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**Subject:** DOVER DISTRICT COUNCIL LOCAL DEVELOPMENT SCHEME

**Meeting and Date:** Cabinet – 14 May 2018

**Report of:** Nadeem Aziz, Chief Executive

**Portfolio Holder:** Councillor James Back, Portfolio Holder for Built Environment

**Decision Type:** Key

**Classification:** Unrestricted

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**Purpose of the report:** To seek approval for the revised Local Development Scheme (LDS) dated March 2018.

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**Recommendation:** 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

Contact Officer: Adrian Fox, Policy and Projects Manager, 42474.