

Core Strategy Review Statement of Common Ground

Folkestone & Hythe District Council and
Natural England

18 December 2020



**Statement of Common Ground – Folkestone & Hythe District Council
and Natural England**

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STATEMENT OF COMMON GROUND BETWEEN NATURAL ENGLAND AND FOLKESTONE & HYTHE DISTRICT COUNCIL

1. Introduction

1.1. This Statement of Common Ground has been prepared by Natural England (NE) and Folkestone & Hythe District Council (F&HDC) to address outstanding matters not addressed in the Statement of Common Ground on nutrient neutrality.

1.2. It covers the following matters:

- Landscape and Visual Impact Assessment – Section 2;
- Biodiversity – Section 3;
- Harringe Brooks ancient woodland – Section 4;
- Lympne Escarpment Site of Special Scientific Interest – Section 4;
- Pollinator networks – Section 5;
- Growth beyond the plan period – Section 6;
- Cumulative impacts – Section 7; and
- Carbon and water neutrality – Section 8.

2. Issue: Landscape and Visual Impact Assessment

NE comments

2.1. NE seeks additional wording to the Core Strategy Review that would require proposals for the new garden settlement to provide a high quality and detailed Landscape and Visual Impact Assessment (LVIA).

F&HDC response

2.2. Core Strategy Review Policy SS7(1) a. requires that development demonstrate a landscape-led approach that respects topography and views, “*guided by a Landscape and Visual Impact Assessment.*”

- 2.3. F&HDC considers that the wording ‘high quality and detailed’ may be too vague to operate in a development management context, but suggests that additional wording could be added to the supporting text of Policy SS7, at paragraph 4.178, to specify:

“Proposals must be accompanied by a comprehensive Landscape and Visual Impact Assessment prepared in accordance with the Landscape Institute’s and Institute of Environmental Management & Assessment’s ‘Guidelines for Landscape and Visual Impact Assessment’ (Third Edition) or updates to this guidance.”

3. Issue: Biodiversity

NE comments

- 3.1. NE seeks to strengthen the wording of the Core Strategy Review regarding biodiversity net gain, in relation to the Green Infrastructure Strategy.
- 3.2. NE states that Policy CSD4 should be strengthened to take account of the biodiversity metric published by NE and to seek at least 10 per cent net gain from development, to be approved by a net gain plan, and secured for at least 30 years. NE states that this will bring the Core Strategy Review in line with requirements in emerging legislation in the Environment Bill and help the council for when biodiversity net gain is made mandatory (likely to be 2023).
- 3.3. NE states that the Core Strategy Review should make provision for producing a Supplementary Planning Document (SPD) to set out a more detailed approach to biodiversity net gain, to take account of a joint approach to biodiversity net gain in the county in the future, which is currently being worked on through the Kent Nature Partnership with Kent local planning authorities. NE emphasise that the requirement for a mitigation hierarchy should be adhered to by all development.

F&HDC response

- 3.4. The Places and Policies Local Plan was adopted on 16 September 2020. This includes general development management policies that would apply to

planning applications throughout the district. Policy NE2: Biodiversity requires all new development to “*conserve and enhance the natural environment, including all sites of biodiversity or geodiversity value (whether or not they have statutory protection) and all legally protected or priority habitats and species.*”

- 3.5. The first paragraph of Core Strategy Review Policy CSD4: Green Infrastructure of Natural Networks, Open Spaces and Recreation was taken forward unaltered from the adopted 2013 Core Strategy.
- 3.6. In the first part of the first paragraph, Policy CSD4 deals with Green Infrastructure projects within the district, while the second part deals with wider initiatives which the council may be contributing to as a partner, but may not be under its full control (such as the council’s work with Rother District Council and other partners on the Sustainable Access and Recreation Management Strategy for Dungeness).
- 3.7. Given the adoption of the Local Plan and the passage of the Environment Bill through Parliament with the requirement for the net biodiversity gain, F&HDC considers that the policy could be improved by making it clearer, following NE’s comments. The first bullet point (a) could also be amended to make the need for net gain more emphatic.
- 3.8. The council therefore suggests the following modifications:

“Policy CSD4

Green Infrastructure of Natural Networks, Open Spaces and Recreation

“Developments will be required to conserve and enhance the natural environment, and deliver improvements in green infrastructure (GI) assets in the district. will be actively encouraged as will an increase in the quantity of GI delivered by In addition the council will working with neighbouring authorities and other partners and developers in and around the sub-region, in the wider area including through pursuing opportunities to secure net gains in biodiversity, and positive management of areas of high landscape quality or high coastal/recreational potential.”

