

# Public Document Pack



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8 May 2018

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **SCRUTINY (COMMUNITY AND REGENERATION) COMMITTEE** will be held in the Council Chamber - Council Offices at these Offices on Wednesday 16 May 2018 at 6.00 pm when the following business will be transacted.

Members of the public who require further information are asked to contact Jemma Duffield on (01304) 872304 or by e-mail at [rebecca.brough@dover.gov.uk](mailto:rebecca.brough@dover.gov.uk).

Yours sincerely

A handwritten signature in black ink, appearing to read "Nicky", written over a horizontal line.

Chief Executive

Scrutiny (Community and Regeneration) Committee Membership:

L A Keen (Chairman)  
G Cowan (Vice-Chairman)  
T A Bond  
P I Carter  
N Dixon  
R J Frost  
P J Hawkins  
P D Jull  
M J Ovenden  
N A G Richards

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointments of Substitute Members.

3 **DECLARATIONS OF INTEREST** (Page 4)

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

4 **MINUTES** (Pages 5 - 8)

To confirm the Minutes of the meeting of the Committee held on 15 November 2017 (attached), 13 December 2017 and 25 April 2018 (to follow).

5 **PUBLIC SPEAKING**

Please note that in accordance with the agreed Protocol for Public Speaking at Overview and Scrutiny, the right to speak only applies to agenda item 11.

The right of the public to speak does not apply to the following agenda items: Apologies, Appointment of Substitute Members, Declarations of Interest, Minutes, the Forward Plan, the Scrutiny Work Programme, any agenda item that is not accompanied by a written report and items that are exempt business.

Members of the public wishing to speak must register to do so by no later than 2.00 pm on the second working day before the meeting.

6 **DECISIONS OF THE CABINET RELATING TO RECOMMENDATIONS FROM THE SCRUTINY (COMMUNITY AND REGENERATION) COMMITTEE**

The following decisions were taken by the Cabinet at its meeting held on 14 May 2018 in respect of recommendations from the Scrutiny (Community and Regeneration) Committee:

- Dover District Regeneration Update

7 **ISSUES REFERRED TO THE COMMITTEE BY COUNCIL, CABINET, SCRUTINY (POLICY AND PERFORMANCE) COMMITTEE OR ANOTHER COMMITTEE**

There are no items for consideration.

8 **ITEMS CALLED-IN FOR SCRUTINY OR PLACED ON THE AGENDA BY A MEMBER OF THE COMMITTEE, ANY INDIVIDUAL NON-EXECUTIVE MEMBERS OR PUBLIC PETITION**

- (a) Items placed on the agenda by a Member of the Committee or any individual Non-Executive Member

Any individual Councillor may request that a matter is placed on the agenda of one of the Council's Overview and Scrutiny Committees.

There are no items for consideration.

- (b) Call-In

Executive Decisions may be called-in by the Chairman or Spokesperson of the Scrutiny (Policy and Performance) Committee or any three non-executive members. Call-Ins are heard by the Scrutiny (Policy and Performance)

Committee unless it decides to refer the matter to the Scrutiny (Community and Regeneration) Committee.

There are no items for consideration.

(c) Public Petitions

There are no items for consideration.

9 **NOTICE OF FORTHCOMING KEY DECISIONS** (Pages 9 - 11)

It is intended that Members should use the Notice of Forthcoming Key Decisions to identify topics within the remit of the Committee for future scrutiny.

10 **SCRUTINY WORK PROGRAMME** (Pages 12 - 15)

It is intended that the Committee monitor and prioritise its rolling work programme.

11 **DOVER DISTRICT COUNCIL LOCAL DEVELOPMENT SCHEME** (Pages 16 - 33)

To consider the attached report of the Chief Executive.

**Access to Meetings and Information**

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website [www.dover.gov.uk](http://www.dover.gov.uk). Minutes are normally published within five working days of each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Jemma Duffield, Democratic Services Officer, telephone: (01304) 872304 or email: [rebecca.brough@dover.gov.uk](mailto:rebecca.brough@dover.gov.uk) for details.

Large print copies of this agenda can be supplied on request.

**Declarations of Interest**

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

Minutes of the meeting of the **SCRUTINY (COMMUNITY AND REGENERATION) COMMITTEE** held at the Council Offices, Whitfield on Wednesday, 15 November 2017 at 6.01 pm.

Present:

Chairman: Councillor L A Keen

Councillors: T A Bond  
P M Brivio (as substitute for Councillor N A G Richards)  
P I Carter  
G Cowan  
N Dixon  
R J Frost  
P J Hawkins  
M J Ovenden  
G Rapley

Officers: Director of Customer Services  
Resident Engagement Manager  
Head of Strategic Housing  
Democratic Services Manager  
Democratic Services Officer

70 APOLOGIES

An apology for absence was received from Councillor N A G Richards.

71 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor P M Brivio was appointed as substitute for Councillor N A G Richards.

72 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

73 MINUTES

The Minutes of the meeting held on 11 October 2017 were approved as a correct record and signed by the Chairman.

74 PUBLIC SPEAKING

The Democratic Services Manager advised that no members of the public had registered to speak on items on the agenda to which the public speaking protocol applied.

75 DECISIONS OF THE CABINET RELATING TO RECOMMENDATIONS FROM THE SCRUTINY (COMMUNITY AND REGENERATION) COMMITTEE

That the decision of Cabinet relating to recommendations from the Scrutiny (Community and Regeneration) Committee be noted.

