

Statement of Common Ground

Folkestone & Hythe District Council and Dover District Council

1. Overview

1.1 This Statement of Common Ground (SCG) has been prepared by Folkestone & Hythe District Council (FHDC) together with the Dover District Council (DDC). It reflects the agreed position between the parties.

1.2 The purpose of this SCG is to set out the basis on which FHDC and DDC 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. Dover District Council (DDC) is in the early stages of preparing a new Local Plan that will replace the adopted Core Strategy, Land Allocations Local Plan and 'saved' policies from the 2002 Local Plan. This SCG will need to be updated when DDC publishes the Regulation 18 Local Plan (Summer 2020). 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.

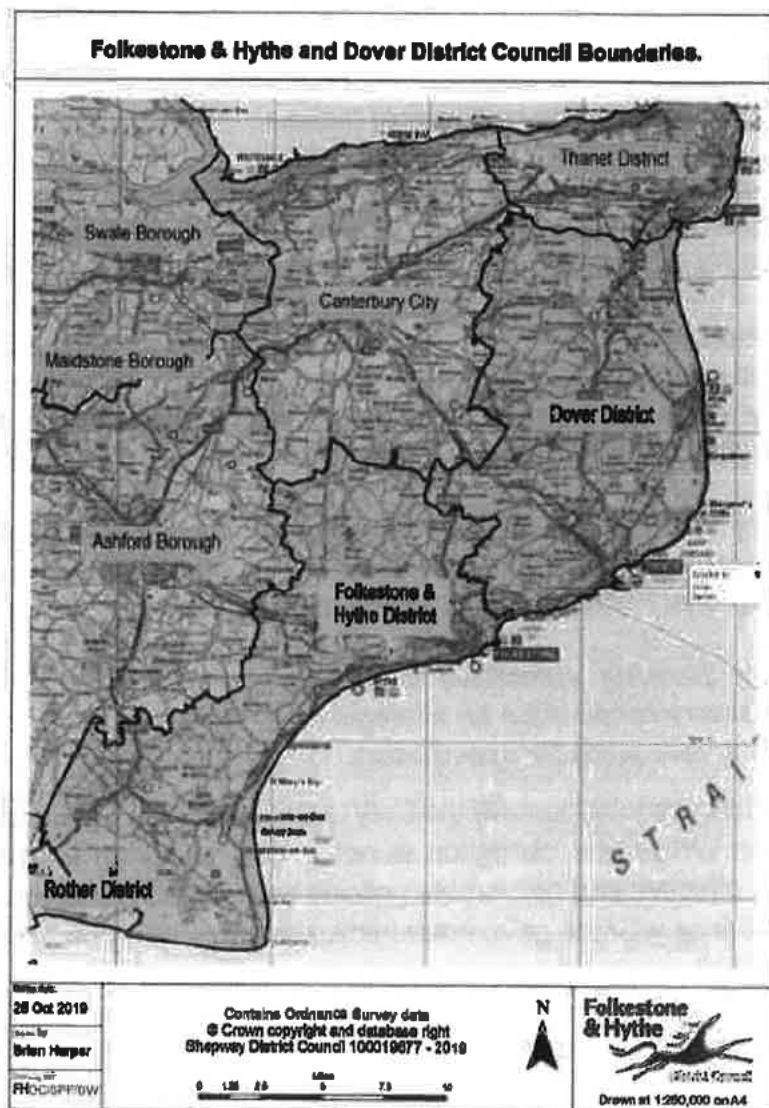
2.0 Strategic matters

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

- Housing
- Infrastructure
 - Transportation (rail)
 - Water supply

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

Figure 2.1. Geographical relationship between FHDC and DDC



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.
- 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 FHDC and DDC do share the same housing market area. Dover District Council are currently in the process of updating their SHMA but early indications are that the housing market areas will remain the same.
- 2.7** Following changes to the NPPF and PPG, the 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.
- 2.8** 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 13,284 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.
- 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 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.

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

Infrastructure

- 2.10 There are a number of cross boundary infrastructure issues that have an impact on both local authority areas, to include transportation (rail) and water supply. Any relevant issues are discussed and explored at the Duty to Co-operate meetings between FHDC and DDC, as well as with other agencies/stakeholders to include, but not limited to, Network Rail and Affinity Water.

Transportation (rail)

- 2.11 In relation rail infrastructure, FHDC and DDC 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 FHDC and DDC Local Plans.
- 2.12 In order to meet the demand for increased rail patronage for High Speed rail services aligned to population growth across east Kent, FHDC and DDC (working alongside other east Kent authorities) shall 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. FHDC and DDC both recognise that securing sufficient funding to deliver timely infrastructure improvement schemes is important.
- 2.13 From DDC's perspective, it is also vital that any new service provision at Westenhanger Station is phased at an appropriate point for the wider Otterpool Development and does not come forward prior to sufficient demand.

Accordingly, sufficient flexibility should be incorporated into the phasing of such provision to account for any unexpected delays to the development .or prejudice services to Dover.