Green infrastructure will be protected and enhanced and the loss of GI uses will not be allowed, other than where demonstrated to be in full accordance with national policy, or a significant quantitative or qualitative net GI benefit is realised or it is clearly demonstrated that the aims of this strategy are furthered and outweigh its impact on GI. Moreover:

- a. Development must ~~avoid a net loss of biodiversity~~, achieve a net gain in biodiversity over and above residual loss achieving a net gain in biodiversity in accordance with the latest central government requirements, as demonstrated by a net gain plan and secured for at least 30 years. This will be delivered according to the national metric for biodiversity gain and produced in line with the council's Supplementary Planning Document on biodiversity.*
- b. The highest level of protection ...”*

4. Issues: Harringe Brooks Ancient Woodland and Lymgne Escarpment Site of Special Scientific Interest

NE comments

- 4.1. Following pre-application engagement on the Otterpool Park planning application, NE suggests that greater flexibility should be introduced into the wording of Policy SS7 (1) b.ii. relating to Harringe Brooks ancient woodland, so that natural assets can be prioritised (to reflect, for example, whether sites are particularly sensitive for their wildlife value or better suited to allow public access).
- 4.2. In addition, NE states that additional protection should be given in Policy SS7 to the Lymgne Escarpment Site of Special Scientific Interest (SSSI), which, although outside the site boundary, may potentially be impacted by the new garden settlement.

F&HDC response

- 4.3. F&HDC considers that Policy SS7 could be improved by amending the reference to Harringe Brooks ancient woodland, as highlighted by NE.

- 4.4. Protection for Sites of Special Scientific Interest is already provided by Places and Policies Local Plan Policy NE2: Biodiversity, which sets out a hierarchy for the protection of international, national and local sites of biodiversity value throughout the district. This policy states that:

“For nationally important sites, including Sites of Special Scientific Interest (SSSI) and National Nature Reserves (NNR), where developments may have a significant impact, an ecological assessment will be required. For proposals where impacts cannot be avoided or adequately mitigated, these will be refused, unless exceptional circumstances can be demonstrated.”

- 4.5. F&HDC therefore suggests modifications to Policy SS7 (1) b.ii. as follows:

“Clear net biodiversity gains over and above residual losses through the planting of native species and the creation of green ecological corridors to improve species’ ability to move through the environment in response to predicted climate change, and to prevent isolation of significant populations of species. The strategy shall enhance nearby Harringe Brooks ancient woodlands ~~(including ecological connections, future management and community access)~~, Local Wildlife Sites, Otterpool Quarry Site of Special Scientific Interest and other sensitive ecological features, including the existing pond at the former Folkestone Racecourse. Enhancements may include improvements to ecological connections both within and outside the allocation boundary, future management and community access, as appropriate to the particular qualities of the asset. Proposals must demonstrate that there will be no impact on the Lympne Escarpment Site of Special Scientific Interest, unless exceptional circumstances can be demonstrated, in line with Places and Policies Local Plan Policy NE2;”

5. Issue: Pollinator Networks

NE comments

- 5.1. NE considers that Policy SS7: Place-Shaping Principles should include a specific principle for providing an all-year pollinators’ network throughout the new garden settlement as part of the Green Infrastructure strategy.

F&HDC response

5.2. Adopted Places and Policies Local Plan Policy NE2: Biodiversity requires that development includes *“the creation of new pollinator habitat suitable to the scale of the development.”*

5.3. Given this, the council suggests that an additional bullet point is added to Policy SS7 (1) b., after point ii., to state:

“b. A green and blue infrastructure strategy shall be developed that enhances existing green and blue infrastructure assets in accordance with Policy CSD4. Additionally the strategy shall deliver:

...

iii. A pollinator network throughout the settlement with connection to the wider countryside, with the aim of providing all-year round support for pollinators, through the use of native species;

iii iv. A new country park ...”