76 ISSUES REFERRED TO THE COMMITTEE BY COUNCIL, CABINET, SCRUTINY (POLICY AND PERFORMANCE) COMMITTEE OR ANOTHER COMMITTEE

There were no items for consideration.

77 ITEMS CALLED-IN FOR SCRUTINY OR PLACED ON THE AGENDA BY A MEMBER OF THE COMMITTEE, ANY INDIVIDUAL NON-EXECUTIVE MEMBERS OR PUBLIC PETITION

There were no items for consideration.

78 NOTICE OF FORTHCOMING KEY DECISIONS

The Democratic Services Manager presented the Notice of Forthcoming Key Decisions to the Committee for its consideration.

RESOLVED: That the Notice of Forthcoming Key Decisions be noted.

79 SCRUTINY WORK PROGRAMME

The Democratic Services Manager presented the rolling Work Programme to the Committee for its consideration.

Members were asked to provide the Democratic Services Manager with questions for Stagecoach and Kent County Council in advance of the meeting in December when the recent changes in bus provision would be discussed. Members requested that an invitation be extended to parish councils to provide questions to put to the relevant authorities regarding the recent changes.

Members requested that an update be provided to the committee on the current situation of Gypsy and Traveller sites being identified within the district.

RESOLVED: (a) That the Work Programme be noted.

- (b) That the Policy and Projects Manager be invited to a meeting of the committee to update members on the current position with regard to Gypsy and Traveller sites.

80 EAST KENT HOUSING - PROPOSED NEW FORMAL RESIDENT INVOLVEMENT STRUCTURE

The Director of Customer Services and the Resident Engagement Manager of East Kent Housing (EKH) provided members with details of the proposed new Formal Resident Involvement Structure for East Kent Housing. Dover tenant representatives were also in attendance.

Members discussed the various ways residents had been involved in the re-structure process which included surveys, workshops, 'Task and Finish' project groups as well as involvement from Tenant Representatives, to seek their views on the re-structure. They were pleased with residents' level of involvement and the appointment of an independent tenant advisor to help co-ordinate the proposals.

Members noted that the new structure had removed the Tenant Representative role and had been replaced with Engaged Tenants. The role of an Engaged Tenant was to provide an overview of the community and to scrutinise EKH. Engaged Tenants would comprise the Dover Local Group and in addition, three Engaged Tenants would sit on the Residents' Panel on behalf of Dover. Members of the Residents' Panel would serve a 3 year term with a maximum of 3 terms. There were twelve positions available on the Local Groups for Engaged Tenants with no limit on the amount of time they would be appointed. The recruitment process for Engaged Tenant was unclear and Members sought a more transparent recruitment process.

Members were concerned that Engaged Tenants were no longer required to have the same degree of involvement with residents as the Tenant Representatives had previously had. The old structure allowed for residents to approach the representatives with concerns and to take up issues on their behalf. Residents were now encouraged to approach EKH directly with their concerns or complaints. In addition officers and representatives in attendance advised of the difficulty encouraging residents to get involved as volunteers and to fill the positions. Many residents did not have time to commit however there would be the opportunity to be involved in various 'Task and Finish' project groups and carry out short tasks.

Members discussed the methods of communication East Kent Housing chose to have with their residents. The tenants' newsletter was no longer being posted to residents and would be available electronically and on the EKH website. It was an ongoing concern with Members that some residents would remain un-engaged. Not all residents had access to the internet or email and would not receive the same level of information as those that did however, residents were able to request a paper copy of the newsletter if required.

Officers advised Members that they were looking at tasking a specific team of officers to identify vulnerable groups within the community and to proactively contact those individuals. In addition they would contact residents throughout the year for various other reasons and any important updates could be included on the reverse of letters sent to residents as an alternative method of communication. It was noted that whilst it was important to offer different methods of contact and communication

to residents, that not all wanted to be contacted and should have the option to opt in or out.

RESOLVED: (a) That East Kent Housing be requested to:

- (i) Review its methods of communication with tenants, including the tenants' newsletter, to ensure that all tenants have access to communication via a method of their choice.
  - (ii) Review its arrangements for appointing tenants to the Dover Local Group to ensure that there is transparency in the method of appointment, that they are representative of the district as a whole and that there are defined terms of office.
  - (iii) That clarification be provided to the Scrutiny (Community and Regeneration) Committee on (1) the method of appointment and (2) the wider representative role of tenants on the Dover Local Group following the change from elected tenant representatives to unelected engaged tenants.
- (b) That East Kent Housing and the tenant representatives present be thanked for attending the meeting.

## 81 UPDATE ON EAST KENT HOUSING

The Director of Customer Services and the Resident Engagement Manager of East Kent Housing gave a verbal update to Members on East Kent Housing (EKH).

Having managed the housing services on behalf of the local councils in Dover, Canterbury, Shepway and Thanet since 2011, a recent restructure of EKH had been carried out to create a more streamlined service of all four authority's practices and procedures for dealing with enquiries from their tenants. The restructure would result in a more consistent quality of service across the four authorities. As a result of the restructure three manager roles had been removed.

In terms of contacting EKH there had been no change. Telephone numbers and email addresses remained the same however the way the enquiry was dealt with had changed. There was a dedicated complaints officer who reported directly to the Chief Executive and designated officers to deal with customer contacts. A dedicated email address for Members had also been created to ensure Members received a more timely response to their queries.

