kelly", written in a cursive style. The signature is positioned above the text "Chief Executive".

Chief Executive

**DOVER DISTRICT COUNCIL**  
**OVERVIEW AND SCRUTINY COMMITTEE**  
**LOCAL PLAN QUESTIONS**

**14 DECEMBER 2020**

Questions from Councillor M Bates

- 1.9: Page 6: Are there any dates as yet when you propose to commence the Section 19 process?

Local Development Scheme indicates this will take place at the end of 2021.

- 5.12: Page 29: Whilst I applaud the promotion of cycling within town centres many streets are simply not fit for purpose in respect of providing adequate space to accommodate cyclists, pedestrians and vehicles. The recent ill fated experiment in Maison Dieu Road is a good example of this.

These factors will be considered alongside any proposals on a case by case basis.

- 5.24,27and 29:

Page 35. In each of these areas your favourable options are to devise a local policy rather than rely on the NPPF. Will this not continue to bring us into conflict with the NPPF when examining applications at the committee stage and is this something that we should try to avoid. The objective should be to smooth the decision process rather to return the problems created by the status quo.

The proposed local policies will not be in conflict with the NPPF. They take into account the requirements of the NPPF whilst tailoring the requirements to take account of local factors.

- 6.19: Page 49: I am surprised that the adequate provision of electric power is not included within this paragraph. Some parts of Walmer have already experienced an increase in power cuts as a result of insufficient capacity within the network. This is likely to grow with increasing demand not only due to housing but also in the expected growth in ownership of electric cars.

Consultation with UK Power Networks has not identified this as an issue. Further consultation with UK Power Networks will take place as part of this consultation, and to inform the Infrastructure Delivery Plan which is to be produced prior for the Regulation 19 consultation.

- 6.32: Page 53: How many new homes are proposed for Dover Town?

There are two proposed allocations within the Dover Town centre. Mid Town for 100 dwellings; and Dover Waterfront for 200 dwellings.

Within the Dover urban area (including the town centre boundary, but excluding Whitfield) there are 15 sites totalling 1,084 dwellings. These sites are set out within the Site Allocation Policy 1 Housing Allocations at Page 75.

- 6.49: Page 63: I do not understand the term “Dover Urban Area.” Is this another euphemism for “Dover Town” or does it encompass a wider area?

The area referred to is shown on the map following para 6.125 (pg 91)

- 6.108: Page 73. The description of services in Eythorne is somewhat overstated. It has one pub and the East Kent Railway café which is volunteer run and has been closed since the onset of COVID. It has one village hall. The other is in Elvington. The nearest train station is in Shepherdswell and there are no buses on a Sunday or after 18.00hrs on a weekday.

This statement is based on the findings of the Rural Settlement Hierarchy study that was undertaken in 2020.

- 6.124: Page 107: I cannot understand why you would not want to build affordable housing within the Dover Urban Area – surely that is the very area where you have the greatest need for affordable accommodation?

This is not because we do not want or need to provide affordable housing within Dover Town. However, the Local Plan must balance the need to provide affordable housing with consideration of development viability and delivery. The Whole Plan Viability Study which has been completed (and will be published alongside the consultation) demonstrates that it is not financially viable for development in Dover to provide affordable housing. This is also evidenced by recent schemes which have come forward in the town, where viability has been raised as a constraint. The Council will need to consider other ways to deliver affordable housing in Dover, including direct delivery by the Council and delivery by Registered Providers.

- 7.13: Page 117: As there is a tremendous drive to boost tourism within the area would it not be an idea to specifically designate sites within the town centre for the creation of new hotel/s.

The Dover Town Centre policy identifies development opportunity areas within the town centre for mixed use development and is supportive of the provision of a mix of uses (including hotels) in the town centre to support the economy and promote tourism. Designating specific sites would be less flexible in accommodating potential proposals which may come forward.

- 7.30: Page 121: The current pandemic has given a boost to homeworking and I was surprised recently when changes were made to a planning permission for Aylesham wherein the developers were allowed to cancel the constructions of such properties in order to build more conventional housing. The policy in this regard certainly needs to be strengthened.

