

# Public Document Pack



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29 October 2021

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **OVERVIEW AND SCRUTINY COMMITTEE** will be held in the Council Chamber at these Offices on Monday 8 November 2021 at 6.00 pm when the following business will be transacted.

Members of the public who require further information are asked to contact Rebecca Brough, Democratic & Corporate Services Manager on 01304 872304 or by e-mail at [democraticservices@dover.gov.uk](mailto:democraticservices@dover.gov.uk).

Yours sincerely

A handwritten signature in black ink, appearing to be 'Nicky', written over a white background.

Chief Executive

## Overview and Scrutiny Committee Membership:

C D Zosseder (Chairman)  
P M Brivio (Vice-Chairman)  
T A Bond  
D R Friend  
D A Hawkes  
S C Manion  
M Rose  
R S Walkden  
P Walker  
H M Williams

## AGENDA

- 1 **APOLOGIES** (Page 4)  
To receive any apologies for absence.
- 2 **APPOINTMENT OF SUBSTITUTE MEMBERS** (Page 5)  
To note appointments of Substitute Members.

3 **DECLARATIONS OF INTEREST** (Page 6)

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

4 **MINUTES**

To confirm the Minutes of the meeting of the Committee held on 26 July 2021, 13 September 2021 and 11 October 2021 (to follow).

5 **DECISIONS OF THE CABINET RELATING TO RECOMMENDATIONS FROM THE OVERVIEW AND SCRUTINY COMMITTEE** (Page 7)

To receive the Cabinet decisions in respect of recommendations of the Overview and Scrutiny Committee.

6 **ISSUES REFERRED TO THE COMMITTEE BY COUNCIL, CABINET, OR ANOTHER COMMITTEE** (Page 8)

There are no items for consideration.

7 **NOTICE OF FORTHCOMING KEY DECISIONS** (Pages 9 - 10)

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.

8 **SCRUTINY WORK PROGRAMME** (Pages 11 - 16)

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

9 **PUBLIC SPEAKING** (Page 17)

Please note that in accordance with the agreed Protocol for Public Speaking at Overview and Scrutiny, the right to speak only applies to agenda items 10 - 11.

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.

10 **RURAL CAR PARKING** (Page 18)

To receive an update from the Head of Commercial Services.

11 **DOVER DISTRICT COUNCIL LOCAL DEVELOPMENT SCHEME** (Pages 19 - 35)

To consider the attached report of the Senior Policy Planning Officer (Planning, Regeneration and Development).

12 **EXCLUSION OF THE PRESS AND PUBLIC** (Page 36)

The recommendation is attached.

**MATTERS WHICH THE MANAGEMENT TEAM SUGGESTS SHOULD BE CONSIDERED IN PRIVATE AS THE REPORT CONTAINS EXEMPT**

INFORMATION AS DEFINED WITHIN PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AS INDICATED AND IN RESPECT OF WHICH THE PROPER OFFICER CONSIDERS THAT THE PUBLIC INTEREST IN MAINTAINING THE EXEMPTION OUTWEIGHS THE PUBLIC INTEREST IN DISCLOSING THE INFORMATION

13 **THE 149TH OPEN - SUMMARY AND COSTS**

To consider the report of the Head of Investment, Growth and Tourism (to follow)

**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 Rebecca Brough, Democratic & Corporate Services Manager, [democraticservices@dover.gov.uk](mailto:democraticservices@dover.gov.uk), telephone: 01304 872304 or email: [democraticservices@dover.gov.uk](mailto:democraticservices@dover.gov.uk) for details.

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

**APOLOGIES**

To receive any apologies for absence.

**APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointments of Substitute Members.

**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.

**Decisions of the Cabinet Relating to Recommendations from the Overview and Scrutiny Committee**

The Record of Decision for the most recent Cabinet meeting will contain the decisions in respect of the recommendations arising from the Overview and Scrutiny Committee.

**ISSUES REFERRED TO THE COMMITTEE BY COUNCIL, CABINET OR ANOTHER  
COMMITTEE**

There are no items for consideration.

