
Subject:	DOVER DISTRICT LOCAL PLAN PUBLICATION (REGULATION 19) AND SUBMISSION (REGULATION 22)
Meeting and Date:	Cabinet – 3 October 2022 Council – 12 October 2022
Report of:	<i>Ashley Taylor, Planning Policy and Projects Manager</i>
Portfolio Holder:	Cllr N Kenton, Portfolio holder for Planning and Environment
Decision Type:	Key
Classification:	<i>Unrestricted</i>

Purpose of the report: To request that Cabinet recommends to Council that the Submission Dover District Local Plan (Regulation 19) is taken forward through the formal processes of Publication, Submission and Examination to enable it to be adopted.

Recommendation: Cabinet recommends to Council that:

- (1) The Submission Dover District Local Plan (Regulation 19) and the accompanying Sustainability Appraisal and Habitats Regulations Assessment is approved for Publication for a period of 7 weeks;
- (2) Following Publication, the Submission Dover District Local Plan and supporting documents be submitted to the First Secretary of State for Examination, together with the Regulation 19 representations and a summary thereof;
- (3) Authority be delegated to the Head of Planning and Development in consultation with the Portfolio Holder for Planning and Environment to prepare an addendum to the Plan with proposed changes that may be necessary to address soundness issues raised by representations received in response to the Regulation 19 Publication, that can be submitted with the Plan to be considered by the Inspector during the examination process; and
- (4) Authority be delegated to the Head of Planning and Development in consultation with the Portfolio Holder for Planning and Environment, to make any necessary editorial changes and minor amendments to the Submission Dover District Local Plan, Sustainability Appraisal and Habitats Regulations Assessment, prior to Publication, Submission and during the Examination, to assist with clarity, consistency, explanation, and presentation.

Council resolves that:

- (5) The Dover District Local Plan 2040 Submission Version (Regulation 19) and the accompanying Sustainability Appraisal and Habitats Regulations Assessment is approved for Publication for a period of 7 weeks;
-

-
- (6) Following Publication, the Dover District Local Plan Submission version and supporting documents be submitted to the First Secretary of State for Examination, together with the Regulation 19 representations and a summary thereof.
 - (7) Authority be delegated to the Head of Planning and Development in consultation with the Portfolio Holder for Planning and Environment to prepare an addendum to the Plan with proposed changes that may be necessary to address soundness issues raised by representations received in response to the Regulation 19 Publication, that can be submitted with the Plan to be considered by the Inspector during the examination process; and
 - (8) Authority be delegated to the Head of Planning and Development in consultation with the Portfolio Holder for Planning and Environment, to make any necessary editorial changes and minor amendments to the Dover District Local Plan Submission Version, Sustainability Appraisal and Habitats Regulations Assessment, prior to publication, submission and during the Examination, to assist with clarity, consistency, explanation, and presentation.
-

1. Summary

- 1.1. It is a legal requirement that Dover District Council prepares a Local Plan which sets out the planning and development framework for the District. Following consultation on the draft plan (Regulation 18 – will be referred to as ‘Reg 18’ throughout report) in 2020 the next stage is for a final version to be produced, published (consulted upon) and submitted for Examination. This report sets out further detail on the Local Plan preparation process, summarises the proposals in the Submission Local Plan (Regulation 19 – will be referred to as ‘Reg 19’ throughout report), including changes that have been made following consultation on the Reg 18 and updates to the evidence base. It is recommended that the Submission Local Plan (Reg 19) be published for a period of seven weeks before it is submitted for Examination.
- 1.2. Having an up-to-date Local Plan, which identifies sufficient land to meet the development needs of the district, will also ensure the Council can demonstrate a five year housing land supply, and should assist in increasing the delivery of housing in order to meet the requirements of the Housing Delivery Test. Without an up-to-date Local Plan, these tests will be very challenging to meet, and would put the Council at far higher risk of speculative applications for development, with less control over where new development is located. It is also important as the Local Plan will include local policies which enable the Council to ensure that the development that does come forward in the District is appropriate for the local area and can be supported by the necessary infrastructure.

2. Introduction and Background

- 2.1. The Council has a statutory duty to prepare a Local Plan under section 19 of the Planning and Compulsory Purchase Act 2004. The Local Plan is a development plan document that sets out the vision, framework and policies for guiding new development in Dover district over the next 20 years.

- 2.2. The new Local Plan will replace in its entirety the existing 'Development Plan' that currently consists of the Adopted Core Strategy (2010), the Land Allocations Local Plan (2015), and the saved policies from the 2002 Local Plan. The adopted Ash and Worth Neighbourhood Plans, and KCC's Minerals and Waste Plan and Partial Early Review, will still form part of the district's development plan, and the weight afforded to them in decisions will depend upon their degree of consistency with the new Local Plan once that is adopted.
- 2.3. Since the adoption of the Core Strategy in 2010, there have been several changes to the planning system, with the abolition of Regional Spatial Strategies (the South East Plan), the publication of the National Planning Policy Framework (NPPF) in 2012, and its subsequent revisions in 2018, 2019 and 2021. As a result of the changes in the system and in both local and national circumstances in the last decade, some of the policies in the Council's current Development Plan are out-of-date (notably Policies DM1, DM2, CP2 and CP3) and therefore are no longer able to guide decision-making in the way they were intended to. Government also requires all Councils to review plans every five years and have an up-to-date plan in place before the end of 2023.
- 2.4. It is essential that the district has an up-to-date Local Plan which sets out the vision and framework for the future development of the area, and to explain how the Council intends to deliver its housing need, as well as employment land need, delivering jobs, leisure and community facilities and open spaces, and balancing this need against a range of environmental and natural constraints.
- 2.5. The Local Plan must be prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. This requires the Local Plan to be (amongst other things), subject to public consultation; submitted to the Secretary of State to undergo an independent examination; and subject to a Sustainability Assessment / Habitats Regulation Assessment to test the impacts of the Plan throughout its preparation.
- 2.6. Section 20(2)(b) and 5(b) of the Planning and Compulsory Purchase Act 2004 require that the plan submitted by a local authority for examination is one that it considers to be 'sound'.
- 2.7. The NPPF paragraph 35 sets out the tests of soundness against which a plan will be tested. These will test whether the plan is:
- **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework.
- 2.8. The NPPF sets out information about the purposes of local plan-making, stating that plans should:

- “be prepared with the objective of contributing to the achievement of sustainable development;
 - be prepared positively, in a way that is aspirational but deliverable;
 - be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
 - contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
 - be accessible through the use of digital tools to assist public involvement and policy presentation; and
 - serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area”.
- 2.9. The NPPF requires local planning authorities to set out the strategic priorities for the area in the Local Plan. This should include strategic policies to deliver:
- “housing (including affordable housing), employment, retail, leisure and other commercial development;
 - infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
 - community facilities (such as health, education and cultural infrastructure); and.
 - conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.”
- 2.10. The NPPF also promotes well-designed places and development, and states that plans should “at the most appropriate level, set out a clear design vision and expectations.”
- 2.11. Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development, including qualitative aspects such as design of places, landscapes and development.
- 2.12. A revised NPPF was published on 20th July 2021, after consultation on the Reg 18, and therefore has been taken into account of in the development of the Reg 19. The key NPPF changes which have had a bearing on the Reg 19 are:
- The presumption in favour of sustainable development now includes an express reference to improving the environment, as well as mitigating and adapting to climate change and its effects. There is also an express requirement for growth and infrastructure to “align”. (Para 11)
 - For policies relating to “larger-scale” development to look further ahead than the typical 15-year plan period, to at least 30 years (paragraph 22).
 - National policy on design has been substantially strengthened. and “Achieving well-designed places” has been significantly revised.
 - There is now an emphasis on delivering beautiful development, (although the term “beautiful” is not defined), and a new sentence stating that “*Development that is not well designed should be refused*” (paragraph 134).

- There is now a requirement to produce a design guide or code to support the Local Plan. These should be consistent with the National Design Guide and National Model Design Code and can be adopted as an SPD.
- There is a new section stating that new streets should be tree-lined (unless inappropriate), and for trees to be incorporated elsewhere (e.g. parks and community orchards), in addition ensuring the long-term maintenance of newly-planted trees and that existing trees are retained where possible.
- Significant changes to the flood risk Sequential Test. The updated text in paragraph 161 requires that "*[a]ll plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.*" (Paragraph 16). The inclusion of all sources means that the need for a Sequential Test may be triggered if a site is located in an area at high risk of surface water or groundwater flooding (although the guidance on applying the Sequential Test has not yet been updated to reflect this).

3. Evidence Base and supporting documents

- 3.1. To inform the preparation of the Local Plan and to ensure that the Plan is justified, a wide-ranging evidence base has been prepared. Where required, evidence has been updated as the Plan has progressed to take account of changing circumstances and ensure policies are based upon the most up-to-date evidence. A full list of the evidence base and supporting documents which have been used to inform the Plan is set out in Appendix A of the Reg 19 Local Plan (Appendix 1 to this report). Most of these studies are available on the Local Plan [Evidence Base webpage](#). The remainder will be published at the time of the Reg 19 consultation.
- 3.2. Within the Reg 19 Local Plan, supporting text to policies refers to the relevant evidence base where this has justified the policies and informed how they have been prepared.
- 3.3. It is considered that an up-to-date and comprehensive evidence base has been produced which justifies the proposals within the Reg 19 . A summary of the key documents and how they inform the Plan is provided below:
- 3.4. Sustainability Appraisal (SA) /Strategic Environmental Assessment (SEA): The Planning and Compulsory Purchase Act 2004 requires Local Plans to be subject to an SA. The purpose of SA is to ensure that the plan preparation process maximises the contribution that a plan makes to sustainable development and minimises any potential adverse impacts. The SA process involves appraising the likely social, environmental and economic effects of the policies and proposals within a plan from the outset of its development.
- 3.5. The SA incorporates the requirements of the Strategic Environmental Assessment (SEA) process. The SEA Regulations require the formal assessment of plans and programmes which are likely to have significant effects on the environment and which set the framework for future consent of projects requiring Environmental Impact Assessment (EIA). SEA and SA are separate processes but have similar aims and objectives. SEA focuses on the likely environmental effects of a plan whilst SA includes a wider range of considerations, extending to social and economic impacts.

