
Subject:	ADOPTION OF THE DOVER DISTRICT COUNCIL LAND ALLOCATIONS LOCAL PLAN
Meeting and Date:	Council – 28th January 2015
Report of:	Nadeem Aziz, Chief Executive
Portfolio Holder:	Councillor Nick Kenton, Portfolio Holder for the Environment, Waste and Planning
Decision Type:	KEY
Classification:	Unrestricted

Purpose of the report: *To seek Council approval for adoption of the Dover District Council's Land Allocations Local Plan, Changes to the Policies and for the Local Plan to form part of the Council's statutory Development Plan.*

Recommendation: *That the Council:*

(a) Resolves to adopt the Land Allocations Local Plan (Appendix 1) and update the Policies Map (Appendix 2) as recommended to be modified by the Inspector together with further minor modifications recommended by Officers.

(b) Authorises the Head of Regeneration and Development to make any further necessary minor modifications in conjunction with the Portfolio Holder and to carry out all administrative procedures to adopt the Land Allocations Local Plan and Policies Map.

1. Summary

The Inspector, who has been appointed by the Secretary of State to undertake the Examination of the Land Allocations Local Plan has now completed his examination and has concluded that the submitted Land Allocations Local Plan can be made sound subject to a schedule of Main Modifications and Minor Modifications. The Council now needs to decide whether it accepts the Inspector's recommendations thereby enabling it to formally adopt the Plan. If the Council decides to not accept all of the Inspector's recommendations, then it cannot adopt the Plan and the Council would need to formally withdraw it.

Introduction and Background

- 1.1 The Council submitted the Land Allocations Local Plan (which comprises of the Land Allocations Pre-Submission Local Plan December 2012 and the Addendum to the Land Allocations Pre-Submission Local Plan 2013) to the Planning Inspectorate for independent examination on 11th August 2013. The Planning Inspectorate appointed Mr Christopher Anstey, BA (Hons) DipTP DipLA, MRTPI to conduct the Hearings. The Hearings took place in the weeks beginning 27 January and 3 February 2014.

1.2 Main Modifications

- 1.3 At the Examination the Inspector identified the need for the Officers to prepare a number of Main Modifications (MMs) to the Plan. The MMs were prepared to resolve issues that would otherwise make the Plan unsound or not legally compliant. Officers have undertaken a Sustainability Appraisal (SA) and Habitat Regulations Assessment (HRA) of the MMs. The proposed Main Modifications were considered and approved by Cabinet on 4th August 2014.
- 1.4 Public consultation on the proposed MMs took place between the 14th August and the 25th September 2014.

1.5 Minor Modifications

- 1.6 At the Examination Officers also identified the need for a number of Minor Modifications - these address grammatical errors or are 2011 Census Updates - they do not go to the heart of 'soundness' or legal compliance.

1.7 Inspector's Report

- 1.8 The Inspector's Report on the Plan was issued on 5 December 2014 and is available on the Council's website <http://www.dover.gov.uk/Planning/Planning-Policy/Local-Development-Framework/Land-Allocations/Land-Allocations.aspx> and at the Council Offices and Area Offices.
- 1.9 The Report has confirmed that *'with the recommended MMs the Dover District Land Allocations Local Plan satisfies the requirements of Section 20 (5) of the 2004 Act and meets the criteria for soundness in the NPPF'*.
- 1.10 In order to resolve a number of issues that were raised through public consultation on the proposed MMs the Inspector has identified in his Report the need for a number of other minor modifications (which are in addition to the MMs and the Minor Modifications) that have been highlighted in **bold text** in Appendix 1.
- 1.11 Officers are of the view that they are content with all of the MMs and the minor modifications which have been recommended by the Inspector as they are the result of a constructive examination process and address legitimate issues.
- 1.12 Officers have also taken the opportunity to address a number of minor wording changes, matters that the Inspector has identified in his Report that need further clarification and an inconsistency with the wording in new Sandwich Town centre policy (MM 26) by deleting the word 'Primary' and replacing it with the word 'Secondary' in order to ensure that the policy is consistent with Policy DM22 in the Council's Adopted Core Strategy.

1.13 Consultation

- 1.14 The Plan has been the result of a considerable amount of public consultation and engagement as part of the preparation of the LALP and as part of the Examination process.
- 1.15 The Inspector has recognised in paragraph 13 of his Report that Council has sought to *'resolve soundness issues throughout the Examination process and a significant number of representations have been satisfactorily addressed. Such a process of*

constructive engagement is a vital ingredient of the local plan system and the Council's endeavours in this regard is to be commended'.