DM Policy 21 home working and DM 37 quality of residential accommodation both support home working.

- 7.41: Page 125: Will there be a Phase 4? If not then the current proposal for the Border Control Point will presumably use up the remainder of the available land.

It is unclear at the current time how much land would remain, and for how long the BCP will be in use. This uncertainty is reflected at paras 7.28 and 7.41. It is therefore proposed to carry out a call for sites for additional employment land.

With regards to Phase 4, this has never been submitted as a proposal to the Council. If it is to be brought forward it would need to be submitted through the call for sites. The Council would then need to consider whether it was suitable to be allocated for employment development.

- 9.10: Page 157: I am sorry but I do not understand this section. It sounds total gobbledegook to me!

It is proposed to continue to use S106 to secure the infrastructure which is required to support developments. The new Local Plan will identify the site-specific infrastructure requirements within site specific policies where these are known.

- 9.11: Page 157: Will the new planning regulations not make Section 106 payments redundant as they will be replaced by the CIL or have I read this wrong?

Proposals in the Planning White Paper are in their early stages, it is unclear when they would be brought in. Until that time, it is proposed that S106 will continue to be used to seek infrastructure delivery and contributions.

- 9.39: Page 163: DM30 has nothing concerning the provision of on street parking charging points. This Local Plan will encompass the period of transition to electric vehicles so a condition requiring the provision of such charging points should be included in order that the policy mirrors our climate change strategy.

DM Policy 4 criteria iv) requires the provision of electric vehicle charging points in new development.

- DM35: Page 169: Will the provision of gigabit capable connections include windfall developments and new builds in remote rural areas?

Yes

- 10.10: Page 173: What is the definition of Regulation M4(2)?

Accessible and Adaptable dwelling (more information can be found here <https://www.gov.uk/guidance/housing-optional-technical-standards#accessibility-and-wheelchair-housing-standards>)

- 10.17: Page 175: When will the Local Design Guide be published?

The Local Design Guide will be published after the adoption of the Local Plan. A timetable is yet to be worked up for this.

- DM36: Should something not be included concerning the life expectancy of a house. Buildings these days look nicer but are often not built with the same quality of materials that existed before. Consequently a house built in the 30s has a greater life expectancy than some of those thrown up in the 60s. Should we not be looking at ensuring that the homes which are being constructed have a life expectancy of say

100 years so creating a sustainable housing stock that can be enjoyed by two to three generations.

DM 36 refers to the use of materials and the lifespan of a dwelling in achieving high quality design

SP 15 Place Making also states that new development must be designed and planned to last...

DM 2 Sustainable design and construction also covers the lifecycle of a building

Enforcing standards of construction are also dealt with by the building regulations

11.46: I am very surprised that there are only two AQMAs in the area and there has been no updating for 11 years. Why is this? Much has changed over this period and I would imagine that air pollution levels between the Duke of York and Whitfield roundabout have increased considerably. Levels within the White Cliffs Business Park must have risen within the past decade also.

The Environmental Health team commission an Annual Status Report every year in relation to air quality within the district and the results from this have not indicated to date that there are any requirements to allocate any further AQMAs. As part of the evidence base for the draft Local Plan, we have commissioned an Air Quality Report which looks at the cumulative impacts to air quality as a result of the proposed housing and employment allocations up to 2040. The results of this have shown that the impacts to human and ecological receptors are not significant in the plan period. The report will be published and available to view as part of the consultation process of the Draft Local Plan.

## **ENFORCEMENT AND DUE DILIGENCE**

Finally in order to ensure that the infrastructure put in place to create sustainable parking, environmental and planning regimes requires adequate enforcement to ensure that the parking infrastructure is protected, that environmental issues such as light, air and noise pollution are properly managed and that builders comply with the conditions attached to their planning permissions. Without the provision of adequate resources to protect these requirements you will not have a sustainable solution which creates the community you seek to achieve. Design and enforcement are therefore intrinsically linked. I would therefore suggest that additional work is undertaken to identify the level of resources that will be required within the period of the local plan to undertake all the due diligence and enforcement that will be required. The conclusions should be incorporated within the final document.