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

Key Decisions Number	Item	Date of meeting at which decision will be taken by Cabinet (unless specified otherwise)	Summary of Item	Agreed for inclusion in the Work Programme
2	To inform Cabinet of inherited issues concerning contract management that relate to housing stock and seek authorisation to amend certain contracts	1 November 2021	When the housing service transferred to the direct control of Dover District Council it emerged that the contract management processes used by East Kent Housing had broken down as had the information systems that supported them. The result has been that the expected governance supporting contractual decisions does not currently exist and this report seeks to address those governance issues, albeit retrospectively.	To be determined
5	Hackney Carriage and Private Hire Licensing Policy 2016-21 Review	6 December 2021	The Hackney Carriage and Private Hire Licensing Policy 2016-21 is due for review. The report will seek authority from Cabinet to commence a period of formal public consultation	To be determined
6	To consider whether the Council, in partnership with English Heritage, should progress development of detailed designs for a cable car	1 November 2021	The report will provide an update, and Cabinet will be requested to consider whether the project should be progressed further.	To be determined
13	Redevelopment of Stembrook car park and former Co-op building, Dover	1 November 2021 (to be confirmed)	A proposal has been submitted to the Council for the redevelopment of this site. This requires a decision to approve the proposals and related financial matters.	To be determined
21	To approve an update to the Local Development Scheme	1 November 2021	The Local Development Scheme (LDS) is a statutory document which sets out the timetable for the preparation and revision of development plan documents, including the Local Plan. This decision is to approve an updated LDS which sets out a revised timetable for the preparation of the new Local Plan for Dover District.	To be determined
22	Fees and Charges – agreement on levels for 2022/23	17 January 2021	The Council has to set fees and charges for certain services. These are delegated in part at various levels but form a key element of the overall budget process.	This forms part of the work programme

Agenda Item No 7

Note: (1) Key Decisions which have already been taken or the committee has declined to include within the work programme do not appear in this extract of the Notice of Forthcoming Key Decisions.

## OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME 2020/21

Month	Issue	Resource Implications for Scrutiny				Reason for Inclusion on the Work Programme (incl. any actions required)
		Members On-going or single item?	Officers (Corporate Expenditure unless otherwise stated)	Scrutiny Budget Expenditure		
				Projected	Actual	
May 2021	Performance Report	Single Item	Head of Leadership Support	£0	£0	To consider the report.
	Household Waste Collection & Litter	Single Item	Head of Commercial Services	£0	£0	To consider the report.
	Draft Dover District Council Homelessness and Rough Sleeping Strategy 2020-2024	Single Item	Head of Housing	£0	£0	To consider the report.
June 2021	Food Poverty Review	Review	Democratic & Corporate Services Manager	£0	£0	To agree the review outcomes to report back to Council (Moved back due to Purdah)
July 2021	Household Waste Collection	Single Item	Head of Commercial Services	£0	£0	An update on performance and progress in resolving issues since the meeting held in May 2021 (26 July 2021)
	Angling at Admiralty Pier	Single Item	Democratic & Corporate Services Manager	£0	£0	Attendance confirmed by DHB (26 July 2021)
	Food Poverty Review	Review	Democratic & Corporate Services Manager	£0	£0	To agree the review outcomes to report back to Council (Moved back due to Purdah)

*Please note items beyond the current month are subject to change depending on Forward Plan, officer availability, etc.*

October 2021

Month	Issue	Resource Implications for Scrutiny				Reason for Inclusion on the Work Programme (incl. any actions required)
		Members On-going or single item?	Officers (Corporate Expenditure unless otherwise stated)	Scrutiny Budget Expenditure		
				Projected	Actual	
	Release of Section 106 Monies from Aylesham Village Garden Public Realm Contributions	Single Item	Strategic Director (Operations & Commercial)	£0	£0	Added as a late item at the request of Cllr C D Zosseder
	Electric Heating and Photo-Voltaic Installations at Affordable Housing Developments at Kimberley Close and Stockdale Gardens	Single Item	Housing Development Manager	£0	£0	To consider the report. Item deferred to 26 July 2021 meeting.
	Award of 5-Year Consultancy Contract for Heating, Water and Electrical Safety Works	Single Item	Strategic Director (Operations & Commercial)	£0	£0	To consider the report.
September 2021	Southern Water Update	Single Item	Strategic Director (Operations & Commercial)	£0	£0	To receive an update
	Waste Service Update	Single Item	Strategic Director (Operations & Commercial)	£0	£0	To receive an update
	Performance Report Q1, 2021-22	Single Item	Head of Leadership Support	£0	£0	To consider the report.
	Your Leisure Covid Support Funding	Single Item	Strategic Director (Operations & Commercial)	£0	£0	To consider the report.
October 2021	Public Toilet Provision	Work Programme	Head of Assets and Building Control	£0		To receive an update.

Please note items beyond the current month are subject to change depending on Forward Plan, officer availability, etc.

October 2021

Month	Issue	Resource Implications for Scrutiny				Reason for Inclusion on the Work Programme (incl. any actions required)
		Members On-going or single item?	Officers (Corporate Expenditure unless otherwise stated)	Scrutiny Budget Expenditure		
				Projected	Actual	
	Market Square, Dover	Single Item	Strategic Director (Operations and Commercial)	£0		To consider the report.
	Approval to enter into a design and build contract for development of interim housing at Poulton Close, Dover	Single Item	Head of Finance and Investment	£0		To consider the report.
November 2021	Dover District Council Local Development Scheme	Single Item	Head of Planning, Regeneration and Development	£0		To consider the report.
	Open Golf - Costs	Work Programme	Head of Growth, Investment & Tourism	£0		Added as per Work Programme
	Rural Car Parking	Work Programme	Head of Commercial Services	£0		Added as per Work Programme
29 November 2021	Scrutiny of the Waste Service	Work Programme	Head of Commercial Services	£0		A meeting to be held with Folkestone & Hythe District Council's Overview and Scrutiny Committee
December 2021	Regeneration Update	Work Programme	Head of Growth	£0		To receive an update.
	Performance Report	Single Item	Head of Leadership Support	£0	£0	To consider the report.

