

Statement of Common Ground

Folkestone & Hythe District Council and Rother District Council

1. Overview

- 1.1 This Statement of Common Ground (SCG) has been prepared by Folkestone & Hythe District Council (FHDC) together with Rother District Council (RDC). It reflects the agreed position between the two parties.**
- 1.2 The purpose of this SCG is to set out the basis on which FHDC and RDC have actively and positively agreed to work together to meet the requirements of the Duty to Cooperate.**
- 1.3 The SCG relates to an area identified in the map below and covers the district councils of Rother and Folkestone & Hythe. The two districts fall within different counties, Rother being in East Sussex and Folkestone & Hythe in Kent.**
- 1.4 The Dungeness area, where the boundary between the two districts runs, is a flat, low-lying wetland landscape which is a unique and very distinctive place. The area is internationally important and protected for its wildlife and habitats.**
- 1.5 Transport connections between the two districts are limited to two roads, the A250, which runs from New Romney to Rye and the Lydd Road/Jurys Gap Road, which is a local road that runs from Lydd to Camber Sands.**
- 1.6 The adopted Core Strategy is the key planning policy document within the Rother Local Plan, which sets the overall vision for future land use and provides the framework for the scale and distribution of development up to 2028. It was adopted in September 2014. RDC is in the final stages of preparing a Development and Sites Allocations (DaSA) Local Plan. The Council has received an Inspector's Report on the DaSA confirming that the plan is sound. The Council adopted the DaSA Local Plan on 16 December 2019. The DaSA: Implements Rother District's development strategy by allocating sites for particular uses; replaces some core strategy policies; and sets out more detailed policies for the effective management of development in relation to key planning issues.**
- 1.7 FHDC has gone out to a very limited public consultation on a revision to the Regulation 19 Core Strategy in December 2019/January 2020 to bring it 'in check' with the Government's published figures on housing requirement. It is expected the Core Strategy Review will be submitted to the Planning Inspectorate in early 2020. RDC's DaSA Local Plan is, therefore, likely to be adopted before the Core Strategy Review.**
- 1.8 Under section 33A of the Planning and Compulsory Purchase Act 2004 (amended by section 110 of the Localism Act 2011) and in accordance with the National Planning Policy Framework (NPPF) 2019 it is a requirement under the Duty to Cooperate for local planning authorities, county councils and other**

named bodies to engage constructively, actively and on an ongoing basis in the preparation of development plan documents and other local development documents. This is a test that local authorities need to satisfy at the Local Plan examination stage and is an additional requirement to the test of soundness.

- 1.9 The Duty to Cooperate applies to strategic planning issues of cross boundary significance. Local authorities all have common strategic issues and as set out in the National Planning Practice Guidance (NPPG):

“local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their plans for examination.”

- 1.10 The statutory requirements of the Duty to Cooperate are not a choice but a legal obligation. Whilst the obligation is not a duty to agree, cooperation should produce effective and deliverable policies on strategic cross boundary matters in accordance with the government policy in the NPPF, and practice guidance in the NPPG.

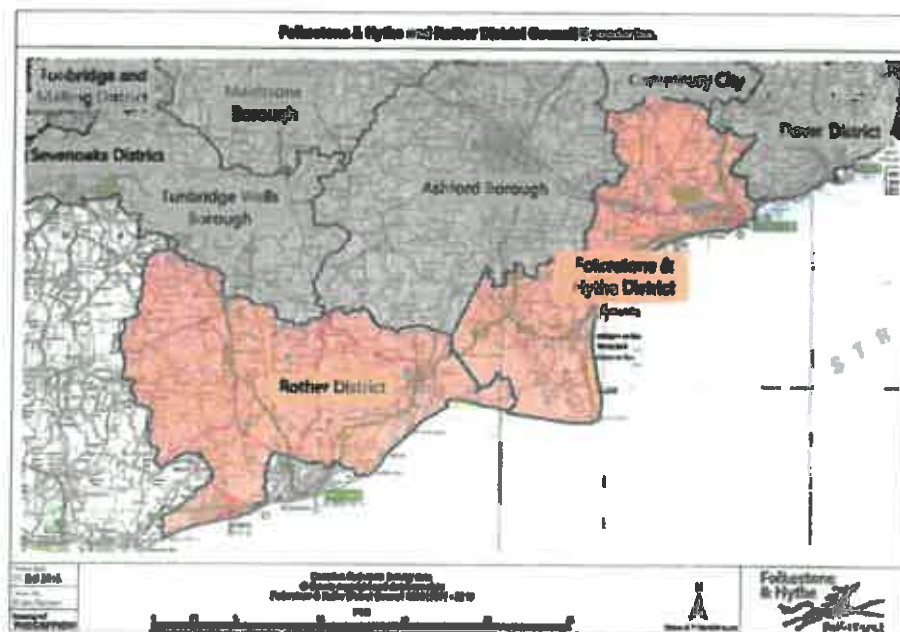
2.0 Strategic matters

- 2.1 The NPPF defines the topics considered to be strategic matters (para 20). Those strategic matters relevant to FHDC and RDC are explored below, and can be summarised as follows:

- Housing
- Conservation and enhancement of the Natural Environment

- 2.2 The geographical relationship between the two authorities is represented in Figure 2.1.

