

District Local Plan



Making
your district
a better
place

Local
Development
Scheme
September 2017

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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 on 1st March 2017. It has been updated to take into account changes to the preparation, consultation and adoption of:

- Dover Waterfront Area Action Plan;
- District Local Plan; and
- A number of Conservation Area Character Appraisals.

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:

- Dover District Core Strategy (2010)
- Dover District Land Allocations Local Plan (2015)
- Dover District Local Plan 2002 (saved policies)
- Worth Neighbourhood Plan (2015); and
- Kent Minerals and Waste Local Plan (2016)

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 District Local Plan will continue to be advertised and interested parties notified in accordance with the Council's Statement of Community Involvement and the Local Plan Engagement Strategy, 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:

www.dover.gov.uk/Authority_Monitoring_Report.aspx

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 a SCI and, once adopted, provisions that relate to plan-making become binding.

2.2 The SCI was adopted by the Council in May 2016:

www.dover.gov.uk/Statement-of-Community-Involvement.aspx

Core Strategy

2.3 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

2.4 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

2.5 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

2.6 Regulations introduced by the Government in 2012 concerning neighbourhood planning make provision for Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build.

2.7 Worth Parish Council is the first Parish in the District to produce a Neighbourhood Plan and to go successfully 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

2.8 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

2.9 A robust evidence base was prepared to support the planning policies in the Core Strategy and Land Allocations Local Plan. This is published in the form of background documents. Further information on the Council's current evidence base is available on www.dover.gov.uk/Planning/Planning-Policy/Evidence-Base/Home.aspx

The Policies Map

2.10 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

2.11 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.

2.12 The Council has prepared a number of SPDs and SPGs are these are available on:

www.dover.gov.uk/Planning/Planning-Policy/Supplementary-Planning-Documents/Home.aspx

2.2 Development Planning Documents Under Preparation

District Local Plan Review

2.13 The 2014/2015 Authority Monitoring Report signalled the need to review key parts of the Council's Adopted Core Strategy (CS) evidence base. Two important studies have now been completed: The Strategic Housing Market Assessment (SHMA) and the Economic Development Needs Assessment (EDNA); both of these studies have indicated that there is a strong case to review the Council's Adopted CS and the Adopted Land Allocations Local Plan (LALP). Allied to this the CS was

based on housing figures in the Regional Spatial Strategy (RSS) that has now been revoked, the economic growth targets have not been met and the current strategy is dated and is not in conformity with the national policy because it preceded the publication of the NPPF.

2.14 The policies in the Adopted CS predate and in some case are not compliant with the NPPF/PPG as they were prepared when the RSS was in place. At the time of preparing the CS the Council made a specific policy decision to not repeat policies in the RSS or the Government's Planning Policy Guidance which were in force at the time. This means that as part of a District Local Plan Review it will be important to carefully consider whether there is a need for any locally distinct policies for example, a policy on design. A comprehensive review will need to be undertaken all of the policies in the CS/LALP along with the 'saved' 2002 Local Plan policies in order to update and amalgamate them into one set of policies that is compliant with current Government policy and practice.

2.15 A Local Plan Review would have the added advantage that all of the Development Management Policies could be consolidated into one single Local Plan which would make it easier for Members, the general public/developers/Town/Parish Councils to understand the planning policy framework that operates in the District.

Regulation 18

2.16 The first stage of preparing a Local Plan is Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. In accordance with the Regulations, this stage of the Local Plan making process would invite interested parties/specific consultation bodies/Town/Parish Councils to make representations about what a Local Plan ought to contain, it would set out what studies have already been completed and which ones were currently underway and what studies would need to be commissioned. This would be different to how the Council prepared the CS and the LALP in that it would not be necessary to seek approval from Cabinet on a draft (Preferred Options) Local Plan or authority to consult on the draft Local Plan. In accordance with the Regulations there would be extra engagement and informal consultation before Regulation 19 – see below.

Regulation 19

2.17 Formal public consultation on a draft Local Plan would take place at the next stage of the Local Plan making process (Regulation 19) prior to the submission of the Local Plan to the Secretary of State for an independent Examination.