Please note items beyond the current month are subject to change depending on Forward Plan, officer availability, etc.

October 2021

Month	Issue	Resource Implications for Scrutiny				Reason for Inclusion on the Work Programme (incl. any actions required)
		Members On-going or single item?	Officers (Corporate Expenditure unless otherwise stated)	Scrutiny Budget Expenditure		
				Projected	Actual	
	Crime and Disorder	Work Programme	Head of Community & Digital Services	£0		Added as per Work Programme
	Responsive Repairs	Work Programme	Head of Assets and Building Control	£0		Added as per Work Programme
January 2022	Fees and Charges 2022/23	Single Item	Head of Finance and Investment	£0		To consider the report
	Greening of Urban Dover	Work Programme	Head of Planning, Regeneration & Development / Head of Commercial Services	£0		Added as per Work Programme
February 2022	Budget 2022/23	Single Item	Corporate Management Team	£0		To consider the report
March 2022	Climate Emergency	Work Programme	Head of Assets & Building Control	£0		Added as per Work Programme
April 2022	Primary Care Services	Work Programme	Democratic and Corporate Services Manager	£0		Added as per Work Programme

Please note items beyond the current month are subject to change depending on Forward Plan, officer availability, etc.

October 2021

**Other Work Programme Items – To be scheduled by the Democratic & Corporate Services Manager in consultation with the Chair and Controlling Group Spokesperson as the work programme permits**

Priority	Subject	Why on Work Programme?
Priority 1 - Completed	Flooding in Deal	Agreed for inclusion by Committee [Added by Cllr T A Bond] Recommendations adopted by Cabinet – The Leader has agreed to update the Committee on progress in respect of this to the meeting in September 2021
Priority 1 – Completed (11 October 2021)	Public Toilet Provision	Agreed for inclusion by Committee [Added by Cllr C D Zosseder]
Priority 1 – Scheduled (8 November 2021)	Open Golf - Costs	Agreed for inclusion by Committee [Added by Cllr C D Zosseder]
1 – Scheduled 8 November 2021	Rural Car Parking	Agreed for inclusion by Committee [Added by Cllr C D Zosseder]
Priority 1 – Scheduled 13 December 2021	Crime and Disorder	Constitutional Requirement
Priority 1 – Scheduled 13 December 2021	Regeneration Update	Agreed for inclusion by Committee
Priority 1 – Scheduled 13 December 2021	Responsive Repairs	Agreed for inclusion by Committee [Added by Cllr C D Zosseder]
Priority 1 – Scheduled 24 January 2022	Greening of Urban Dover	Agreed for inclusion by Committee [Added by Cllr M Rose]
Priority 1 – Scheduled 14 March 2022	Climate Emergency	Agreed for inclusion by Committee
Priority 1 – Scheduled 25 April 2022	Primary Care Services	Agreed for inclusion by Committee [Added by Cllr H M Williams]
Priority 2 – Subject to work programme capacity	Youth Services	Legacy from previous work programme [Added by Cllr S H Beer]
Priority 2 – Subject to work programme capacity	Noise nuisance policy and performance (with particular respect to the out of hours service)	Legacy from previous work programme [Added by Cllr L A Keen]
Priority 2 – Subject to work programme capacity	Dover District Leisure Centre - review of performance against targets and public transport access provision	Legacy from previous work programme [Added by Cllr L A Keen]
Priority 2 – Subject to work programme capacity	Street Lighting (KCC and DDC)	Agreed for inclusion by Committee [Added by Cllr M Bates]

*Please note items beyond the current month are subject to change depending on Forward Plan, officer availability, etc.*

October 2021

Priority	Subject	Why on Work Programme?
- To be included once council returns to post-covid operations	Review of DDC Response to Covid-19	Legacy from previous work programme [Added by Cllr C A Vinson]
- To be included as items come forward	Neighbourhood Plans (as they come forward)	Legacy from previous work programme

*Please note items beyond the current month are subject to change depending on Forward Plan, officer availability, etc.*

## **PUBLIC SPEAKING**

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. The agenda front sheet will specify which items public speaking applies to for that meeting.

The Public Speaking Protocol does not preclude an overview and scrutiny committee, by resolution of the committee, from inviting members of the public, organisations, charities, voluntary groups or any other interested parties to address any meeting for the purpose of providing evidence in support of the topic under consideration.

A member of the public speaking on an agenda item must address their speech to the item they have registered to speak upon on the agenda and cannot address other agenda items or unrelated business.

