
Subject:	LAND ALLOCATIONS PRE-SUBMISSION LOCAL PLAN
Meeting and Date:	Special Cabinet – 1 October 2012 Extraordinary Council – 3 October 2012
Report of:	Mike Dawson, Director of Regeneration and Development
Portfolio Holder:	Councillor Nicholas Kenton, Portfolio Holder for Environment, Waste and Planning
Decision Type:	Key
Classification:	Unrestricted

Purpose of the report:	To request that Cabinet recommends to Council the Land Allocations Pre-Submission Local Plan is taken forward through the formal process to enable it to be adopted.
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Recommendation:	Cabinet recommends to Council that: <ul style="list-style-type: none"> (a) The Land Allocations Pre-Submission Local Plan and the accompanying Sustainability Appraisal and Habitat Regulations Assessment, as set out in Appendices 5 and 6, are agreed and taken forward to enable it to be adopted. (b) The Director of Regeneration and Development be authorised to make any necessary editorial changes to the Land Allocation Pre-Submission Local Plan, Sustainability Appraisal and Habitat Regulations Assessment, to assist with clarity, consistency, explanation and presentation. (c) The Director of Regeneration and Development be authorised to determine whether in the light of any representations received on the Land Allocations Pre-Submission Local Plan it should be submitted to the Secretary of State for independent examination..
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1. Summary

The Core Strategy is the overarching statutory planning document for the District and was adopted by the Council in February 2010. The Core Strategy identifies the overall economic, social and environmental objectives for the District and the amount, type and broad location of development that is needed to fulfil those objectives and identifies the overall objectives and development quantities for the District over the period to 2026. The Land Allocations Local Plan (the Plan), which was formerly called the Site Allocations Document in 2008, follows on from the Core Strategy. Its primary purpose is to identify and allocate specific sites that are suitable for development in order to meet the Core Strategy's requirements and makes a major contribution to delivering the Strategy. It covers the same plan period as the Core Strategy.

Specific development proposals for the sites identified in the Plan will need to gain planning permission before development can take place. The Plan has involved public participation and the Council is required to consider this, together with other relevant information (e.g. studies that have been undertaken since the Core Strategy was adopted) and decide what changes need to be made. The Plan is required to be published to enable another period of public representation before it can be submitted to Government for approval. This involves a public examination held by an Inspector. The Inspector will then recommend changes to the Plan or will reject it. Providing the Plan is agreed, the Council can then adopt it and it will become a planning policy document that forms an important part of the statutory Development Plan for Dover District and the growth agenda for the District.

2. Introduction

- 2.1 There is a great deal of information to take into account and the decision to agree the Plan is an important one for the District Council. One of the main purposes of the Plan is to identify land for future development in the District which will assist with delivering the Council's growth agenda. It also incorporates new areas of work (Heritage Strategy, Open Space Policy and Standards and Retail and Employment Update) that have been undertaken since 2008.
- 2.2 Members are now being asked to approve the Plan and the accompanying Sustainability Appraisal and Habitat Regulations Assessment (see paragraphs 2.13-2.14 of this Report for further details). This would enable a further period of public representation (8 weeks) which would take place prior to Christmas. After this has taken place, the Plan will be submitted to the Secretary of State and defended at the public examination; which is anticipated to take place in June/July 2013. The preparation of the Plan has been a major commitment for the Council in terms of Officer time and resources. The cost of the public examination will have major resource implications for the District Council in June/July 2013.
- 2.3 The main issue for the Plan is which settlements and individual sites are most appropriate to accommodate future development. Table 3.1 (page 15) in the Plan, which has been reproduced below, identifies the amount of development that is required in Dover, Deal, Sandwich and the Rural Area:

	Dover	Deal	Sandwich	Rural Area
Total identified in the Core Strategy	9,700	1,600	500	1,200
Less sites identified through Strategic Allocations (in Dover) and urban extension areas (in Deal and Sandwich)	-6,650	-680	-100	
Less sites identified through Planning Applications (includes completions, unimplemented full and outline consents)	-1,526	-715	-272	-340
Residual amount to be allocated in the Plan	1,524	205	128	836

- 2.4 The Plan, from page 20 onwards, identifies the number of houses that are planned for the various settlements.

Background

- 2.5 The Plan has already involved a number of opportunities for people, organisations, Town and Parish Councils and equality groups to submit comments on the contents of the Plan:

- Participation and engagement in order to identify the issues;
- Public consultation on the Site Allocations Preferred Options Document (March 2008); and
- Public consultation the Interim Consultation Document (October 2010).
- Public consultation on Open space policy and standards and proposed text for the Heritage Strategy.

- 2.6 After a 'call for sites' in 2005, the Council undertook public participation on the Site Allocations Preferred Options Document in 2008. This Document was then put on hold until the Core Strategy was adopted in 2010. As a significant time had lapsed the District Council undertook another call for sites in 2010 and undertook further public participation on the new sites in 2010 (this was called the 'Interim Consultation'). The Interim Consultation Document, which is available on the Council's website http://www.dover.gov.uk/regeneration_delivery/local_development_framework/site_allocations_document.aspx, includes all of the sites that were submitted to the Council at different stages in the process. It has been renamed 'Local Plan' to reflect the terminology in the National Planning Policy Framework (NPPF).