This work would usually be separate to the Local Plan.  
LJ will talk to this issue at the meeting.

### Questions from Councillor H M Williams

Q1. Spatial portrait. Chapter 3. Section 3.4 -Population. The text here says the most recent pop estimate shows 2018 figures. But the local plan is planning up to 2040, so why not show estimates 2040 pop figures? I can't see the relevance of 2018, compared to 2011. It would be useful to show the change in pop age distribution in a table like that

in para 6.121, figure6.1, but maybe in 5 year age groupings. This would be Much more meaningful!

The spatial portrait provides the existing context for the Plan and is therefore meant to set out the current characteristics of the District. The housing chapter provides the relevant information on future household growth. Further figures are also provided in the SHMA which is published on the Council's website and will be a supporting document to the consultation.

- Q2. Chapter 11. The map, page 166, figure 11.1 with the various Sites, SSS1s etc. could it have a title please, could the legend be moved so it doesn't cover some of the map. I find it very difficult to see where these areas are, could the rivers be coloured blue to distinguish them from the many black lines, and could just a few town names be displayed. Yes, these changes can be made. The draft policies map which will be available online will also provide all this information.
- Q3. 11.24, 3 BOAs. Could we have a map? Maps of the BOA's are available here: <http://kentnature.org.uk/boas.html> We can insert this link into the document. The BOAs will also be on the draft policies map.
- Q4. 11.52. Could the map have a title please? (figure 11.2) Yes this will be added.
- Q5. 11.58. Could there be a map showing Source protection zones 1,2 3. Printed here. I note in DM policy 42, it mentions a proposals Map. Where is this? Does it show the SPZ zones? The SPZs will be shown on the draft policies map which will be published alongside the consultation. The SPZs can also be viewed on the current policies map [https://maps.dover.gov.uk/webapps/Adopted\\_Policies\\_Map/](https://maps.dover.gov.uk/webapps/Adopted_Policies_Map/)
- Q6. 11.58 I find it worrying that water supply companies may run out of fresh water up to 2031. What happens after 2031? Or should the text say after 2031?

Para 11.57 - The sentence will be corrected to say 'Dover falls within the Dour WRZ and Thanet WRZ, both of which will experience a shortfall in supply relative to demand up to 2031' The source of this statement is from the *Kent Water for Sustainable Growth Study*, Aecom (2017). Water scarcity is identified as an issue for Dover, and the way in which the Plan addresses this is to require increased water efficiency standards in new development. The water companies in their water resource plans make provision for enough water to be available and their plans are informed by the growth set out in our plans.

- Q7. General. In references, is there a printed link to the Kent Nature Partnership strategy 2020-2040, so people can look it up? The link can be added at para 11.23.

<http://www.kentnature.org.uk/uploads/files/Nat-Env/Kent%20Biodiversity%20Strategy%202020.pdf>

#### Questions from Councillor T A Bond

- Q1. When the number of houses over the last decade is growing at higher rate than the population why do we need to increase the target particularly when the target is nearly 100% more than the number of houses we are delivering.

This issue was raised and discussed at the Local Plan Project Advisory Group meetings.

The housing requirement set out in the draft Plan is determined using the standard methodology calculation set out in national policy and guidance. Local Plans are

required to meet their objectively assessed need for development unless para 11b of NPPF can be demonstrated. The evidence does not provide any justifiable reason to reduce the housing requirement. Proposing a target which uses a different methodology or setting a lower target would therefore conflict with national policy, and the Local Plan would not be found sound.

- Q2. Lack of infrastructure is an issue. Drainage is a problem that has not been addressed over the years and there is no signs by Southern Water. Power supply is suffering in areas where there are new developments. The roads are clogged and cannot be widened. School capacity in the Deal Walmer area is limited for secondary education. Where is the planning to ensure these issues are addressed prior to developments taking place

This issue was raised and discussed at the Local Plan Project Advisory Group meetings.

