

**ASHFORD LOCAL PLAN 2030**

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**Ashford Borough Council**

# **Duty to Co-operate Statement**

**December 2017**





## **Ashford Local Plan 2030**

### **Duty to Co-operate Statement – December 2017**

#### **1. Introduction**

- 1.1 This statement sets out how Ashford Borough Council has dealt with the Duty to Co-operate in the preparation of the Ashford Local Plan. It sets out the engagement and co-operation with neighbouring planning authorities, other public bodies and relevant organisations in the preparation of the Local Plan.
- 1.2 The statement demonstrates a long record of co-operation and joint working that dates back to the previous Kent Structure Plans and South East Plan that shows that the Council has fulfilled the duty in the preparation of the Local Plan.
- 1.3 It sets out the arrangements established and followed for constructive, active and ongoing engagement with neighbouring authorities alongside the consultation undertaken with relevant prescribed bodies at each stage of the Local Plan's preparation. It also documents how discussions over specific matters raised have helped shaped the policies and site allocations within the Local Plan, and details the processes, actions, and outcomes identified and carried out by the Council in discharging its duty to cooperate.
- 1.4 The statement does not set out every consultation with a Duty body but rather it highlights the most significant DTC actions that have taken place and the key policy/topic areas where there has been co-operation and co-ordination.
- 1.5 The collaboration and engagement required by the Duty to Co-operate is additional to all other forms of statutory consultation and therefore this statement should be read in conjunction with the other documents published alongside this version of the Local Plan, including the Consultation Statement, which sets out how and with whom the Council has consulted at each stage of preparing the Plan.

#### **2. Government guidance**

- 2.1 The duty to cooperate was created in the Localism Act 2011. It places a legal duty on local planning authorities (LPAs) and other bodies to co-operate with each other to address strategic issues in their areas. The duty requires on-going constructive and active engagement on the preparation of local plans and other activities relating to the sustainable development and use of land, in particular in connection with strategic cross boundary matters.
- 2.2 The National Planning Policy Framework (NPPF) emphasises that the duty relates in particular to the following strategic priorities:
  - Homes and jobs needed in the area;

- The provision of retail, leisure and other commercial development;
- The provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- The provision of health, security, community and cultural infrastructure and other local facilities; and
- Climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

2.3 The Framework is clear that joint working on areas of common interest should be undertaken thoroughly for the mutual benefit of neighbouring authorities, and that LPAs should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly coordinated and clearly reflected in Local Plans. LPAs are encouraged to take account of different geographic areas, including travel to work areas, and county and district authorities should cooperate with each other on relevant issues.

2.4 The NPPF states that LPAs will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their local plans are submitted for examination.

2.5 A number of bodies need to be considered as part of the duty to cooperate process, these include bodies which are formally prescribed in legislation, but also other bodies which local authorities should have regard for.

### **3. Adjoining Local Authorities**

3.1 The Council has undertaken active cooperation and constructive engagement with adjoining authorities for the purpose of seeking to establish aligned policy positions with respect to key strategic matters. This has enabled adjoining authorities to input into evidence base preparation and influence policy formulation from the outset. For the reasons set out below the council therefore considers its Local Plan to have been prepared in a collaborative context and in the spirit of the duty to cooperate.

3.1.1 Evidence has been shared with DTC bodies as appropriate and all the relevant evidence which is available has also been available at the formal consultation stages.

3.1.2 Perhaps the most significant aspect of the Duty concerns the relationship with other local authorities and this is outlined below.

#### **3.2 Kent County Council (KCC)**

3.2.1 Of particular note regarding the County Council has been the recent completion of the District Deal - an informal agreement between Ashford Borough Council and the Kent County Council to improve the way that the two authorities work together to deliver

operational improvements to the complementary services both Councils deliver and strategic projects of importance primarily to Ashford but also County-wide.

- 3.2.2 The District Deal was agreed in September 2015 and is the only one that exists in Kent and it provides a good basis to work together to seek continuous improvement in the way the two Council's work together. The Deal is not a legally binding agreement but a short, clear statement of the Council's shared commitment to work together in key areas. It has two parts, firstly a commitment to focus the combined efforts of both Councils on delivering key strategic projects and secondly an agreement to improve the way Council's work together to make sure that the best quality outcomes are delivered for residents and businesses.
- 3.2.3 In terms of the input into the Local Plan process the District Deal has been useful in that it has provided a focus for all KCC related issues and hence has enabled the Councils to identify key priorities. From the Borough Council's perspective the District Deal has been the forum through which relevant Local Plan issues have been resolved.
- 3.2.4 There has been on-going engagement and collaboration with KCC throughout the Local Plan preparation process. The Council has consistently worked closely with the County Council over a number of years on specific issues where the County Council has specific responsibility. In particular this has involved planning for education provision in the borough, highways and transportation issues and other KCC services.

