

Statement of Common Ground

Folkestone & Hythe District Council and Ashford Borough Council

1. Overview

- 1.1** This Statement of Common Ground (SoCG) has been prepared by Folkestone & Hythe District Council (F&HDC) together with the Ashford Borough Council (ABC). It reflects the agreed position between the parties.
- 1.2** The purpose of this SoCG is to set out the basis on which F&HDC and ABC have actively and positively agreed to work together to meet the requirements of the Duty to Cooperate. F&HDC has prepared their Core Strategy Review for submission in early 2020. ABC adopted its Local Plan in February 2019. This statement also describes the established mechanisms for ongoing cooperation on strategic matters.
- 1.3** 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.
- 1.4** 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."
- 1.5** 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.
- 1.6** Those strategic matters that have been captured and reflected within this SoCG are the product of discussions and correspondence between F&HDC and ABC that have taken place over an extended period of time under the Duty to Cooperate.

- 1.7 The proposed development of the Garden Settlement at Otterpool has been identified as one with cross-boundary impacts between the two authorities. In this regard on-going discussions took place between the two authorities, with member and officer representation, over a period of 18 months or so, up until the time of the Regulation 19 consultation on the Core Strategy Review which was carried out at the beginning of 2019.
- 1.8 ABC submitted formal representations to the Reg 19 consultation on the Core Strategy Review in March 2019, this raised concerns with how the strategic matters in relation to the proposed garden settlement had been addressed through policy. It was proposed the amendments to the policies would be discussed and agreed through a SoCG. Following this, potential amendments to the policies were discussed between the authorities.
- 1.9 FHDC carried out a very limited public consultation on a revision to the Regulation 19 Core Strategy in November/December to bring it 'in check' with the Government's published figures on housing requirement. However, 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 changes proposed by ABC as part of that consultation.
- 1.10 Notwithstanding this, FHDC is cognisant of the matters that have been raised by ABC as part of discussions and FHDC proposes to the Inspector appointed to examine the Core Strategy Review, that amendments should be made to the policies to address the issues, as set out in detail in the following sections.

2.0 Strategic matters

- 2.1 The NPPF defines the topics considered to be strategic matters (para 20). Those strategic matters relevant to F&HDC and ABC are explored under suitably-titled headings, and can be summarised as follows:
- Housing
 - Infrastructure
 - Transportation (road and rail)
 - Education
 - Drainage
 - Wastewater
 - Phasing of Infrastructure
 - Retail
- 2.2. Due to the proximity of the proposed Garden Settlement at Otterpool to the boundary between the two areas, the proposed development has the potential to impact upon the matters identified above. The geographical relationship

between the two authorities is represented in Figure 2.1. **Figure 2.1.**
Geographical relationship between F&HDC and ABC



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 F&HDC) 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.**
- 2.5 The Shepway and Dover SHMA Part 1 report provides commentary on the Thanet HMA which includes Dover but exclude Shepway. Further discussion on this matter is provided in detail within the Dover component of the SHMA report. The Shepway and Dover SHMA concludes that, on balance, Dover and Shepway form a reasonable HMA and cross-boundary Dover related issues, especially relating to unmet Thanet district need, should be managed through the duty to co-operate.**
- 2.6 Given the evidence, it is apparent that F&HDC and ABC do not share the same housing market area. However, that is not to say that there are no interactions between the two authority areas although these are considered to be minimal and not significant regarding housing.**
- 2.7 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.**
- 2.8 F&HDC'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, as set out in Table 2.1.**

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

- 2.9 Accordingly F&HDC is not seeking any assistance from ABC to meet its identified housing needs. ABC is also meeting the Borough's own needs for Housing as set out in the Ashford Local Plan 2030 (adopted February 2019). It is agreed at this time that both authorities are meeting their respective needs for housing within their administrative boundaries.

Infrastructure

- 2.9 There are a number of cross boundary infrastructure issues that have an impact on both local authority areas, to include transportation (road and rail), schools, drainage (with associated implications on flood risk) and wastewater treatment. Any relevant issues are discussed and explored between F&HDC and ABC, as well as with other agencies/stakeholders to include, but not limited to, Highways England, the Environment Agency and South Kent Coast Clinical Commissioning Group and Ashford Clinical Commissioning Group.

