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

**Meeting and Date:** Cabinet – 5 September 2022

**Report of:** Alex Newson, Planning Policy Officer (Planning and Development)

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

**Decision Type:** Key Decision

**Classification:** Unrestricted

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**Purpose of the report:** To seek approval to:

1. Bring the revised Local Development Scheme (LDS) dated September 2022 into effect.
  2. Use £50,000 from the Regeneration Reserve to cover additional costs needed to deliver the Local Plan.
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**Recommendation:** Cabinet agrees:

1. That the revised LDS attached at Appendix 1 is brought into immediate effect; and
  2. £50,000 be taken from the Regeneration Reserve to cover additional costs needed to deliver the Local Plan.
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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 the LDS is kept up-to-date to reflect the Council's progress and keep residents and key stakeholders informed.

1.2 Accordingly, failing to keep its LDS up-to-date could result in the Council's Local Plan failing at examination due to the requirement in National Planning Policy Framework (NPPF) paragraph 35 to produce a legally compliant Plan.

1.3 This LDS supersedes the Council's previous LDS that was published in November 2021. 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 account for two strategic delays to its production which occurred since the publication of the previous LDS dated November 2021. Namely:
  - The impacts of Natural England's (NE) advice for development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitats sites. For development in Dover this affects proposals which connect to Dambridge Waste Water Treatment Works in Wingham, which had the potential to impact upon the Stodmarsh protected site in Canterbury District. NE have since accepted Dover District Council's (DDC) evidence that the hydrological connection from Dambridge to Stodmarsh is only in effect some of the time, and DDC is carrying out further modelling to assess the nutrient loading of development proposed by the Plan up to 2040, as well as looking at mitigation requirements. The outputs of this work will inform DDC's approach to mitigating the nutrient impacts of development, and sufficient progress has been made to allow work to continue on the District Local Plan.
  - The need for further time to agree an approach with National Highways (NH) and Kent County Council (KCC) to mitigate the development proposed at Whitfield on the Whitfield and Duke of York roundabouts. An approach has now been agreed between the parties which can mitigate the growth and enables work on the District Local Plan to continue.
- 2.7 The timetable for the Local Plan now identifies that:
  - Consultation on the Regulation 18 draft Local Plan was completed in 2021;
  - Publication required by Regulation 19 of the Town and Country Planning (Local Planning) Regulations 2012, to take place in October 2022 and will last 7 weeks;
  - Submission of the Local Plan to the Planning Inspectorate in quarter 1-2 of 2023;
  - Examination in Public of the Local Plan in quarter 3-4 of 2023; and,
  - Adoption of the Local Plan in 2024.
- 2.8 Every effort will be made to progress the Local Plan, however the timetable for the examination of the Plan is in the control of the Planning Inspectorate (PINS) and therefore the exact schedule and dates for the examination cannot be known at this stage. The Plan examination officially runs for around six months from the time the Plan is submitted to PINS, with the examination hearings likely to take around eight

weeks during this time. PINS guidance advises that their Inspectors may split the hearing sessions into two or more blocks: the first dealing with legal compliance and strategic policies (and any strategic sites) and subsequent one(s) dealing with non-strategic site allocations, development management policies and other matters.

#### Conservation Area Character Appraisals (CACA)

- 2.9 There are presently seven CACAs approved within the District. The St Margaret's Bay CACA has been completed to draft stage in collaboration with the St Margaret's Bay Conservation Association, and is planned for adoption early in 2023. Work has also recommenced on the Dover Town Centre and Upper Walmer CACAs, both of which are at first draft stage.
- 2.10 However, CACAs have been removed from the LDS and it is the intention of the Council to produce a separate timetable for bringing them forward.

#### 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 The Council is not responsible for the production of Neighbourhood Plans and therefore no timetable can be included in the LDS for them. However, the Local Plan Team explores with Town and Parish Councils that have a designated Neighbourhood Area, if there are any issues holding back progression of their Plans and to 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. The Council has also entered into Statements of Common Ground with duty to co-operate bodies where this has been necessary to demonstrate compliance with the duty to co-operate.

### **3. Identification of Options**

- 3.1 Cabinet approves the revised Local Development Scheme September 2022 and associated budget requirement. This is the recommended option.

3.2 Cabinet does not approve the revised Local Development Scheme September 2022. 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 September 2022 (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, and 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 September 2022 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 team's resourcing.

5.2 The cost of preparing the Local Plan, the associated evidence base and a proportion of staffing costs has 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 additional costs that have been incurred due to the delay in the Plan's production, for which £50k will need to be drawn down from the regeneration reserve, in addition to that agreed in November 2021.

5.4 The current expected total cost to the Council for the Local Plan project is £932k. 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)
<b>Total DDC Contribution</b>	<b>285</b>	<b>227</b>	<b>512</b>
<b>November 2021 additional approved budget</b>	<b>320</b>	<b>50</b>	<b>370</b>
<b>Further additional budget required</b>	<b>50</b>	<b>0</b>	<b>50</b>
Total Forecast Spend (after external funding)	655	277	932

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 have been consulted and have no further comment (MR).

7.2 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.

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, September 2022

## 9. **Background Papers**

Relevant background material which has informed this report is identified in the table below:

<b>Background Paper:</b>	<b>Link to Document:</b>
Dover District Corporate Plan 2020-2024	<a href="#">Dover District Corporate Plan 2020-2024</a>
Regulation 18 Consultation on the Draft Dover District Local Plan (2021)	<a href="#">Regulation 18 Consultation on the Draft Dover District Local Plan</a>
Statement of Community Involvement (2019)	<a href="#">Statement of Community Involvement (2019)</a>
Authority Monitoring Report 2020-21	<a href="#">Authority Monitoring Report 2020-21</a>
Local Development Scheme (November 2021)	<a href="#">Local Development Scheme (November 2021)</a>

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