- 3.6. A key part of the SA process is an assessment of 'reasonable alternatives', to enable an assessment to be undertaken to find the most sustainable approach to each issue. This has been carried out for the levels of growth (housing and employment), spatial alternatives for delivering this growth, the 'green' and 'amber' rated sites identified in the Housing and Economic Land Availability Assessment (HELAA), as well as development management policy options. The SA is used to inform the decision on preferred options, but is not the sole determinant on which options should be adopted. Other factors, such as the views of stakeholders and the public, and other evidence base studies, also help to inform the decision. The SA is an iterative process with initial conclusions of the assessment being used to refine the policies in the draft Local Plan at Reg 18 stage and subsequently at Reg 19 stage.
- 3.7. Consultation is required on the SA/SEA alongside consultation on the various stages of the Plan's preparation. Comments were received in response to the draft SA at Reg 18 consultation stage. These has been considered and are included in the summary of Reg 18 responses (Appendix 2).
- 3.8. The recommendations of the draft SA have been incorporated into the Reg 19 Local Plan and the SA has been updated to assess the new and updated policies in the Regulation 19 Local Plan. The final SA / SEA is provided at Appendix 3 to this report, and in accordance with the regulations is to be subject to further consultation alongside the Reg 19 Local Plan.
- 3.9. Habitats Regulations Assessment: The Habitats Regulations 2017 (as amended) requires Local Plans to be subject to a Habitats Regulation Assessment (HRA). The HRA provides an assessment of the potential effects of a development plan on one or more European sites, including Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) and RAMSAR sites. The overall purpose of the HRA is to conclude whether or not a proposal or policy, or the whole development plan, would adversely affect the integrity of the European site in question either alone or in combination with other plans and projects.
- 3.10. Dover District contains several European sites which have the potential to be impacted by proposals set out the Local Plan. A draft HRA was prepared and consulted upon at the time of the Reg 18 consultation, and ten comments were received from seven consultees. These comments have been addressed in updated HRA and a summary and response is set out in Appendix 2. A revised draft of the HRA is appended to this report (Appendix 4)
- 3.11. The HRA concludes that no adverse effects on integrity will occur to European sites subject to the provision of safeguarding and mitigation measures which are set out in Chapter 5 of the HRA and addressed in the Submission Local Plan. A summary of the main issues is set out at pages 70 to 72 of the HRA (Appendix 4).
- 3.12. In November 2020 Natural England issued guidance on the potential impact of new residential development (any other overnight stays) on water quality, as a result of additional wastewater from new development. The advice impacts the catchment of Stodmarsh European Protected site in neighbouring Canterbury District and was issued to the authorities within it's catchment, including Ashford Borough Council, Canterbury City Council, Maidstone Borough Council, Folkestone and Hythe District

Council and Dover District Council. This means that no planning permission for residential development can be granted unless the development can deliver nutrient neutrality. As a result of the mitigation measures for demonstrating this being difficult to deliver it has effectively resulted in an embargo on the granting of permissions for new housing in the areas affected, since the advice was issued nearly two years ago.

- 3.13. For Dover District this advice impacts upon the Little Stour and Wingham Operational Catchment which covers the north western part of the District including the settlements of Aylesham, Preston, Wingham, Ash, Staple, Chillenden, Woodnesborough (part) and Nonington. The villages of Elvington and Eythorne are not within the river catchment, but are served by the Dambridge WwTW and are therefore also impacted by the advice.
- 3.14. The Little Stour and Wingham catchment is located downstream of Stodmarsh. The Dambridge WwTW discharges into the Wingham River which flows to join the Little Stour. The Little Stour then joins the Great Stour at Plucks Gutter, where most of the water and nutrients pass out to sea. As the Great Stour is tidal, during certain conditions some water from the Little Stour and potentially a very small level of nutrients are pushed back to Stodmarsh by the incoming tide. The catchment is therefore included with the NE guidance on a precautionary basis.
- 3.15. Since the publication of the advice Dover District Council (DDC) have been seeking to demonstrate that the amount of nutrients reaching Stodmarsh are so insignificant that they do not amount to 'significant effect' which would require assessing under the Habitats Regulations. An initial report was produced and shared with NE at the end of 2021, which it was considered demonstrated that due to significant levels of dilution amount of nutrients reaching Stodmarsh from Dam bridge WwTW was so long it was below detectable levels. However, NE did not agree and requested further detailed modelling be carried out. This has now been completed and shared with NE. NE has now confirmed any additional nutrients reaching Stodmarsh SAC/SPA/Ramsar as a result of new connections to Dambridge WwTW would be insignificant alone and in combination. The HRA 2022 therefore concludes no likely significant effect of the Stodmarsh SAC, SPA and Ramsar as a result in changes in water quantity and quality either alone or in-combination with other plans or projects.
- 3.16. Local Housing Needs Assessment; Paragraph 60 of the NPPF states that in order to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals.
- 3.17. The Department for Levelling Up, Housing and Communities (DLUCH) has made it clear that, at present, the baseline of 2014-based Household Projections should be used for calculating local housing need for Dover District. However, the affordability ratio which factors into the local housing need assessment is updated annually, and the Council is therefore required to update the local housing need to inform the Reg 19 Local Plan.
- 3.18. Based upon the most up-to-date data, the current Local Housing Need figure for Dover District is 611 dwellings per annum (dpa). This is slightly higher than the need figure

included within the Reg 18 draft Local Plan, which was 594 dpa. If the Plan is submitted prior to March 2023, then this housing requirement would be fixed for a period of two years. Should the Plan not be submitted prior to that time, the housing need the Plan provides for will need to take account of the latest affordability data, which is expected to be published in March 2023, and may result in a more substantial housing requirement increase.

3.19. Housing and Economic Land Availability Assessment (HELAA): The HELAA is an assessment of the suitability, achievability and deliverability of potential housing and employment sites in the District and is used to inform the site allocations proposed in the draft Plan. The first version of the HELAA was published prior to the Reg 18 in April 2020. An updated 2022 HELAA will be published as part of the Reg 19 consultation as a supporting document, to address the following:

- Comments received to the reg 18 consultation on site detail
- Incorporation of the sites submitted as part of the targeted call for sites that was carried out at the time of the reg 18 consultation
- Re-assessment of sites based upon changing circumstances and new/updated evidence

3.20. Economic Development Needs Assessment 2021: This assessment considers the need for the future requirements for employment floorspace in the District over the Plan period to 2040. It updates the 2017 Economic Development Needs Assessment (EDNA) and considers two updated economic growth scenarios for the District, based on Experian's latest local level economic forecasts and the most up-to-date trends in completions of employment space across the District. The study also takes into account the impact of Brexit and the COVID-19 pandemic in its projections.

3.21. Retail and Leisure Needs Assessment 2021: This assessment provides an update to the previous 2018 study and was undertaken to inform the Reg 19 strategy and policies for retail and town centres and includes requirements for convenience and comparison goods floorspace and food and beverage outlets. The update takes account of the implications arising from the COVID-19 pandemic; updates to National Policy and the Governments changes to the Use Classes Order and Permitted Development rights; and changes to the Plan period.

3.22. Transport modelling: Following the production of the Local Plan Forecasting Report which supported the Reg 18 plan, the focus of work has been on identifying mitigation solutions for the Whitfield and Duke of York Roundabouts. The identification and delivery of solutions at these two junctions is a critical issue that needed to be resolved to satisfy National Highways (NH) (formerly Highways England) and Kent County Council (KCC) and was currently considered to be the most significant constraint to the soundness of the Local Plan. The transport modelling has also been updated to align with all the proposals in the Reg 19 and further assessment have been carried out of a number of other junctions across the district which have been identified as needing potential improvements.

Whitfield and Duke of York Roundabouts

3.23. A costed mitigation scheme for the Duke of York roundabout has been agreed with National Highways and KCC. This involves the provision of additional lanes to approach roads, the roundabout itself and the provision of traffic lights.

- 3.24. For Whitfield Roundabout a mitigation scheme has been identified with the agreement of NH and KCC which mitigates local plan growth and is currently being costed. The proposal does not bring the junction back within capacity but provides sufficient additional capacity to accommodate proposed Local Plan growth and improves the operation and safety of the roundabout. The mitigation includes a three-lane circulatory arrangement, with signalised arms and priority junctions, additional flare lanes and an extension of the existing underpass.
- 3.25. Further work is required to fully demonstrate delivery and funding of these two schemes and this work will continue up to the point of the examination, working closely with NH and KCC.
- 3.26. It is important to note that as Whitfield roundabout is already at capacity and limiting delivery of emerging schemes in Whitfield and the surrounding area. NH has designed an interim short term 'safety led' improvement to the roundabout which does not increase capacity but is proposed to improve the operation of the junction in the very short term, prior to the full Local Plan mitigation being delivered. This is referred to as the 'signing and lining' scheme. It is currently assumed that the interim 'signing and lining' scheme will take place by 2023/24. Officers are continuing to liaise with NH on this to establish the formally agreed date for this and the funding source.
- 3.27. The full Local Plan mitigation scheme at Whitfield roundabout is expected to be delivered needed within the first five years of the Plan period and the Duke of York Roundabout mitigation will need to be delivered between years five and ten of the plan period.
- 3.28. The Dover Fastrack will be open by Summer 2023 and the modal shift from that has the potential to push the need to upgrade Whitfield roundabout slightly later in the plan period. This is an element which will require careful monitoring. It is still to be agreed with NH and KCC and will also be set out in more detail in the Infrastructure Delivery Plan.
- 3.29. It is important to note that the A2 Strategic Highway mitigation schemes outlined in this report would all be interim schemes in advance of the National Highways Road Infrastructure Strategy (RIS) programme for the Dover A2 Access project, and therefore if the RIS options progress prior to the mitigation being delivered, then any developer funds secured for the signing and lining, or Local Plan mitigation schemes, could be transferred to the RIS scheme. As the detailed proposals for the RIS scheme is not yet known it is not possible to assess the implications on the Local Plan mitigation proposals. However, the local plan policy, IDP and any relevant S106 will be drafted in such a way to ensure that this position is clear, and therefore reducing risk of any RIS announcement affecting the progress of the Local Plan or the site allocations proposed within it.

Other Junctions

- 3.30. The transport modelling has been updated to align with all the proposals in the Reg 19 and has identified that strategic highway improvements are required at key junctions along the A256, in particular at the junctions with the A257 and A258. These improvements are required as a result of the cumulative impact from a number of allocations in this Plan, as identified in the transport modelling. These projects will be identified in the Strategic Policy, relevant site policies and the Infrastructure Delivery Plan (IDP).