These issues will be addressed through the proposed Infrastructure Delivery Plan which will be produced for the Regulation 19 stage of the Plan. In consultation with the infrastructure providers the IDP will set out what infrastructure is required and where, and when and how it will be delivered. The site allocation policies in the plan will include the specific requirements where these are known. These policies along with those set out in Chapter 9 will be used at the planning application stage, and necessary infrastructure and contributions will be secured through S106.

Initial consultation has taken place with the infrastructure providers, and a summary of this work, including the infrastructure requirements it has identified will be published alongside the regulation 18 consultation.

In respect of road infrastructure, the Dover and Deal Transport Model is being used to assess the impact of proposed development upon the road network. We are working with Kent Highways and the Highways Agency to identify the necessary mitigation measures. These will also form part of the IDP and be identified in the site-specific policies in the Reg 19 stage.

- Q3. The issue of Private roads is not addressed. There is also an issue where housing estates are being planned that have access only through private roads owned by other estates. Do we have a policy on this? Also as in the case of station road Walmer we have a large development where the developer has decided that the roads will now not be adopted. This is a significant change to a planning application. This situation needs to be addressed in the local plan

This issue was raised and discussed at the Local Plan Project Advisory Group meetings. This is not a matter which the Local Plan can address. We can only require that roads be built to adoptable standards and that they are maintained in perpetuity.

- Q4. Planning applications are assessed on the immediate area rather than the affect it has on the overall community and the affect on the community facilities in the area. This needs to be addressed in the local plan

The need for community facilities will be addressed as part of the Infrastructure Delivery Plan. This will be informed by consultation with statutory providers, parish and town councils and responses received from the local community to the consultation.

- Q5. With 1/3 of the area in the District flood prone, 1/3 of the area ANOB, it just leaves 1/3 area for development and farming. There is no mention in the local plan as to whether we wish to protect our farming land in the District or not

Whilst not mentioned specifically, agricultural land is protected as part of the general protection given to the countryside through policies in the plan which generally restrict development in those areas. The classification of agricultural land has been considered in the assessment of site allocations through the HELAA and SA process.

- Q6. The local Plan is rightly addressing electric charging points, solar panels, trees and green spaces but we need to give developers a financial incentive to do this. By just writing it into the local plan just makes housing more expensive and therefore not affordable to even more people

The Whole Plan Viability Study produced to support the plan demonstrates that in the majority of the District (with the exception of Dover Urban Area) development is able to support these requirements. This is based upon current sales value data and does not assume any increase in house prices.

Councillor R S Walkden (received after deadline)

- Q1. As the new local plan is to be valid for the next 20 years or so, were the same objectives set for the current local plan? It didn't seem to last that long, if it is because circumstances change, don't they always change and so we may have to go through the whole exercise again after a few years - won't we?

The objectives have been reviewed and updated to take account of changing circumstances. Whilst the Local Plan plans for 20 years ahead, it will have to be reviewed and updated before this time. Currently there is a requirement for plans to be reviewed every 5 years to determine if they need updating. Depending upon the circumstances at that time a full or partial update may be required.

- Q2. On page 10, item 3.17, HMO's, is there to be an even spread of HMO's over the District? At the moment I don't believe this is the case. I am disappointed that local views are not taken into account on HMO's.

Policy DM17 (page 97) addresses the issue of HMOs. The research we have carried out shows a relatively even spread of HMOs across Dover and Deal towns. This evidence is from planning application, building control and housing licence records. It does not show any significant clusters in particular locations. The evidence will be included in the Housing Topic Paper which will be published at the time of the consultation. The consultation provides the opportunity for local views to be submitted and considered.

- Q3. Page 133. Dover Town Centre - section 8 to 15. There doesn't seem to be any mention of the old (mostly disused) telephone exchange - is there a reason for this? There is a term used "mid-town". Is this where the exchange is?

The old telephone exchange is located in the mid-town area, and is therefore included as part of the development opportunity area identified for that area.