Each registered speaker will have three minutes speaking time per item they have registered to speak on and no public speaker or parish council may register to speak on any more than two items on the agenda.

The right to speak does not include the right to ask any questions of any District Councillor, Officer of the Council, invited attendee, or any other public speaker.

The right of the public to speak does not apply to the following agenda items: Apologies; Appointment of Substitute Members; Minutes; the Forward Plan, the Scrutiny Work Programme (and related documentation) or any agenda item that is not accompanied by a written report.

The Chairman of the committee (or in their absence the Vice-Chairman) will have discretion to vary the time allowed and the number of speakers in cases of exceptional interest.

**RURAL CAR PARKING**

To receive an update from the Head of Commercial Services in respect of Rural Car Parking arrangements.

This item was identified for inclusion by the Work Programme.

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<b>Subject:</b>	<b>DOVER DISTRICT COUNCIL LOCAL DEVELOPMENT SCHEME</b>
<b>Meeting and Date:</b>	<b>Cabinet – 1 November 2021</b>
<b>Report of:</b>	<b>Stuart Watson, Senior Policy Planning Officer (Planning, Regeneration and Development)</b>
<b>Portfolio Holder:</b>	<b>Councillor Nicholas Kenton, Portfolio Holder for Planning and Environment</b>
<b>Decision Type:</b>	<b>Key</b>
<b>Classification:</b>	<b>Unrestricted</b>

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**Purpose of the report:** To seek approval to:

1. Bring the revised Local Development Scheme (LDS) dated November 2021 into effect.

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**Recommendation:** Cabinet agrees:

1. That the revised LDS attached at Appendix 1 is brought into immediate effect; and
2. The application of £370,000 from the Regeneration Reserve to cover additional costs needed to deliver the Local Plan.

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## 1. Summary

1.1 The Planning and Compulsory Purchase Act 2004 (as amended) places a statutory duty on the Council to maintain an up-to-date Local Development Scheme (LDS). The revised LDS attached to this report (Appendix 1) would fulfil this requirement as it sets out the timetable for the production of the Council’s Local Plan. Owing to the fact that it is a legal requirement, it is important that the LDS 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 that was published in December 2020. It has been updated to take into account changes to the preparation, consultation and adoption of:

- District Local Plan; and
- Conservation Area Character Appraisals.

## 2. Introduction and Background

2.1 The LDS is a project plan that sets out the timetable for the production of new or revised Development Plan Documents that will form the Council’s Local Plan. The 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 that, 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. The LDS is reviewed annually through the Council's Authority Monitoring Report.

- 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 adopted 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:

#### District Local Plan

- 2.6 The proposed timetable for the District Local Plan has been adjusted to allow for the additional time required to address the following: changes to the National Planning Policy Framework in July 2021, specifically the new requirement to consider all types of flooding rather than just national flood zones 2 and 3; internal resources to progress the Infrastructure Delivery Plan (IDP) which is a key document setting out the infrastructure priorities to be delivered alongside the Local Plan; and additional time taken to identify solutions for the strategic highway network, with discussion and negotiations with National Highways having been protracted and are still ongoing. These issues have subsequently required an update to the Local Plans flood risk evidence base and delayed the production of the IDP.
- 2.7 The timetable for the Local Plan now identifies that:
  - Consultation on the Regulation 18 draft Local Plan was completed in 2021;
  - Consultation required by Regulation 19 of the Town and Country Planning (Local Planning) Regulations 2012, to take place in February 2022 and will last 8 weeks;
  - Submission of the Local Plan to the Planning Inspectorate in June 2022;
  - Examination in Public of the Local Plan in October 2022; and,
  - Adoption of the Local Plan in 2023.
- 2.8 Whilst every effort will be made to progress the Local Plan, identifying the solutions for the strategic highway network are to a certain degree out of control and rely upon National Highways providing timely the timetable beyond Regulation 19 is, in part, dependent on how many representations are received and the availability of the Planning Inspectorate to convene the Local Plan Examination. The revised programme addressing the timetable changes has been set out in the LDS November 2021 (Appendix 1).

#### Conservation Area Character Appraisals (CACA)

- 2.9 A considerable amount of progress has been made working with a range of local organisations to adopt CACAs. There are presently 7 CACAs approved within the District, 1 at Upper Walmer is currently under preparation and 1 at St Margarets is at early stages of preparation.
- 2.10 The proposed timetable for the production, consultation and adoption of the CACAs has been set out in the LDS.

#### Neighbourhood Development Plans

- 2.11 The Localism Act 2011 enables local communities to produce Neighbourhood Plans to support development in their area. If the Plans are 'made' by the Council they then have the same weight as other Development Plan documents for the District.
- 2.12 Neighbourhood Development Plans are produced by local communities with advice and assistance from the Council. There are two 'made' Plans within the District, Worth (2015) and Ash (2021). There are 5 other designated neighbourhood areas at early stages of producing Plans.
- 2.13 Whilst the Council is not responsible for the production of Neighbourhood Plans and therefore no timetable can be included in the LDS for them, Local Plan Teams officers explore with the Town/Parish Councils that have a designated Neighbourhood Area if there are any issues holding back the progression of their Plans and offer assistance where appropriate.

