

Statement of Common Ground

Folkestone & Hythe District Council and Canterbury City Council

1. Overview

- 1.1** This Statement of Common Ground (SCG) has been prepared by Folkestone & Hythe District Council (FHDC) together with Canterbury City Council (CCC). 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 CCC 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. CCC's Local Plan was adopted in July 2017 and sets out plans for growth in the Canterbury district up to 2031. Canterbury have recently agreed to commence a review of the Local Plan (Policy and Resources Committee October 2019). This statement also describes the established mechanisms for ongoing cooperation on strategic matters.
- 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.

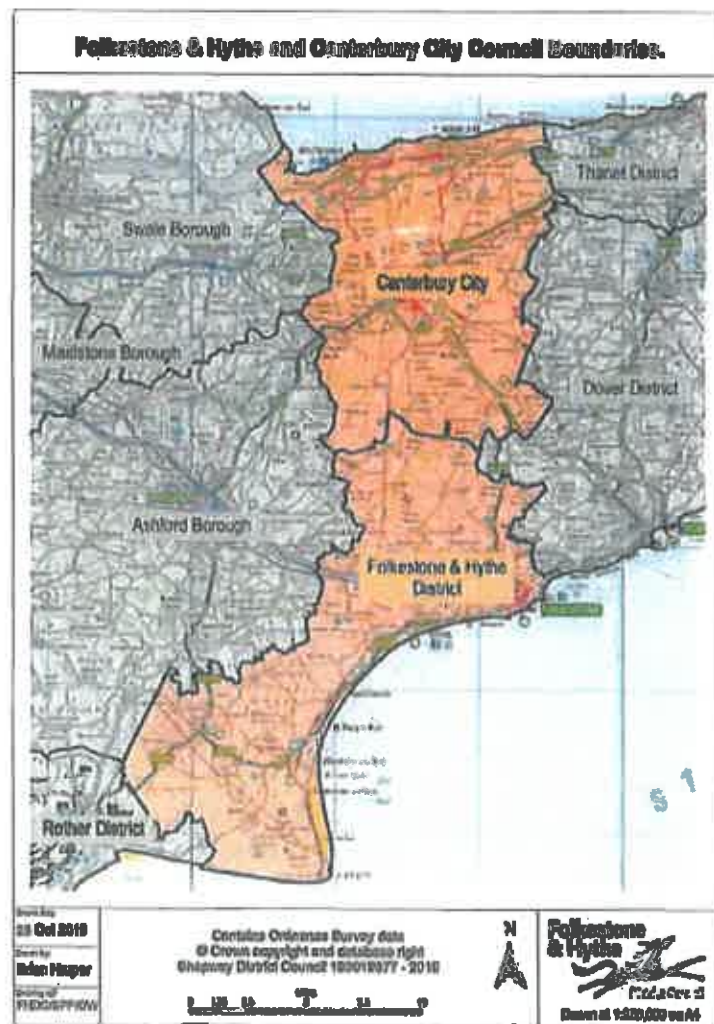
2.0 Strategic matters

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

- ❖ Housing
- ❖ Infrastructure
 - Transportation (highway capacity & air quality)

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

Figure 2.1. Geographical relationship between FHDC and CCC



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. The Ashford District SHMA Addendum (2014) does not suggest an Ashford HMA extends into either Shepway or Dover. Given the evidence, it is apparent that FHDC and CCC do not share the same housing market area.
- 2.5** Following changes to the NPPF and PPG, the FHDC planning policy team 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.
- 2.6** 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 CCC to meet its identified housing needs.

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 (96 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

Infrastructure

- 2.7** 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.
- 2.8** Under the general heading of 'Infrastructure', transportation is the single cross boundary infrastructure issue that has an impact on both local authority areas. Specifically, the focus of attention is on traffic movements at a key junction and the associated air quality implications from any increase in traffic movements on the Canterbury Air Quality Management Area (AQMA). Any relevant issues are discussed and explored at the Duty to Co-operate meetings between FHDC and CCC, as well as with other agencies/stakeholders to include, but not limited to, Kent County Council Highways and Transportation.
- 2.9** FHDC and CCC are in agreement that, applying the latest modelling results that have informed the planning application for Otterpool Park, the level of development allocated in the Core Strategy Review will have a negligible impact on highway capacity and air quality within CCC's administrative area. This situation will be kept under review in accordance with the governance arrangements set out in section 4. There is a large body of technical evidence that underpins the position of agreement set out in this SCG, and pertinent extracts are appended to this statement.