- 3.31. In addition, there are a number of key junctions on the strategic and/or local Road Networks where it is expected that individual site allocations will create the need for site specific mitigation. Site specific policies in the Plan and the IDP identify the junctions/routes that will need to be considered as part of the Transport Assessments submitted alongside planning applications (required by Policy TI2).
- 3.32. It is expected that the schemes will be funded in the majority by development. However, forward funding will be required to deliver the schemes in advance of the funding being provided by developments. Officers are currently liaising with our partners to identify forward funding streams and working on a proportionate contributions approach.
- 3.33. An updated Transport Modelling Forecasting Report will be produced for the Reg 19 consultation to set out the work that has been completed to date. However, it is unlikely that all of the work needed will have been completed by October 2022, and it will need to continue to be progressed up to the Examination. A Statement of Common Ground is currently being prepared with NH and KCC to agree this approach, with the intention that is agreed prior to the Reg 19 consultation.
- 3.34. Infrastructure Delivery Plan (IDP): The IDP provides critical evidence to support the Local Plan and provides details of infrastructure projects required to be delivered to support the housing growth proposed in the district. It also provides detail for negotiation with developers to ensure developer contributions are delivered as part of new development. It includes a, Infrastructure Delivery Schedule (IDS) of projects identified by location in the district and infrastructure type.
- 3.35. Within the IDP and IDS, infrastructure is broken down into themes:
- Theme 1: Transport
 - Theme 2: Waste and Recycling Management
 - Theme 3: Water and Drainage
 - Theme 4: Utilities and Digital
 - Theme 5: Education
 - Theme 6: Health and social care
 - Theme 7: Green Infrastructure, Open Space, Play and Sports
 - Theme 8: Community Facilities
- 3.33 Each theme section sets out the lead delivery partners for that infrastructure type or service, an overview of the existing provision (which is primarily based on other evidence base documents such as the open space strategy, Playing Pitch Strategy and Water Cycle Study), current planned improvements (based on existing S106 agreements and known projects), future requirements based on Local Plan allocations and where possible, the costs, funding and timing of the future infrastructure.
- 3.34 The IDP is being informed through discussion and consultation with relevant infrastructure service providers operating in the district, alongside reviewing existing evidence and publications which detail the District's current infrastructure provision. Where evidence required updating, this has been completed, or is underway, such as the draft Indoor Sport Facility Strategy on which a public consultation has recently been completed.

- 3.35 Some of the key areas of infrastructure needs are around transport requirements, such as improvements to key transport junctions/roundabouts, as set out in the preceding section of this report. Several of the requirements for new facilities result from the Whitfield expansion, many of which have been previously agreed - such as Fastrack, the upgrade of the wastewater system, new schools and community and health facilities. Other infrastructure needs across the District include improvements to bus, walking, cycling and rail infrastructure, expansion of existing schools, improvements to sports, community and leisure facilities, enhancements to open spaces and play areas, contributions towards health facilities, waste centres and libraries. Where it has been possible, specific projects are set out within the site allocation policies within the Local Plan and these are reflected in the IDP.
- 3.36 The IDP will be published as a 'Live Document', which will be updated to reflect any further information from service providers or when revised evidence is produced, projects are completed and new projects identified.
- 3.37 The Local Plan consultation will also invite comments on the draft IDP from stakeholders, town and parish councils and other community infrastructure providers and residents, to inform projects to be costed and timed appropriately and specific projects to be identified in local areas which can be assessed for inclusion in the IDP.
- 3.38 Local Plan Viability: The Whole Plan Viability Assessment 2020 provides a firm basis for the evidence needed in relation to viability. A recent review has also been carried out, which concluded that whilst build costs have increased, new build sales values have increased more substantially. The conclusions of the 2020 study therefore remain relevant and applicable.
- 3.39 Rural Settlement Hierarchy and Settlement Confines Review: This background work contributes to ensuring that the Local Plan is in line with the national planning objective of sustainable development. All rural settlements were surveyed to clarify the range of facilities and services present, and such facilities were then scored to produce a broad indicator of the sustainability of each village. The resultant Hierarchy of rural settlements forms the basis of the Windfall Policy (SP4) of the Plan and fed into early growth options, sustainability appraisal and site allocation work. At the same time, a review of the built confines of the rural villages and hamlets of the district was undertaken. This work had last been carried out in 2010 and 2015 to support the Core Strategy and Land Allocations Local Plan and needed to be updated to take account of developments that had occurred during the last seven years and to regularise the methodology of defining such confines. The Settlement Confines work informs both Policy SP4 and the site allocations process. Parish Councils were involved in and consulted on both of these pieces of work.
- 3.40 Equality Impact Assessment: An Equality Impact Assessment (EIA) of the Regulation 19 Submission Local Plan has been carried out, with due regard for the need to provide for the needs and interests of all residents of the district. This Assessment examines the vision, strategic objectives and policies of the Regulation 19 Submission Local Plan against the nine Protected Characteristics in accordance with the Public Sector Equality Duty, as set out in section 149 of the Equality Act 2010. No negative impacts have been identified. The Equality Officer has been consulted during the development of the report. The EIA will be revisited post consultation, including taking account of any updates to the Council's Equality Objectives, and will be reported to Cabinet when the Local Plan is presented for adoption. The EIA is appended to this report as Appendix 5.

4. Consultation to inform preparation of the Plan

4.1 As part of the preparation of the Local Plan, significant consultation has taken place with the local community and key stakeholders in accordance with the Council's Statement of Community Involvement and the relevant legal and policy requirements. To inform the draft Local Plan, early engagement was undertaken with key stakeholders including:

- Local Plan workshops in 2018
- Consultation with Ward Councillors and Town and Parish Councils on the Housing and Economic Land Availability Assessment (2019/2020)
- Meetings of the Local Plan Project Advisory Group
- Informal consultation with statutory consultees and infrastructure providers to inform the evidence base
- Duty to co-operate engagement with neighbouring local authorities.

4.2. The Draft Regulation 18 Local Plan was published for consultation on 20th January 2021, for a period of 8 weeks. In total over 3,400 comments were received in response to the consultation, from 1,280 individuals and organisations.

4.3. All comments received can be viewed in full via the Council's [Local Plan website](#). A summary of the main issues raised, the Council's response, and how the comments have been taken into account to inform the Reg 19 Local Plan is set out in Appendix 2 to this report. Where possible, the issues raised by the comments received have been addressed and have resulted in changes to the Plan. However, it is not possible to address all issues as consultation responses must be balanced against the requirements to meet national policy and guidance, and the evidence base that informs the plan.

4.4. Since the Reg 18 consultation, further engagement has taken place with the following key stakeholders to address specific issues:

- Town and Parish Councils
- Natural England
- Environment Agency
- National Highways
- Kent County Council in its role as Local Highway Authority, Waste Authority and Local Education Authority
- Other infrastructure providers to inform the IDP
- Kent Downs AONB Unit

4.5. The Consultation Statement (Reg 22 Statement), which details all the consultation that has taken place on the Local Plan to date, has been prepared in accordance with Regulation 22 (1) (c) of the Town and Country Planning (Local Planning) (England) Regulations 2012 and is available on the Local Plan website.

5. Duty to co-operate and Statements of Common Ground

5.1. Under the requirements of the Duty to Co-operate introduced by the Localism Act 2011 the Council has worked with the other East Kent Authorities to identify the strategic matters which need addressing and how they should be addressed. An

East Kent Memorandum of Understanding was agreed (updated January 2021) with the East Kent authorities – which sets out each authority’s commitment to meet its own housing needs within its District.

- 5.2. The Council is also required to have Statements of Common Ground (SoCG) to demonstrate that the Duty has been met. SoCG have been agreed with Canterbury City Council (CCC), Folkestone & Hythe District Council (FHDC) and Thanet District Council (TDC). The SoCGs with CCC and FHDC are in the process of being updated and the updated versions will be published at the time of the Reg 19.
- 5.3. As well as housing provision, the main strategic issue on which co-operation is required is infrastructure provision where proposals for new development will impact upon services and facilities in adjoining Districts, as well as cross boundary environmental considerations.
- 5.4. The Council is also required to co-operate with other statutory bodies. As set out previously within this report, co-operation has taken place where necessary with Natural England, National Highways, Historic England, Environment Agency, the Kent and Medway Clinical Commissioning Body and Kent County Council in respect of its role as Minerals and Waste Local Planning Authority, Local Highway Authority, Local Education Authority and Lead Local Flood Authority.
- 5.5. A SoCG is in the process of being prepared with National Highways and KCC Highways and Transportation in relation to the Strategic and Local Road Network and will set out the progress that has been made in relation to assessing the transport implications of the Plan and mitigation proposals.
- 5.6. A SoCG is also being preparing with Canterbury City Council, Swale Borough Council, National Highways and Kent County Council Highways and Transportation, to address strategic transport issues in relation to the A2 corridor.
- 5.7. Following the Reg 19 consultation, it is likely that further SoCGs will be entered into in relation to representations received in response to the Reg 19. These SoCGs may agree to amendments being made to the Plan to address comments received. These will also then be included in the schedule of proposed changes to submitted.

6. Local Plan Project Advisory Group

- 6.1. The Local Plan Project Advisory Group (PAG) has had full, detailed and constructive involvement in the preparation of the Plan throughout the process.
- 6.2. In preparing the Reg 19 Plan, the PAG has reviewed the summaries of responses received to the Reg 18 consultation and initial drafts of Reg 19. Amendments have been made to the Reg 19 Plan to address issues raised by the PAG where appropriate.

7. Dover District Local Plan Submission (Reg 19)

- 7.1. The NPPF, evidence base, consultation and duty to co-operate discussions have all been used to inform the proposed Reg 19 Dover District Local Plan, which is provided at Appendix 1 to this report. The following section sets out a summary of the proposals within it and highlights the main changes between the Reg 18 draft and the Reg 19 versions of the Plan.