Members welcomed the restructure and providing resilience to the service.

RESOLVED: That East Kent Housing be thanked for attending the meeting.

The meeting ended at 8.19 pm.





# Notice of Forthcoming Key Decisions

[This updated version of the Notice supersedes all other versions issued in previous months]

Publication Date: 4 May 2018

## Notice of Forthcoming Key Decisions which will be made on behalf of the Council

Key Decisions 2018/19	Item	Date of meeting at which decision will be taken by Cabinet (unless specified otherwise)
1	Neighbourhood Plans	June 2013 and ongoing (see entry)
2	Review of Tenancy Strategy and Tenancy Policy	To be confirmed
3	Review of Local Plan	(i) 1 March 2017; (ii) 1 October 2018; and (iii) October 2019
4	Property Acquisitions	Ongoing (decisions to be taken by Portfolio Holder for Corporate Resources and Performance)
5	To consider an options appraisal and feasibility study for Tides Leisure & Indoor Tennis Centre and seek approval to progress to the detailed design phase	2 July 2018
6	Dover Waterfront Masterplan Area Action Plan	To be confirmed
7	Planning Enforcement Plan	4 June/2 July 2018 (to be confirmed)
8	Representations on the Thanet District Council Local Plan	To be confirmed
9	To seek approval for public consultation on the draft Sandwich Walled Town Conservation Area Appraisal	1 October 2018 and date to be confirmed
10	Hackney Carriage and Private Hire vehicles - access for wheelchair users	4 June/2 July 2018
11	Development of a social lettings agency	2 July 2018
12	Approval of project to develop housing to be occupied on an interim basis by homeless households	14 May 2018
13	To seek Cabinet approval for public consultation on draft Upper Deal Conservation Area Character Appraisal	2 July 2018 and date to be confirmed
14	Letting of the café/restaurant on Deal Pier	4 June 2018
15	Aylesham Village Expansion – Acquisition of Third-Party Land	10 September/1 October 2018 (to be confirmed)
16	Statement of Community Involvement	14 May and 10 September 2018
17	Dover District Council Local Development Scheme	14 May 2018
18	Kent Environment Strategy	14 May 2018
19	Transfer of Freehold of Sandwich Guildhall	4 June 2018

Key Decisions 2018/19	Item	Date of meeting at which decision will be taken by Cabinet (unless specified otherwise)
20	Sandwich Historical Boatyard	4 June 2018
21	To decide on requirements for a new Public Spaces Protection Order following public consultation	2 July 2018
22	To consider the cessation of cash and cheque transactions at Council Offices	2 July 2018
23	Creation of a local property company	2 July 2018

- Note: (1) Key Decisions which are shaded have already been taken and do not appear in this updated version of the Notice of Forthcoming Key Decisions.
- (2) The Council's Corporate Management Team reserves the right to vary the dates set for consultation deadline(s) and for the submission of reports to Cabinet and Council in respect of Key Decisions included within this version of the notice. Members of the public can find out whether any alterations have been made by looking at the Council's website ([www.dover.gov.uk](http://www.dover.gov.uk)).

# OVERVIEW AND SCRUTINY WORK PROGRAMME 2017/18

## SCRUTINY (COMMUNITY AND REGENERATION) COMMITTEE

Month	Scrutiny (Community and Regeneration) Committee	Resource Implications for Scrutiny				Action
		Members	Officers (Corporate Expenditure unless otherwise stated)	Scrutiny Budget Expenditure		
				Projected	Actual	
May 2017	Local Plan Engagement Strategy	Single Meeting	Chief Executive	£0	£0	To consider the report.
June 2017	Registered Providers of Social Housing	Single Meeting	Director of Finance, Housing & Community	£0	£0	To scrutinise Registered Providers of Social Housing.
July 2017	Approval of revisions to the 2012 Housing Assistance Policy	Single Meeting	Director of Finance, Housing & Community	£0	£0	To consider the report.
	Development of New Affordable Housing - Woodnesborough	Single Meeting	Director of Finance, Housing and Community	£0	£0	To consider the report.
	Aylesham Village Expansion – Retail Units, Third Party Land and Post Development Improvements	Single Meeting	Chief Executive	£0	£0	To consider the report.
	Development of New Affordable Housing on Land at New Dover Road, Capel-le-Ferne	Single Meeting	Director of Finance, Housing and Community	£0	£0	To consider the report.
August 2017	Temporary Transfer of Services from Kent and Canterbury Hospital	Single Meeting	East Kent Hospitals University Foundation Trust	£0	£0	Meeting did not go ahead due to non-attendance of EKHUFT.

Month	Scrutiny (Community and Regeneration) Committee	Resource Implications for Scrutiny				Action
		Members	Officers (Corporate Expenditure unless otherwise stated)	Scrutiny Budget Expenditure		
				Projected	Actual	
September 2017	Local Development Scheme	Single Meeting	Chief Executive	£0	£0	To consider the report.
	Regeneration Update – Dover Waterfront and Town Centre Regeneration	On-going	Head of Inward Investment	£0	£0	To receive an update on regeneration in the Dover District. To scrutinise the regeneration proposals for the area around the ‘Banksy’ building and connectivity to the waterfront, bench street, Dover museum and the crypt.
	Temporary Transfer of Services from Kent and Canterbury Hospital	Single Meeting 19 September 2017	East Kent Hospitals University Foundation Trust	£0	£0	To receive an update from EKHUFT.
October 2017	Revised Private Sector Housing Enforcement Policy	Single Meeting	Director of Finance, Housing & Community	£0	£0	To consider the report.
	Explore utilising long term commercial empty properties in Dover	Single Meeting	Camelot Europe	£0	£0	To receive a presentation from Camelot Europe in respect of the potential alternative uses of vacant property [Added]
Nov 2017	East Kent Housing – Proposed new formal resident involvement structure	Single Meeting	East Kent Housing	£0	£0	To consider the report.
	Update on East Kent Housing	Single Meeting	East Kent Housing	£0	£0	To receive an update on changes to East Kent Housing.
December 2017	Bus Routes	Single Meeting	Stagecoach Kent County Council	£0	£0	To scrutinise issues around bus routes.