3. Actions going forward

Key issue	Agreed action
Housing	FHDC and CCC will continue to 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 CCC to continue to liaise and work together with the Infrastructure providers on all cross boundary infrastructure matters, including planning applications

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 CCC 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.**

Table 4.1. Strategic matters agreed by FHDC and CCC

<p>Housing Requirement being met by each planning authority</p> <p>The total number requirement is set by the Government's standard methodology</p> <p><i>Evidence:</i> The 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></p> <p>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> <p><i>Evidence:</i> The Infrastructure Delivery Plan prepared in support of the Core Strategy Review.</p> <p>Evidence prepared in support of the Otterpool Park outline planning application (planning reference Y19/0257/FH).</p> <p><i>Process:</i></p>



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.

- 4.4 It is confirmed by both signatory parties that agreement has been reached on all cross boundary issues referenced within this SCG, specifically housing and infrastructure (transportation - highway capacity & air quality).
- 4.5 The SCG will be kept under ongoing review and will be updated at key stages in FHDC and CCG'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 the East Kent Duty to Co-operate bi-monthly meetings.
- 4.6 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)  JAMES HAMMOND	Signed on behalf of Canterbury City Council (Officer)  SIMON THOMAS
Position: Strategy & Policy Senior Specialist	Position: HEAD OF PLANNING
Date: 27/11/2019	Date: 4/12/19

Appendices

Appendix 1. Supporting technical Information to Statement of Common Ground between FHDC and CCC

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Transport movements towards Canterbury (Nackington Road junction)

- 1.1 FHDC, as both the local planning authority and major landholder and joint promoter of the current planning application being determined for up to 8,500 residential dwellings and associated mixed uses, is cognisant of the interest placed by CCC in understanding the off-site traffic generation and the associated implication this might raise as a cross-boundary matter.**
- 1.2 As documented within the draft version of the Transport Assessment that was shared with CCC on the 22nd January 2019, the baseline traffic flows, i.e. the traffic movements recorded on the highway network at the time the surveys were undertaken and prior to any development at the proposed garden settlement, were taken from the following sources to inform the Transport Assessment:**
 - Folkestone & Hythe District Council survey data collected in the district in October 2016;**
 - Corinthian Mountfield Ltd survey data collected in Canterbury in March 2014 and March 2018;**
 - Arcadis, the multi-disciplinary consultancy that led on the technical submissions to the 2019 planning application, survey data collected in June 2017; and**
 - TRADS database survey data collected in October 2016 and June 2017.**
- 1.3 At the time the scope of the Transport Assessment was being defined, the junction of Old Dover Road and Nackington Road within the administrative area of Canterbury City Council was identified by the local highway authority as a junction that would need to be assessed in order to define the implications of traffic generated by Otterpool Park on this specific part of the highway network.**
- 1.4 The data collected in Canterbury in March 2014 was validated against data collected in March 2018, as described in the data validation report in Appendix B of the Transport Assessment. The comparison indicated that there has been little change in traffic flows along Old Dover Road and Nackington Road between 2014 and 2018, with results indicating a net decrease in traffic demand of 3.4% and 5.7% in the AM and PM peak hours respectively. It was agreed with Kent County Council that the 2014 traffic data would be used to represent the 2018 baseline traffic flow for the two junctions in Canterbury included in the assessment.**
- 1.5 The baseline highway capacity results evidence that the junction of Nackington Road / Old Dover Road is currently operating over capacity in both the AM and**

PM peak, operating at a Degree of Saturation of 99.4% and 100.7% respectively.

