
Subject: DOVER DISTRICT COUNCIL LOCAL DEVELOPMENT SCHEME

Meeting and Date: Cabinet – 4 September 2017

Report of: Nadeem Aziz, Chief Executive

Portfolio Holder: Councillor Nick Kenton, Portfolio Holder for Environment, Waste and Planning

Decision Type: Key

Classification: Unrestricted

Purpose of the report: To seek approval for the revised Local Development Scheme (LDS) dated September 2017.

Recommendation: That Cabinet approves and brings into force the revised LDS attached at Appendix 1.

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 1st March 2017 and is attached at Appendix 1. It has been updated to take into account changes to the preparation, consultation and adoption of:

- Dover Waterfront Area Action Plan;
- District Local Plan; 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 we intend 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 LDS which was agreed by Cabinet on the 1st March 2017 has now been updated in order to take into account changes to the preparation, consultation and adoption of
- Dover Waterfront Area Action Plan (AAP);
 - District Local Plan; and
 - A number of Conservation Area Character Appraisals.

The key updates in this LDS are set out below.

Dover Waterfront Area Action Plan

- 2.6 Dover Harbour Board has now commenced work on implementing its consent under a Harbour Revision Order for new facilities at the Western Docks through its Western Docks Revival project. This project, which is now well underway, is also providing the enabling works for the Dover Waterfront regeneration scheme (Policy CP8 in the Core Strategy).
- 2.7 Officers from Dover District Council have been working in partnership with Dover Harbour Board, a landowner, a range of stakeholders and local organisations on proposals for the Dover Waterfront AAP area. The work will create a mixed use development that will complement and build on the momentum that will be generated when the St James' development opens. It will improve connections with the town centre and create a continuous commercial area stretching from the St James' development to the seafront. The site's location offers a unique opportunity to create a mixed waterfront development but it also brings with it the challenge associated with bringing forward a regeneration scheme next to a busy trunk road in a manner that complements the town centre.
- 2.8 The previous version of the LDS identified the Dover Waterfront AAP as being progressed as either a Supplementary Planning Document (SPD) or a residual Local Development Document (LDD). As a result of a recent High Court case, it has become clear that work on the Dover Waterfront AAP and the associated public realm works cannot be prepared as a SPD or as a residual LDD because the emerging proposals involve land beyond that allocated under Policy CP8 to accommodate a cable car connection from the town centre to Dover Castle and proposals for new development along the new Marina Curve. Without the inclusion of these it would not have the added advantage of enabling the scheme to make a really positive contribution to the regeneration of the town. As a result of this, the proposals need to be prepared as a Development Plan Document (DPD) and examined by an independent Inspector that has been appointed by the Secretary of State before it can be adopted by the Council. Once it has been adopted by the Council it will have the same planning status as the District Local Plan.
- 2.9 The proposed timetable for the production, consultation and adoption of the Dover Waterfront AAP is set out in Chapter 3 of the LDS. The preparation of this document will have resources implications for the Regeneration Delivery team in terms of staff time and additional expenditure. In order for the team to be able to undertake the

additional work that will be involved with an AAP, it is recommended that the District Local Plan review timetable be amended.

District Local Plan review

- 2.10 The proposed timetable for the District Local Plan review has been adjusted in order to allow the work on the Dover Waterfront AAP to be progressed alongside work on the District Local Plan review. This has resulted in an extension to the programme for preparing the District Local Plan. Whilst it is fully acknowledged that this is not ideal, it is inevitable with the current level of planning officers within the Regeneration Delivery section.

Conservation Area Character Appraisals (CACA)

- 2.11 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). Consultation on the Deal South Barracks CACA has commenced and subject to any comments that are received, it should be adopted by November 2017.
- 2.12 The Conservation Studio has now 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

- 2.13 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.
- 2.14 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.
- 2.15 Local planning authorities must demonstrate how they have complied with the duty at the independent examination of their DPDs (this includes Local Plans and the AAPs). 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.
- 2.16 Given this, it will be necessary to ensure that the Council undertakes a level of cross boundary working as part of the preparation of the evidence base that will be used to underpin the District Local Plan review, the policies and allocations and work on the AAP.

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. It is, therefore, important that the LDS reflects the current work programme and the Council's priorities.
- 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 £30,000 to prepare the work on the AAP which is not in the current District Local Plan budget. This expenditure would cover the cost of holding an independent examination and associated costs. It is proposed to finance this work from other existing revenue resources, with the majority of the spend expected to take place in 2018/19.

6. **Corporate Implications**

- 6.1 Comment from the Section 151 Officer: Finance has been consulted and has nothing further to add (SB/KW).
- 6.2 Comment from the Solicitor to the Council: No comment.
- 6.3 Comment from the Equalities Officer: 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. **Appendices**

Appendix 1 – Local Development Scheme, September 2017

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