Structure of Plan and Changes to policy titles and numbers;

- 7.2. The Reg 19 plan structure, policy titles, numbering and order of policies has been updated. This includes changes to some strategic policies, deletion of policies and creation of new policies.
- 7.3. The overall structure of the Plan has been altered to create separate chapters for the strategic policies and site allocations (rather than then being included within topic-based chapters). This now provides better presentation of the Plan's overarching strategy.
- 7.4. The Plan comprises the following sections:
- Chapter 1 Introduction
 - Chapter 2 Vision and Objectives
 - Chapter 3 Strategic Policies
 - Chapter 4 Housing and Employment Site Allocations
 - Chapters 5–12 Topic Specific Development Management policies
 - Appendices A - F

Chapter 2 - Vision and Objectives (pages 20 to 24)

- 7.5 The overarching vision for the Plan sets out what the Council intends to achieve for the District over the next 20 years. The vision informs the objectives and policies within the Plan. It has been developed from the evidence base and consultation, including the Local Plan workshops that were carried out in 2018, the Virtual Visioning Event which has held on 30th July 2020 and the responses to the Reg 18 consultation. The vision should be locally specific and avoid generalised aspirations. It should also reflect the Council's vision and priorities set out in the Corporate Plan.
- 7.6 The proposed vision and objectives are set out in four themes relating to spectacular and sustainable environment, prosperous economy, vibrant communities, and thriving places. There are also cross-cutting objectives identified.

The following main changes that have been made to the Vision and Objectives to address issues raised through the reg 18 consultation are:

- Reference to the climate change emergency has been added in a new opening paragraph before the Vision
- The Vision and the Strategic Objectives have been re-ordered to place 'Spectacular and Sustainable Environment' first
- The Thriving Places section of the Vision has been amended and changed 'Cross Cutting Issues' to 'Thriving Places' in the Strategic Objectives
- References to Biodiversity Net Gain, protected species and protected landscapes have been added
- An objective has been added for enhanced provision of attractive public open spaces
- A specific vision for Whitfield has been added to address the need for a longer-term vision for large sites which will continue to be delivered beyond the plan period, in accordance with paragraph 22 of the NPPF.

Chapter 2 Strategic Policies (Pages 25 to 83)

- 7.7 The Strategic Policies relate to the Vision and Objectives. They set out what the Council's approach is to delivering the strategic objectives in the Plan. Together they comprise the overarching growth strategy for the District. Strategic Policies are indicated by the prefix 'SP'

- 7.8 SP1: Planning for Climate Change: All new development coming forward in the District over the Plan period will be required to contribute to the mitigation of, and adaptation to climate change in line with the Council's Climate Change Strategy and Action Plan. This policy sets out the overarching strategy to achieve this. Minor changes have been made to the wording of this policy following the reg 18 consultation.
- 7.9 SP2: Planning for Healthy and Inclusive Communities is a new policy, which partly replaces the Reg 18 Policy SP15 - Place Making and sets out the Council's strategy for supporting the creation of healthy, inclusive and safe communities in the District.
- 7.10 SP3: Planning for Housing Growth sets out the amount of housing that is to be delivered, and 7.10 how this will be delivered. In accordance with national policy, the Plan proposes to meet the District's identified housing need based on the standard methodology for calculating housing need, which is a minimum of 10,998 new homes over the Plan period to 2040.
- 7.11 The main changes to this policy are as a result of the update to the Local Housing Needs Assessment (as explained at paragraph 3.2), updates to baseline data on extant permissions and that for housing need calculation purposes the plan period is now 18 years to 2040 rather than 20. This is set out in Table 3 at page 25-26.
- 7.12 As a result of these changes the number of homes which need to be identified as site allocations has reduced to 3,316 homes from 5,288 in the Reg 18 draft.
- 7.13 The overall growth strategy has not been changed and retains supply from site allocations (see below for amendments to sites), and a windfall allowance from year 4 of the plan period.
- 7.14 The distribution of housing growth in the District is primarily based on the settlement hierarchy and influenced by site availability, environmental constraints and factors of delivery. A key aim of the growth strategy is to focus development in the least sensitive areas of the District in order to conserve and enhance the District's rich natural and historical environment. Growth will continue to be focussed in and around Dover Town and Whitfield, where accessibility to strategic transport networks and public transport is good and the greatest potential exists to maximise accessibility to job opportunities, shops, services and other facilities, and to create a new neighbourhood with supporting infrastructure. Development will then be focused in the District Centre of Deal, and the Rural Service Centres of Sandwich and Aylesham, subject to the satisfactory mitigation of environmental and highways constraints identified here. Development in the rural areas will be of a scale that is commensurate with that of the existing settlement to promote the sustainable development of rural areas and support the vitality of rural communities in line with national policy.
- 7.15 To deliver the housing growth strategy set out in the Local Plan, three strategic housing site allocations are identified:
- **Whitfield Urban Expansion (Policy SAP1)** - allocated to deliver a minimum of 2,200 new homes over the plan period. Additional land has been identified to the west of the existing Core Strategy allocation to increase the capacity of the site and enable opportunities for more comprehensive open space provision and mitigation. It is estimated this will enable the provision of an additional 600 homes over and above the Core Strategy allocation.
 - **Land to the South of Aylesham (Policy SAP24)** - allocated to deliver 640 new homes; and
 - **Land between Eythorne and Elvington (Policy SAP28)** - allocated to deliver 300 new homes. The capacity of this site has been reduced to take account of

surface water flooding constraints and KCC highways concerns regarding cumulative impact upon the rural road network.

- 7.16 Further non-strategic and small site allocations are also proposed in the towns and rural area to meet the identified housing need. This should ensure that a range of housing tenures, types and sizes are provided across the District to meet the needs of the local community and provide choice and flexibility in the housing market.
- 7.17 In total, site allocations (excluding Whitfield Urban expansion) are provided, to deliver an estimated 3,392 homes and windfall delivery is estimated to be 1,050 across the plan period. This provides a comfortable supply resilience buffer of 926 homes, which should ensure that the housing need can be met if some sites do not end up coming forward, or capacities need to be reduced. It also provides a buffer should sites need to be removed following the Reg 19 consultation and through the examination process, without the need to find additional sites.
- 7.18 National policy requires local planning authorities to demonstrate a continuous five-year supply of deliverable housing sites, which must be updated annually. On the 1st April 2022, the Council has 5.58 years of housing supply, including a 5% buffer. Accordingly, it is considered that the Council can demonstrate a five-year housing supply for the purpose of paragraph 11 of the NPPF. Whilst the Council can demonstrate a five-year housing land supply without the need for additional housing sites, the provision of additional sites within the first five years of the plan period (as shown on the housing trajectory in Appendix D of the Reg 19 Plan) will ensure resilience and promote flexibility and choice and assist in ensuring the Council can demonstrate a five year housing land supply in future years.
- 7.19 The NPPF allows the Council to confirm its five-year housing land supply through the Local Plan examination and subsequently on an annual basis. Doing this would mean that the supply position cannot be challenged mid-year through appeals of planning application decisions, as it the case now. The Plan therefore proposes this approach and in order to do this must include a 10% buffer to the five-year housing requirement in accordance with paragraph 74b of the NPPF. This is instead of a 5 or 20% buffer for which the requirement is determined from the Housing Delivery Test (HDT) result, for which the 5% buffer currently applies to Dover District's five-year housing land supply. Table 3.2 sets out the Council's five-year housing land supply based upon the strategy and sites proposed in the Plan, demonstrating a 6.16 year supply with the required 10% buffer.
- 7.20 It is proposed that the Plan is submitted prior to the Council's next annual housing information audit, which will take place in April 2022. The five-year supply position may need to be updated during the examination to take into account of the new data.
- 7.21 Provision is also made for 14 Gypsy and Traveller pitches in the District over the Plan period. This need will be met through intensification of existing sites and windfall proposals. The strategy identifies specific pitches to meet 18 years' need from 2020 and to provide an 8.1 year supply of deliverable sites.
- 7.22 **SP4: Residential Windfall Development** Residential windfall development (sites which come forward for development which have not been allocated) is expected to contribute to the supply of housing over the plan period. This policy directs such proposals to suitable and sustainable locations. The policy maintains the overarching approach of the reg 18 draft which allows in principle

development within and adjoining the largest settlements and villages within the District (in accordance with the settlement hierarchy), with the smaller villages and hamlets allowing development within existing settlement boundaries. The policy sets out criteria which would need to be satisfied to ensure proposals do not cause unacceptable harm, including consideration of the scale of the proposals in relation to the size of the settlement and services which are available within it.

- 7.23 The policy has been amended to clarify the approach required for settlements in, or surrounded by, the AONB. Additional criteria have also been added to prevent significant loss of best and most versatile agricultural land and to ensure proposals do not prejudice the delivery of sites allocated in the Plan due to limited highway capacity.
- 7.24 Two hamlets, Elmstone and West Langdon, have been removed from the Policy as they are deemed too small for confines to be drawn and for any windfall development.
- 7.25 Guston and Great Mongeham have been added as settlements, in a change to their previous designation as part of Dover and Deal respectively, for the purposes of the hierarchy and this Policy.
- 7.26 Following consultation at reg 18 stage and subsequently with the Town and Parish Councils during the latter part of the 2021, the settlement hierarchy has been updated.
- 7.27 To support this policy, a review has been undertaken and amendments are proposed to the built confines of all the settlements in the District. Settlement confines in the District were last updated as part of the production of the Core Strategy (2010) and Land Allocations Local Plan (2015). Given this, it was considered necessary as part of the development of the new Dover District Local Plan to update the settlement confines in the District. The update takes account of changes to the settlement confines resulting from new development and proposed changes in the Council's policy approach to delivering residential windfall development. Consultation took place with Town and Parish Councils in August and September 2021, and responses have been taken into account when preparing the updated settlement confines which are presented on the Policies map. They proposed confines have also been updated to take account of recent developments which are under construction or completed.
- 7.28 Modifications have been made to all existing settlement boundaries and new boundaries have been created for settlements within Policy SP4 that did not previously have drawn confines.
- 7.29 **SP5 Affordable Housing** This policy sets out the requirement for affordable housing to be provided on housing sites of 10 or more units. This requires 30% affordable housing on new development, with the exception of the existing Dover Urban Area. National policy and guidance require that Local Plans be subject to viability testing to ensure that the policies are deliverable. The Local Plan Whole Viability Study has tested a number of viability scenarios with differing thresholds and tenure splits in order to ascertain the most appropriate and deliverable levels of affordable housing within the district. The study has concluded that within the Dover Urban Area it is not viable to provide affordable housing.