- 2.7 The Local Development Framework Policy Advisory Group has given extensive and careful consideration to all of the sites that are included in the Plan. Additional public engagement has been necessary in order for the new areas of work (Heritage Strategy, Open Space Policy and Standards and Retail and Employment Update) that have been outlined in this Report to be included in the Plan. The Plan has also taken into account the responses received to public participation on these new areas of work and a separate consultation on alternative access options to serve land at Sandwich Road in the village of Ash (see Appendix 1).

- 2.8 In considering responses the Council should bear in mind that while the public responses are valued and important, they are one strand of information to be considered along with a range of other factors.

Assessment of sites

- 2.9 The District Council has undertaken a Strategic Housing Land Availability Assessment (SHLAA) which has been updated to take into account new sites that were put forward at the 2010 call for sites. With input from specialists in conservation, ecology and highways (KCC), a more in depth analysis of approximately 300 sites has been undertaken of all the sites that have been put forward for development. Copies of the Site Assessment Forms and the SHLAA are available on the District Council's website http://www.dover.gov.uk/regeneration_delivery/local_development_framework

Equality Impact Assessment

- 2.10 An Equality Impact Assessment has been undertaken of the Plan. This has identified a number of issues in the Action Plan that Members do need to be taken into consideration – see Appendix 7.

Sustainability Appraisal and Habitats Regulations Assessment

- 2.11 Alongside the individual assessment of sites a Sustainability Appraisal (SA) has been used to help identify issues, test options and identify the preferred sites that the Plan has allocated for future development. The importance of the SA should not be underestimated as it is an integral part of the plan making preparation process as it is underpinned by requirements of the EU Strategic Environmental Assessment Directive. The Directive requires the appraisal to focus on ‘reasonable alternatives’ and ensure that “the likely significant effects on the environment of implementing the plan or programme, and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme, are identified, described and evaluated” .
- 2.12 A Habitat Regulations Assessment has been undertaken of the Plan. This is a requirement of the EU ‘Habitats Directive’ 1992 and the Conservation of Habitats and Species Regulations 2010 that ‘land use plans’ (including local authority Local Development Frameworks) are subject to an ‘Appropriate Assessment’ if it is likely that they will lead to significant adverse effects on a Natura 2000 site (Special Areas of Conservation, and Special Protection Areas). As a matter of UK Government policy, Ramsar sites, candidate Special Areas of Conservation and proposed Special Protection Areas are given equivalent status. These protected sites are collectively known as ‘European sites’. The HRA is important as the Council cannot adopt the Plan if the HRA has identified that there will be an adverse impact on European sites. The HRA has applied the precautionary principle to these European protected areas in order to ensure that the Plan does not have an adverse effect on the integrity of these sites in the District.

Deliverability

- 2.13 One key point is that in accordance with paragraph 173 of NPPF the District Council needs to pay careful attention to viability, the costs of plan-making and decision taking in order to ensure that Plans are deliverable. Sites and the scale of development identified in the Plan should not be the subject to the scale of obligations and policy burdens that their ability to be developed is threatened.
- 2.14 The District Council has contacted all of the owners/agents of the sites that have been put forward for development in order to establish ownership details, existing use and the broad timetable for making their sites available for development. This information has been used to help inform the allocations that have been included in the Plan. Officers are progressing work on this Plan in tandem with the preparation of Preparation of the Dover District Council Draft Preliminary Community Infrastructure Levy (CIL) Charging Schedule which will be the subject of a separate Cabinet Report on 5th November 2012. The intention is that the period for public representations on the Draft Preliminary Charging Schedule would be undertaken alongside the Land Allocations Pre-Submission Local Plan once the CIL Charging Schedule had been agreed for consultation.

Information to be considered in taking the decision

2.15 There are six Appendices to this report (copies of Appendices 1 – 5 are available in the Members Room or the Internet):

➤ Appendix 1 – This is a companion of the recommended responses received at Preferred Options stage, Interim Consultation Document, Open Space Policy and Standards, access to land on Sandwich Road, Ash and proposed heritage text:

