

SHOLDEN PARISH COUNCIL

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Local Plan Team

DDC

Etc.

15 March 2021

[By E-mail]

Dear Colleagues,

Sholden Parish Council response to the Regulation 18 Consultation on the Dover District Council Draft Local Plan

Introduction

1. At the Sholden Parish Council meeting held on 15 March 2021, the Council agreed this Sholden Parish response to the Dover District Council Draft Local Plan. They also agreed that our reply should be in the form of a letter as this format best suited the Sholden response.

2. The draft Local Plan is about allocating land across the district of Dover for the building of some 5288 dwellings. This figure excludes 2200 dwellings already planned, but not yet approved, on the Whitfield Urban Expansion. To support or justify this increase in dwellings there is/are (i) an Overarching Vision (ii) 18 Strategic Policies (iii) 8 Site Allocations Policies and (iv) 48 Development Management Policies. That is a mass of information, affecting the district for generations to come, to be absorbed and responded to in two months in the middle of a pandemic lockdown. We have, under the following headings, attempted to assimilate and respond to this.

Sholden Strategic Housing Site

3. On first reading the immediate impact on Sholden is the proposed "Strategic Housing Site" SHO002. This is either 100 or 250 proposed dwellings opposite Sholden Fields. However, any reader unfamiliar with the location/area will not know that in the very recent past Sholden Parish has been saturated with new developments: the Timperley Place and Sholden Fields developments host nearly 600 dwellings; there is extant planning permissions on Churchfield Farm (48 houses plus a 64-bed care home), Land Off Church Lane (14 Dwellings) and the Land to the North West of Pegasus (42 dwellings). And the possibility of another 210 dwellings bordering Sholden Parish.

4. We have studied the Housing Economic Land Availability Assessment (HELAA) and are now aware that it is an iterative document and where land was "Amber", DDC has written to potential developers to see if they can mitigate those sites to turn them "Green" (for the record, there are no amber sites in Sholden). However, DDC is silent on "Red" sites. Sholden has a red site, potentially 150 dwellings attached to SHO002. There is nothing in statute that prevents a potential developer from applying to develop on red land. The draft Local Plan says that such applications will be resisted. That is not strong enough.

The adopted Local Plan needs to be clear that any application put forward to develop "red" land will be refused on breach of policy or policies.

Settlement Boundaries

5. Sholden Parish Council is seriously concerned that at paragraph 6.88 of the draft, there is the decision that settlement boundaries are not part of this Regulation 18 consultation. DDC have explained that the boundaries would be part of the second Regulation 19 consultation i.e., once they have considered and analysed the results of this consultation. They have also stated that they do not envisage too much movement in current boundaries.

Sholden Parish Council will strongly resist any attempted change to those settlement boundaries adjoining or adjacent to its Parish boundaries.

Draft Strategic Policy 3: Residential Windfall Development

6. This draft Strategic Policy 3 states

"Residential Development or infilling of a scale that is commensurate with that of the existing settlement will be permitted within or immediately adjoining the settlement boundaries, as shown on the Proposals Map, of the following settlements:

Ash, Alkham, Aylesham, Capel-le-Ferne, Deal, Dover, East Langdon, Eastry, Elvington, Eythorne, Goodnestone, Kingsdown, Lydden, Northbourne, Preston, Ripple, Sandwich, Shepherdswell, St Margarets at Cliffe, Wingham, and Worth.

Minor residential development or infilling of a scale that is commensurate with that of the existing settlement will be permitted within the settlement boundaries, as shown on the Proposals Map, of the following settlements:

Ashley, Barnsole, Betteshanger, Chillenden, Coldred, Denton, East Studdal, Elmstone, Finglesham, Martin, Martin Mill Nonington, Ringwould, Staple, Stourmouth, Sutton, Tilmanstone, West Hougham, West Langdon, Wingham Green, Woodnesborough and Wootton.

7. In SPC's opinion this new draft Strategic Policy 3 abolishes the old DM1 (no developments beyond the settlement boundaries). It thus almost makes settlement boundaries meaningless. Taking it to an extreme, developers could infill all the way from land to the North West of Sholden to the Circle at Betteshanger and beyond. That cannot be correct.

Sholden Parish Council strongly objects to Strategic Policy 3 and requests the reinstatement of Policy DM1.

Transport and Infrastructure: Strategic Policy 13: Infrastructure and Developer Contributions

8. Draft Strategic Policy 13 states:

"The Council will continue to work with relevant service providers to ensure that infrastructure is delivered, in the right place, at the right time, to meet the needs of the District and support the levels of development identified in the Local Plan.

Where development would create a need to provide additional or improved infrastructure and amenities, would have an impact on the existing standard of infrastructure provided, or would exacerbate an existing deficiency in their provision, the developer will be expected to make up that provision. This shall be through the direct provision of the infrastructure or by a proportionate contribution towards the overall cost of such.

Supporting infrastructure should be provided in advance of, or alongside, the development, unless there is sufficient existing capacity. The appropriate phasing for the provision of infrastructure will be determined on a case-by-case basis.

The Council will use various mechanisms to achieve this, including Section 106 legal agreements, Section 278 legal agreements and planning conditions. In determining the nature and scale of any provision, the Council will have regard to viability considerations and site-specific circumstances".