2.18 The new timetable for the production and consultation of the District Local Plan Review is set out in Chapter 3.

Evidence Base

2.19 In order to withstand close scrutiny at an Examination a District Local Plan Review would need to be based on proportionate up-to-date relevant evidence about the economic, social and environmental characteristics and prospects of the District. The following studies are either underway or will be commissioned:

- Strategic Housing Market Assessment - available on the DDC website
- Economic Development Needs Assessment - available on the DDC website
- Strategic Housing Land Availability Assessment - due to be undertaken
- Refresh of Dover Transportation Study - currently underway
- Update of the District Retail Needs Assessment - currently underway
- Update of the District Strategic Flood Risk Assessment - currently underway
- Affordable Housing Viability Assessment - due to be undertaken
- Local Plan viability work - due to be undertaken
- Evidence base to support the Bus Rapid Transit - due to be undertaken
- Playing Pitch Strategy and Review of Playing Area Provision - due to be undertaken
- Green Infrastructure/Landscape Character Assessment - due to be undertaken
- Gypsy and Traveller Accommodation Needs Assessment - due to be undertaken

Sustainability Appraisal and Habitat Regulations Assessment

2.20 A Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA) is a legal requirement for certain plans and proposals including the District 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.

2.21 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.

2.22 The timetable for the production and consultation of the SA and HRA is set out in Chapter 3.

Dover Waterfront Area Action Plan

2.23 Dover Harbour Board has now commenced work on implementing its consent under a Harbour Revision Order for new facilities at the Western Docks through its Western Docks Revival project. This project, which is now well underway, is providing the enabling works for the Dover Waterfront regeneration scheme (Policy CP8 in the Core Strategy).

2.24 Officers from Dover District Council have been working in partnership with Dover Harbour Board, a landowner, a range of stakeholders and local organisations on proposals for Dover Waterfront Area Action Plan (AAP) area. The work will create a mixed use development that will complement and build on the momentum that will be generated when the St James's development opens. It will improve connections with the town centre and create a continuous commercial area stretching from the St James's 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 regeneration scheme next to a busy trunk road in a manner that complements the town centre.

2.25 The previous version of the LDS identified the Dover Waterfront AAP as being progressed as either a Supplementary Planning Document (SPD) or a residual Local Development Document (LDD). As a result of a recent High Court case, it has become clear that work on the Dover Waterfront AAP and the associated public realm works cannot be prepared as a SPD or as a residual LDD. This is because the emerging proposals involve land beyond that allocated under Policy CP8 to accommodate a cable car connection from the town centre to Dover Castle and proposals for new development along the Marina Curve. Without the inclusion of these it would not have the added advantage of enabling the scheme to make a really positive contribution to the regeneration of the town. As a result of this the proposals need to be prepared as a Development Plan Document (DPD) and examined by an independent Inspector that has been appointed by the Secretary of State before it can be adopted by the Council. Once it has been adopted by the Council it will have the same planning status as the District Local Plan.

2.26 The timetable for the production, consultation and adoption of the Area Action Plan is set out in Chapter 3 of the LDS.

Local Development Documents

2.27 The Dover District Heritage Strategy (2012) acknowledges that most of the districts conservation areas do not have an approved character appraisal, and it recommends that the Council should encourage local community groups to carry out such appraisals in conjunction with the Council.

2.28 A conservation area appraisal should consider what features make a positive or negative contribution to the significance of the conservation area, thereby identifying opportunities for beneficial change, or the need for further planning control. This information will be helpful to those considering investment in an area, and can be

used to guide and inform new development. Character appraisals also have a wider application as educational and informative documents for the local community. 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 Character 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.

2.29 The Council's Heritage team are currently working on the Character Appraisals. The timetable for the production and consultation on these are set out in Chapter 3.

Neighbourhood Plans

2.30 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.

2.31 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; and
- Shepherdswell with Coldred.

2.32 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.

2.33 The Council will monitor the progress of Neighbourhood Plans in the District through the AMR.

Monitoring

2.34 The Council will continue to review the effectiveness of its planning policies and evidence base annually through the AMR.

Duty to Co-operate

2.35 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.

2.36 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.

2.37 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.

2.38 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.

2.39 Given this it will be necessary to ensure that the Council undertakes a level of cross boundary working as part of its District Local Plan Review and the evidence base that underpins this and the Area Action Plan.

2.40 The various meetings that have taken place in connection with the duty to cooperate are recorded annually in the AMR.



3 Timetable for the Preparation of Future Planning Documents

Local Plan Document	2017			2018			2019			2020						
	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
Local Plan Review SA/HRA																
Dover Waterfront Area Action Plan																
South Barracks Conservation Area Character Appraisal																
Sandwich Walled Town CACA																
Upper Walmer CACA																

C = Consultation (Reg 18) P = Publication (Reg 19) S = Submission E = Examination in Public A = Adoption