#### **Education provision**

- 3.2.5 Consultation with KCC has taken place to inform the development of the Local Plan, and to identify infrastructure requirements and constraints. Liaison with KCC has taken place as a continuous process over the development of the Local Plan to inform requirement for new education provision.
- 3.2.6 In 2014 KCC was provided with three scenarios for potential housing development across the Borough. KCC tested the option using the IIFM in order to establish potential infrastructure requirements.
- 3.2.7 The process started by understanding where existing capacity at schools was able to accommodate growth, where there were simple solutions to expanding existing schools, and where development may assist in dealing with current capacity issues. These factors, amongst other policy requirements, have where possible influenced the locations of new development, with the aim of taking advantage of existing capacity and minimising the need for new facilities.
- 3.2.8 Following this KCC considered the proposals in the Reg 19 Draft Local Plan and identified the provision required.
- 3.2.9 An update to this work has taken place in 2017 in order to inform the main changes to the Draft Local Plan.

3.2.10 In January 2017, David Adams, KCC's Area Education Officer appeared before the Council's Overview and Scrutiny Committee to outline the County Council's overall approach to planning for education provision in the borough and its input into the Local Plan process.

### **Highways and Transportation**

3.2.11 There has been continuous engagement and consultation with KCC Highways and Transportation to inform the development of the Local Plan, and to identify infrastructure requirements and constraints, including the following:

- Scenario testing for meeting overall housing requirements (December 2014)
- Completion of Local Plan Transport Impact Assessment (2015-2016)
- Completion of Kingsnorth Strategic Link (Pound Lane) Feasibility Study (2016-2017)
- Site selection process (2014 - 2017)
- A20 Corridor access study (2017)

### **Adult Social Services**

3.2.12 Consultation with KCC has taken place on the following matters to inform the development of the Local Plan, and to identify infrastructure requirements and constraints.

- Scenario testing for meeting overall housing requirements (December 2014/Jan 2015)
- Project identification and existing funding opportunities (Feb/March 2015)
- Update to take account of main changes proposed to draft Local Plan (March/April 2017)

### **Libraries**

3.2.13 Consultation with KCC has taken place on the following matters to inform the development of the Local Plan, and to identify infrastructure requirements and constraints.

- Scenario testing for meeting overall housing requirements (December 2014/Jan 2015)
- Project identification and existing funding opportunities (Feb/March 2015)
- Response provided to Reg 19 draft Local Plan 2030 (August 2016)
- Update to take account of main changes proposed to draft Local Plan (March/April 2017) – KCC confirmed no additional projects required

### **Early help (including youth services)**

3.2.14 Consultation with KCC has taken place on the following matters to inform the development of the Local Plan, and to identify infrastructure requirements and constraints.

## **Police**

3.2.15 The Kent Police has been consulted to inform the infrastructure plan at the following times:

- Initial correspondence to inform infrastructure Plan 2015
- Response provided to Reg 19 draft Local Plan 2030 (August 2016)
- Update to take account of main changes proposed to draft Local Plan (March/April 2017) – no response provided

### **3.3 Collaboration in East Kent and the East Kent Memorandum of Understanding**

3.3.1 In terms of the adjoining local authorities, a critical part of the DTC involves the collaboration with the other local authorities in East Kent – Canterbury City Council, Dover District Council, Thanet District Council and Shepway District Council.

3.3.2 The Council is a member of the East Kent Regeneration Board (formed in December 2010, meeting on a monthly basis), along with Kent County Council, Canterbury City Council, Dover District Council, Shepway District Council and Thanet District Council. The Board has developed a set of shared objectives for the area and infrastructure delivery mechanisms, and is a key decision-making body for infrastructure and regeneration schemes. The Board adopted an East Kent Growth Plan in 2013, which sets out joint priorities for growth in East Kent. The Board is also being used to feed in to the South East Local Enterprise Partnership Strategic Economic Plan.