- 7.30 The policy has been amended to reflect the new government preferred affordable ownership tenure 'First Homes'. The policy now requires 25% of all qualifying schemes to be First Homes, 20% other affordable ownership products and 55% Affordable/social rented. This is based on updated PPG and new Local Plan evidence base report 'Modelling the Demand for First Homes'.
- 7.31 **SP6 Economic Growth** This policy sets out the Economic Growth Strategy for the plan and has been updated to take account of the Economic Development Needs Assessment 2021. The policy supports the implementation of the Council's Economic Growth Strategy 2021. To support a higher level of economic growth, it is proposed to deliver a minimum of 117,290 sqm (31.1 ha) of employment floorspace over the Plan period. This need will be met through the allocation of the following sites for business and employment purposes. This includes two new sites proposed in addition to the those within the Reg 18 draft:
- White Cliffs Business Park, Phases 1,2,3 and 4, Whitfield (Phase 4 new site)
 - Discovery Park, Sandwich
 - Aylesham Development Area, Aylesham
 - Statenborough Farm, Eastry (new site)
- 7.32 The following sites are also identified to deliver a mixture employment uses and to support their regeneration as predominantly brownfield sites and with heritage significance:
- The former Snowdown Colliery, Aylesham (new site)
 - The Citadel, Western Heights, Dover
 - Fort Burgoyne, Dover (new site)
 - Dover Waterfront, Dover
- 7.33 Other measures that form part of the Council's Economic Growth Strategy include:
- the protection of existing employment sites
 - investment in the District's town centres
 - supporting opportunities at the Port of Dover
 - promoting wider forms of economic development which deliver economic prosperity, jobs growth, tourism and inward investment.
- 7.34 **SP7 Retail and Town Centres** This policy sets out the strategy for retail and town centres in the District and has been updated based upon the findings of the Retail and Leisure Needs Assessment (2021). No specific site allocations are required to meet the needs for town centre development over the plan period. The strategy therefore focuses on consolidating and diversifying the existing town centres of the District.
- 7.35 **SP8 Dover Town Centre** This policy sets out the overarching strategy for the future of Dover Town Centre, including a proposed contraction of the town centre boundary. Minor editorial changes are made to the policy following reg 18, along with the addition of references to protect the River Dour riverside walk corridor and its proposed extension. The Dover Town Centre Strategy Map has also been updated.

- 7.36 **SP9 Deal Town Centre and SP10 Sandwich Town Centre** Separate strategic policies have been created for Deal and Sandwich Town Centres (in the Reg 18 draft approach they were combined). Deal Town Centre boundary has been amended to take on board comments made through the Reg 18 consultation. The revised boundary is now concentrated around the core commercial streets of the town.
- 7.37 **SP11 Infrastructure and Developer Contributions** This policy sets out the overarching requirement for development to deliver and/or contribute to the delivery of infrastructure that is required to meet the needs that it generates. The policy has been amended to set out the role of the infrastructure providers and the IDP in identifying the required needs for the district. The policy has also been updated to reflect that infrastructure needs may change in the IDP and that other relevant evidence will also be considered, in consultation with relevant providers.
- 7.38 **SP12 Strategic Transport Infrastructure** The title of this policy has been amended to 'Transport' from 'Highways' in order to address the other types of strategic transport required to be delivered as part of the Plan. The policy now details the strategic requirements to the A2, other specific strategic highways schemes, bus infrastructure (including Dover Fastrack) and rail schemes (including Dover Priory Station parking). It also sets out requirements for proportionate contributions from development to fund the identified strategic highways improvements.
- 7.39 **SP13 Protecting the Districts Hierarchy of Designated Environmental Sites** addresses the protection of and avoidance of harm to designated sites and habitats and species. Amendments have been made to address comments received to the Reg 18 consultation and further consultation with Natural England. The policy now more clearly reflects the requirements of the HRA, and there is a clearer distinction between this and policy SP14.
- 7.40 **SP14 Enhancing Green Infrastructure and Biodiversity** focuses on the enhancement of the districts extensive network of green infrastructure and biodiversity and has been amended to address comments made by Natural England. Alongside this there is a need to bring forward a green infrastructure strategy for the District, which is currently being prepared.
- 7.41 **SP15 Protecting the District's Historic Environment** recognises the major role the historic environment has in shaping the District's development and identity, so ensures the District's heritage assets are protected and conserved in a manner appropriate to their significance, and offer opportunities to enhance the environment and economy of the District. Minor editorial changes have been made to the policy since the Reg 18 draft.

Chapter 4 – Housing and Employment Allocations (pages 84 to 199)

- 7.42 This chapter identifies sites in specific settlements which are allocated for specific uses on the Policies Map. Site allocations comprise strategic sites that are central to the delivery of the Plan; non-strategic site allocations and small sites (sites under 30 dwellings). Site Allocation policies are indicated by the prefix 'SAP'. Site allocation policies are grouped by settlement in the Plan. Each settlement/group of settlements is introduced, and a map of the proposed housing, employment and gypsy and traveller allocations provided. Site allocation policies are accompanied by a description of the site, including key constraints. The

implementation and delivery section at the beginning of the chapter provides further information as to how sites should be taken forward.

- 7.43 A list of the proposed housing and employment allocations is provided at Appendix 6 and the assumed phasing is detailed in the updated Housing Trajectory (Appendix D of the Reg 19 Plan).
- 7.44 The changes to the housing supply and requirement position in relation the policy SP4 have resulted in a reduction in sites that are required to be allocated in the draft Plan.
- 7.45 In determining which sites should be proposed for allocation, responses to the Reg 18 consultation have been taken into account, along with the updates to the evidence base including transport evidence, strategic flood risk assessment, the HELAA and Sustainability Appraisal. Changes have been made to the proposed housing allocations including the removal of some sites, amendments to capacities of some sites, and additions of further small sites submitted through the targeted call for sites that was carried out at Reg 18 stage, in order to meet the NPPF requirement of 10% small sites.
- 7.46 The following sites have been removed and are not proposed for allocation:
- SP5 (AYL004) – North Aylesham. The site was proposed for 500 homes. It has been removed due to concerns in relation to the cumulative impact upon the highways network and significant objections to the scale of development proposed in Aylesham at Regulation 18 stage.
 - DOV012 – Former Channel Tunnel Workers Accommodation, Farthingloe. The site was proposed for 100 homes, but has been removed due to objections from AONB unit and Natural England, and no clear mitigation or justification has been provided for major development in the AONB
 - DOV025 - Land off Wycherley Crescent, Dover. The site was proposed for 10 homes. (Previous Local Plan allocation). The site is a designated Local Wildlife Site and has been removed as its impact cannot be mitigated.
 - EAS012 – Lower Gore Field, Eastry. The site was proposed for 35 homes, but is no longer available for housing.
 - EYT019 – Land to east of Adelaide Road, Eythorne. The site was proposed for 6 homes. It has been removed as it will form part of the access to the strategic allocation in Elvington.
 - SHE003 - Land to the north of Westcourt Lane, Shepherdswell. The site was proposed for 100 homes and is removed due to highway safety concerns raised by KCC highways, and significant objections at Regulation 18 stage.
 - WHI006 – Former Guide Hut, Whitfield. The site was proposed for 10 homes and is removed as is no longer available for housing.
 - EYT001 – Land at Monkton Court Lane. Site was proposed for 20 units. The site is covered by a surface water flow path which constrains development here so has been removed.
- 7.47 The following sites have been removed as they are now subject to planning permission or have a resolution to grant. These sites still contribute to meeting the Plan's housing requirement, being part of the extant supply. *(Note the units listed below were the Reg 18 proposed allocation – this may not be the same number which has since obtained planning approval)*
- AYL002 Land at the Boulevard, Aylesham (17 units)

- DEA020 Land off Cross Road, Deal (100 units)
- DOV009 Land at Stanhope Road, Dover (32 units)
- SHO004 Land adjoining Pegasus, Sandwich Road, Sholden (42 units)
- NOR005 Betteshanger Colliery, Deal (210 units)
- GUS002 Connaught Barracks, Dover (300 units)
- ASH010 Land adjacent to Saunders Lane, Ash (76 units)
- DEA018 Church Lane/Hyton Drive, Deal (18 units)
- DEA021 Land off Freeman's Way, Deal (88 units)
- SAN015 Kumor Nursery, Sandwich (67 units)
- SHO002 Land to South West of Sandwich Road, Sholden, Deal (110 units)

7.48 All the site allocations in Ash have been removed from Regulation 19 Local Plan as they are covered by the adopted Ash Neighbourhood Plan (ASH003, ASH004, ASH011, ASH014 and ASH015).

7.49 The following sites remain proposed for allocation, but the indicative capacities of the sites have been amended in light of new evidence.

HELAA Ref & Reg 19 Allocation ref	Location	Settlement	Reg 18 housing number	Reg 19 Housing Number	Reason for change
CAP006 / SAP44	Land to the east of Great Cauldham Farm, Capel-Le-Ferne	Capel-le-Ferne	50	70	More realistic site delivery following review of site size and constraints
CAP011 / SAP45	Land known as the former Archway Filling Station, New Dover Road, Capel-le-Ferne	Capel-le-Ferne	18	10	To mitigate impact upon AONB
CAP013/ SAP45	Land at Cauldham Lane, Capel-le-Ferne	Capel-le-Ferne	15	5	To mitigate impact upon AONB
WAL002 / SAP15	Land at Rays Bottom between Liverpool Road and Hawksdown	Deal	100	75	Reduced to address concerns raised by local community regarding density and character of area
Part of DOV012 / SAP4	Western Heights	Dover	0	100	Site included in reg 18, but no housing delivery was assumed. Further work on updating the

					masterplan for the site indicates suitable site for housing delivery
DOV017 / SAP3	Dover Waterfront	Dover	200	263	To reflect the current masterplan for the site
DOV022B / SAP8	Gas Holder, Coombe Valley, Dover	Dover	40	80	Increased to take account of adjoining site in same ownership also proposed for housing
DOV023 / SAP10	Buckland Mill	Dover	124	135	Increased to take account of planning application submitted
DOV026 / SAP11	Westmount College, Folkestone Road	Dover	100	60	Reduce to take account of site specific constraints
KIN002 / SAP34	Land at Woodhill Farm, Ringwould Road, Kingsdown	Kingsdown	90	50	To mitigate visual and landscape impact, including on the AONB
LYD003 / SAP47	Land adjacent to Lydden Court Farm, Church Lane, Lydden	Lydden	65	30	To take into account area of site at risk from surface water flooding
PRE003 / SAP48	Apple Tree Farm, Stourmouth Road	Preston	12	5	To reflect the landowners aspirations for the site
PRE016 / SAP 48	Site north of Discovery Drive, Preston	Preston	35	20	
PRE017 / SAP48	Site north-west of Appletree Farm, Stourmouth Road, Preston	Preston	75	40	
SAN007 – SAP19	Land known as Poplar Meadow, Adjacent to 10 Dover Road, Sandwich	Sandwich	80	35	To reflect the landowners aspirations for the site
SAN013 / SAP21	Land adjacent to Sandwich Technology School, Deal	Sandwich	60	40	To take into account area of site at risk from surface water

	Road, Sandwich				flooding and the need to provide land for expansion adjoining school
SAN023 / SAP22	Land at Archers Low Farm, St George's Road	Sandwich	40	35	Reduced to mitigate potential impact upon existing trees
SHE006 / SAP37	Land west of Coxhill Road, Shepherdswell	Shepherdswell	20	10	To take into account area of site at risk from surface water flooding
WIN014 / SAP41	Footpath Field, Staple Road, Wingham	Wingham	50	70	More realistic site delivery following review of site size and constraints

7.50 The following sites are proposed to be added as new housing allocations in the Reg 19 Local Plan, following the Targeted Call for Sites undertaken at Reg 18, a review of existing HELAA sites based on comments made during Reg 18 consultation and re-consideration of Dover town centre opportunity sites.