Month	Scrutiny (Community and Regeneration) Committee	Resource Implications for Scrutiny				Action
		Members	Officers (Corporate Expenditure unless otherwise stated)	Scrutiny Budget Expenditure		
				Projected	Actual	
January 2018	Communication and Engagement	Single Meeting	Head of Community Services	£0	£0	To scrutinise the council's communication and engagement with local residents.
April 2018	Regeneration Update	Single Meeting	Head of Inward Investment	£0		To receive an update from the Head of Inward Investment.
May 2018	Dover District Council Local Development Scheme	Single Meeting	Chief Executive	£0		To consider the report.

***Work Programme for 2018/19 to be set in May 2018***

Month	Scrutiny (Community and Regeneration) Committee	Resource Implications for Scrutiny				Action
		Members	Officers (Corporate Expenditure unless otherwise stated)	Scrutiny Budget Expenditure		
				Projected	Actual	
June 2018	Environmental Health – Noise Nuisance	Single Meeting	Director of Governance	£0		Scope to be confirmed. [Key question request sent to Members.]
July 2018	Gypsy, Travellers and Travelling Showpeople Accommodation Assessment	Single Meeting	Chief Executive	£0		To receive a presentation.
TBC	Private sector landlords	Single Meeting	Director of Finance, Housing and Community	£0		To scrutinise the arrangements for private sector landlords in the district. [Date to be confirmed]

The following items have been identified for inclusion within the Work Programme (date to be confirmed):

Agreed for Inclusion?	Subject	Resource Implications		Action		
Yes	Local Plan	None		To receive updates at milestones in the process. Key dates are October 2018 and July 2019.		
Yes	Manston Airport	TBC		Update on the situation in respect of Manston Airport		
Date to be confirmed	Crime and Disorder Update	Single Meeting – Twice Yearly Update	Head of Community Services	£0		To receive an update. [Date to be confirmed]
	Review of Tenancy Strategy and Tenancy Policy	Single Meeting	Director of Finance, Housing and Community	£0		To consider the report. [Selected from the Forward Plan]

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<b>Subject:</b>	<b>DOVER DISTRICT COUNCIL LOCAL DEVELOPMENT SCHEME</b>
<b>Meeting and Date:</b>	<b>Cabinet – 14 May 2018</b>
<b>Report of:</b>	<b>Nadeem Aziz, Chief Executive</b>
<b>Portfolio Holder:</b>	<b>Councillor James Back, Portfolio Holder for Built Environment</b>
<b>Decision Type:</b>	<b>Key</b>
<b>Classification:</b>	<b>Unrestricted</b>

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<b>Purpose of the report:</b>	To seek approval for the revised Local Development Scheme (LDS) dated March 2018.
<b>Recommendation:</b>	That Cabinet approves and brings into force the revised LDS attached at Appendix 1.

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## 1. Summary

- 1.1 The Local Development Scheme (LDS) sets out the timetable for the production of key planning documents that will form part of the District's Local Plan. It is a legal requirement, and as such, it is important that it is kept up-to-date to reflect the Council's progress and keep residents and key stakeholders informed.
- 1.2 This LDS supersedes the Council's previous LDS published on 4<sup>th</sup> September 2017 and is attached at Appendix 1. It has been updated to take into account changes to the preparation, consultation and adoption of:
- District Local Plan and work on the Dover Waterfront;
  - Statement of Community Involvement; and
  - A number of Conservation Area Character Appraisals.

## 2. Introduction and Background

- 2.1 A Local Development Scheme (LDS) is required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). The LDS must specify (among other matters) the documents which, when prepared, will comprise the Local Plan for the area. It must be made publicly available on the Council's website and be kept up-to-date to enable local communities and interested parties to keep track of progress.
- 2.2 It is important that the local community, businesses and others with an interest in the future planning of the District are aware of the planning documents that the Council intends to produce and the timescale for their preparation, consultation and adoption.
- 2.3 Although consultations on the District Local Plan will continue to be advertised and interested parties notified in accordance with the Council's Statement of Community



Involvement and the District Local Plan Engagement Strategy, the LDS provides information about when consultations are likely to happen.

