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

**Meeting and Date:** Cabinet – 7 December 2020

**Report of:** Lois Jarrett, Head of Planning, Regeneration and Development

**Portfolio Holder:** Councillor Nicholas Kenton, Portfolio Holder for Planning and Regulatory Services

**Decision Type:** Key

**Classification:** Unrestricted

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**Purpose of the report:** To seek approval for the revised Local Development Scheme (LDS) dated December 2020.

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**Recommendation:** That Cabinet resolves that the revised LDS attached at Appendix 1 is brought into immediate effect.

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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 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 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
- A number of 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. It is reviewed annually through the Council's Authority Monitoring Report (AMR).

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 Council's AMR has identified the need to update the LDS. 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 national lock down and social distancing measures put in place by the government this year, to try and contain the spread of the COVID-19 pandemic. The impact of the restrictions particularly constrained the ability of officers and consultants producing key evidence for the Local Plan, to conduct site surveys during the spring and summer of 2020. This subsequently delayed the production of key evidence documents that informed the drafting of site allocations and policies for the Councils Regulation 18 Local Plan consultation.
- 2.7 The timetable for the Local Plan now identifies that public consultation on the Regulation 18 Local Plan, the consultation required by Regulation 18 of the Town and Country Planning (Local Planning) Regulations 2012, will take place early in 2021. Whilst every effort will be made to progress the Local Plan, the timetable beyond Regulation 18 is, in part, dependent on how many representations are received and a number of external factors such as any changes to national policy and availability of the Planning Inspectorate to convene the Local Plan Examination.
- 2.8 A revised programme addressing these changes, and taking into account current resources in the team, is set out in the revised LDS.

#### 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 (Kingsdown and Nelson Street, Upper Deal and Victoria Road & Wellington Road) with a number of others under preparation.
- 2.10 The proposed timetable for the production, consultation and adoption of the CACAs has been set out in the LDS.

#### Duty to Co-operate

- 2.11 The duty to cooperate 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, 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.
- 2.12 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.

2.13 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.

2.14 Given this, it will be necessary to ensure that this Council and the neighbouring Councils continue to meet on a bi-monthly basis to discuss any cross boundary issues. All of the duty to-co-operate meetings that have taken place with Officers during the year are reported in Chapter 7 in the Council's Authority Monitoring Report.

### **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 prepare and maintain a 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 attached Local Development Scheme (Appendix 1) has been prepared to meet the Council's obligation to maintain its LDS and it is considered to be necessary to update it now as the Local Plan revision process is progressing towards Regulation 18 consultation and local communities should be able to keep track of this progress. 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 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 The cost of preparing the Local Plan, the associated evidence base and examination are currently included in the Special Projects programme. The total budgeted expenditure for the project is £285K as detailed in the revised General Fund budget and projects programmes approved by Council on 21<sup>st</sup> October 2020.

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

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

### **7. Corporate Implications**

7.1 Comments from the Section 151 Officer: The Head of Finance and Investment has been consulted on this report and has no further comments to add.

7.2 Comments from the Planning Solicitor: The Planning Solicitor has been consulted in the preparation of this report and has no further comments to add.

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, December 2020

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