HELAA Site Ref & Reg 19 Reference	Address	Settlement	Capacity
DOV017 (part of) / SAP7	Bench Street, Dover	Dover	100
SAN004 / SAP17	Land south of Stonar Lake and to north and east of Stonar Gardens, Stonar Road, Sandwich	Sandwich	40
STM010 / SAP40	Land located between Salisbury Road and The Droeway, St Margarets-at-Cliffe	St Margaret's	10
RIN002 / SAP53	Land at Ringwould Alpines, Dover Road, Ringwould	Ringwould	5
TC4S008 / SAP16	Bridleway Riding School, Station Road Deal	Deal	25
SHE013 / SAP51	Land around Coldred	Dover	5
TC4S074 / SAP35	Land adjacent Courtlands, Kingsdown	Kingsdown	5
TC4S082 / SAP36	Land Adjacent Mill House, Shepherdswell	Shepherdswell	10
TC4S023 / SAP33	Land adjacent to Cross Farm, Eastry, Near Sandwich	Eastry	10

TC4S027 / SAP13	Roosevelt Road, Dover	Dover	10
TC4S047 / SAP15	104 Northwall Road, Deal	Deal	8
TC4S039 / SAP30	Chapel Hill, Eythorne	Eythorne	5
TC4S030 / SAP13	Colton Crescent, Dover	Dover	10
TC4S028 / SAP13	Peverell Road, Dover	Dover	6
TC4S026 / SAP13	Military Road, Dover	Dover	9
TC4S032 SAP15	Ethelbert Road garages, Deal	Deal	5

7.51 In terms of Gypsy and Traveller Site provision, Policy H3 sets out the following sites that are proposed for intensification to meet the need:

- Plot 1A Land at Hay Hill (The Oaklands), Ham, Eastry, CT13 0ED (2 pitches);
- Plot 2B Land at Hay Hill (Bluebell Place), Ham, Eastry, CT13 0ED (1 pitch);
- Half Acres, Short Lane, Alkham, CT15 7BZ (2 pitches).

7.52 The following changes have been made to the Gypsy and Traveller provision since the Reg 18:

- Removal of Aylesham strategic allocation (10 pitches), due to potential issues regarding delivery of the site;
- Inclusion of a new site TC4S044 (Half Acres) for intensification (2 pitches);
- The removal of the Romany Acres site due to concerns about the impact upon the AONB; and,
- Permission has been granted for 10 pitches at Alkham (Site Allocations Policy 2 of the Reg 18) and Plot 3 at Hay Hill, so these sites are no longer included in the Plan.

7.53 This chapter also includes site specific policies for the employment sites which are proposed for allocation in SP6, except for Discovery Park, which already has an outline planning application covering the site.

Chapter 5 – Climate Change (pages 203 to 216)

7.54 This Chapter contains the following eight policies, which set out requirements that development in the District will need to comply with to mitigate and adapt to the effects of climate change.

- 7.55 **Reducing Carbon Emissions (Policy CC1)** The original intention of this Policy was to set out the reduction in carbon emissions over and above the Building Regulations standards that would be required for new residential development. The preferred option for residential development was for it to deliver a 31% reduction in carbon emissions below the target emission rate (TER) set out in Buildings Regulations Part L (2013). However, this requirement has now been incorporated into Building Regulations that came into force in June 2022, it is therefore no longer required as a local planning policy. The Government intends to update Building Regulations again in 2024/25 further strengthening the carbon emissions standard, this is known as the Future Homes Standard (FHS).
- 7.56 The viability work supporting the local plan demonstrates that currently a 31% reduction is achievable, but the requiring the full FHS at the current time would in a lot of cases make development unviable taking into account other policy requirements, including affordable housing and contributions towards the delivery of infrastructure.
- 7.57 Commercial development is required to meet BREEAM 'Very Good' standard overall, including Very Good for addressing maximum energy efficiencies under the energy credits.
- 7.58 **Sustainable Design and Construction (Policy CC2)** requires development to meet several criteria in order to further reduce carbon emissions. Minor changes have been made to this policy to clarify that all applications for new buildings should be accompanied by a Sustainable Design and Construction Statement demonstrating how the requirements of this Policy have been met.
- 7.59 **Renewable and Low Carbon Energy Development (Policy CC3)** is a policy supporting proposals new renewable and low carbon energy subject to a number of criteria. The policy has been updated to reflect the need to prevent a harmful impact on the Kent Downs AONB and the criteria have been clarified in more detail.
- 7.60 **Water efficiency (Policy CC4)** sets out requirements for water efficiency measures in new development. Minor changes have been made to this policy to clarify that a BREEAM Pre-Assessment for commercial developments should be submitted as part of a planning application to demonstrate how the policy requirements above have been complied with, and that such policy requirements will be secured by condition.
- 7.61 **Flood Risk (Policy CC5)** sets out how flood risk will be considered when determining planning applications. Amendments have been made to reflect advice from the Environment Agency.
- 7.62 **Surface Water Management (Policy CC6)** requires sustainable drainage systems to accommodate surface water in new development and ensure development does not increase flood risk, and where possible, decrease flood risk. Amendments have been made to reflect advice from the Environment Agency and to the structure of the policy, including the addition of the mitigation hierarchy.
- 7.63 **Coastal Change Management Areas (Policy CC7)** is a policy to avoid inappropriate development within the identified Coastal Change Management Areas. Changes have been made to strengthen the wording to reflect the recommendations of the Review of the CCMA's in Dover District, as well as the vulnerability of such parts of the District to the impacts of climate change.
- 7.64 **Tree Planting and Protection (Policy CC8)** requires new tree planting within development. The requirements for commercial development have been updated to

require one additional tree to be planted for every additional 500sqm of commercial floorspace created and not for every additional job, as the latter was deemed too difficult to enforce. The criteria have also been amended to clarify the approach to the loss of or damage to a tree, group of trees or areas of woodland that are designated as being of significant amenity, biodiversity or historic value in the Council's Green Infrastructure Strategy. Minor changes have also been made to the policy wording and supporting text to require trees to be from bio-secure sources and standard size as a minimum, and to allow for financial contributions where on-site planting cannot happen

Chapter 6 – Place Making (pages 217 to 239)

- 7.65 This chapter includes the following six policies which set out policy requirements to achieve high standards of place making in new development. The chapter now includes policies relating to open space, sports and community facilities which were included within the Transport and Infrastructure chapter of the Regulation 18 draft.
- 7.66 **Achieving High Quality Design, Place Making and the provision of Design Codes (Policy PM1)** sets out detailed principles and criteria which development must adhere to in order to delivery high quality of design, that promotes sustainability, and a positive sense of place. The policy has been updated to combine parts of the Reg 18 draft SP15 (Place Making) and Reg 18 draft DM36 (Design) to create one overarching design policy. To address changes introduced by the NPPF 2021 more emphasis has been included on habitat conservation and creation for wildlife and to reflect the need for street trees, and a commitment to develop a District Wide Design Code has been added.
- 7.67 **Quality of Residential Accommodation (Policy PM2)** sets out a number of criteria that developments must meet to ensure the delivery of high quality residential accommodation, including meeting the nationally described space standards, and accessible and wheelchair home requirements. The criteria have been refined to reduce repetition and additional criteria have been included to ensure that homes create healthy living environments in light of the pandemic, and where relevant measures to ensure fire safety are incorporated that the planning stage for high-rise development.
- 7.68 **Providing Open Space (Policy PM3)** sets out the requirements for the creation, enhancement and management of open space in new development, including parks and gardens, amenity greenspaces, allotments and equipped play spaces.
- 7.69 **Sports Provision (Policy PM4)** sets out the requirements for playing pitch and indoor sports provision to support new development. It has been updated to include Indoor Sports Facilities as this was not addressed in the Reg 18 draft. To support this addition to the policy, an update to the 2016 Indoor Sports Facilities Strategy has been produced and has been subject to a recent public consultation.
- 7.70 **Protection of Open Space, Sports Facilities and Local Green Spaces (PM5)** protects all types of existing open spaces and sports facilities in the District. The policy has been updated to include designation and protection of Local Green Spaces in the district, nominated for designation during the Reg 18 consultation or through Neighbourhood Plans. The Local Green Space Assessment is a new supporting document to the Local Plan and will be published at the time of the Reg 19 consultation, as part of the Open Space Topic Paper.

- 7.71 **Community Facilities and Services (PM6)** supports the provision of new community facilities and services, protects existing facilities and requires new development to provide new facilities where appropriate. The policy has been enhanced to include reference to the location and co-location of community facilities and criteria have been added to deal with requirements for new, and the loss or change of use of existing community facilities, particularly in the rural areas.
- 7.72 All of the policies in this chapter have also been amended with minor changes to wording.