Water supply

- 2.14 In relation to water supply infrastructure, Affinity Water, which is the supplier to a significant proportion of both administrative areas of Folkestone & Hythe District and Dover District, has confirmed that planned growth within the region to 2080, and specifically to incorporate growth across Folkestone & Hythe District as set out in the emerging Core Strategy Review Local Plan to 2037, has been accounted for within their Water Resources Management Plan 2019 (Appendix 2 refers).
- 2.15 DDC are in the process of starting early engagement with Affinity Water in order to ensure that that the proposals in Dover District Council's emerging Local Plan are fully incorporated into Affinity Water's updated Resource Management Plan and any cross boundaries water supply issues are fully addressed as part of this process.

3. Summary of actions going forward

Key Issue	Agreed action
Housing	FHDC and DDC 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 DDC 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 DDC 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 FHDC progresses its Core Strategy Review. The SOCG will then be kept under ongoing review and will be updated at key stages in FHDC and DDC'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 FHDC and DDC



<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>Whilst there are links between the two local planning authority areas in terms of the Local Housing Market Area, each authority has agreed to 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 and Dover District Council's Infrastructure Delivery Plan.</p> <p>Correspondence between FHDC and Affinity Water to establish the infrastructure requirements for potable water – information has fed into Affinity Water's draft Water Resources Management Plan.</p> <p><i>Process:</i> Consultation on draft Plans; District Council's duty to cooperate discussions.</p>

Outcome & Agreements:

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

- 4.5 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 infrastructure ((transportation (rail) and water supply)).
- 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 Dover District Council (Officer) 
Position: Strategy & Policy Senior Specialist	Position: Policy and Projects Manager
Date: 27/11/2019	Date: 2nd December 2019

Appendices

Appendix 1. Affinity Water's consultation response to the Core Strategy Review (Regulation 18) dated November 2018

Appendix 2. Correspondence between FHDC and Affinity Water concerning commentary to be included within Affinity Water draft Water Resources Management Plan 2019

Appendices

Appendix 1. Affinity Water's consultation response to the Core Strategy Review (Regulation 18) dated November 2018

Hammond, James

From: [REDACTED]
Sent: 08 November 2018 15:31
To: Hammond, James
Subject: FW: Infrastructure Delivery Plan to support the Core Strategy Review
Attachments: Response to Folkstone and Hythe District Council local plan consultation request 3rd October 2018.docx

Hello James,

I hope you are well.

Please find our response attached.

Let me know if you have any questions.

Thank you
[REDACTED]

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www.affinitywater.co.uk

Response to Folkestone and Hythe District Council local plan consultation request 3rd October 2018
(email to [REDACTED] and in particular the request highlighted below

Good morning [REDACTED]

I hope you're keeping well? As previously advised, the District Council is currently in the process of undertaking a review of its Core Strategy that was first adopted in 2013 which, at the time, meant it was one of the first NPPF compliant plans to be adopted. The Reg 18 version of the emerging Core Strategy Review (CSR) to 2037 went out to consultation between March and May 2018, and through yourself I am in receipt of comments from Affinity Water received a few weeks ago.

The District Council is currently working on the next version of the CSR (Reg 19 plan) which is programmed to go out to consultation in December 2018 or January 2019. The intention is for an Infrastructure Delivery Plan (IDP) to be prepared alongside the Reg 19 version of the plan to define the infrastructure requirements needed alongside planned growth set out in the CSR and their relative timing for implementation.

I intend to adopt a similar style for the IDP to sit alongside the CSR as the IDP that was prepared to sit alongside our Places and Policies Local Plan to 2031. I attach the extract for potable water as drawn from the IDP for the PPLP. I worked with Patrick Campbell to agree the content of the IDP for the PPLP.

The CSR proposes to allocate land to deliver up to 5,500 homes at a Garden Settlement within the North Downs (referred to as 'Otterpool Park' by the site promoters) and residual growth at Sellindge under policy CSD9 within the plan period to 2037. The second Word document enclosed shows the spatial extent of planned areas for growth as set out within the emerging CSR. It is important to note that the settlement of Sellindge is located proximate to the planned Garden Town.

I'd be very grateful if Affinity Water could provide commentary for inclusion within the IDP to sit alongside the emerging CSR. The principal information we require is to understand what quantum of development can take place without reinforcement of the water supply infrastructure, and thereafter the respective phases of network reinforcement that will be needed to support the planned level of growth at Sellindge and the Garden Town.

Finally, although the CSR only seeks to allocate planned growth to 2037, the final built-out quantum of development at the Garden Settlement could be up to 10,000 dwellings. A planning application that is programmed to be submitted by the site promoter in late 2018 will define a redline boundary and seek consent for 8,500 dwellings. The 8,500 dwelling number is lower than the number accounted for within the site masterplan (up to 10,000 dwellings) as not all land contained within the masterplan will come forward within the planning application redline boundary.