Figure 2.1. Geographical relationship between FHDC and RDC



Housing

- 2.3** Government policy places much emphasis on housing delivery as a means for ensuring economic growth and addressing the current national shortage of housing. The NPPF is very clear that “strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period.”
- 2.4** The Shepway and Dover Strategic Housing Market Assessment (SHMA) Part 1 report published in 2017 identified that Shepway District (now FHDC) falls within a Housing Market Area (HMA) that asserts that the strongest flows and links are with nearby Dover urban centre and Dover District more widely. Flows to the west of the district into Rother and Hastings are very weak.
- 2.5** The most recent published SHMA for Rother is the ‘Hastings and Rother Strategic Housing Market Assessment Update: Housing Needs Assessment 2013’. This assessment indicates that the areas for Rother and Hastings form a recognised Housing Market Area). Previous studies of housing needs have also identified this combined area, namely the Strategic Housing Market Assessment (SHMA) report published in 2010, as well as the earlier 2006 report.
- 2.6** Evidence provided in the 2006 report indicates that there were, at that time, no household movements between Folkestone & Hythe HMA and the Rother and Hastings HMA. Given the evidence, it is apparent that FHDC and RDC do not share the same housing market area, but are geographical neighbouring authorities for purpose of the NPPF.
- 2.7** Following changes to the NPPF and PPG, the planning policy team at FHDC has been assessing how the district can meet the new housing need for the Core Strategy Review plan period. This has involved a number of areas of work, assessing past trends as well as reviewing current and future sources of housing supply.
- 2.8** The Government’s new national formula calculated from household formation and housing affordability figures is published regularly by Office for National Statistics, and the most recently published figure for Folkestone & Hythe district currently stands at 738 new homes a year. FHDC’s Regulation 19 Plan outlines a housing requirement for 13,285 new homes over plan period (to 2036/37). Meeting this target over the plan period will be provided for by development in Core Strategy Review, Places and Policies Local Plan, existing planning permissions and small sites.
- 2.9** Bringing together the different sources of housing supply outlined above creates the anticipated supply of housing over the Core Strategy Review plan period. This is outlined below in Table 2.1. This gives an anticipated housing supply of 13,510 homes over the Core Strategy plan period, exceeding the national minimum requirement of 13,284 homes by around 225 homes and, as a result, the district’s housing need requirement can be met in full.

Table 2.1: Core Strategy Review 2019/20-2036/37– elements of housing supply

Source of housing supply	Number of homes
Current planning permissions and sites under construction (with adjustment for lapsed permissions)	4,274
Places and Policies Local Plan and 2013 Core Strategy sites without planning permission	1,698
Windfall allowance (95 homes a year over 15 years)	1,425
New garden settlement (Core Strategy Review policies SS6-SS9)	5,925
Expansion of Sellindge (Core Strategy Review policy CSD9) (part of allocation without permission)	188
Total Core Strategy Review plan period	13,510

- 2.10 Rother District's Council's housing requirement is stated in its Core Strategy Local Plan (2014), where Policy OSS1 sets out the requirement of 5,700 dwellings over the period 2011-2028. Delivery of this quantum of development has been carried forward in the Development and Sites Allocations Local Plan, adopted on 16 December 2019. Rother District Council's housing position in the future will significantly change based on the requirements to follow the standard methodology for calculating housing need in line with the NPPF. This calculation results in a far higher local housing need for the District. The Council is currently commencing an update of its Local Plan. If it is concluded from this assessment that the Council cannot meet its own housing needs then Rother District Council will be looking to its neighbouring authorities to assist with housing delivery to meet Rother District's future needs.

Infrastructure

- 2.11 Infrastructure is a cross-boundary strategic issue, and will require continuous engagement and joint working between both local authorities. This will ensure that any future strategic infrastructure of mutual benefit to both local authorities, identified through emerging Local Plans, is identified and delivered to support the increased amounts of housing and employment land delivery required.

Conservation and enhancement of the Natural Environment

- 2.12 The coast between Rye Bay and Littlestone, along with Dungeness Point and large parts of nearby Romney Marsh, are internationally important and protected for their wildlife and habitats (the Natura 2000 sites). The beaches and countryside within this area are also much visited, and are an integral part of the visitor economy of the area for both districts.
- 2.13 Rother and Folkestone & Hythe District Councils have worked together on producing the Sustainable Access and Recreational Management Strategy (SARMS) for the area. This strategy addresses recreational pressure and provides a strategic, cross-boundary approach to issues relating to disturbance, to ensure that any increases in access and recreational usage resulting from

the planning policies of either Council do not adversely impact on the integrity of these internationally important wildlife sites, and proposes supporting actions to ensure sensitive management of recreation and access for the Dungeness complex of sites.