Chapter 7 – New Homes (pages 240 to 252)

- 7.73 The New Homes chapter includes the following seven development management policies which set out requirements relating to different types of housing proposals.
- 7.74 **Type and Mix of Housing (H1)** requires major housing development to provide a range of housing types and sizes to meet local needs. It also supports the provision of older persons housing and other specialist housing. Minor wording changes have been made to the policy for clarity.
- 7.75 **Rural Local Needs Housing (H2)** supports the provision of rural local needs homes to enable local people to remain in the village where they live or work. The criteria of the policy have been updated to provide consistency with other policies in the Plan and national policies.
- 7.76 **Meeting the needs of Gypsies and Travellers (H3)** identifies existing Gypsy and Traveller sites that are considered to be suitable for intensification. The policy has been updated to include detailed criteria against which proposals will be assessed, including issues such as impacts on the surrounding landscape and neighbouring properties, design and landscaping, types of accommodation, connections to utilities and parking and storage. One new site has been added to the policy and one removed (as detailed at para 7.52 of this report)
- 7.77 **Gypsy and Traveller Windfall Accommodation (H4)** sets out criteria against which windfall proposals will be judged. The policy has been amended to include additional criteria as detailed above in relation to Policy H3, and also to require demonstration that proposals cannot be accommodated at a site identified for intensification within the plan.
- 7.78 Self and Custom Build Housing (H5) supports the provision of this type of housing to meet the needs identified on the Council's register.
- 7.79 Residential Extensions and Annexes (H6) supports such proposals subject to certain criteria. Additional criteria have been provided in relation to the provision of annexes.
- 7.80 **Housing in Multiple Occupation (H7)** sets out criteria which will be considered when determining applications for new HMOs or when deciding whether to take enforcement action.

- 7.81 In addition to the specific changes set out above, the criteria within the housing policies have been updated to ensure consistency in working across the Plan as a whole and more detail has been added to the justification to the policies and implementation sections.

Chapter 8 – Employment and the Local Economy (Pages 253 to 263)

- 7.82 The Employment and Local Economy chapter includes policies which support the delivery of the Economic Strategy of the plan and includes the following four policies which will be relevant to proposals for new employment and tourism proposals that come forward.
- 7.83 **New Employment Development (E1)** supports the provision of new employment premises across the District, subject to certain criteria. This policy now covers the conversion and re-use of rural buildings, and new employment in the countryside replacing the Reg 18 draft policies DM22 and DM23.
- 7.84 **Loss or Redevelopment of Employment Sites and Premises (E2)** protects existing employment premises in the District with some exceptions which would need to be demonstrated through a planning application. The policy combines the Reg 18 draft policies DM Policies 19: Retention of Existing Employment Sites and 20: Loss or redevelopment of existing sites into one policy.
- 7.85 **Businesses Operating from a Residential Property (E3)** supports such proposals subject to certain criteria protecting the residential character of the area. The Policy title has been changed since Reg 18 and was previously called Home Working.
- 7.86 **Tourist Accommodation and Attractions (E4)** supports proposals for new tourism accommodation and facilities in the District subject to certain criteria. The criteria of the policy have been updated to ensure consistency with the rest of the Plan, and the policy has been re-arranged to improve clarity.
- 7.87 All policies in this chapter have also had minor wording changes made to them.

Chapter 9 – Retail and Town Centres (pages 264 to 270)

- 7.88 The Retail and Town Centres chapter includes the following four policies which support the provision of new retail and town centre development within appropriate locations within the District, to support the vitality and viability of the District town centres
- 7.89 **Primary Shopping Areas (R1)** identifies the primary shopping areas of Dover, Deal and Sandwich Town Centres, where it is expected the new retail and other town centre development should be focused. A flexible approach is provided in relation to the range of use allowed in these areas, however restricts residential on the ground floor, to protect the commercial function of the centres. The policy criteria have been reworded to improve clarity.
- 7.90 **Sequential Test and Impact Assessment (R2)** sets out how applications for new retail development which are not located in the primary shopping area will be considered. The threshold for needing an Impact Assessment has been reduced from 350sqm to 280sqm following a recommendation in the updated Retail and Town Centre

Needs Assessment, as it is generally considered that stores over 280sqm in size are unlikely to provide a purely local facility and will have the ability to draw trade from outside of their immediate local catchment with potential impacts on the vitality and viability of existing stores and centres.

- 7.91 **Local Shops (R3)** protects existing and supports new convenience shops which provide facilities for a local community. The policy title has been changed from 'Local Centres' to better reflect the purpose of the policy.
- 7.92 **Shopfronts (R4)** sets out considerations needed for proposals to alter existing shopfronts in order to create and maintain well-designed shop fronts, which positively contribute to the character, vitality and viability of the District's centres. The policy has been amended to add further emphasis to provide a high standard of design for shopfronts, canopies, blinds, shutters and other security measures.
- 7.93 The supporting text within the whole chapter is now further contextualised and supported by the updated **Retail and Town Centre Needs Assessment (Jul 2021)** and captures more information available to us in the context of the covid-19 pandemic, changes to use classes which came in in 2021 and changes to the plan period.

Chapter 10 – Transport and Infrastructure (Pages 271 to 279)

- 7.94 The transport and infrastructure chapter contains the following five policies to manage impacts upon the road network, require a modal shift to sustainable forms of transport and requiring digital infrastructure provision in new development.
- 7.95 **Sustainable Transport and Travel (TI1)** requires development to maximise opportunities for sustainable travel options, including public transport provision, walking and cycling. The policy has been moved from the Climate Change chapter and has been updated to include reference to the Public Rights of Way Network. The requirement for electric vehicle charging points to be provided in new development has been removed as this is now incorporated within Building Regulations.
- 7.96 **Transport Assessments, Statements and Travel Plans (TI2)** sets out the requirements for assessments to support planning applications to ensure that traffic generated from development can be accommodated on the highway network. The title of this policy has been amended from 'Highway Network and Highway Safety' to ensure that it reflects the purpose of the policy; that planning applications undertake these assessments in consultation with KCC Highways to identify site specific mitigation and requirements for sustainable travel. It also now includes a supporting reference to the KCC road adoption policies.
- 7.97 **Parking Provision on new development (TI3)** sets out the vehicle parking requirements for new development.
- 7.98 Overnight Lorry Parking Facilities (TI4) is a new policy included within the Plan. It addresses the NPPF requirement for the need for overnight lorry parking facilities to be addressed in Local Plans.
- 7.99 Digital Technology (TI5) requires all new residential and employment development to be provided with gigabit capable connections. Additional information has been included

in relation to the need for a digital infrastructure statement to demonstrate how planning applications achieve the policy requirements.

Chapter 11 - Natural Environment Chapter (Pages 280 to 295)

- 7.100 The Natural Environment Chapter includes six policies which seek to protect and enhance the natural environment of the District through new development.
- 7.101 **Biodiversity Net Gain (NE1)** addresses the requirement of the Environment Act 2021 for all new development to deliver a net gain in biodiversity of 10% above the ecological baseline for the site in question. The policy has been updated to reflect the minimum 10% requirement set out in the recent Environment Act 2021, which comes into effect in 2023. The policy has also been updated to include references to the DEFRA Biodiversity Metrics, adds a commitment to the production of a Biodiversity Net Gain SPD and references the Local Nature Recovery Strategy and other relevance guidance.
- 7.102 **Landscape Character and the Kent Downs AONB (NE2)** seeks to ensure that all new development coming forward respects and reflects the character of the landscape in which it is located. The policy has been amended to correct reference to legislative background of the AONB, the revised AONB Management Plan 2021 and to add reference to the two Heritage Coasts, both of which lie within the Kent Downs AONB.
- 7.103 **Thanet Coast and Sandwich Bay SPA Mitigation and Monitoring Strategy (NE3)** sets out the requirements for new residential development to contribute towards the mitigation for the SPA, to mitigate impacts from recreational pressure upon the protected European Site. The policy has been amended to remove reference to the RAMSAR and provide clarification on the when financial contributions will be required towards monitoring and mitigation, which will for all new residential development within a 9km zone of influence rather than district wide. This is supported by an updated SPA Mitigation Strategy 2022 which will be published at the time of the Reg 19 consultation.
- 7.104 **Air Quality (NE4)** sets out how new development should consider impacts upon air quality, including requirements for air quality assessments and mitigation.
- 7.105 **Water Supply and Quality (NE5)** sets out requirements for new development to be provided with appropriate wastewater infrastructure and be phased to align with any upgrades required to increase capacity. The policy has been amended to address groundwater protection and other wording changes requested by the Environment Agency. Requirements in terms of water efficiency have been removed from this policy as they are covered by Policy CC4.
- 7.106 **The River Dour (NE5).** As one of only 200 chalk streams in the world, the river is a rare habitat for flora and fauna. This policy seeks to protect and enhance this. The policy wording has been amended to reference the importance of protecting and enhancing the ecosystem of the river and the fact that the River Dour is a very rare chalk stream.
- 7.107 All policies in this chapter have also been amended with minor changes

Chapter 12 – Historic Environment (Pages 296 to 203)

- 7.108 The Historic Environment chapter includes the following four policies setting out how development proposals relating to heritage assets will be considered.
- 7.109 **Designated and Non-designated Heritage Assets (HE1)** sets out how proposals relating to designated and non-designated heritage assets will be considered. The policy has been amended to ensure that the reference to the level of harm on significance as a result of total loss and the public benefit weighting is aligned with the NPPF.
- 7.110 **Conservation Areas (HE2)** sets out how proposals within Conservation Areas will be considered.
- 7.111 **Archaeology (HE3)** sets out requirements for protecting and enhancing the archaeological and historic identity of Scheduled Monuments and other impact archaeological sites through new development. The policy has been amended to ensure appropriate protection for non-designated heritage assets of archaeological interest.
- 7.112 **Historic Parks and Gardens (HE4)** supports proposals which protect and enhance the District's Historic Parks and Gardens.
- 7.113 All policies within this chapter have also been amended with minor changes.

Policies Map

- 7.114 The production of a Policies Map is a specific requirement of the Town and Country Planning (Local Planning) (England) Regulations 2012. The map is a geographical expression of the policies contained primarily within the Local Plan. The main changes to the draft Policies Map for the Reg 19 plan are changes to the site allocations policies as set out in the preceding section of the report. The Policies Map is available to view at this [link](#).

