

Statement of Common Ground

Folkestone & Hythe District Council and the Marine Management Organisation

1. Overview

- 1.1 This Statement of Common Ground (SCG) has been prepared by Folkestone & Hythe District Council (FHDC) together with the Marine Management Organisation (MMO). It reflects the agreed position between the parties.
- 1.2 The purpose of this SCG is to document the cross-boundary matters being addressed and progress in cooperating to address them. It is the means by which the signatory authorities can demonstrate that their plans are based on effective and ongoing cooperation and that they have sought to produce strategies that as far as possible are based on agreements with other authorities.
- 1.3 FHDC and the MMO have actively and positively agreed to work together to meet the requirements of the Duty to Cooperate. FHDC has prepared their Core Strategy Review for submission in early 2020.
- 1.4 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.
- 1.5 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.”
- 1.6 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.
- 1.7 FHDC is to go out to a very limited public consultation on a revision to the Regulation 19 Core Strategy in November/December 2019 to bring it 'in check' with the Government's published figures on housing requirement. Although FHDC is cognisant of the matters that have been raised by the MMO as part of discussions to advance the SCG, owing to the restricted nature of the changes to the Regulation 19 plan document there has been no modification to policies

and/or supporting text to take account of and incorporate any suggested minor changes proposed by the MMO within their response to the Regulation 19 plan document (Appendix 1 refers) that was consulted on earlier in 2019.

1.8 Notwithstanding this, both parties are broadly in agreement on matters referred to within this SCG, and neither party considers there are any significant strategic cross-boundary issues that need to be addressed in this statement. Nevertheless, FHDC is minded to highlight the MMO's remit and scope of operations in line with the MMO's comments to the Regulation 19 plan, and FHDC shall continue to work alongside the MMO on all matters as the SCG and Core Strategy Review proceed.

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 the MMO are explored under suitably-titled headings, and can be summarised as follows:

- Housing
- Policy and legislative referencing

2.2 The principal comments made by the MMO are in respect of ensuring the Core Strategy Regulation 19 plan documents includes the correct policy and legislative referencing. Further explanation is provided in paragraphs 2.7 and 2.8.

2.3 The geographical relationship of FHDC in the context of Kent (upper tier authority) and neighbouring East Sussex is represented in Figure 2.1.

Figure 2.1. Geographical relationship between FHDC and Kent and East Sussex



Housing

- 2.4 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.”

- 2.5 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 13,284 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. Accordingly FHDC is not seeking any assistance from neighbouring authorities to meet its identified housing need.

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 | 1,703 |
| 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 | 13,515 |

- 2.6 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 in Table 2.1. This gives an anticipated housing supply of 13,515 homes over the Core Strategy plan period, exceeding the national minimum requirement of 13,284 homes by around 230 homes and, as a result, the district’s housing need requirement can be met in full.

Policy and legislative referencng

- 2.7 Within their response to the Core Strategy Review Regulation 19 plan document (Appendix 1 refers), the MMO has advised that there should be a

clear inclusion of marine planning in line with the NPPF and Marine and Coastal Access Act (MCAA). The specific references as cited by the MMO are bulleted below:

- **NPPF: 166.** In coastal areas, local planning authorities should take account of the UK Marine Policy Statement and marine plans and apply Integrated Coastal Zone Management across local authority and land/sea boundaries, ensuring integration of the terrestrial and marine planning regimes.
- **MCAA: 58(1).** A public authority must take any authorisation or enforcement decision in accordance with the appropriate marine policy documents.
- **MCAA: 58(3).** A public authority must have regard to the appropriate marine policy documents in taking any decision which relates to the exercise of any function capable of affecting the whole or any part of the UK marine area.

2.8 The MMO's response to the Core Strategy Review Regulation 19 plan document also draws attention to the fact the PAS soundness self-assessment checklist , which includes a recommended requirement to "take account of marine planning".

2.9 The MMO requests that the following is referred to within the Core Strategy Review Regulation 19 plan document:

"reference to the legal duty to co-operate with the Marine Management Organisation, as well as reference to Marine Planning, the Marine Policy Statement, and the South Marine Plan."

2.10 FHDC is grateful to the MMO for bringing this information to our attention. The proposed response/action is detailed out in section 3 below, and it is suggested that reference to relevant policy and legislation is incorporated within the Core Strategy Review plan document through a Main Modification to be put to the appointed Inspector in advance of Examination in Public sessions being held.

3. Actions going forward



| Key issue | Agreed action |
|---|---|
| Policy and legislative referencing | FHDC and MMO to continue to liaise and work together to include reference to the legal duty to co-operate with the Marine Management Organisation, as well as reference to Marine Planning, the Marine Policy Statement, and the South Marine Plan, and any policies in the emerging South East Marine Plan with the Core Strategy Review via a Main Modification, which shall be put to |

| | |
|--|---|
| | the Inspector in advance of examination in public |
|--|---|

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 It is intended that the SCG will be updated going forward, particularly as FHDC progresses its Core Strategy Review. The SCG will then be kept under ongoing review and will be updated at key stages in FHDC 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 at future Duty to Co-operate meetings.
- 4.3 It is confirmed by both signatory parties that agreement has been reached on matters referenced within this SCG.
- 4.4 Evidently, discussion of strategic matters under the Duty to Cooperate is an officer-led exercise. The process for reaching agreement and sign-off of SCG includes signatories from both FHDC and the MMO, as declared under section 5 of this SCG.