6. Issue: Growth beyond the plan period

NE comments

6.1. NE states that, if it is necessary to refer to housing growth beyond the plan period in Policy SS6 (1) a., the policy wording should be adjusted to reflect that potential future growth levels will need to take account of, and be informed by, potential impacts on the Kent Downs Area of Outstanding Natural Beauty.

F&HDC response

6.2. F&HDC considers that, given the scale and long-term potential of the new garden settlement proposed in Policy SS6, it is appropriate to identify its potential beyond 2036/37.

6.3. The long-term nature of the proposal was set out in the council’s Expression of Interest to the Government’s Locally-Led Garden Villages, Towns Cities Prospectus in 2016, and the proposal was included by the Department for

Communities and Local Government on its Garden Communities Programme on this basis.

- 6.4. The council is required to review its development plan at least every five years, or sooner, if circumstances change. F&HDC will therefore need to review the district's development plan several times during the construction of the new garden settlement and these reviews will provide an opportunity to review the delivery of the allocation and the Core Strategy Review policy wording.
- 6.5. Nevertheless, F&HDC suggests that Policy SS6 (1) a. could be amended to address NE's concerns as follows:

" ... with potential for future growth to provide a total of 8,000-10,000 homes (subject to detailed masterplanning) within the site allocation area beyond the plan period (subject to detailed masterplanning and an assessment of potential impacts on the Kent Downs AONB in line with Policy SS7);"

7. Issue: Cumulative impacts

NE comments

- 7.1. NE considers that policy for the new garden settlement needs to clarify how the Core Strategy Review will assess cumulative landscape impacts with extant permissions or allocations in the vicinity of the settlement.

F&HDC response

- 7.2. It is recognised that the new garden settlement allocation will be likely to feature existing planning permissions within the allocation boundary, or close to the boundary, given the size of the site. These considerations would be covered by the Environmental Impact Assessment that would accompany any planning application which requires that cumulative impacts are considered.
- 7.3. F&HDC considers that Policy SS7 (1) a. could be amended to address NE's concerns as follows:

“Proposals shall demonstrate a landscape-led approach that respects topography and views, particularly from the Kent Downs Area of Outstanding Natural Beauty and helps mitigate impact on views from the scarp of the Kent Downs, guided by a Landscape and Visual Impact Assessment. The assessment should consider the proposal itself and any cumulative impacts arising from developments in the vicinity of the proposal; and ...”

8. Issue: Water and Carbon Neutrality

NE comments

8.1. NE objects to the removal of the requirement for water and carbon neutrality from Core Strategy Review policies regarding the new garden settlement.

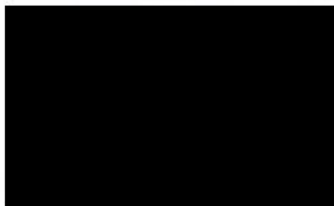
F&HDC response

8.2. Wording relating to carbon and water neutrality was amended following the Environment Agency’s comments on the Regulation 18 version of the Core Strategy Review, which highlighted a lack of clarity about these terms.

8.3. It is F&HDC’s view that the policies for the new garden settlement set out ambitious and testing environmental targets and these are supported by the Environment Agency in its comments on Matter 11. Given this, F&HDC considers that this matter has been properly addressed in the plan.

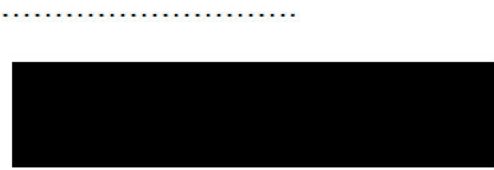
8.4. NE has no further comments to make on this.

James Seymour Area Manager NE



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On behalf of Natural England

Adrian Tofts,
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On behalf of Folkestone & Hythe
District Council