#### Duty to Co-operate

- 2.14 The Duty to Co-operate was introduced in the Localism Act 2011 and is contained in the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities and 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.
- 2.15 The Duty to Co-operate 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.
- 2.16 Local planning authorities must demonstrate how they have complied with the duty at the independent examination of their Local Plan. If a local planning authority cannot demonstrate that it has complied with the duty, then a Local Plan will not be able to proceed further in examination.
- 2.17 The various meetings that have taken place in connection with the Duty to Co-operate are recorded annually in the Council's AMR.

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

- 3.1 Cabinet approve the revised Local Development Scheme November 2021 and associated budget requirement. This is the recommended option.
- 3.2 Cabinet do not approve the revised Local Development Scheme November 2021. This option is not recommended.

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

- 4.1 It is a legal requirement that local planning authorities prepare and maintain a Local Development Scheme (LDS) to update residents and key stakeholders of their progress in producing development plan documents and to inform them of when they will be consulted as part of the Plan making process.
- 4.2 The LDS November 2021 (Appendix 1) has been prepared to meet the Council's obligation to maintain its LDS. It is considered necessary to update the LDS now due to the Local Plan progressing towards the Regulation 19 submission draft Local Plan consultation. It is essential that local communities should be able to keep track of this progress. The preferred option is for Cabinet to approve the revised LDS, in doing so this ensures that the LDS is up to date and accurately reflects the work priorities of the Council and is in accordance with Planning Regulations.

## 5. Resource Implications

- 5.1 Agreeing the LDS November 2021 will require a copy of the document to be published on the Council's website and this can be carried out within the existing Local Plan teams resourcing.
- 5.2 The cost of preparing the Local Plan, the associated evidence base and a proportion of staffing costs have been included in the Special Projects programme. This includes two projects the Local Plan Review and the Dover District Transportation Study.
- 5.3 The following table sets out a summary of the budget position and identifies the need for further funding to cover costs that will be incurred up to the adoption of the Local Plan over the next two years, for which £370k will need to be drawn down from the regeneration reserve. This will cover consultants' costs needed to update parts of the evidence base, including the Dover Transportation Study, and the costs of the examination, which are the costs of the Planning Inspectorate, Programme Officer, and Counsel and consultant support.
- 5.4 The current expected total cost to the Council for the Local Plan project is £882k. The existing and proposed budget requirements are detailed below:

	Local Plan Review £000	Dover District Transportation Study £000	Total £000
Approved budget	285	287	572
Whitfield Roundabout Study	0	40	40
External Funding	0	(100)	(100)
<b>Total DDC Contribution</b>	<b>285</b>	<b>227</b>	<b>512</b>
Total Forecast Spend (after external funding)	605	277	882
<b>Additional budget required</b>	<b>320</b>	<b>50</b>	<b>370</b>

- 5.5 The Regeneration reserve has been generated from variety of sources including New Homes Bonus funding, retained planning income and annual contributions to smooth

the impact of the one-off costs of the Local Plan examination and for potential planning appeal costs. The reserve has sufficient funding to support the additional budget requirement for the current process. The on-going annual contributions will be reviewed as part of the 2022/23 budget setting process to assess the appropriate level to support future requirements.

## 6. **Climate Change and Environmental Implications**

6.1 As this report is only seeking agreement for the revised LDS timetable there are no specific Climate Change and Environmental Implications.

## 7. **Corporate Implications**

7.1 Comment from Finance (linked to the MTFP): Accountancy has been consulted and has no further comment. (MR)

7.2 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.

7.3 Comment from the Equalities Officer: This report does not specifically highlight any equality implications, however in discharging their duties 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/section/149>

## 8. **Appendices**

Appendix 1 – Local Development Scheme, November 2021

Contact Officer: Stuart Watson, Senior Policy Planning Officer, 42058.



# 1 Introduction

## What is the Local Development Scheme

**1.1** Dover District Council is required to prepare and maintain a Local Development Scheme (LDS) in accordance with the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).

