



# Dover District Local Development Scheme

February 2016



# Local Development Scheme

<b>1 Introduction .....</b>	<b>3</b>
1.1 What is the Local Development Scheme .....	3
1.2 What is the Development Plan .....	3
1.3 Why do we need a Local Development Scheme .....	3
1.4 Will there be further revisions to the Local Development Scheme .....	4
<b>2 Local Policy Documents and Guidance .....</b>	<b>5</b>
2.1 Existing Position .....	5
2.2 Planning Documents Under Preparation .....	6
<b>3 Timetable for the Preparation of Future Planning Documents .....</b>	<b>13</b>



## 1 Introduction

### 1.1 What is the Local Development Scheme

**1.1** 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.

**1.2** This LDS supersedes the Council's previous LDS published in March 2015.

### 1.2 What is the Development Plan

**1.3** Local Planning Authorities are required to produce a Development Plan for their area. The Development Plan currently consists of:

- KCC Minerals Local Plan (1993) and Waste Local Plan (1998)
- The Adopted Core Strategy (2010)
- The Land Allocations Local Plan (2015)
- Worth Neighbourhood Plan (2015); and
- 'Saved' Local Plan Policies (2002).

**1.4** The National Planning Policy Framework emphasises the need to involve all sections of the community in plan-making. The Council also has a legal duty to consult residents and businesses when appropriate. Many individuals and organisations contribute to the preparation of planning documents. These are set out in the Council's Statement of Community Involvement (SCI) which explains how to become involved in decisions about plan-making and planning applications.

### 1.3 Why do we need a Local Development Scheme

**1.5** 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.

**1.6** Although consultations on the Local Plan will continue to be advertised and interested parties notified in accordance with the Council's Statement of Community Involvement, the LDS provides information about when consultations are likely to happen.

**1.7** 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.

## **1.4 Will there be further revisions to the Local Development Scheme**

**1.8** Progress on meeting the milestones in the LDS is reviewed annually as part of the preparation of the Authority Monitoring Report (AMR) which is published on the Council's website.

## 2 Local Policy Documents and Guidance

### 2.1 Existing Position

#### Statement of Community Involvement

**2.1** The Statement of Community Involvement sets out how, when and where the council will consult with local and statutory stakeholders both during production of development plan documents, and within the development management function. The Council is required by law to produce an SCI and, once adopted, provisions that relate to plan-making become binding. Substantial changes in planning legislation and national guidance have been introduced since the Council adopted its existing SCI in 2006 and a replacement SCI is currently being consulted on.

#### Core Strategy

**2.2** The Core Strategy is the principal document in the Local Plan. It was adopted in February 2010 and contains the Council's vision and spatial strategy for the future development of the District for the period up to 2026. The Core Strategy allocates four strategic sites for housing and mixed use development, which are central to the success of the Plan. It also contains a separate section on Development Management Policies, which replaced some of the 'saved' Local Plan policies. These policies form part of the Development Plan and are used in the decision making process.

#### Saved Dover District Local Plan Policies 2002

**2.3** The Dover District Local Plan was adopted in 2002 and covered the period to 2006. In September 2007 the Secretary of State confirmed that a number of the existing Local Plan policies could be 'saved' until they are subsequently superseded by new or revised policies.

#### Land Allocations Local Plan

**2.4** The Land Allocations Local Plan was adopted by the Council in January 2015. Its primary purpose is to allocate land for development and to set out any issues or criteria that subsequent planning applications will need to address. In setting out what type of development is promoted where, the Plan provides local communities, landowners, developers and infrastructure providers a large degree of certainty about the future pattern of development in the District. Specific development proposals for the sites identified in the Plan will, however, need to gain planning permission before development can take place.

#### Worth Neighbourhood Plan

**2.5** New regulations in 2012 concerning neighbourhood planning make provision for Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build.

**2.6** Worth Parish Council is the first Parish in the District to produce a Neighbourhood Plan and to successfully go through the referendum process. The Worth Neighbourhood Plan was made part of Council's Development Plan for Worth on the 28th January 2015.

### **Authority Monitoring Report**

**2.7** The Council publishes this document at the end of each year. The report monitors the effectiveness of planning policies and proposals, and records progress with meeting the milestones identified in the LDS.

### **Local Plan Evidence Base**

**2.8** A robust evidence base is needed to support the planning policies in the Core Strategy. This is published in the form of background documents. Further information on the Council's current evidence base is available on <http://www.dover.gov.uk/Planning/Planning-Policy/Local-Development-Framework/Evidence-Base/Home.aspx>

### **The Policies Map**

**2.9** The Council has to have an adopted Policies Map in the Local Plan which needs to be updated when Development Plan Documents are adopted.