- 1.6 The Junction of Old Dover Road / St Lawrence Road / The Drive is operating over capacity on the Old Dover Road and St Lawrence Road arms in the AM peak and Old Dover Road eastbound in the PM peak. This is caused by the high volume of traffic routing through the junction combined with the lack of non-blocking storage on the right-turn into St Lawrence Road which runs opposed to the Old Dover Road eastbound movement.
- 1.7 There is a scheme of highway mitigation to improve the highway capacity of Nackington Road/ Old Dover Road and Old Dover Road/ St Lawrence Road/ The Drive junction in conjunction with the strategic residential scheme at Mountfield Park which benefits for a resolution to grant planning consent. This committed transport infrastructure/improvement schemes has been taken into account in the 'Do Minimum' and 'Do Something' road network for the Transport Assessment prepared for the proposed garden settlement.
- 1.8 The Mountfield Park South Canterbury Transport Assessment sets out a package of proposed junction improvements to Old Dover Road junctions with Nackington Road and St Lawrence Road to increase capacity.
- 1.9 The proposed capacity improvements to increase operational capacity include:
 - The provision of a right turn facility from Old Dover Road in St Lawrence Road, mirroring that provided from Old Dover Road into Nackington Road in the opposite direction. The right turn would remove the obstruction caused by vehicles wishing to turn right into St Lawrence;
 - Proposed changes to the signal phasing, with The Drive and St Lawrence Road proposed to operate within the same stage as opposing arms;
 - Removal of existing on-street parking bays (13 spaces) along the northern extent of Old Dover Road; and
 - Realignment of the existing kerb-line to allow a left turn out of Nackington Road to be phased at the same time as the right turn into Nackington Road.

Table 1. Maximum degree of saturation / ratio of flow to capacity (to 2046)

Junction	AM Peak		PM Peak		2046	
	Flow	Capacity	Flow	Capacity	Flow	Capacity
Nackington Road / Old Dover Road	100	100	100	100	100	100
Old Dover Road / St Lawrence Road	100	100	100	100	100	100
Old Dover Road / The Drive	100	100	100	100	100	100

- 1.10 As shown in Table 1, which is Table 58 of the Otterpool Park Transport Assessment, the impact of development at the proposed Garden Settlement on the Nackington Road/ Old Dover Road and Old Dover Road/ St Lawrence

Road/ The Drive junction (taking account of all committed development) has a negligible impact on the junction in terms of its performance up to 2046.

- 1.11 In the AM peak the degree of saturation (DoS) is modelled to increase from 80.0% to 81.8%, and in the PM peak the DoS is modelled to increase from 98.1% to 98.4%. A DoS of 90% is considered the practical capacity of a movement, and a DoS of 100% is the theoretical capacity. In the AM peak the junction shall operate within capacity when taking account of the associated traffic movements generated by committed development that i) does not include development at the garden settlement (this is the 'Do-Minimum' scenario) and ii) when taking account of growth at the garden settlement (the 'Do-Something' scenario).
- 1.12 In the PM peak the modelling evidences the junction shall operate above practical capacity but within theoretical capacity when accounting for future growth in both the 'Do-Minimum' and 'Do-Something' scenarios, meaning development at the garden settlement shall not worsen the future junction performance on the basis the junction shall remain within the same range of operating within the theoretical capacity under both scenarios. The very modest change to the DoS in the PM peak is not considered to be sufficiently significant to warrant associated intervention in the form of highway mitigation to the modelled highway junction, particular so given there will be no change when compared against the performance of its operation.
- 1.13 Officers of CCC have drawn attention to a couple of issues that span both transport and air quality matters, namely the importance of focussing on non-car based travel and having access to electric vehicle charging infrastructure. Officers of the District Council place significance of non-car based travel modes, and note the significant role performed by Canterbury's Park and Ride and buses/links in achieving modal shift towards non-car based travel. More widely, the District Council is cognisant of the objectives of Canterbury's Transport Strategy 2014 to 2031, as adopted by Canterbury City Council on 13 July 2017, for which the headline aim is as set out below:
- "to improve access to services, goods and opportunities and tackle the negative impacts of traffic by promoting sustainable modes of transport, achieving reliable vehicle journey times and supporting sustainable development".*
- 1.14 The District Council acknowledges the important role to be played by non-car based travel, and the Garden Settlement places the principle of 'walkable neighbourhoods' at its heart. Accessibility by rail afforded by the presence of Westenhanger rail station is a genuine strength of the Garden Settlement proposals. Investment in the public transport network shall provide excellent internal coverage and will improve connections (service coverage and/or frequency) with nearby urban centres.

1.15 As set out as a criterion in Policy SS8 of the Submission Version of the Core Strategy Review, the energy strategy will need to demonstrate how the settlement will meet the government's commitment to ban all new petrol and diesel cars and vans by 2040, and include measures from the outset for all properties to have ready access to slow, fast and rapid electric charging points.