### **The scheme must specify:**

- The local development documents which are to be development plan documents;
- The subject matter and geographical area to which each development plan document is to relate;
- Which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities;
- Any matter or area in respect of which the authority have agreed (or propose to agree) to the constitution of a joint committee under section 29;
- The timetable for the preparation and revision of the development plan documents

Planning and Compulsory Purchase Act 2004 (Section 15)

**1.2** The LDS is a project plan that sets out the timetable for the production of new or revised Development Plan Documents which will form the Council's Local Development Plan. This LDS supersedes the December 2020 LDS. It will be reviewed annually through the Authority Monitoring Report which can be found here: [Authority Monitoring Report](#)

## Why do we need a Local Development Scheme

**1.3** 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.

**1.4** 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. The Statement of Community Involvement can be found here: [Statement of Community Involvement](#)

**1.5** 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.

## What is the Development Plan

**1.6** 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);

- Ash Neighbourhood Development Plan (2021); and,
- Kent Minerals and Waste Local Plan (2016) and partial early review (2020),

**1.7** 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.

## 2 Local Policy Documents and Guidance

### Existing Position

#### Statement of Community Involvement

**2.1** 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. The Statement of Community Involvement can be found here: [Statement of Community Involvement](#)

#### Core Strategy

**2.2** 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 the Local Plan review.

#### Saved Dover District Local Plan Policies 2002

**2.3** 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. All of 'saved' 2002 Local Plan policies would be reviewed and replaced as part of the Local Plan review.

#### Land Allocations Local Plan

**2.4** The Land Allocations Local Plan (LALP) 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.

#### Neighbourhood Development Plans

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

## Worth

**2.6** Worth Parish Council was 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 the 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 as Worth Parish Council are not updating their Neighbourhood Plan.

## Ash

**2.7** The Ash Neighbourhood Plan received a successful referendum in July 2021. Subsequently, the Ash Neighbourhood Plan was made part of the Council's Development Plan for Ash Parish on the 15th September 2021.

## The Kent Minerals and Waste Local Plan

**2.8** The Kent Minerals and Waste Local Plan (KMWLP) sets out the vision and strategy for mineral provision and waste management in Kent to the year 2030. It contains a number of minerals and waste development management policies for evaluating planning applications and considers strategic site provisions. The KMWLP was adopted by the County Council in July 2016. An early partial review of the KMWLP was undertaken in 2019 to amend several of the policies relating to waste management. After independent examination and consultation on the modifications, the early partial review was adopted in April 2020.

## Authority Monitoring Report

**2.9** The Council publishes the Authority Monitoring Report (AMR) around 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 AMR is available here: [Authority Monitoring Report](#)

## Local Plan Evidence Base

**2.10** 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 evidence base is available here: [Evidence Base](#)

**2.11** The evidence base to support the Local Plan review was published as part of the Regulation 18 consultation on the Local Plan. This evidence base will be updated as part of preparing the Regulation 19 submission version of the Local Plan. Further information on the Local Plan evidence base is available here: [Regulation 18 Evidence base](#)

## The Policies Map

**2.12** The Council has a Policies Map that shows the adopted Development Plan spatial policies. The Map is updated when new Development Plan Documents containing spatial policies are adopted or in the case of Neighbourhood Development Plans made by the Council.

## Supplementary Planning Documents

**2.13** Supplementary Planning Documents (SPDs) and Supplementary Planning Guidance (SPGs) should be prepared only where necessary and in line with 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.

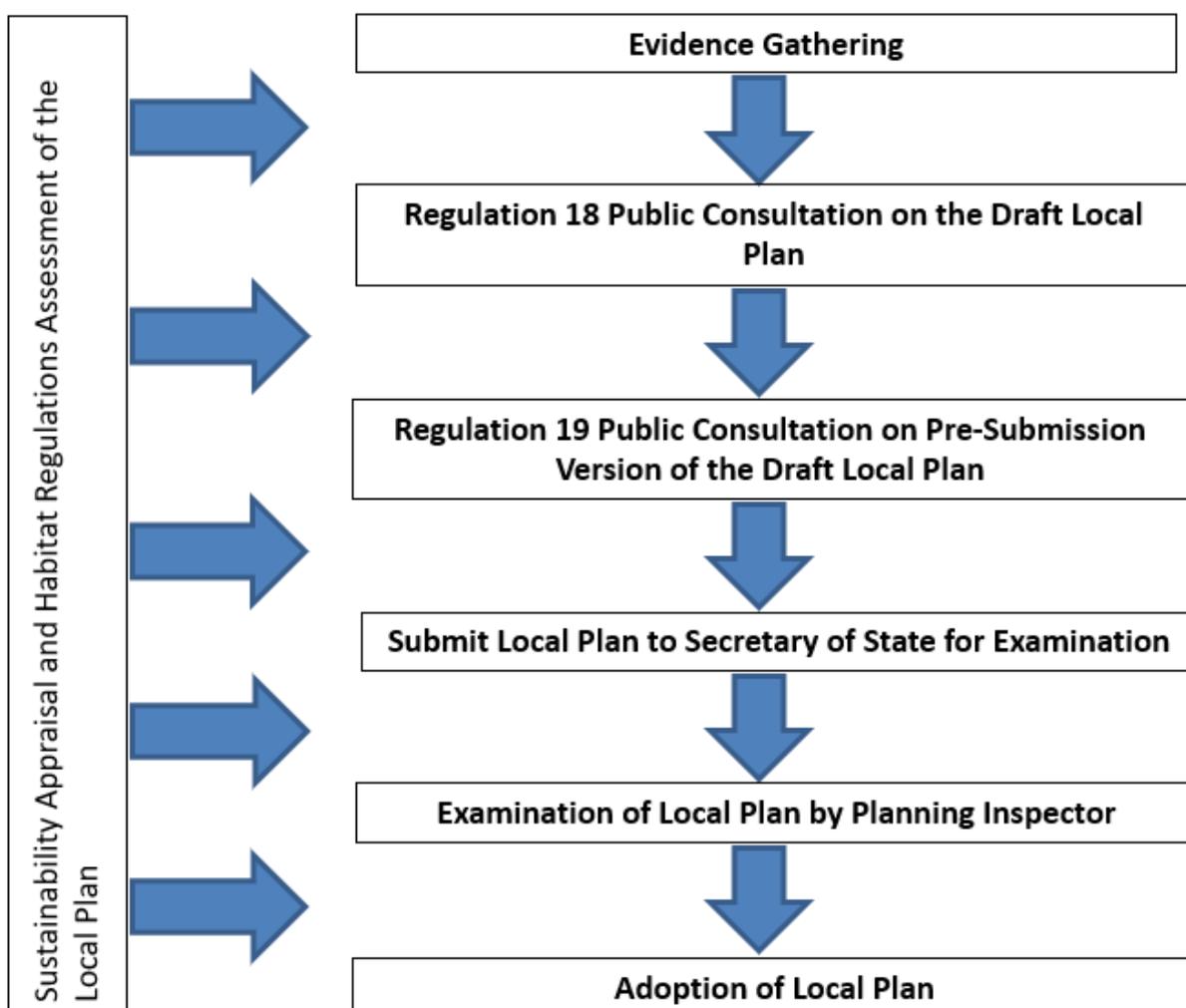
**2.14** The Council has prepared a number of SPDs and SPGs and these are available here: [Planning Guidance](#)