8 Next Steps

- 8.12 Subject to the Council's approval, it is proposed that the Dover District Local Plan Regulation 19 Submission document (Appendix 1) and all necessary supporting documents will be published for a 'period of representation' commencing on the 21st October 2022 and running for a period of seven weeks, closing on 9th December 2022.
- 8.13 Section 20(2)(b) and 5(b) of the Planning and Compulsory Purchase Act 2004 require that the plan which a local authority submits for examination is one that it considers to be 'sound'. As set out at paragraph 2.7 of this report, the NPPF (paragraph 35) sets out the tests of soundness against which the plan will be tested.
- 8.14 It is considered these four tests have been met. The starting point for preparation of the plan has been the NPPF. Policies have therefore been drafted to ensure that they are consistent with national policy. The plan is also considered to be positively prepared as the plan sets out a strategy for development which meets our own housing targets. The plan preparation process has also considered a number of other alternative strategies and options, as part of the SA/SEA process and the preparation of other evidence base documents, leading to the recommended strategy. This is considered to be justified. The plan preparation process has also been effective with consideration of strategic cross boundary issues which has been undertaken as part

of our Duty to Co-operate discussions with a range of organisations. The Plan is considered to be realistic and deliverable. Extensive work has been carried out through the Housing and Economic Land Availability Assessment regarding the availability and delivery of sites proposed for development, alongside the Whole Plan Viability Assessment. The phasing of sites for housing based upon this work demonstrates a land supply through the plan period, taking into account the delivery timescales of critical infrastructure.

- 8.15 This representation period will provide stakeholders and the general public with the opportunity to prepare and submit a response indicating whether they consider the Council's strategy is sound, legally compliant including whether the Duty to Cooperate has been met, together with their proposed amendments to the plan in order for the Local Plan and the Council to meet these tests. Representations will need to respond to set questions required by the regulations based on the tests, and plain English guidance and FAQs will be prepared to assist residents with understanding this. There will also be dedicated phone lines and email addresses to contact officers in the team for assistance.
- 8.16 The Dover District Local Plan Regulation 19 document will be published online and hard copy documentation will be made available in local libraries. The main methods of submitting comments (representations) will be online, but email and hardcopy responses can also be submitted.
- 8.17 As set out in the adopted Statement of Community Involvement (SCI), the Council will ensure that the representation period is well publicised through a range of media including online (websites and social media), local newspapers, posters and other publications. All parties who responded to the Reg 18 consultation will be notified directly by letter or email. All statutory bodies will be formally notified in accordance with the relevant regulations.
- 8.18 During the representation period, it is proposed that a variety of consultation activities will take place, to ensure that there are opportunities for Town and Parish Councils, residents, stakeholders and businesses to learn more about the draft Plan and how to make comments. These events will be publicised, and Town and Parish Councils will be asked to assist in advertisement of them on their notice boards and online channels. The following is proposed:
- In person public consultation events in a range of locations (tbc)
 - Online stakeholder and public consultation events
 - Dedicated webpages, email address and telephone hotline for the general public
 - Online tutorials and FAQs along with graphics and maps

Post consultation period

- 8.19 Following the close of the consultation period, the responses (representations) will be reviewed and a summary of the main issues raised, and a council response to those issues will be prepared.
- 8.20 As part of the representation review process, it is envisaged that it may be appropriate to provide the Inspectorate with a schedule of amendments to the Plan which address comments that have been made. This may include amendments to policy wording or other minor amendments the plan (such as points of clarity or typographical errors). It is proposed that this schedule of amendments would then be submitted alongside the Reg 19 Plan. The proposed changes will not be considered as part of the submitted

Plan, however they are submitted so they can be considered by the Inspector during the examination process, who will then advise whether they consider the proposed amendments to be necessary. This is standard practice for Local Plan examinations, and assists all parties to understand the councils position.

- 8.21 If changes to the plan are suggested by Statutory consultees or new issues raised, these will be addressed in Statements of Common Ground (SoCG) with those parties, which will be submitted as supporting documents to supplement the schedule of changes. These may also lead to proposed minor amendments to the plan which will be considered in the same way by the Inspector during the Examination process.
- 8.22 If an issue is raised results in significant change needing to be made to the plan which fundamentally affects its soundness, it may be that this would need to be reconsidered by the Council, and if necessary be subject to a further period of public consultation under Regulation 19, prior to the Plan being submitted.
- 8.23 Representations that are made during the consultation period will be formally submitted by the Council to the Planning Inspectorate, together with the Local Plan and supporting evidence. The appointed Inspector/s will then review the representations and documentation and determine if they require further evidence from any of the representors or the Council on specific matters to address throughout the Examination process.
- 8.24 The Inspectorate also provides an opportunity for an 'Advisory Meeting' prior to submission of the plan and documents for Examination. This is only held where a Local Planning Authority requests this service and is set up to provide advice to the LPA on how to prepare for the Examination process. At this time, it is not known whether the Council will wish to take up this offer, as it may delay the timetable for adoption and there are several written procedure guides for Local Authorities to use to prepare for Examination which may be sufficient.
- 8.25 There is potential that during the Examination process the Inspector will recommend that changes are made to the Plan, (which may include those that the Council has provided alongside the Plan as set out above), or to address other issues raised during the consultation or the Examination statements or hearings. If these involve changes to policy wording or interpretation, these are likely to be considered as 'Main Modifications'.
- 8.26 Where this is the case, the Council would be asked by the Inspector to carry out a 'Main Modifications' public consultation during the examination process to get the views of other parties. The agreement to carry out this further consultation would be brought to Cabinet and Full Council for approval. The Inspector would then consider any representations received to this consultation, and decide whether to recommend the Local Plan for soundness, with or without those modifications.

9 Identification of Options

- 9.12 Option 1 – Agree to publish and subsequently submit the Dover District Local Plan Regulation 19 Submission (Appendix 1)
- 9.13 Option 2 – Do not carry out or delay the publication and submission of the Plan
- 9.14 Option 3 – Agree to Publish, but not Submit the Plan

10 Evaluation of Options

- 10.1 The Publication of the Plan needs to be carried out in order to meet the legal requirements for production of a Local Plan, it is therefore not an option to not carry out the Publication if the Council is to continue to progress the adoption of a new Local Plan.
- 10.2 As set out in the report, it is considered that the draft Plan meets the test of soundness and is therefore ready for Publication and Submission.
- 10.3 It is recognised that there is still additional work to do in relation to finalising the delivery details of the strategic transport improvements. However, it is considered that there is sufficient certainty on these matters that Members can be confident that the Plan is deliverable and meets the test of soundness. Those matters will continue to be worked on up to the examination, and this practice is not unusual. Delaying the Publication of the Plan to wait for the conclusion of these matters has the potential to delay progress of the Plan by a number of months.
- 10.4 Option 3 would mean that the Plan would need to be brought back to Council for approval before it is submitted. This would result in significant delay to the Local Plan timetable, as it will not be possible to programme this in prior to the 2023 local elections.
- 10.5 Delaying the Publication and Submission of the Plan would result in the following potential risks:
- The 2023 affordability ratio, which is normally released at the end of March, is likely to further increase the housing requirement. If the Plan is submitted prior to this being published, the current housing need will be fixed for a period of 2 years from submission.
 - The end of 2023 is the Government's deadline for having an up-to-date local plan in place.
 - Levelling Up and Regeneration Bill is proposing significant changes to the local plan process. The full details and transitional arrangements are not yet known, but there is a risk that if the Plan is not progressed enough it would not fall within the transitional arrangement provisions.
 - Parts of the evidence base will start to become out of date, and it would require additional time and financial resource to update.
- 10.6 Option 1, to Publish and Submit is therefore the recommended option.

11 Resource Implications

- 11.1 The budget requirements for completing the Local Plan process were agreed at the meeting of Cabinet held on 1st November 2021 and 5th September 2022. There are no further budget or resource implications as a result of this report.

12 Climate Change and Environmental Implications

- 12.1 Publication and Submission of the Local Plan does not in itself have any climate change or environmental implications.
- 12.2 However, the implementation of the proposals within the Plan will have climate change and environmental implications. Integral to the role of the Local Plan in accordance with the NPPF is to ensure proposals contribute to the mitigation and adaptation to Climate Change, and conserve and enhance the natural environment and the Plan. The Plan therefore includes a number of policies to address these issues as far as is possible, balancing the considerations against other

requirements, such as the need to provide new homes and job opportunities to support the communities of the District.

- 12.3 The impact upon climate change and natural environment has also been assessed and taken into account during the preparation of the Plan through the Sustainability Appraisal and Habitats Regulations Assessments.

13 Corporate Implications

- 13.1 Comment from Finance (linked to the MTFP): Accountancy have been consulted and have no further comments (MR)
- 13.2 Comment from the Solicitor to the Council: The Head of Governance & HR has been consulted during the preparation of this report and has no further comment to make.
- 13.3 Comment from the Equalities Officer: The Equality Officer has been consulted during the development of this report and has no further comments to make, other than to remind members that in discharging their responsibilities they are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010:
<http://www.legislation.gov.uk/ukpga/2010/15/section/149>

14 Appendices

- Appendix 1 – Dover District Local Plan Regulation 19 Submission
- Appendix 2 – Summary of Regulation 18 consultation responses
- Appendix 3a – Sustainability Appraisal Non-technical summary
- Appendix 3b - Sustainability Appraisal Environmental Report
- Appendix 3c – Sustainability Appraisal Appendix A
- Appendix 3d - Sustainability Appraisal Appendix B
- Appendix 3e - Sustainability Appraisal Appendices C, D and E
- Appendix 3f - Sustainability Appraisal Appendix F – Site Assessments Part 1
- Appendix 3g - Sustainability Appraisal Appendix F – Site Assessments Part 2
- Appendix 3h - Sustainability Appraisal Appendix F – Site Assessments Part 3
- Appendix 4 – Habitats Regulations Assessment 2022
- Appendix 5 – Equalities Impact Assessment
- Appendix 6 – Local Plan Site Allocations

15 Background Papers

- Dover District Council Statement of Community Involvement 2019:
<https://www.dover.gov.uk/Planning/Planning-Policy-and-Regeneration/PDF/Planning-SCI-2019-update-WEB.pdf>
- Local Development Scheme 2022:
<https://www.doverdistrictlocalplan.co.uk/uploads/pdfs/local-development-scheme-sep-22.pdf>
- Dover District Local Plan [Policies Map](#)
- Local Plan Evidence Base, including Regulation 22 Consultation Statement
Infrastructure Delivery Plan and Statements of Common Ground:
<https://www.doverdistrictlocalplan.co.uk/about/evidence-base>

Contact Officer: Ashley Taylor, Planning Policy and Projects Manager