### **Supplementary Planning Documents**

**2.10** Supplementary Planning Documents (SPDs) should be prepared only where necessary and in line with paragraph 153 of the National Planning Policy Framework. They should build upon and provide more detailed advice or guidance on the policies in the Local Plan. They should not add unnecessarily to the financial burdens on development. Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements for producing Supplementary Planning Documents. In exceptional circumstances a Strategic Environmental Assessment may be required when producing a Supplementary Planning Document.

**2.11** The Council has prepared a number of SPDs and SPGs and these are available on <http://www.dover.gov.uk/Planning-Policy/Local-Development-Framework/Cherford-AMR/Supplementary-Planning-Documents/Home.aspx>

## **2.2 Planning Documents Under Preparation**

### **Statement of Community Involvement**

**2.12** The draft SCI was reported to Cabinet on the 7th December 2015 and is currently out to public consultation. It is expected that the SCI will be adopted by July 2016. A timetable for the preparation of the SCI is set out in Chapter 3.



## Gypsy and Travellers Local Plan

**2.13** The Council is required to allocate sites to meet the objectively assessed accommodation needs of gypsies, travellers and travelling show people in the same way as all other sectors of the community.

**2.14** The Gypsy, Travellers and Travelling Show people Accommodation Assessment (GTAA) (2014) identified a need for an additional 17 pitches in Dover District for the period 2013 – 2027.

**2.15** Policy LA1 of the Land Allocations Local Plan (adopted Jan 2015) states that the Council will produce a Gypsy, Traveller and Travelling Show people Local Plan that will:

- Allocate sites to meet the additional need for an additional 17 pitches
- Be commenced within 6 months of the adoption of the LALP and aim to ensure the Plan is completed within 2 years; and
- Fully involve neighbouring local planning authorities.

**2.16** Since the completion of the GTAA 5 pitches have been allowed at appeal or through the granting of planning permission, meaning that the Council now needs to identify land to accommodate 12 pitches.

**2.17** In August 2015 the Government published its revised 'Planning Policy for traveller sites'. This introduced a number of changes to the process of planning for traveller sites and revised the definition of gypsy's and travellers for planning purposes to read.

**2.18** *'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.'*

**2.19** This has created a level of uncertainty around planning for Gypsies and Travellers and as a result currently planned work on a Local Plan for Gypsy and Traveller accommodation has been delayed in order to take account of changes to Government policy.

**2.20** The timetable for the production of the Gypsy and Traveller Local Plan has been updated and is set out in Chapter 3.

## Dover Waterfront SPD/Local Development Document

**2.21** Dover Harbour Board is intending to implement its consent under a Harbour Revision Order for new facilities at the Western Docks through its Western Docks Revival project. This project would also provide the enabling works for the Dover

Waterfront regeneration scheme (policy CP8) to be brought forward. Given this, the Council considers it an appropriate time to bring forward the preparation of a masterplan for the Waterfront area.

**2.22** The masterplan will be for the mixed use development of the waterfront site to create a major attraction to complement the St James's development that is now underway. 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 scheme next to a busy trunk road in a manner that complements the town centre.

**2.23** Discussions are currently ongoing with Dover Harbour Board as to whether the Dover Waterfront masterplanning process should cover just the area of land that is allocated in the Council's Adopted Core Strategy (Policy CP8) or if it should cover part of the land that is included within the Harbour Revision Order. If it is decided to include a slightly larger area of land this will affect whether the masterplan can be adopted by the Council as a SPD or as a Local Development Document (LDD). The timetable for production of the masterplan is set out in Chapter 3.

### **Development Management Policies**

**2.24** The Adopted Core Strategy 2010 and Land Allocations Local Plan 2015 includes the Council's Development Management Policies, against which planning applications are assessed and determined. The Council will continue to monitor the effectiveness of the Development Management Policies in the Authority Monitoring Report to assess whether there is a need to update them in the future.

### **Neighbourhood Plans**

**2.25** The Localism Act 2011 enables local communities to produce Neighbourhood Plans to support development in their area. If the Plans are adopted by the Council they will have the same weight as other Development Plan documents for the District.