- 2.4 The LDS is also a useful tool for establishing and reflecting the Council's priorities and enables work programmes to be set for the preparation of planning documents. It also provides a context for the review of planning documents once they have been prepared.
- 2.5 The key updates in this LDS are set out below.
- 2.6 District Local Plan
- 2.7 The proposed timetable for the District Local Plan has been slightly adjusted in order to take account of advice from a specialist consultant on meeting the consultation requirements in the early stages of plan preparation and subsequent discussions with the Portfolio Holder.
- 2.8 In terms of work on the Dover Waterfront, the current version of the LDS identified a separate work stream for the preparation, consultation, examination and adoption of a Dover Waterfront Area Action Plan (AAP).
- 2.9 The Government has now placed greater emphasis on the need to review Local Plans every five years and the preparation of an AAP will slow down the preparation of the Local Plan. In view of this Officers now consider that due to the additional resources implications in terms of staff time and the additional expenditure that would be incurred with preparing a separate AAP, it would be more appropriate to include the work on the Dover Waterfront into the Local Plan rather than producing a separate AAP. This will allow Officers to focus all of their efforts on producing a Local Plan rather than having to prepare a Local Plan and a separate AAP.
- 2.10 The Local Plan timetable has also been adjusted in order to allow for a number of Local Plan workshops to be held in the Summer/Autumn with the statutory agencies, Town/Parish Councils and stakeholders in order to assist Officers with preparing a Draft Local Plan (Reg 18). Subject to the agreement of Cabinet, a Draft Local Plan would now be consulted on during Summer 2019. The current LDS would only seek people's views on what the Local Plan ought to contain as part of an Issues and Options Document. The revised LDS would be much more inclusive as the Council will be publishing a draft Local Plan rather than an Issues and Options Document.
- 2.11 The Ministry of Housing, Communities and Local Government has recently written to Thanet District Council on 23<sup>rd</sup> March 2018 regarding the lack of progress in preparing a Thanet Local Plan and stated 'My officials will also begin formal discussions on the options of inviting Kent County Council to prepare a Local Plan for Thanet and with the neighbouring authorities on the possibility of directing a Joint Plan, as part of considering whether to use my statutory powers and if so which ones'. Should these discussions, which have not yet taken place, lead to the preparation of a Joint Local Plan the LDS that has been included in Appendix 1 of this Report would have to be fundamentally reviewed.

#### Statement of Community Involvement

- 2.12 The Council's Statement of Community Involvement (SCI) sets out how, when and where the Council will consult with local and statutory stakeholders both during production of development plan documents, and within the development management function. The Council is required by law to produce an SCI and, once

adopted, provisions that relate to plan-making become binding. The existing SCI was adopted in 2016 and continues to meet most statutory requirements. However, additional requirements have been introduced by The Neighbourhood Planning Act 2017 which has resulted in a number of proposed changes to the SCI. A timetable for the consultation and adoption of the SCI has been identified in the LDS – please see separate Cabinet agenda item on the Statement on Community Involvement.

#### Conservation Area Character Appraisals (CACA)

- 2.13 A considerable amount of progress has been made with working with a range of local organisations to adopt CACAs (Waterloo Crescent, Dover and Nelson Street, Deal).
- 2.14 The Conservation Studio has been appointed to prepare a Sandwich Walled Town CACA. The Deal Society has also recently started work on the preparation of the Upper Walmer CACA. The proposed timetable for the production, consultation and adoption of the CACAs has been set out in Chapter 3 of the LDS.

#### Duty to Co-operate

- 2.15 The duty to cooperate was created in the Localism Act 2011, and amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters.
- 2.16 The duty to cooperate is not a duty to agree. But local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination.
- 2.17 Local planning authorities must demonstrate how they have complied with the duty at the independent examination of their Development Plan Documents (DPDs). If a local planning authority cannot demonstrate that it has complied with the duty then a DPD will not be able to proceed further in examination. In addition to this, the Government's draft National Planning Policy Framework which was published in March 2018 states, at paragraph 29 'In order to demonstrate that there has been effective and on-going joint working strategic plan-making authorities should prepare and maintain one or more statements of common ground documenting the cross boundary matters being addressed and progress in cooperating to address this.... and this should be publicly available throughout the plan-making progress to provide transparency'.
- 2.18 Given this, it will be necessary to ensure that this Council and the neighbouring Council's continue to meet to discuss cross boundary working as part of the preparation of the evidence base and subject to the proposed changes being incorporated into the final version of the NPPF prepare and agree Statement of Common Ground.

### **3. Identification of Options**

- 3.1 To accept the changes to the revised LDS.
- 3.2 Not to accept the changes to the revised LDS.

#### **4. Evaluation of Options**

- 4.1 It is a legal requirement that local planning authorities produce a LDS to update residents and key stakeholders of their progress with producing planning documents and inform them of when they will be consulted as part of the plan making process. The current LDS contains a commitment to prepare a separate AAP for Dover Waterfront which would slow down the preparation of the Local Plan when there is a clear Government expectation that Local Planning Authorities need keep Local Plans up-to-date every 5 years.
- 4.2 Given this, option 1 is preferred as it would ensure that the LDS is up to date and accurately reflects the work priorities of the Council in accordance with the Government's Regulations.

#### **5. Resource Implications**

- 5.1 Once agreed by Cabinet, a copy of the LDS will be placed on the Council's website.
- 5.2 Whilst the work that has been undertaken to-date on the Dover Waterfront AAP and the public realm are all within the existing District Local Plan budget, there would be additional expenditure of £20,000 needed to conclude the work on the Dover Waterfront area. The cost of this would, however, be offset by not spending at least an additional £30,000 on preparing and consulting a separate AAP and an independent examination of the AAP which had been previously agreed by Cabinet.