3.3.3 The Board meets regularly and has an officer group and a group containing Council Leaders and Chief Executives from across East Kent. The East Kent Councils have now formalised this arrangement through a Memorandum of Understanding (Appendix A), addressing a range of matters that would be issues for cooperation. This ensures political involvement and cooperation on regeneration matters including planning at a senior level, and reflects the practice of the authorities since before the duty to cooperate came into effect.

- The Board is supported by a planning officer group (with County Council involvement) which services the Board and the decisions it needs to take and also drives progress on joint working on the technical side of the Duty amongst member districts;
- Once or twice a year – or as needed - the Board widens the debate to embrace the wider ring of districts and other key public bodies that are subject to the Duty (such as the Environment Agency) with an agenda picking up key issues at the time;

3.3.4 The Memorandum has the following broad objectives:

- To help secure a broad but consistent approach to strategic planning, transport and development issues across the East Kent sub-region and to consider any wider impact in the county;

- To identify and consider the appropriate response to spatial planning issues that impact on more than one local planning area within the East Kent sub-region;
- To ensure that the local planning and development policies prepared by each Local Authority are, where appropriate, informed by the views of other member authorities. This will normally involve engagement with Development Plan Document and Supplementary Planning Document preparation;
- To support the strongest possible integration and alignment of strategic spatial and investment priorities in the East Kent sub-region;
- To identify the infrastructure investment needs associated with proposed development and to address existing issues working with the LEP and other funding sources;
- To ensure that decisions on major, larger than local planning applications are informed by the views of other local Authorities across the East Kent sub-region;
- To ensure compliance with the Duty to Co-operate.

3.3.5 The MoU recognises the strong linkages between the East Kent authorities that make up the East Kent sub-region, especially in terms of strategic economic development, housing provision, regeneration and other strategic planning interests.

3.3.6 The purpose of the MoU is to formalise the arrangements for joint working and co-operation on planning matters. Each of the local authorities has formally approved the MoU – there has been a series of regular meetings of the LPAs to discuss issues of common interest and a wider group meeting in January 2016 that involved a wider range of DTC bodies.

3.3.7 Another key focus for authorities working together on the Duty is strategic infrastructure planning. The East Kent Regeneration Board (EKRB) has already made a lot of headway here in producing its shared infrastructure priorities and using this to help inform the development of Community Infrastructure Levy plans and influencing strategic funding bids, especially to the LEP. This work will also inform the LEPs Strategic Economic Plan where the coherence of the East Kent and Ashford grouping as a strong sub-regional economic entity will need to be reflected.

3.3.8 In terms of the respective Local Plans in East Kent the situation is as follows:

Canterbury – the Canterbury City Local Plan was adopted in July 2017

Dover – the Dover Core Strategy Local Plan was adopted in February 2010 and a Site Allocations Local Plan was adopted in January 2015

Shepway – the Shepway Core Strategy was adopted in September 2013

Thanet – the Thanet Local Plan was adopted in June 2006

### **3.4 Other Neighbouring Local Authorities**

- 3.4.1 In the preparation of the Plan the Council has engaged constructively with the other neighbouring authorities outside of the East Kent grouping. This was via specific meetings and responding to consultations and standard consultation as a statutory consultee.
- 3.4.2 Critically in terms of the liaison with adjoining local authorities the Council is meeting its full Objectively Assessed Housing Need and has no requirement to seek assistance from adjoining local authorities and hence there have been no formal approaches to meet an unmet housing need.
- 3.4.3 **Swale Borough Council** – The Local Plan Inspectors report was received in June 2017 finding the Plan sound. There was dialogue with Swale during the preparation of their Plan but their position is that any of their unmet need is from a relatively self-contained housing market area and only envisaged to be short-term in nature. Therefore, it was not considered critical to address any unmet need elsewhere as it will be addressed in due course within Swale's own boundaries via a future Local Plan review.
- 3.4.4 **Maidstone Borough Council** – The Local Plan Inspectors interim findings were published in January 2017 and the Council has consulted on its main modifications. The Maidstone Local Plan was adopted in October 2017. There has been extensive dialogue with MBC as the SHMA was a jointly commissioned project (see below). Prior to the Maidstone Local Plan examination the ABC agreed a joint Statement of Common ground with MBC that reflected the support for the methodology used in preparing the SHMA but also agreed the basis for the respective Housing Market Areas. The SoCG indicates that the Local Plan provides for Maidstone borough's full objectively assessed need for housing at a 1st April 2016 base date within Maidstone borough's boundaries. It is agreed that MBC does not require ABC to accommodate a proportion of its objectively assessed need for housing. The Regulation 19 Ashford Local Plan 2030 provides for ABC's full objectively assessed need for housing (as currently assessed by GL Hearn) within ABC's borough boundaries. On this basis, it is agreed that ABC does not require MBC to accommodate a proportion of its objectively assessed **need for housing**.
- 3.4.5 **Tunbridge Wells Borough Council** published an 'Issues and Options' report for consultation as an initial stage of their new Local Plan in May 2017. In this 5 options for accommodating growth in the Borough are suggested. No reference is made to a need for any adjoining authority to accommodate any of the Borough's housing requirement, although the need for continuing dialogue with adjoining districts is referred to. As it stands, there is no formal or informal request from TWBC to ABC to meet any of its housing requirements and its own Local Plan preparation process is at a very early stage. In any event, most of the area that borders the two districts is designated as AONB and so additional development in this part of the borough would be specifically restricted by the policy guidance in the NPPF and they