**2.26** The first stage in producing a Neighbourhood Plan is to designate a Neighbourhood Area. There are currently four Parish Councils in the District with Neighbourhood Area designations who are at different stages in the planning process:

- Ash
- Sandwich
- St Margarets at Cliffe
- Shepherdswell with Coldred

**2.27** Whilst the Council is not responsible for the production of Neighbourhood Plans and therefore no timetable can be included in the LDS for them, officers need to explore with the Town/Parish Councils that have a designated Neighbourhood Area if there are any issues holding back the progression of their Neighbourhood Plans and offer assistance where appropriate.

**2.28** The Council will monitor the progress of Neighbourhood Plans in the District through the Authority Monitoring Report.

### **Nelson Street Local Development Document**

**2.29** There is a requirement under the Planning (Listed Buildings and Conservation Areas) Act 1990, for local planning authorities to review their conservation areas and to formulate and publish proposals for their preservation and enhancement. A Conservation Area Appraisal considers what features contribute to the historic and architectural character and appearance of the conservation area, and helps to identify opportunities for beneficial change or the need for further planning control, for example through the use of Article 4 directions.

**2.30** A draft appraisal is being prepared for Nelson Street, Deal, in conjunction with The Deal Society. It is intended to seek approval from Cabinet for consultation in Spring 2016.

### **Community Infrastructure Levy**

**2.31** Community Infrastructure Levy (CIL) came into force in April 2010. It allows local authorities to raise funds from developers undertaking new building projects in their area. The money is used to fund a wide range of infrastructure that is needed as a result of new development in the area.

**2.32** On 6th April 2011, the Council agreed in principle the need to prepare a Charging Schedule for the purposes of the CIL. The Council consulted on a CIL Preliminary Draft Charging Schedule in December 2012, and a viability study of the proposals was commissioned in December 2013. In March 2015 the Planning Advisory Service supported an independent review of the information gathered so far and the Council is considering the results obtained.

**2.33** Since the introduction of CIL, the legislative basis underpinning the levy has been amended by the Government on a number of occasions. Through this, the Government has sought to introduce a number of exemptions to CIL which has undermined the effectiveness of the levy as a way of funding infrastructure. Given this, the Council considers that the business case for continuing with the preparation of a Community Infrastructure Levy Charging Schedule should be reviewed.

**2.34** The business case review for CIL will be conducted in Spring/Summer 2016. If it can be demonstrated that there is a business case for CIL then the LDS will be updated to reflect this.

### **Evidence Base**

**2.35** A robust evidence base is needed to support the Council's planning policies. This is published in the form of background documents. The AMR has identified the need to review some key parts of the evidence base over the next year in order to verify the Council's position. The following studies will therefore be produced:

- Dover Transportation Study - due to be completed by Summer 2016
- Update to the Strategic Housing Market Assessment - due to be completed by Summer 2016
- Review Population Projections - due to be completed by Summer 2016
- Review of the Strategic Land Availability Assessment - due to be completed by Spring 2016
- Review of the Gypsy and Traveller Accommodation Needs Assessment - due to be completed by Spring 2016

### **Sustainability Appraisal and Habitat Regulations Assessment**

**2.36** A Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA) is a legal requirement for certain plans and proposals including the Local Plan and Neighbourhood Plans. This ensures that social, economic and environmental considerations are taken fully into account at every stage of the process for preparing Development Plan Documents.

**2.37** A Habitat Regulations Assessment (HRA) considers the potential effects of plans on protected wildlife habitats in the Natura 2000 network, Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar areas.

### **Monitoring**

**2.38** The Council will continue to review the effectiveness of its planning policies and evidence base annually through the Authority Monitoring Report.

### **Duty to Co-operate**

**2.39** 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.

**2.40** 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.

**2.41** Local planning authorities must demonstrate how they have complied with the duty at the independent examination of their Local Plans. If a local planning authority cannot demonstrate that it has complied with the duty then the Local Plan will not be able to proceed further in examination.

**2.42** Local planning authorities will need to satisfy themselves about whether they have complied with the duty. As part of their consideration, local planning authorities will need to bear in mind that the cooperation should produce effective and deliverable policies on strategic cross boundary matters.

**2.43** 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 Gypsy and Traveller Local Plan and other key planning documents and studies.



### 3 Timetable for the Preparation of Future Planning Documents

	2016												2017											
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
Gypsy and Traveller Local Plan						C							PSC <sup>(1)</sup>			S				E			A	
Dover Waterfront SPD/LDD											C					A								
Statement of Community Involvement			C																					
Nelson Street LDD					C																			

1. This is dependant on forthcoming Government Guidance becoming available and our proposals being in accordance with this.

C: Consultation PSC: Proposed Submission Consultation S: Submission E: Examination A: Adoption