- Summary table of responses to comments received at the Preferred Option stage (3,000 comments) and the Interim Consultation Document (1,960 comments) starting with overarching issues followed by comments and responses to individual sites.
- Summary tables of responses to comments received on the proposed Coastal Change Management Areas (CCMAs). These are areas likely to be affected by physical changes to the coast. This resulted in 8 comments which were either in support or provided comments. The Plan has identified the type of development that is suitable, and not suitable, in CCMAs and how the Council will assess planning applications in CCMAs (see Appendix 6, Land Allocations Pre-Submission Plan, Annex 1 Development Management Policies).
- Summary tables of responses to comments received to the Open Space Policy and Standards. Consultation was undertaken in October 2011 on proposed quantity, quality and accessibility of open space in the Dover District and a draft policy for inclusion in the Plan. Standards were developed for publicly accessible green space, outdoor sports facilities, children's play space, community gardens and allotments and operational cemeteries. This resulted in 72 comments many of which were detailed points that can be addressed in forthcoming strategies that Council is intending to prepare. An Open Space Policy and Standards have been incorporated into the Plan (see Appendix 6 - Land Allocations Pre-Submission Plan, Annex 1 Development Management Policies).
- Summary tables of the responses to comments received on five access options to serve land fronting Sandwich Road, lying between 73 Sandwich Road, Cherry Garden Lane and to the rear of 44 to 58 New Street (LDF 04), in the village of Ash. Consultation was undertaken in February 2012 and resulted in 98 comments. The outcome of this consultation is that access to this parcel of land should be determined at the planning application stage (see Appendix 6, Land Allocations Pre-Submission Plan, Rural Areas, Local Centres, Chapter 3).
- Summary tables of the responses to comments received on the proposed heritage text and the guidance for planning decisions for inclusion in the Plan. Consultation was undertaken at the end of August 2012 and resulted in 42 comments (see Appendix 6 - Land Allocations Pre-Submission Plan, Annex 1 Development Management Policies).
- Sites that were submitted by Preston Parish Council after the Preferred Options consultation had closed.

➤ Appendix 2 – Executive Summary from the Retail and Employment Update. This work updates the retail and employment information that supported the Core Strategy.

➤ Appendix 3 - Duty to cooperate. Public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the strategic priorities. This duty to cooperate focuses on Local Plans and will be the first test in the forthcoming public examination. It cannot be undertaken retrospectively and needs to be demonstrated at submission stage. In order to address this important point, neighbouring local planning authorities (Canterbury, Thanet and Shepway), Ashford Borough Council and Kent County Council were invited to participate in the Retail and Employment Update and provide comments on an early draft of the Plan on cross boundary issues.

➤ Appendix 4 - Site Assessment Forms. As this appendix includes a detailed assessment of approximately 300 sites it has not been included in this report. The individual site assessment forms are available to view on the Council's website and paper copies are available in the Members' room.

➤ Appendix 5 – Sustainability Appraisal (SA) and Habitat Regulations Assessment (HRA) which have directly informed the preparation of the Plan and the individual sites that have been allocated for development.

➤ Appendix 6 – A copy of the revised Land Allocations Pre-Submission Plan that is recommended for approval for publication and submission. This version does not necessarily include all of the desired graphics and further changes to the text and presentational changes may well be needed in order to improve the document for publication. This may well include further editing but all of the key principles and decisions are in the document and would be unaffected by the preparation of the Plan for submission to the Planning Inspectorate. The recommendation, therefore, seeks delegated authority for the Director of Regeneration and Development in be authorised to agree any subsequent editorial changes to assist with clarity, consistency and explanation.

➤ Appendix 7 – Equality Impact Assessment of the Plan.

3. Identification of Options

3.1 There are two options to consider, whether the Council proceeds towards public participation in accordance with the recommendations in this Report or it could vary the recommendations.

4. Evaluation of Options

4.1 It is open for the Council to not agree the pre-submission Plan but this would have serious consequences. 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 Government Office priority was given to preparation and the adoption of the Core Strategy.

4.2 As there has already been a considerable delay in the publication of the Plan this has caused uncertainty for residents, developers, landowners, Parish and Town Councils in terms of which settlements and sites the Council wishes to allocate for future development. Delay in proceeding towards submission would also 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.

5. **Resource Implications**

- 5.1 2011/2012 £300 required for consultation on the Land Allocations Pre-Submission Local Plan. 2012/2013 £160,500 (£100,000 for the public examination, Programme Officer £30,000, Printing costs of the Proposals Map £10,000, Printing costs of the Local Plan £15,000, Publicity for the Adopted Local Plan £500 and Interactive Proposals Map £5,000).

6. **Corporate Implications**

- 6.1 Comment from the Section 151 Officer: Resource requirement is covered by use of the LDF reserve (£161k), which was budgeted for 2012/13 and included in the MTFP. Finance has no further comments to add (MC)
- 6.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.
- 6.3 Comment from the Equalities Officer: The Equality officer has been consulted during the development of this report and has no further comments to make other than to remind members that in discharging their responsibilities they 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 – Companion of recommended responses received during public engagement on the Land Allocations Pre-Submission Local Plan

Appendix 2 - Executive Summary from the Retail and Employment Update

Appendix 3 - Duty to cooperate.

Appendix 4 – Site Assessment Forms

Appendix 5 - Sustainability Appraisal and Habitat Regulations Assessment

Appendix 6 - Draft Land Allocations Pre-Submission Local Plan.

Appendix 7 – Equality Impact Assessment

[Appendices 1-5 are large documents and are available on the Council's website and in the Members' Resource Room]

8. **Background Papers**

The LDF evidence base

Contact Officer: Adrian Fox, Principal Planning Officer, Regeneration Delivery.