- 2.14 Rother District Council identify that the maintenance of the integrity of the Natura 2000 Sites is considered as critical within its Infrastructure Delivery Plan (March 2019) and will seek to jointly explore opportunities for funding of appropriate mitigation measures (linked to tourism impacts only) through the implementation of SARMS.
- 2.15 F&HDC has included reference to recommended mitigation projects cited within the Sustainable Access and Recreational Management Strategy within the IDP project list that is to accompany the Draft Revised CIL Charging Schedule, which is programmed to go out to consultation at the end of 2019. The associated projects are classified as critical infrastructure within the IDP list.

3. Actions going forward

Key issue	Agreed action
Housing	FHDC and RDC will engage through the wider Duty to Cooperate forum in relation to housing related matters, including five year housing land supply, best fit housing market areas, affordability, large-scale developments, prior to a 5 year review of the Local Plans
Infrastructure	FHDC and RDC to continue to liaise and work together with the infrastructure providers on all cross boundary infrastructure matters, including planning applications
Conservation and enhancement of the Natural Environment	FHDC and RDC to continue to liaise and work together on the implementation of the SARMS. Both local authorities will explore opportunities for the funding of appropriate mitigation (linked to tourism impacts) through CIL and other funding mechanisms.
Future Duty to Cooperate meetings	To formalise future duty to cooperate meetings between both authorities

4 Governance arrangements

- 4.1 The NPPG outlines that the SCG should include governance arrangements for the cooperation process, along with a statement of how it will be maintained and kept up-to-date.

- 4.2 Officers of FHDC and RDC meet to discuss cross boundary strategic matters under the Duty to Cooperate. The narrative and outcome of these discussions is demonstrated in this Statement of Common Ground.
- 4.3 The Statement of Common Ground will be published and kept up-to-date by the signatory authorities as an accessible and public record of where agreements have or have not been reached on cross boundary strategic issues.
- 4.4 For the purpose of clarity it is declared by both signatory parties that agreement has been reached on all cross boundary issues referenced within this SCG, specifically housing and conservation and enhancement of the Natural Environment.
- 4.5 The SCG will be kept under ongoing review and will be updated at key stages in FHDC and RDC's Local Plan making process and/or when new key strategic issues arise which require amendments to this SCG. If there are any changes of the content of the SCG these matters can be discussed and agreed as part of future Duty to Cooperate meetings between both local authorities.
- 4.6 It is intended that the SCG will be updated going forward, particularly as the respective authorities progress their Core Strategy/Local Plan Reviews. The SCG will then be kept under ongoing review and will be updated at key stages in FHDC and RDC's DaSA process and/or when new key strategic issues arise which require amendments to this SCG. If there are any changes in the content of the SCG, then these matters can be discussed and agreed as appropriate.
- 4.7 The table below indicates where strategic matters have been agreed so far through the Duty to Cooperate process and the early stages of the SCG:

Table 4.1. Strategic matters agreed by FHDC and RDC

<p>Housing Requirement being met by each planning authority</p> <p>The total number requirement is set by the Governments standard methodology</p> <p><i>Evidence:</i> Both District Council's SHMA (market areas); annual Housing Information Audit; & the Places and Policies Local Plan</p> <p><i>Process:</i> Consultation on SHMA & draft Plans; District Council's duty to cooperate discussions.</p> <p><i>Outcome & Agreements:</i> That there are no links between the two local planning authority areas in terms of the Local Housing Market Area. Each authority can currently meet their own housing requirements.</p>
<p>Infrastructure</p> <p>Cross boundary issues</p>

Evidence:

Both Council's Infrastructure Delivery Plans.

Process:

Consultation on draft Plans; District Council's duty to cooperate discussions.

Outcome & Agreements:

That there are no specific infrastructure requirements. Continue to consult on new plans and proposals.

Conservation and enhancement of the Natural Environment

Both Council's Habitat Regulations Assessments (HRA) indicate that there could be recreational pressure on internationally important and protected wildlife and habitats (the Natura 2000 sites).

Evidence:

HRA, SARMS

Process:



National Nature Reserve (NNR) meetings; District Council's duty to cooperate discussions.

Outcome & Agreements:

Set up specific NNR meetings. Agree to set out an action plan to jointly explore opportunities for funding of appropriate mitigation measures (linked to tourism impacts only) through the implementation of SARMS.

- 4.8 Evidently, discussion of strategic matters between neighbouring authorities under the Duty to Cooperate is an officer-led exercise. The process for reaching agreement and sign-off of SCG includes signatories from both authorities, with representation from a named officer and a Councillor of each authority, as declared under section 5 of this SCG.

5 Signatories/declaration

Signed on behalf of Folkestone & Hythe District Council (Officer) 	Signed on behalf of Rother District Council (Officer) 
Position: Strategy & Policy Senior Specialist	Position: Head of service Strategy & Planning.
Date: 14/01/2020	Date: 20-1-20