#### **6. Corporate Implications**

- 6.1 Comment from the Section 151 Officer: 'Finance has been consulted and has nothing further to add (SB).
- 6.2 Comments from the Planning Solicitor: The Planning Solicitor has been consulted in the preparation of the report and has no further comments to make.
- 6.3 Comment from the Equalities Officer: 'This report does not specifically highlight any equality implications, however in discharging their responsibilities members 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> '

#### **7. Appendices**

Appendix 1 – Local Development Scheme, May 2018

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# District Local Plan



Making  
your district  
a better  
place

Local  
Development  
Scheme

May 2018



## Contents

<b>1 Introduction .....</b>	<b>3</b>
1.1 What is the Local Development Scheme .....	3
1.2 What is the Development Plan .....	3
1.3 Why do we need a Local Development Scheme .....	3
1.4 Will there be further revisions to the Local Development Scheme .....	4
1.5 Local Policy Documents and Guidance .....	4
1.6 Development Planning Documents Under Preparation .....	6
<b>2 Timetable for the Preparation of Future Planning Documents .....</b>	<b>11</b>



## 1 Introduction

### 1.1 What is the Local Development Scheme

**1.1** A Local Development Scheme (LDS) is required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). The LDS must specify (among other matters) the documents which, when prepared, will comprise the Local Plan for the area. It must be made publicly available on the Council's website and be kept up-to-date to enable local communities and interested parties to keep track of progress.

**1.2** This LDS supersedes the Council's previous LDS published on 4th September 2017. It has been updated to take into account changes to the preparation, consultation and adoption of:

- District Local Plan and Dover Waterfront;
- Statement of Community Involvement and
- A number of Conservation Area Character Appraisals.

### 1.2 What is the Development Plan

**1.3** Local Planning Authorities are required to produce a Development Plan for their area. The Development Plan currently consists of:

- Dover District Core Strategy (2010);
- Dover District Land Allocations Local Plan (2015);
- Dover District Local Plan 2002 (saved policies);
- Worth Neighbourhood Development Plan (2015); and
- Kent Minerals and Waste Local Plan (2016)

**1.4** The National Planning Policy Framework (NPPF) emphasises the need to involve all sections of the community in Plan-making. The Council also has a legal duty to consult residents and businesses when appropriate. Many individuals and organisations contribute to the preparation of planning documents. These are set out in the Council's Statement of Community Involvement (SCI) which explains how to become involved in decisions about plan-making and planning applications.

### 1.3 Why do we need a Local Development Scheme

**1.5** It is important that the local community, businesses and others with an interest in the future planning of the District are aware of the planning documents that we intend to produce and the timescale for their preparation, consultation and adoption.

**1.6** Although consultations on the District Local Plan will continue to be advertised and interested parties notified in accordance with the Council's Statement of Community Involvement and the Local Plan Engagement Strategy, the LDS provides information about when consultations are likely to happen.



**1.7** The LDS is also a useful tool for establishing and reflecting the Council's priorities and enables work programmes to be set for the preparation of planning documents. It also provides a context for the review of planning documents once they have been prepared.

## **1.4 Will there be further revisions to the Local Development Scheme**

**1.8** Progress on meeting the milestones in the LDS is reviewed annually as part of the preparation of the Authority Monitoring Report (AMR) which is published on the Council's website:

[www.dover.gov.uk/Authority\\_Monitoring\\_Report.aspx](http://www.dover.gov.uk/Authority_Monitoring_Report.aspx)

## **1.5 Local Policy Documents and Guidance**

### **Existing Position**

#### **Statement of Community Involvement**

**1.9** The Statement of Community Involvement (SCI) sets out how, when and where the Council will consult with local and statutory stakeholders both during production of development plan documents, and within the development management function. The Council is required by law to produce a SCI and, once adopted, provisions that relate to plan-making become binding.

**1.10** The SCI was adopted by the Council in May 2016:  
[www.dover.gov.uk/Statement-of-Community-Involvement.aspx](http://www.dover.gov.uk/Statement-of-Community-Involvement.aspx)

**1.11** In order to address recent change as a result of the Neighbourhood Planning Act 2017, the Council will be consulting on a number of minor changes to the SCI. A timetable has therefore be included in this LDS to allow for consultation and adoption on a minor change to the Council's adopted SCI.

### **Core Strategy**

**1.12** The Core Strategy is the principal document in the Local Plan. It was adopted in February 2010 and contains the Council's vision and spatial strategy for the future development of the District for the period up to 2026. The Core Strategy allocates four strategic sites for housing and mixed use development, which are central to the success of the Plan. It also contains a separate section on Development Management Policies, which replaced some of the 'saved' Local Plan policies. These policies form part of the Development Plan and are used in the decision making process and would be reviewed and where appropriate, replaced as part of Local Plan review.

## Saved Dover District Local Plan Policies 2002

**1.13** The Dover District Local Plan was adopted in 2002 and covered the period to 2006. In September 2007 the Secretary of State confirmed that a number of the existing Local Plan policies could be 'saved' until they are subsequently superseded by new or revised policies. The Council's intention is that all of 'saved' 2002 Local Plan policies would be reviewed and replaced as part of the Local Plan review.

## Land Allocations Local Plan

**1.14** The Land Allocations Local Plan was adopted by the Council in January 2015. Its primary purpose is to allocate land for development and to set out any issues or criteria that subsequent planning applications will need to address. In setting out what type of development is promoted where, the Plan provides local communities, landowners, developers and infrastructure providers a large degree of certainty about the future pattern of development in the District. Specific development proposals for the sites identified in the Plan will, however, need to gain planning permission before development can take place. Policies in the LALP would be reviewed and replaced as part of Local Plan review.