Transportation (road)

- 2.10 In relation to transport infrastructure, F&HDC and ABC are committed to continue working together in partnership with the relevant stakeholders, with the aim of ensuring the necessary improvements to support sustainable growth delivered in a timely manner over the period of the F&HDC and ABC Local Plans.
- 2.11 Following discussions between the two parties it is proposed (and agreed) that a recommendation is put before the Inspector appointed to examine the Core Strategy Review to propose minor edits/additions to the wording of policy SS7 and relevant supporting text, as follows:

Amend Policy SS7 (6) c. as follows:

'The capacity of M20 junction 11 shall be upgraded and other key junctions on the road network will be redesigned and improved in partnership with Highways England and Kent County Council. Where improvements are required to junctions or links outside of Folkestone and Hythe District, consultation shall take place with the relevant local authority prior to the proposals being agreed.'

Add additional supporting text to policy SS7, as follows:

'There is a requirement that all highway junctions and links shown (through reference to the output of transport modelling work that has applied a methodology formally approved by the local highway authority and Highways England) to be impacted upon by development at the Otterpool Park Garden Settlement will be upgraded/improved in order to provide additional highway capacity so as to appropriately mitigate the highway impact of development at the Garden Settlement. The design of all junctions requiring improvement and the relative timing of any such improvement to be implemented (the trigger point) is to be subject to agreement between the promoter and the local highway authority and/or Highways England. The associated highway works are to be implemented under a (future) S278 agreement with the responsible highway authority and secured as part of the S106 legal agreement. There is potential that improvements will be required to the road network outside of Folkestone and Hythe District. Where this is the case, consultation will be carried out with the relevant local authority prior to the proposals being agreed.'

Transportation (rail)

- 2.12 It is agreed that additional supporting text is proposed to be inserted following paragraph 4.180, as follows:

'In order to meet the demand for increased rail patronage on the high speed rail service from the increasing population of the garden settlement, and other development in the Folkestone & Hythe District and the rest of East Kent, there will be a need to increase the passenger capacity of train services, which are already suffering from capacity issues. Whilst the Council has limited direct control over this issue, it will work together with Ashford and other East Kent authorities to lobby the train operating company to increase the capacity on the high speed service, to ensure that the capacity exists to serve the additional demand created from new development.'

Highway monitoring strategy

- 2.13 It is agreed that additional supporting text is proposed to be inserted following paragraph 4.193, as follows:

'A monitoring strategy is to be prepared by the applicant for submission to (and consideration by) the local planning authority in consultation with the local highway authority, to ensure there is an appropriate safeguard in place to require that future traffic levels are monitored to record the 'on the ground' distribution and volume of traffic generated by occupied development is as predicted by modelling work carried out to inform the original Transport Assessment.

The fundamental purpose of the agreed strategy will be as a means of controlling off-site traffic movements such that they do not bring about detrimental impacts on nearby communities. A key requirement of the monitoring strategy, therefore, is that it will need to include an action-response criteria, such that if it is shown that traffic levels generated by Otterpool Park exceed what was predicted from transport modelling and expressed in the Transport Assessment then it shall be contingent upon the associated developer(s) to implement associated traffic calming measures as a means of deterrent to seek to bring traffic volumes down to the distribution shown within the modelling.

The S106 legal agreement will need to secure a funding commitment from the applicant for off-site traffic calming measures that can be drawn down in the event that traffic calming measures are required to be implemented. The applicant will need to provide costed examples of the type of traffic calming measures that could be implemented as part of a monitoring strategy from which the secured capital sum is to be calculated. Where impacts relate to the road network outside of the Folkestone and Hythe District, consultation shall take place with the relevant local authority on the proposals.'

- 2.14 It is agreed that an additional clause should be inserted into policy SS7 or SS9 to secure the monitoring strategy as follows:

'A monitoring strategy shall be required to be submitted and agreed by the local planning authority in consultation with the local highways authority and other relevant local authorities in relation to traffic movement and impact on the surrounding road network.'

Education

- 2.15 In relation to education infrastructure, both parties concur that there's no requirement to amend the wording of relevant policy and/or supporting text. The

position agreed within this SoCG takes a lead from relevant wording contained within the agreed SoCG between F&HDC and KCC (as lead education authority), and relevant comments drawn from the SoCG between F&HDC and KCC is repeated below:

'Some pupils travel across the border to access education. In defining the education requirements for the Otterpool Park Garden Settlement, KCC as the Local Education Authority has been clear to explain it requires sufficient flexibility to be able to negotiate, agree and ultimately secure what represents the actual infrastructure requirement in what is a fluid context. The S106 agreement is the appropriate mechanism to define the education infrastructure requirements.'

It is advised that in order for the settlement to be self-sufficient for education provision and deliverable over the plan period, there may be a requirement for the safeguarding of land for the provision of two secondary schools within the site. For the wider masterplan of up to 10,000 homes, the education need is likely to consist of up to 13FE of secondary provision, eight 2FE of primary provision provided on site and up to 92 specialist education (SEN) places on site'.