recognise that both their SHMA and the Ashford SHMA found relatively weak interactions between the respective housing market areas.

3.4.6. In responding to the Regulation 19 consultation, TWBC have indicated that they consider that the Proposed Changes to the Local Plan would have no direct consequence to TWBC in terms of the overall strategy, distribution and scale of development being proposed in the Plan compared with the Regulation 18 version. TWBC then indicate that although they have not made reference in their own Issues and Options consultation to a need for any adjoining authority to accommodate any of the Borough's housing requirement that does not mean that such a need will not arise in the future as their Plan preparation progresses and there will be obvious merit in continuing to engage in regular duty to co-operate discussions.

3.4.6 **Rother District Council** is part of East Sussex but has a relatively small joint boundary with Ashford at the far south western edge of the borough that is wholly within the AONB. The Rother Local Plan was adopted in 2014. Their Plan was based on a joint SHMA carried out with Hastings BC which identified a need for 13041 new homes in Hastings and Rother – broken down into 6178 in Rother and 6863 in Hastings and the Hastings Local Plan was previously adopted with a shortfall of 3400 new homes. The Rother Plan provides 5700 new homes, which is still short of their own OAN (6178), but adding in the shortfall in Hastings of 3400, left a shortfall in the HMA of 3800. At the time of the Rother Local Plan examination ABC's position in terms of its emerging SHMA and OAN was still in gestation and we were unable to give an indication about our ability to assist with meeting unmet housing needs in the Hastings and Rother HMA. In reality, ABC's position is that in reality there is an extremely limited connection between Ashford, Kent and the Housing Market Area of Hastings and Rother. Rother District have made no comments on the Regulation 19 draft Local Plan in June 2016.

3.4.7 Notwithstanding the above, during the course of the consultation on the Regulation 19 version of the Local Plan the Council has been in contact with Rother DC regarding their position regarding the Draft Local Plan. The outcome of that discussion was the production of a Statement of Common Ground between the Borough Council and Rother District Council (RDC) – a copy is appended to this report. The SoCG indicates that The Rother Core Strategy does not make full provision for meeting the OAN for the part of the Hastings/Rother HMA that falls within RDC and that this equates to a shortfall within the RDC area of 478 dwellings.

3.4.8 The SoCG indicates that ABC and RDC have corresponded in writing on the matter of the possibility of ABC accommodating some of RDC's established unmet housing need in the Local Plan. It then indicates that, for the purposes of the Local Plan only, ABC and RDC agree that ABC are seeking to meet its own OAN within its own administrative boundary and that RDC agrees that it is not seeking ABC to make provision for meeting any of the unmet need from the RDC Core Strategy.

- 3.4.9 The SoCG then highlights the need for future collaboration that will take place in the context of the next review of the Rother Core Strategy and the first review of the Ashford Local Plan.
- 3.4.10 In terms of the relationship to the London Plan, the SHMA Report (2014) recognises that London exerts, to a greater or lesser extent, some influence on housing markets across this area. As one of the “Wider South East” authorities, the Council has been involved in the strategic planning discussions led by the GLA either directly through attendance or more indirectly through Kent’s nominated representation at the regular meetings of the GLA Strategic Spatial Planning Officer Liaison Group. This will continue as the review of the London Plan develops.
- 3.4.11 The draft London Plan was published in November 2017 for consultation. The consultation period runs until the 2nd March 2018. This Plan aims to accommodate all of London’s growth within its boundaries without intruding on its Green Belt or other protected open spaces.
- 3.4.12 The GLA’s Strategic Housing Market Assessment shows that London has a need for approximately 66,000 additional homes a year. The Strategic Housing Land Availability Assessment suggests that London has the capacity for around 65,000 additional homes a year and the housing targets in the Plan reflect this.