## Worth Neighbourhood Development Plan

**1.15** Regulations introduced by the Government in 2012 concerning neighbourhood planning make provision for Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build.

**1.16** Worth Parish Council is the first Parish in the District to produce a Neighbourhood Plan and to go successfully through the referendum process. The Worth Neighbourhood Plan was made part of Council's Development Plan for Worth on the 28th January 2015. Policies in the Worth NP would be reviewed and where appropriate, replaced as part of Local Plan review.

## Authority Monitoring Report

**1.17** The Council publishes this document at the end of each year. The report monitors the effectiveness of planning policies and proposals, and records progress with meeting the milestones identified in the LDS. Further information on the Authority Monitoring Report (AMR) is available on the [Council's web page](#).

## Local Plan Evidence Base

**1.18** A robust evidence base was prepared to support the planning policies in the Core Strategy and Land Allocations Local Plan. This is published in the form of background documents. Further information on the Council's current evidence base is available on [www.dover.gov.uk/Planning/Planning-Policy/Evidence-Base/Home.aspx](http://www.dover.gov.uk/Planning/Planning-Policy/Evidence-Base/Home.aspx)

**1.19** The Local Plan evidence base is being updated as part of the Local Plan review - see section 'Development Plan Documents Under Preparation'.

## The Policies Map

**1.20** The Council has to have an adopted Policies Map in the Local Plan which needs to be updated when Development Plan Documents are adopted.

## Supplementary Planning Documents

**1.21** Supplementary Planning Documents (SPDs) should be prepared only where necessary and in line with paragraph 153 of the National Planning Policy Framework. They should build upon and provide more detailed advice or guidance on the policies in the Local Plan. They should not add unnecessarily to the financial burdens on development. Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements for producing Supplementary Planning Documents. In exceptional circumstances a Strategic Environmental Assessment may be required when producing a Supplementary Planning Document.

**1.22** The Council has prepared a number of SPDs and SPGs are these are available on:

[www.dover.gov.uk/Planning/Planning-Policy/Supplementary-Planning-Documents/Home.aspx](http://www.dover.gov.uk/Planning/Planning-Policy/Supplementary-Planning-Documents/Home.aspx)

## 1.6 Development Planning Documents Under Preparation

### District Local Plan Review

**1.23** The 2014/2015 Authority Monitoring Report signalled the need to review key parts of the Council's Adopted Core Strategy (CS) evidence base. Two important studies have now been completed: The Strategic Housing Market Assessment (SHMA) and the Economic Development Needs Assessment (EDNA); both of these studies have indicated that there is a strong case to review the Council's Adopted CS and the Adopted Land Allocations Local Plan (LALP). Allied to this the CS was based on housing figures in the Regional Spatial Strategy (RSS) that has now been revoked, the economic growth targets have not been met and the current strategy is dated and is not in conformity with the national policy because it preceded the publication of the NPPF.

**1.24** The policies in the Adopted CS predate and in some case are not compliant with the NPPF/PPG as they were prepared when the RSS was in place. At the time of preparing the CS the Council made a specific policy decision to not repeat policies in the RSS or the Government's Planning Policy Guidance which were in force at the time. This means that as part of a District Local Plan Review it will be important to carefully consider whether there is a need for any locally distinct policies for example, a policy on design. A comprehensive review will need to be undertaken all of the policies in the CS/LALP along with the 'saved' 2002 Local Plan policies in order to update and amalgamate them into one set of policies that is compliant with current Government policy and practice.

**1.25** A Local Plan Review would have the added advantage that all of the Development Management Policies could be consolidated into one single Local Plan which would make it easier for Members, the general public/developers/Town/Parish Councils to understand the planning policy framework that operates in the District.

## **Regulation 18**

**1.26** The first stage of preparing a Local Plan is Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. In accordance with the Regulations, this stage of the Local Plan making process would invite interested parties/specific consultation bodies/Town/Parish Councils to make representations about what a Local Plan ought to contain, it would set out what studies have already been completed, which ones were currently underway and draft policies. There would be engagement and informal consultation in the form of a series of workshops to help inform the Draft Local Plan.

## **Regulation 19**

**1.27** There would be public consultation on the Submission version of a Local Plan would take place at the next stage of the Local Plan making process (Regulation 19) prior to the submission of the Local Plan to the Secretary of State for an independent Examination.

**1.28** The new timetable for the production and consultation of the District Local Plan Review is set out in Chapter 3.

## **Evidence Base**

**1.29** In order to withstand close scrutiny at an Examination a District Local Plan Review would need to be based on proportionate up-to-date relevant evidence about the economic, social and environmental characteristics and prospects of the District. The following studies are either underway or will be commissioned:

- Strategic Housing Market Assessment - available on the DDC website
- Economic Development Needs Assessment - available on the DDC website
- Strategic Housing Land Availability Assessment - currently underway and is due to be completed by Autumn 2018
- Refresh of the Dover Transportation Study - Traffic forecasting undertaken - currently on 'pause' until the distribution of development is known.
- North Deal Transport and Access Study - transport modelling is currently underway and due to be agreed by Highways England/KCC Highways by Summer 2018 and subject to the outcome of this work, further work would be undertaken in Autumn/Winter 2018