Drainage

- 2.16 Following discussions between the two parties it is proposed (and agreed) that a recommendation is put before the Inspector appointed to examine the Core Strategy Review to propose minor edits/additions are made to the wording of policies SS7 and SS8, as follows:

Policy SS7 (1) b.vi to be amended as follows:

'Sustainable drainage systems (SuDS) to maximise landscape and biodiversity values and prevent any increase in, and where possible reduce, downstream flooding of the East Stour River, developed as part of an integrated water management solution'; and

Policy SS8 (1) b -iii to be amended as follows:

'Surface water management measures to avoid increasing, and where possible to reduce flood risk, through the use of Sustainable Drainage Systems (SuDS);' and

Wastewater

- 2.17 Following discussions between the two parties it is proposed (and agreed) that a recommendation shall be put forward to the Inspector appointed to examine the Core Strategy Review to propose the insertion of additional supporting text to policy SS9 as follows:

'Southern Water has indicated that there is some, but limited capacity within the existing system, which could accommodate the very early phase of development. However, there is a need to develop a more holistic solution for the phasing and development of wastewater infrastructure. In this regard there are currently three potential options for the provision of waste water infrastructure to support the needs of the development. The off-site option (upgrading Sellindge WWTW, option 1) and on-site option (on-site WWTW, option 2) are both viable options and these should be developed further to establish a preferred solution. Southern Water has confirmed that a second off-site option, to connect via Range Road Pumping Station, Hythe to the West Hythe Wastewater Treatment Works located approximately 7km to the south-east of the garden settlement, is not viable and should not be taken further. To ensure that there will be no negative impacts upon surrounding communities, water quality or flood risk as a result of the development, including upon the neighbouring authority of Ashford Borough, the provision of wastewater infrastructure will be controlled through appropriate trigger point(s) relating to the occupation of development, to reflect the required timing of the wastewater infrastructure, and secured through the S106 agreement.'

2.18 Policy SS9 (1) to be amended as follows:

Critical infrastructure, such as primary education and wastewater infrastructure, should be provided.....

Phasing of Infrastructure

- 2.19 F&HDC and ABC are committed to continued partnership working with the relevant stakeholders to support sustainable growth and the necessary Infrastructure over the period of the F&HDC Local Plan. F&HDC and ABC will keep each other fully informed of changes to any significant infrastructure needs. Both local authorities will continue to liaise on these matters at all levels and for all types of development, where appropriate, including for cross boundary planning applications.
- 2.20 An obvious safeguard to ensure the timely delivery and phasing of critical Infrastructure is inherent in the decision-making process of the outline planning application for a mixed-use scheme proposed at Otterpool Park. The necessary infrastructure requirements to support the proposed scale of growth are to be defined by all relevant service and utility providers against the associated policies of the Core Strategy Review and other relevant policies. The required Infrastructure and their timescale for implementation will be defined within the S106 agreement aligned to any future grant of planning consent. Where items

of infrastructure are to be delivered by a named provider such bodies shall be signatories to the S106 Agreement.

- 2.21 Timescales do present a particular challenge in determining and reflecting changes in service provision and funding and, in conjunction with the difficulty of both local and strategic population forecasting, will necessitate a flexible approach to ensure that infrastructure can be funded and delivered efficiently over the long term.

Retail

- 2.22 Following discussions between the two parties it is proposed (and agreed) that a recommendation is put before the Inspector appointed to examine the Core Strategy Review to propose that *Policy SS7 (2) b* is to be amended as follows:

'Food shopping (convenience retail) shall be provided within the town centre to allow choice and variety as well as reducing the need to travel for day-to-day needs. The Retail and Leisure Need Assessment 2018 update-(June 2019 update) indicates that the new garden settlement can support approximately 3,150 sqm up to 4,284 sqm (gross) of convenience retail floorspace within the plan period to 2037. A range of other shopping floorspace (comparison retail) shall also be provided to create a vibrant town centre. The 2018 update- Retail and Leisure Need Assessment (June 2019 update) indicates that the new garden settlement can support approximately 7,300 up to 9,108 sqm (gross) of comparison retail floorspace within the plan period to 2037. A mix of other town centre uses should be provided, including food and beverage space (approximately 2,450 sqm gross)-(up to 3,305 sqm gross) and non-retail and financial and professional services (approximately 2,600 sqm gross 3,300 sqm gross). An impact assessment shall be undertaken to demonstrate that there would be no detrimental impacts on the vitality and viability of nearby village centres and other town centres including Folkestone, Hythe, New Romney, Dover and Ashford, by the scale and/or phasing of town centre development, particularly where provision above these indicative thresholds is proposed; and The stated floorspace projections by use class type (baseline values) as drawn from the Retail and Leisure Need Assessment (June 2019 update) are to represent the upper limit of floorspace provision within the garden settlement across the plan period, so that it only meets the needs generated by the development itself. Should any phase of development propose a provision of floorspace that, when considered cumulatively to take account of the total floorspace provision across the garden settlement, would lead to the exceedance of one or more of the floorspace values stated within this policy, or if any individual comparison retail unit were to exceed 500sqm gross floorspace, then