### 3 Development Planning Documents Under Preparation

#### District Local Plan Review

**3.1** The policies in the Adopted Core Strategy (CS) predate and in some case are not compliant with the NPPF/PPG as they were prepared when the Regional Spatial Strategy (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. A comprehensive review will need to be undertaken on 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.

**3.2** The 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 Council Members, the general public, developers and Town and Parish Councils to understand the planning policy framework that operates in the District.



**3.3** The timetable for the production and consultation on the District Local Plan Review is set out in Chapter 4.

## Pre-Publication Stage (Regulation 18)

**3.4** This Initial stage involves extensive evidence gathering, engaging with the local community, businesses and stakeholders on emerging issues and options, consulting with statutory environmental consultees on the scope of the sustainability appraisal, and infrastructure providers with regards to the development options.

## Publication of Submission Draft local Plan (Regulation 19)

**3.5** There would be public consultation on the Submission version of a Local Plan and 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.

## Submission and Examination of the Local Plan (Regulation 22)

**3.6** Following Regulation 19 stage, the next stage for the council is to formally submit the draft Local Plan and evidence base to the Planning Inspectorate for examination on behalf of the Secretary of State. An independent Planning Inspector will assess the Plan against the tests of soundness contained in the NPPF, taking account of any representations (comments) received.

## Adoption

**3.7** If the Plan is found to be 'Sound', the Council can adopt the Plan as soon as practicable following receipt of the Inspector's report, unless the Secretary of State intervenes. Once adopted the Local Plan will form the main part of the statutory development plan for the District.

## Evidence Base

**3.8** In order to withstand close scrutiny at an Examination, the Local Plan Review needs to be based on proportionate and up-to-date relevant evidence about the economic, social and environmental characteristics and prospects of the District. The Evidence Base can be found here: [Evidence Base](#)

## Sustainability Appraisal and Habitat Regulations Assessment

**3.9** 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 a Plan on the protected wildlife habitats in the Natura 2000 network, Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar areas.

**3.10** The timetable for the production and consultation of the SA and HRA is set out in Chapter 4. The Sustainability Appraisal of Draft Local Plan Reg 18 is available here: [Draft Local Plan Reg 18 Sustainability Appraisal](#)

## Local Development Documents

**3.11** The Dover District Heritage Strategy reviewed and updated (September 2020) 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.

**3.12** A Conservation Area Character Appraisal (CACA) 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 CACA 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.

**3.13** A considerable amount of progress has been made working with a range of local organisations to adopt CACAs (Kingsdown and Nelson Street, Upper Deal and Victoria Road & Wellington Road), with 1, Upper Walmer currently under preparation and 1 St Margarets at early stages of preparation. |

**3.14** The proposed timetable for the production, consultation and adoption of the CACAs has been set out in the LDS in Chapter 4.