5 Signatories/declaration

| | |
|---|---|
| <p>Signed on behalf of Folkestone & Hythe District Council (Officer)</p>  | <p>Signed on behalf of the Marine Management Organisation</p>  |
| <p>Position: Strategy & Policy Senior Specialist</p> | <p>Position: Head of Marine Planning</p> |
| <p>Date: 27/11/2019</p> | <p>Date: 12/12/2019</p> |

Appendices

Appendix 1. The Marine Management Organisation's response to the Folkestone & Hythe Core Strategy Review: Submission Draft 2019 (dated 22nd March 2019)

Hammond, James

From: [REDACTED]
Sent: 28 January 2019 09:10
To: Planning Policy
Cc: SM-Defra-Consultations (MMO)
Subject: RE: Folkestone & Hythe Core Strategy Review Submission Draft 2019 and Heritage Strategy public consultation

Follow Up Flag: Follow up
Flag Status: Completed

Dear Folkestone and Hythe planning policy team,

Consultation response from the Marine Planning Team, Marine Management Organisation. Please ensure this response is read in its entirety.

After reading the Folkestone & Hythe District council core strategy review, for the core strategy to be sound there should be a clear inclusion of marine planning in line with the NPPF and Marine and Coastal Access Act (MCAA).

NPPF: 166. In coastal areas, local planning authorities should take account of the UK Marine Policy Statement and marine plans and apply Integrated Coastal Zone Management across local authority and land/sea boundaries, ensuring integration of the terrestrial and marine planning regimes.

MCAA: 58(1). A public authority must take any authorisation or enforcement decision in accordance with the appropriate marine policy documents.

MCAA: 58(3). A public authority must have regard to the appropriate marine policy documents in taking any decision which relates to the exercise of any function capable of affecting the whole or any part of the UK marine area.

The PAS soundness self-assessment checklist also states a recommended requirement to "take account of marine planning".

We recommend reference to the legal duty to co-operate with the Marine Management Organisation, as well as reference to Marine Planning, the Marine Policy Statement, and the South Marine Plan.

The marine planning remit is directly for coastal and marine waters up to the mean high water spring mark where Folkestone & Hythe district council, extends to the mean low water spring mark (we can supply a GIS layer of the spatial extent for any policy maps if you wish). The area covered by the Folkestone & Hythe District council core strategy review lies within the South Marine Plan Area therefore, it is recommended to ensure your core strategy is 'sound' that it includes a reference to the South Marine Plan. There are policies within the Folkestone & Hythe District council core strategy review that have marine relevance and so it is recommended that the South Marine Plan and specific policies are referred to in these sections. For example, policies: SS9 and CSD3. Please also note that any works undertaken in the development of flood risk management may require a marine licence.

Examples of South Marine Plan policies that you may wish to consider are listed below. Hyperlinks are provided for further information. These policies are provided only as a recommendation and we suggest that your own interpretation of the South Marine Plan is completed.

- **S-INF-1:** Appropriate land-based infrastructure which facilitates marine activity (and vice versa) should be support.
- **S-EMP-1:** Proposals that develop skills related to marine activities, particularly in line with local skills strategies, will be supported.

- **S-EMP-2:** Proposals resulting in a net increase to marine related employment will be supported, particularly where they are in line with the skills available in and adjacent to the south marine plan areas.
- **S-ACC-1:** Proposals, including in relation to tourism and recreation, should demonstrate that they will in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate significant adverse impacts on public access
- **S-ACC-2:** Proposals demonstrating enhanced public access to and within the marine area will be supported.
- **S-TR-1:** Proposals supporting, promoting or facilitating tourism and recreation activities, particularly where this creates additional utilisation of related facilities beyond typical usage patterns, should be supported.
- **S-TR-2:** Proposals that enhance or promote tourism and recreation activities will be supported. Proposals for development must demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate significant adverse impacts on tourism and recreation activities.

You may wish to refer to the [South Marine Plan](#), the [UK Marine Policy Statement \(MPS\)](#), our [online guidance](#), the [Marine Information System](#) and the [Planning Advisory Service soundness self-assessment checklist](#).

Kind regards,



To sign up to receive the marine planning updates and our newsletter enter your details [here](#)

*** Want to input to the development of marine plans for the NW, NE, SW and SE plans areas? Then register for a workshop or respond [on-line](#) (closing date: 29/03/19). For further information, or a copy of our Privacy Statement, please contact –



Planning.Policy@folkestone-hythe.gov.uk

Sent: 24 January 2019 16:06

To: Planning.Policy@folkestone-hythe.gov.uk

Subject: Folkestone & Hythe Core Strategy Review Submission Draft 2019 and Heritage Strategy public consultation

Dear Sir/Madam,

I am writing to advise you that the Core Strategy Review Submission Draft and the Folkestone & Hythe District Heritage Strategy will be published for public consultation starting tomorrow. The consultation period for both documents will run for six weeks from 26th January until 6pm on 11th March 2019.