- District Retail and Leisure Needs Assessment - due to be completed by May 2018
- Strategic Flood Risk Assessment - due to be completed by May 2018
- Gypsy and Traveller Accommodation Needs Assessment - due to be completed by May 2018
- Dover Waterfront Masterplanning and Public Realm Improvements - due to be completed by Summer 2018
- Green Infrastructure/Landscape Characterisation Assessment - due to be completed by Winter 2018
- Playing Pitch Strategy and Review of Play Area Provision - due to be consulted on Autumn 2018
- Affordable Housing Viability Assessment - due to be undertaken Winter 2018/Spring 2019
- Local Plan Viability work - due to be undertaken Winter 2018/Spring 2019
- Infrastructure Delivery Plan - due to be undertaken Winter 2018/Spring 2019

## **Sustainability Appraisal and Habitat Regulations Assessment**

**1.30** A Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA) is a legal requirement for certain plans and proposals including the District Local Plan and Neighbourhood Plans. This ensures that social, economic and environmental considerations are taken fully into account at every stage of the process for preparing Development Plan Documents. Alongside the SA, a Habitat Regulations Assessment (HRA) considers the potential effects of plans on protected wildlife habitats in the Natura 2000 network, Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar areas.

**1.31** The timetable for the production and consultation of the SA and HRA is set out in Chapter 3.

## **Dover Waterfront**

**1.32** The Government has now placed greater emphasis on the need to review Local Plans every five years and the preparation of an AAP will slow down the preparation of the Local Plan. In view of this Officers now consider that due to the additional resources implications in terms of staff time and the additional expenditure that would be incurred with preparing a separate AAP, it would be more appropriate to include the work on the Dover Waterfront into the Local Plan rather than producing a separate AAP. This will allow Officers to focus all of their efforts on producing a Local Plan rather than having to prepare a Local Plan and a separate AAP.

### 1.33 Local Development Documents

**1.34** The Dover District Heritage Strategy (2012) acknowledges that most of the districts conservation areas do not have an approved character appraisal, and it recommends that the Council should encourage local community groups to carry out such appraisals in conjunction with the Council.

**1.35** A conservation area appraisal should consider what features make a positive or negative contribution to the significance of the conservation area, thereby identifying opportunities for beneficial change, or the need for further planning control. This information will be helpful to those considering investment in an area, and can be used to guide and inform new development. Character appraisals also have a wider application as educational and informative documents for the local community. There is a requirement under the Planning (Listed Buildings and Conservation Areas) Act 1990, for local planning authorities to review their conservation areas and to formulate and publish proposals for their preservation and enhancement. A Conservation Area Character Appraisal considers what features contribute to the historic and architectural character and appearance of the conservation area, and helps to identify opportunities for beneficial change or the need for further planning control, for example through the use of Article 4 directions.

**1.36** The Council's Heritage team are currently working on a number of Conservation Area Character Appraisals. The timetable for the production and consultation on these are set out in Chapter 3.

### Neighbourhood Development Plans

**1.37** The Localism Act 2011 enables local communities to produce Neighbourhood Plans to support development in their area. If the Plans are adopted by the Council they will have the same weight as other Development Plan documents for the District.

**1.38** The first stage in producing a Neighbourhood Plan is to designate a Neighbourhood Area. There are currently four Parish Councils in the District with Neighbourhood Area designations who are at different stages in the planning process:

- Ash;
- Sandwich;
- St Margarets at Cliffe; and
- Shepherdswell with Coldred

**1.39** Whilst the Council is not responsible for the production of Neighbourhood Plans and therefore no timetable can be included in the LDS for them, officers need to explore with the Town/Parish Councils that have a designated Neighbourhood Area if there are any issues holding back the progression of their Neighbourhood Plans and offer assistance where appropriate.

**1.40** The Council will monitor the progress of Neighbourhood Plans in the District through the AMR and will set out in the SCI how it will help neighbourhood plan-making bodies.

## **Monitoring**

**1.41** The Council will continue to review the effectiveness of its planning policies and evidence base annually through the AMR.

## **Duty to Co-operate**

**1.42** The duty to cooperate was created in the Localism Act 2011, and amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters.

**1.43** The duty to cooperate is not a duty to agree. But local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination.

**1.44** Local planning authorities must demonstrate how they have complied with the duty at the independent examination of their Local Plans. If a local planning authority cannot demonstrate that it has complied with the duty then the Local Plan will not be able to proceed further in examination.

**1.45** Local planning authorities will need to satisfy themselves about whether they have complied with the duty. As part of their consideration, local planning authorities will need to bear in mind that the cooperation should produce effective and deliverable policies on strategic cross boundary matters.

**1.46** The Government is currently consulting on a number of proposed changes to the NPPF that will require Council's to prepare a Statement of Common Ground with neighbouring Local Planning Authorities which means that it will be necessary to ensure that the Council continues to undertake cross boundary working as part of the District Local Plan Review.

**1.47** The various meetings that have taken place in connection with the duty to cooperate are recorded annually in the Council's AMR which is available on the DDC website.

## 2 Timetable for the Preparation of Future Planning Documents

Local Plan Document	2018												2019												2020												2021														
	J	F	M	A	M	J	J	A	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	
Local Plan Review SA/HRA																																																			
Statement of Community Involvement																																																			
Sandwich Walled Town CACA																																																			
Upper Walmer CACA																																																			

C = Consultation (Reg 18)    P = Publication (Reg 19)    S = Submission    E = Examination in Public    A = Adoption



