
Subject: DOVER DISTRICT COUNCIL LOCAL DEVELOPMENT SCHEME

Meeting and Date: Cabinet – 1 November 2021

Report of: Stuart Watson, Senior Policy Planning Officer (Planning, Regeneration and Development)

Portfolio Holder: Councillor Nicholas Kenton, Portfolio Holder for Planning and Environment

Decision Type: Key

Classification: Unrestricted

Purpose of the report: To seek approval to:

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

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.

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)
Total DDC Contribution	285	227	512
Total Forecast Spend (after external funding)	605	277	882
Additional budget required	320	50	370

- 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

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