9. There is no doubt that more dwellings mean increased traffic within the Sholden, Deal and Walmer area. It follows that there will be increased waiting times at key junctions. These holdups will increase when joining onto the A256 (where Sholden, Deal and Walmer traffic meets up with Dover Traffic). There will be delays in people getting to work, deterioration in air quality and climate change impacts.

10. There are now several traffic studies indicating that various parts of the A258 are already at capacity, if not breaching capacity. Previous commitments to improve the outer road network (including the strategic A2/M2) have not materialised. Whilst SPC could agree that the road infrastructure must be improved prior to any major developments in and around the Deal area, SPC cannot agree the proposal in the draft Strategic Policy 13 that infrastructure be provided “alongside” proposed developments or that “appropriate phasing for the provision of infrastructure will be determined on a case-by-case basis”. The infrastructure needs to be built first or watertight legal agreements agreed to ensure the infrastructure is in place prior to commencement of developments. Subsequent “Viability Assessments” from developers revising policy requirements should no longer be accepted.

11. It goes without saying that there will be increased demands on services such as doctors, schools, refuse collection, and disposal of wastewater (a high priority in the Sholden/Deal/Walmer area). Strategic Policy 13 refers to developer financial contributions in the absence of either infrastructure currently on the proposed land or infrastructure that the developer is unable to provide. Provision of services (health and education) is covered by the vague phrase that the Council will continue to work with relevant service providers. The policy goes on to say that the Council will use various mechanisms to achieve provision of infrastructure and services by using planning conditions. But the Council has enabled developers and itself to not use those mechanisms. The last line of Strategic Policy 13 says:

“In determining the nature and scale of any provision, the Council will have regard to viability considerations and site-specific circumstances.”

This gives the developer the upper hand in negotiating conditions and financial contributions and SPC challenges this. The last sentence of Strategic Policy 13 should read:

“In determining the nature and scale of any provision, the Council will ensure that any Section 106 financial contributions and any conditions are only varied in extreme circumstances.”

Sholden Parish Council would also advocate that the DDC Local Plan must have a strategic policy that states that any permission for future major developments will not be granted unless infrastructure and services are built or legally provided for, prior to commencement of development.

The Consultation

12. Sholden Parish Council believes that this consultation should not have taken place during the lockdown or during other pandemic restrictions. However, emerging analysis seems to show that there has been significant electronic involvement in the consultation. That is good. It is even better that Dover District Council has committed to making public all the representations received. SPC believes that if there are differences between the public representations and the draft policies etc. that such differences be discussed via the tried and tested means of public meetings. SPC also believes that if there is a majority in favour or against a particular part (or parts) of the draft Local Plan that those representations are agreed and not ignored.

SPC requests that before any of the draft is finalised, there are public meetings where DDC can be asked to clarify any matters not clear or of concern to residents.

13. SPC is also concerned that the consultation is taking place whilst there is an ongoing review of the NPPF (including the National Model Design Code) and the review of the New Housing Scheme Bonus Scheme. Furthermore, such consultation should not be taking place whilst Parliament intends to implement wide ranging planning laws. All the above may impact on the draft Local Plan and representations from local communities and individual residents.

Development in Dover

14. SPC notes that as with the Core Strategy 10/11 years ago, the draft Local Plan considers that most development will/should take place in and around Dover (excluding Whitfield and Aylesham). That prediction was wrong. Most development has taken place or is taking place in and around Sholden, Deal and to a certain extent Sandwich. As with the past, the developers will follow the money and if Dover is not soon made much more attractive in development terms, then SPC believes that once the Local Plan is agreed we may see more development in the Sholden, Deal, rural and Sandwich areas than that suggested by the draft Plan.

SPC considers that DDC needs to give more evidence as to how they are going to encourage increased direct development related investment in Dover.

Conclusion

15. Sholden Parish Council is acutely aware that the Core Strategy etc. has, in the opinions of the Dover Planning Authority, become out of date and in tension and/or conflict with the NPPF. This mismatch has enabled Planning Officers and the Planning Committee to engage the “tilted balance” which in turn has enabled developers to gain planning permission to saturate Sholden (and other parishes/towns) with unwanted developments. Whilst an up-to-date Local Plan means (for a while at least) that the tilted balance is not engaged, some of the draft Local Plan strategic policies mean that this mismatch is now moved to, and reflected in, those key strategic policies.

16. This new draft Dover District Plan is the biggest opportunity for the next 20 years to give back to residents a level playing field. But its key strategic policies focus on, amongst other things, changing boundaries, vague transport and infrastructure policies and windfall developments anywhere which could turn this corner of South East Kent into one mega-development.

17. There appears to be no mention of the principles of local democracy. The draft needs a strategic policy which supports NPPF 9. NPPF 9 states, amongst other things, that: “...take local circumstances into account”. Currently many parts of the draft make it a development charter rather than a Local Plan supporting and reflecting the legitimate evidence-based, democratic needs of the local communities.

The draft needs a strategic policy supporting the views of residents who will be affected by the Housing Allocations in the Proposals Map.

Kevin Lynch

Kevin Lynch.

Clerk, on behalf of Sholden Parish Council

15/03/2021

CC Sholden Parish Councillors

Sholden Parish Council, District Councillors

Deal Town Council

Walmer Parish Council

Worth Parish Council

Northbourne Parish Council