the promoter shall have to submit an impact assessment to demonstrate that there would be no detrimental impacts on the vitality and viability of nearby local village centres and other town centres including Folkestone, Hythe, New Romney, Dover and Ashford, by the scale and/or phasing of town centre development.'

2.23 Supporting text paragraph 4.179 is to be amended to read as follows:

'At the heart of the development will be a vibrant town centre that will meet the needs of residents, workers and visitors with attractive cultural, community, shopping and leisure facilities, as well as spaces for events and meetings to foster community cohesion. The Retail and Leisure Need Assessment (June 2019 update) projections suggest the new town and local centres within the new Otterpool Park settlement could provide between 10,800 to 16,700 sq.m gross of retail (convenience and comparison) and food/beverage floorspace by 2037. Service uses (class A1 non-retail and class A2 financial and professional services) could increase the Otterpool Park overall floorspace projection to 13,000 to 20,000 sq.m gross (Class A1 to A5) by 2037. This will need to be carefully planned and phased, particularly any proposals above these indicative requirements, to avoid any detrimental impacts on nearby town centres (such as Folkestone, Hythe, New Romney, Ashford and Dover) or shops and facilities in nearby villages, yet also meet the everyday needs of the settlement and nearby communities. Each neighbourhood in the garden settlement will also need to be supported by educational, recreational and community facilities.

It is expected that the retail provision will be provided as part of the new town centre, which should be located at the heart of the garden settlement, within easy walking distance of the station. Other small scale retail development would be expected to be provided at 'local centres' in neighbourhoods through the separate phases of the development. It is expected that individual units provided for comparison retail, will not exceed in the region of 500sqm, and that the majority of retail development will be provided as small local stores. Details of how the retail development is proposed to be phased across the development, to align with residential development should be submitted with the application.'

3. Actions going forward

Key Issue	Agreed action
Housing	F&HDC and ABC will engage through the wider Duty to Cooperate forum with other neighbouring authorities outside each other's housing market area in

	<p>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</p>
<p>Infrastructure</p>	<p>F&HDC and ABC to continue to liaise and work together with the infrastructure providers on all cross boundary infrastructure matters, and specifically through consultation on the detailed proposals and planning applications for the garden settlement development at Otterpool.</p>
<p>Retail</p>	<p>F&HDC and ABC will engage through the wider Duty to co-operate forum with other neighbouring authorities outside each other's functional economic market area in relation to economic related matters, including retail and town centre development, prior to a 5 year review of the Local Plans, and specifically through consultation on the detailed proposals and planning applications for the garden settlement development at Otterpool</p>

4 Governance arrangements

- 4.1** The NPPG outlines that the SOCG 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 F&HDC and ABC 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** It is intended that the Statement of Common Ground will be updated going forward, particularly as F&HDC progresses its Core Strategy Review. The SOCG will then be kept under ongoing review and will be updated at key stages in F&HDC and ABC's Local Plan making process and/or when new key strategic issues arise which require amendments to this SOCG. If there are

any changes of the content of the SoCG these matters can be discussed and agreed as part of the East Kent Duty to Co-operate bi-monthly meetings.

Table 4.1. Strategic matters agreed by F&HDC and ABC

Housing Requirement being met by each planning authority

The total number requirement is set by the Government's standard methodology

Evidence:

The District Council's SHMA (market areas); annual Housing information Audit; & the Places and Policies Local Plan.

Process:

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

Outcome & Agreements:

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.

Infrastructure

Cross boundary issues

Evidence:

The Infrastructure Delivery Plan prepared in support of the Core Strategy Review.



Process:

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

Outcome & Agreements:

Specific infrastructure requirements within Ashford Borough to be agreed through negotiation on the planning application for the garden settlement. Amendments to policies set out above satisfactorily address the requirements for strategic infrastructure issues to be dealt with. Continue to consult on new plans and proposals.

5 Signatories/declaration

Signed on behalf of Folkestone & Hythe District Council (Officer) 	Signed on behalf of Ashford Borough Council (Officer) 
Position: <i>Strategic Policy Officer</i>	Position: <i>Special Planning Manager</i>
Date: <i>28/02/2020</i>	Date: <i>27th February 2020</i>