## Neighbourhood Development Plans

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

**3.16** The first stage in producing a Neighbourhood Plan is to designate a Neighbourhood Area. Whilst seven areas have been designated, only two have become 'made' parts of the Councils Development Plan and only two (Dover Town and Langdon) are currently progressing with work on their Neighbourhood Plans.

**3.17** 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.

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

## Monitoring

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

## Duty to Co-operate

**3.20** 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.

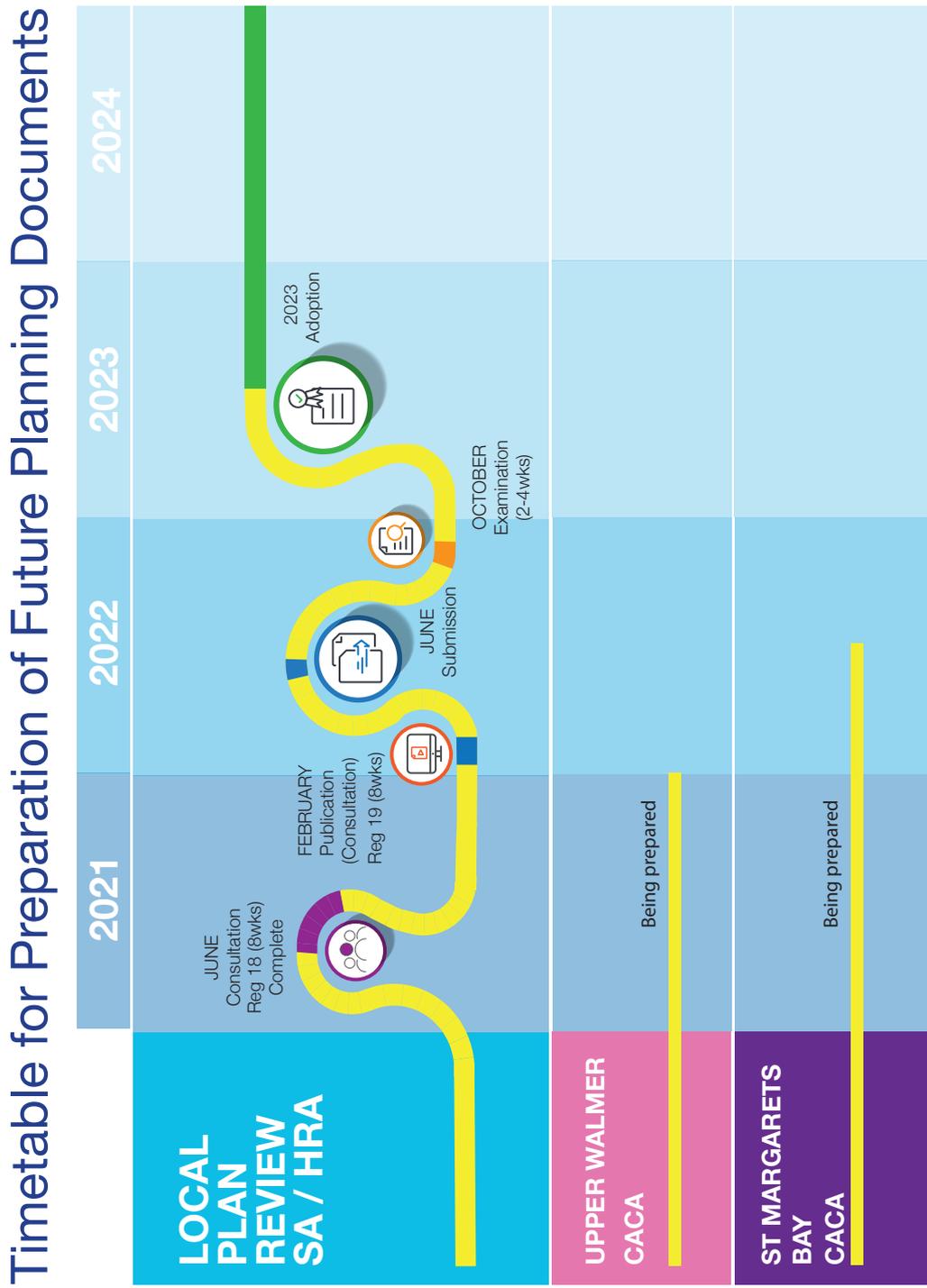
**3.21** The duty to cooperate is not a duty to agree. But local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination.

**3.22** 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.

**3.23** 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.

**3.24** 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.

## 4 Timetable for the Preparation of Future Planning Documents





DOVER DISTRICT COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE – 8 NOVEMBER 2021

**EXCLUSION OF THE PRESS AND PUBLIC**

**Recommendation**

That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the remainder of the business on the grounds that the items to be considered involve the likely disclosure of exempt information as defined in the paragraph of Part I of Schedule 12A of the Act set out below:

<u>Item Report</u>	<u>Paragraph Exempt</u>	<u>Reason</u>
The 149 <sup>th</sup> Open – Summary and Costs	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information).