I look forward to hearing from you in due course. Should you have any questions please do not hesitate to contact me. I'm looking to bring together a draft version of the IDP by the end of October 2018.

Kind regards,

James

Affinity Response

Please include this commentary within the IDP as you consider appropriate and in response to the following request

I'd be very grateful if Affinity Water could provide commentary for inclusion within the IDP to sit alongside the emerging CSR. The principal information we require is to understand what quantum of development can take place without reinforcement of the water supply infrastructure, and thereafter the respective phases of network reinforcement that will be needed to support the planned level of growth at Sellindge and the Garden Town.

Affinity Water have undertaken a detailed water resource balance and hydraulic assessment for the proposed development at Sellindge and the Garden Town (at Otterpool) in order to identify the strategic infrastructure needed to supply potable water to the development. The analysis is based on the following property build rate provided by F&DC up to 2037 but the overall plan includes for 10,000 properties in total for the local area.

Table 1. Annual housing completion and cumulative housing total

Year	Housing units completed	Cumulative housing total
2022	325	325
2023	325	650
2024	325	975
2025	400	1375
2026	400	1775
2027	400	2175
2028	400	2575
2029	400	2975
2030	400	3375
2031	400	3775
2032	400	4175
2033	400	4575
2034	450	5025
2035	450	5475
2036	450	5925
2037	450	6375

Affinity Water confirm that up to 1,500 properties can be provided with a water supply without the need for additional strategic infrastructure. This satisfies the build rate to 2025/26.

Further strategic infrastructure is required as follows.

1.2km of a large diameter pipeline (likely to be 500mm internal diameter) to the south of the M20/HS1 transport links to provide the water supply to 3,500 properties by 2030/2031 plus the upgrade of an existing transfer pump station to the north east of Folkestone. In addition to this work there is the requirement for a number of resilience infrastructure projects to increase the connectivity of the strategic network and mitigate the potential loss of supply to the proposed large development.

1.8km of a large diameter pipeline (likely to be 500mm internal diameter) to the north of the M20/HS1 transport links to provide the water supply for a total of 6,000 properties by 2036/37.

4.1km of a large diameter pipeline (likely to be 500mm internal diameter) either side and underneath the M20/HS2 transport links to provide the water supply to 10,000 properties, the likely completion of these properties to be confirmed.

Appendix 2. Correspondence between FHDC and Affinity Water concerning commentary to be included within Affinity Water draft Water Resources Management Plan 2019

Hammond, James

From: [REDACTED]
Sent: 08 October 2018 15:17
To: Hammond, James
Subject: RE: Core Strategy

Good afternoon James,

Yes.

Thank you

From: James.Hammond@folkestone-hythe.gov.uk [mailto:James.Hammond@folkestone-hythe.gov.uk]
Sent: 03 October 2018 09:57
To: [REDACTED]
Subject: RE: Core Strategy

Good morning [REDACTED]

Further to correspondence mid-September, are you happy for the passage of text that incorporates the additional wording I inserted (in red) to form part of the response from Affinity Water?

Kind regards,

James

From: Hammond, James
Sent: 18 September 2018 15:47
To: [REDACTED]
Subject: RE: Core Strategy

Hi [REDACTED]

Thank you for this, which I shall treat as a draft. It would assist matters our end if wording along the lines of what I have included in red text could be incorporated into your comments. Can you please review this and advise accordingly.

Kind regards,

James

From: [REDACTED]
Sent: 18 September 2018 15:38
To: Hammond, James
Subject: Core Strategy

James,

I hope this email finds you well.

We have drafted an initial comment to the questions raised. Checking at the moment with our legal team regarding the questions, so this is a draft and once we hear back we will provide you with a final update. I hope that's ok.

"Planned growth to the region (to specifically include Folkestone and Hythe District and assigned growth within the emerging Core Strategy Review Local Plan to 2037 and the Places and Policies Local Plan to 2030) to 2080 is catered for in our Water Resources Management Plan 2019. This water resources management plan sets out how we will balance supply and demand over this period. In that time our supply resource in our WRZ7 will not change significantly.

Future demand is based on new property growth as provided from local plans (to 2045) and modelled thereafter. We forecast that occupancy rates will reduce with overall per property consumption reduction. Individual consumption will increase as occupancy rates decrease and will need further schemes to encourage further reductions in potable water use.

There is a current small surplus in resources and the water resources management plan puts in measures to maintain this.

We currently utilise two minor imports from South East Water and Southern Water for emergency purposes. There is no requirement to increase these imports and to make them part of our resource base.

Our water resources planning is at zonal level. There will be the requirement to transfer water internally to meet the local development needs.

Following on from our draft plan (WRMP19) we will be publishing a revised draft for further consultation in Spring 2019"

Kind regards,



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Keep track of the tap and help us save water: if we all save a little, we'll all save a lot! For tips on saving water and to order your FREE water saving devices, visit www.affinitywater.co.uk/savewater

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