### **3.5 Other Duty bodies**

3.5.1 The other relevant prescribed Duty bodies are:

- The Environment Agency
- The Historic Buildings and Monuments Commission for England (known as Historic England)
- Natural England
- The Mayor of London
- The Civil Aviation Authority
- The Homes and Communities Agency
- Each clinical commissioning group established under section 14D of the National Health Service Act 2006
- The National Health Service Commissioning Board
- The Office of Rail Regulation
- Each Integrated Transport Authority
- Each highway authority within the meaning of section 1 of the Highways Act 1980 (including the Secretary of State, where the Secretary of State is the highways authority)

3.5.2 These bodies are considered to play a key role in delivering local aspirations, and therefore cooperation between them and local planning authorities is vital to make Local Plans as

effective as possible on strategic cross boundary matters. The bodies should be proportionate in how they do this and tailor the degree of cooperation according to where they can maximise the effectiveness of plans.

3.5.3 A separate Statement of Consultation has been prepared alongside the Local Plan. This provides an overall picture of formal consultation carried out that has included the prescribed bodies relevant to the Duty to Cooperate. It includes a detailed summary of the matters raised against each part of the Local Plan.

3.5.4 It should be noted that matters raised by these public bodies have been discussed further with those bodies, formally or informally, and those discussions have helped to shape the changes and content of policies and site allocations within the Local Plan. The engagements arrangement are set out in the table appended.

#### **4. Evidence of Joint Working and Shared Evidence Base – The Strategic Issues**

In terms of the key strategic issues that the Plan is dealing with these are outlined as follows:

- Housing
- Commercial/Employment
- Infrastructure
- Natural Environment

##### **4.1 Housing**

- 4.1.1 The Council's SHMA was prepared in collaboration with Maidstone BC (MBC) and Tonbridge and Malling BC (TMBC). The project was a joint commission that enabled co-ordination of the overall project across all three local authorities.
- 4.1.2 The SHMA therefore sought to define the extent of the HMAs operating across the three local authority areas, using a consistent methodology, and to assess the objectively assessed housing need (OAHN) for each of the authorities. Given the strategic importance of the SHMA to all of the authorities involved, a series of meetings between officers of the three authorities and the consultants, GLHearn, took place between May and December 2013 in order to discuss and progress the SHMA. A stakeholder workshop was also organised which provided the opportunity for a wider number of local authorities to input to the process however no significant concerns were raised in respect of the methodology or findings.
- 4.1.3 The Council's SHMA Report (January 2014) sets out the identified housing need within the Borough; again complemented by the equivalent reports for MBC and TMBC to establish the overall need for housing across the three local authority areas.

4.1.4 Subsequent updates to the SHMA in August 2014 and June 2015 were jointly commissioned and were produced as a single report reviewing housing needs for all three authorities. Again, other neighbouring authorities were kept informed of progress with the SHMA updates however no concerns were raised regarding the methodology or findings of the studies. There has been support for the robust methodology and findings of the SHMA, whilst the other neighbouring authorities have not raised concerns regarding either the geography of the identified HMAs or the OAHN.

## **4.2 Commercial/Employment**

4.2.1 The Borough Council engaged Carter Jonas to carry out a retail and leisure needs assessment that would inform the Local Plan and as part of that commission the consultants contacted Canterbury City, Dover District Council, Maidstone Borough Council, Shepway District Council, and Tunbridge Wells Borough Councils to identify key retail and leisure commitments and proposals as well as key site allocations intended for future development.

4.2.2 The Borough Council also commissioned a Rural Economic Assessment to assess the likely growth of the rural economy to 2030 and to identify locations within the rural area of Ashford Borough that are capable and suitable for accommodating jobs and industry to support the growth of the local economy. There was a demand analysis for the rural areas to quantify the amount and type of employment land needed across the main employment use classes (excluding retail), including recommendation of any broad locations that are ideally suited to particular uses, specific assessments for Tenterden (as the Borough's main rural service centre), and Wye, in order to inform the Parish Council's Neighbourhood Plan and consultation with the local business community to identify if there are any specific demands for additional small-scale business development. The study was informed by wide consultation with the County Council and LEP and the local business community.