[Core Strategy Review: Submission Draft](#)

The Core Strategy Review has been published for consultation under Regulation 19 of the Planning and Compulsory Purchase Act 2004 and follows the previous public consultation on the 'Preferred Options' stage in March 2018.

The purpose of Core Strategy Review is to allocate sufficient land to meet the identified development needs of the Folkestone & Hythe district up to 2037. After this final stage of consultation, the Core Strategy Review will be submitted to the Government's planning representative, a Planning Inspector, who will carry out a public examination.

The Inspector will consider if the Core Strategy Review:

- Complies with the legal requirements;
- Meets the tests of soundness; and
- Complies with the duty to co-operate

A "sound" plan is one that is:

- **Positively prepared** – based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development
- **Justified** – the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence
- **Effective** – be deliverable and based on effective joint working on cross-boundary strategic priorities
- **Consistent with national policy** – enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework

Your response to the consultation should state whether you support or object to the plan, based on whether or not you agree that it complies with the legal requirements, complies with the duty to co-operate and is sound, as outlined above.

Although some policies in the Core Strategy Review have not changed substantially from those in the adopted Core Strategy (2013), you can make comments against any part of the Core Strategy Review. Comments can also be made against the accompanying Sustainability Appraisal and Habitats Regulations Assessment.

If you don't think the Core Strategy Review meets a requirement you should explain why. It will also be helpful if you say how the plan should be changed to meet the relevant requirement.

We will collate and summarise your comments and pass them on to the Planning Inspector.

The Core Strategy Review, Sustainability Appraisal, Habitats Regulations Assessment and other evidence base documents are available to view on our website at <https://www.folkestone-hythe.gov.uk/planning/planning-policy/planning-consultations>.

Folkestone & Hythe District Heritage Strategy

The Folkestone & Hythe District Heritage Strategy is an evidence document for the Places and Policies Local Plan and Core Strategy Review and it will also provide information for planning applications and funding bids.

It sets out positive objectives and priorities to ensure the district's heritage assets shape the character of new developments, guide regeneration and contribute to recreation, tourism, health and education initiatives.

The views of a large and enthusiastic group of stakeholders, individuals and groups were gathered during the initial stages of the strategy's production. We have now published the strategy for interested groups and individuals, businesses, landowners, developers and the wider public, to make comments and help shape the final version.

How to comment

Copies of the Core Strategy Review and the Heritage Strategy are available to view at all local libraries within the district and at the council offices in Folkestone.

You can comment on both the Core Strategy Review and Heritage Strategy:

- Directly through our consultation portal, which allows you to decide which document, policy or paragraph you want to comment on and summarise your main points in your own words. You can view the portal by following this link: <http://consult.folkestone-hythe.gov.uk/portal>
- Alternatively, if you would rather submit your comments on a printed form, you can download the relevant form from our website and send it by email to:

planning.policy@folkestone-hythe.gov.uk

or by post to:

**The Planning Policy Team,
Folkestone & Hythe District Council,
Civic Centre,
Castle Hill Avenue,
Folkestone,
Kent
CT20 2QY.**

Forms for both documents are also available at our offices and the district's libraries. We have produced two different forms for making comments, one for the Core Strategy Review and one for the Heritage Strategy, so that we can match up your comments to the relevant document.

We have contacted you as you have previously commented on the council's planning documents or have asked to be informed about developments in the district. However, if you do not wish to be contacted again, please let us know and we will remove your details from our records.

If you have any other queries please feel free to contact us at planning.policy@folkestone-hythe.gov.uk or by phoning 01303 853000 and asking for the Planning Policy team.

Yours faithfully

**Adrian Tofts
Planning Policy Manager
Folkestone & Hythe District Council,
Civic Centre, Castle Hill Avenue,
Folkestone, Kent. CT20 2QY.
Office: 01303 853000
Email: planning.policy@folkestone-hythe.gov.uk
Website: www.folkestone-hythe.gov.uk**



**CUSTOMER
SERVICE
EXCELLENCE**



iesee
Awards **GOLD Winner 2018**
The Public Sector Transformation Awards

The contents and any attachments of this e-mail message are confidential and intended only for the named addressees. If you have received it in error, please advise the sender immediately by return email and then delete it from your system. Any unauthorised distribution or copying of this transmission, or misuse or wrongful disclosure of information contained in it, is strictly prohibited. Folkestone & Hythe District Council cannot accept liability for any statements made which are clearly the sender's own and not expressly made on behalf of the council. All email to and from the council may be monitored in accordance with the council's policies.

The Marine Management Organisation (MMO) The information contained in this communication is intended for the named recipient(s) only. If you have received this message in error, you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the content is strictly prohibited and may be unlawful. Whilst this email and associated attachments will have been checked for known viruses whilst within MMO systems, we can accept no responsibility once it has left our systems. Communications on the MMO's computer systems may be monitored and/or recorded to secure the effective operation of the system and for other lawful purposes.