1.16 Cross boundary issues

- 1.17 The Inspector has acknowledged that there has been close collaboration between the District Council and other local authorities, statutory agencies, infrastructure providers and delivery stakeholders. He has concluded that the *'issues of a strategic cross-boundary nature have been met on a collaborative basis and, therefore, the Duty to Co-operate has been met'*.

1.18 Adoption

- 1.19 The Council is therefore now able, if it so wishes, to adopt the Land Allocations Local Plan. If it is adopted the Land Allocations Local Plan would form part of the District Council's 'Development Plan' (which currently includes the adopted Core Strategy 2010, saved policies from the Dover District Local Plan 2002 (which have not been deleted by the CS and LALP) and the Worth Neighbourhood Plan (please see separate Council Report on this agenda). It would have full weight of S.38 (6) of the Planning and Compulsory Purchase Act 2004 and would be used in the determination of planning applications.

1.20 Policies Map

- 1.21 The Council's Adopted Core Strategy Policies Map (2012) needs to be updated in order to take into account the allocations and changes to the urban/rural confines as a result of the adoption of the Land Allocations Local Plan – see Appendix 2 'Changes to the Policies Map'. This report, therefore, also recommends adoption and the Policies Map is updated.

1.22 Sustainability Appraisal and Habitat Regulations Assessment

- 1.23 When a plan or programme is adopted, the Strategic Environmental Assessment Directive requires the body responsible for preparing it to make information available on how environmental, or in this case sustainability considerations and consultation responses were reflected in the plan or programme and how its implementation will be monitored in the future. It is good practice to extend this statement to include details of how the Habitat Regulations Assessment has been taken into account. This factual Sustainability Appraisal and Habitat Regulations Assessment Statement would be made available on the District Council's website.
- 1.24 There are further statutory requirements that involve notifying appropriate parties of a Local Plan's adoption which would be undertaken via a statutory notice, letters and the website.

2. Identification of Options

- 2.1 Option 1: Adopt the Land Allocations Local Plan with all of the MMs and the minor modifications that have been recommended by the Inspector
- 2.2 Option 2: Resolve to not adopt the Land Allocations Local Plan.

3. Evaluation of Options

- 3.1 It is open for the Council to not agree to all of the modifications to the Plan but this would have serious consequences given the stage that the Council has reached in the Plan-making process. Work on this Plan started alongside the Core Strategy in 2006, with the publication of the Preferred Options Document in 2008 and the Interim Consultation in October 2010. On the advice of the then Government Office priority was given to preparation and the adoption of the Core Strategy. If the Council decides to not accept the modifications the Council would need to formally withdraw the Land Allocations Local Plan in accordance with Regulation 27 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and start the whole Local plan making process again. It would be a number of years before a new Plan could be in place.
- 3.2 Delay in proceeding towards the adoption of the Plan at this late stage in the process would undermine the Adopted Core Strategy as the purpose of this Plan is to identify the site specific allocations and designations in Dover, Deal, Sandwich and the rural areas that will be required to deliver the vision set out in the Core Strategy. It is also extremely important to recognise that the Plan is:
- the result of a considerable amount of hard work over a number of years by both Members and Officers;
 - an essential part of delivering the Council's Corporate regeneration agenda; and
 - a way of providing certainty to local communities and the development industry on the location of new development.
- 3.3 Option 1 is therefore preferred as it would ensure that the Council can proceed towards adoption of the Land Allocations Local Plan.

4. Resource Implications

5. There would be costs associated with printing a limited number of copies of the Plan (£1,000), press advertisement (£150) and printing a new Policies Map (£10,000). The expenditure is identified within the Local Plan budget.

6. Corporate Implications

- 6.1 Comment from the Section 151 Officer:
- 6.2 Finance has been consulted and has nothing further to add (SB)
- 6.3 Comment from the Solicitor to the Council:
- 6.4 The Solicitor to the Council has been consulted in the preparation of this document and has no further comment
- 6.5 Comment from the Equalities Officer:
7. This report does not specifically highlight any equalities 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>.

7.1 Other Officers (as appropriate):

8. **Appendices**

9. Appendix 1 – Land Allocations Local Plan

10. Appendix 2 – Changes to the Policies Map

11. Appendix 3 – Inspector's Report to the Land Allocations Local Plan

Background Papers

Cabinet Report 1st October 2012

Contact Officer: Adrian Fox, Policy and Projects Manager, Regeneration and Delivery,
extension 2474