Air quality

1.16 As part of the Duty to Cooperate discussions the site promoters to the garden settlement shared the Canterbury AQMA Sensitivity Test with CCC on the 21st January 2019. This information is presented within Appendix 6.7 of the Environmental Statement to the submitted outline planning application. The full technical detail was provided to CCC, as it contains a number of key explanatory points to the results which, if not fully explained, may cause undue queries to arise. A summary of the Air Quality note is as follows:

- Two roads (Old Dover Road and Nackington Road) that are expected to experience the greatest level of development traffic feeding into (but not within) Canterbury AQMA were modelled
- Consideration was given to assessment years 2022 (first year of opening), 2029 (peak construction year, 33% occupied), and 2046 (completed development)
- Traffic changes in 2022 & 2029 were <170 as an AADT (Annual average daily traffic) (all lights) on both roads. For this reason, 2022 and 2029 were not modelled.
- In 2046 the maximum increase in AADT was 560, therefore, 2046 was modelled
- 2046 traffic flows (i.e. full development) were modelled using 2030 emission rates as current emissions projections do not go beyond 2030. This is considered to be a worst case assessment
- Maximum increase in NO₂ at closest receptors to Old Dover Road and Nackington Road is predicted to be 0.1 ug/m³. This is considered to be 'negligible' in terms of impact as per IAQM guidance.

1.17 The area of study would be typically defined by applying criteria set out in the Institute of Air Quality Management's (IAQM) Development Control Guidance¹ Contained within this document are indicative assessment criteria which state the following traffic change metrics (the modelled roads in Canterbury would be considered to be near an AQMA):

¹ <http://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>

Development	Receptor Criteria to Exceed to be Air Quality Assessment
1. Cause a significant change in Light Duty Vehicle (LDV) traffic flows on local roads with relevant receptors. (LDV = car and small vans <3.5t gross vehicle weight).	A change of LDV flows of: <ul style="list-style-type: none"> - more than 100 AADT within or adjacent to an AQMA - more than 500 AADT elsewhere.
2. Cause a significant change in Heavy Duty Vehicle (HDV) flows on local roads with relevant receptors. (HDV = goods vehicles + buses >3.5t gross vehicle weight).	A change of HDV flows of: <ul style="list-style-type: none"> - more than 25 AADT within or adjacent to an AQMA - more than 100 AADT elsewhere.

- 1.18 Reference to the Development Control Guidance presented above provides clarification as to why traffic changes in 2022 & 2029 were not modelled. This is because the change of flows is less than 500 AADT in a location that is not within or adjacent to an AQMA. In 2046, as the maximum increase in AADT was 580 this future year (2046) was modelled.
- 1.19 Arcadis have advised that if they were to strictly follow the IAQM guidance by the change criteria numbers then there would be a requirement to model 2046 on basis of change on both Old Dover Road and Nackington Road, and model Nackington Road only in 2029. Arcadis took the decision to model 2046 (as 2030), as it had the highest change in traffic flows on both roads, and the highest baseline traffic flows.
- 1.20 The Arcadis 2046 (2030) modelling showed there was no discernible impact on the receptors modelled at worst case locations (closest receptors to road). Even though emissions are expected to decline with time, Arcadis concluded that one year of emissions improvement between 2029 and 2030 would be offset by the much larger baseline flows and larger changes in traffic evident in the 2046 (2030) assessment. The rationale was that if a significant impact was not realised in 2030 (with its higher changes and baseline flows), sufficient confidence could be placed that we wouldn't see it in 2029. This turned out to be the case as changes were $\approx 0.1 \text{ ug/m}^3$ and maximum total concentrations were around 15 ug/m^3 which is less than half of the annual mean Air Quality Strategy (AQS) objective for NO₂.
- 1.21 The IAQM guidance puts a great deal of emphasis on professional judgement and although the 2029 changes are above the indicative IAQM assessment criteria, Arcadis believe they have adequately demonstrated that on the basis of the traffic flows assessed in 2046 (2030) there would be no impact in 2029.

Conclusion

- 1.22 In summary, FHDC and CCC agree that, applying the latest modelling results that have informed the planning application for Otterpool Park, the level of development allocated in the Core Strategy Review will have a negligible impact on highway capacity and air quality within CCC's administrative area. This situation will be kept under review according to the timeframe set out in section 6.