## **4.3 Major Infrastructure**

### **Highways and Transportation**

4.3.1 The key strategic partners are Highways England for the strategic road network and Kent County Council Highways and Transport for the local road network. The input of KCC with regard to highways and transport matters is set out above in the section that deals with collaboration with the County Council.

4.3.2 The Council has an on-going dialogue with the Highways England regarding the strategic road network, and particularly in relation to the proposed new Junction 10A of the M20.

4.3.3 The M20 motorway is the main strategic route connecting Ashford with the coast, Channel Ports and Channel Tunnel to the east, and to Maidstone, the M25 and destinations beyond to the west. Locally it is a dual three-lane carriageway motorway, and there are two junctions serving the Borough; one located to the west (J9) and one located to the east

(J10), of Ashford Urban Area. The motorway runs through the centre of Ashford Urban Area, splitting the northern area of Kennington and Willesborough Lees, from Ashford Town Centre and the residential areas of Singleton, Willesborough, and Park Farm to the south.

- 4.3.4 Highways England made a number of detailed representations on the Draft Local Plan in August 2016 and the Council met with Highways England and it was agreed that the Council would provide a detailed narrative to set out the differences in the principal housing, employment and other major traffic generating uses between the Core Strategy 2008 and the emerging Local Plan, and their likely impacts on the Strategic Road Network (SRN). Consultants AMEY were commissioned to carry out this work.
- 4.3.4 In responding to the Proposed Main Changes to the Local Plan, Highways England noted that the Plan was being amended to increase the housing numbers through the allocation of new sites and increased capacity on previously allocated sites.
- 4.3.5 Highways England requested sufficient, proportionate, robust and up-to-date evidence so that they could understand the location, form and extent of any impacts the Local Plan would have on the strategic road network and hence any SRN mitigation that needs to be included in the Local Plan/Infrastructure Delivery Plan.
- 4.3.6 Highways England then go on to indicate that they have been working with the Council, advising on the scope and production of the required transport evidence base and that they have been generally content with the commitment shown and that they understand that the required work is underway.
- 4.3.7 AMEY were commissioned to expand on the information previously provided by the Borough Council to Highways England and this is set out in (TB06 - AMEY – Technical Note – ABC Response to Highways England Representations (2017))
- 4.3.8 The Technical Note concluded that the exercise to compare the likely residential trip generations of the previously adopted Core Strategy and the new Local Plan indicated a significant reduction in the levels of peak hour traffic on the network associated with the reduced levels of development in the Local Plan.
- 4.3.9 Significant improvements have been made to the road network relatively recently, in order to accommodate growth, including:
- M20 Junction 9 and Drover’s Roundabout improvements including signalisation and junction widening,
  - M20 Junction 10 improvements including widening, partial signalisation and the creation of a new pedestrian/cycle bridge
  - Victoria Way, a new road link between Victoria Road and the A28, running through the expanded Town Centre area.
  - A2070 Conningbrook Bends – road widening scheme

4.3. 10 The remaining strategic road improvements that are required to be delivered are:

- A28 Chart Road improvements:
- Junction 10a delivery:
- A2070 Orbital Park Roundabout Upgrade

4.3. 11 In relation to rail infrastructure, the lead agencies are Network Rail, South-eastern Railway and Southern Railway. In addition to the formal consultation stage (Regulation 19), there has been direct consultation on the Infrastructure Delivery Plan in 2015 and there has been follow-up consultation with Network Rail and Southeastern during 2016 and 2017 following representations made to Regulation 19 consultation on specific site policy issues.

#### **4.4 Water Supply and Wastewater**

4.4.1 In relation to water supply, there has been consultation with South East Water on the following matters to inform the development of the Local Plan, and to identify infrastructure requirements and constraints.

- Overall development levels proposed (October 2014)
- Site selection (December 2014)
- Scenario testing for meeting overall housing requirements (December 2014)
- Consultation on likely increase in housing provision within main changes (March 2017)

4.4.2 South East Water is responsible for supply the water for Ashford Borough, and they also supply a wider area of Kent, Sussex, Surrey, Hampshire and Berkshire. They are responsible for pumping water from source, treating it to the highest standards and distributing it the customers through water mains. South East Water plan the supply of water through Water Resource Zones, the boundary of each WRZ describes an area within which the supply and demand for water is largely self-contained. There are three Water Resource Zones covering Ashford Borough (WRZ8, 7 and 3), the majority of the Borough is located within WRZ8.

4.4.3 To address the shortfall in resources South East Water is planning to deliver a range of measures, including a mix of demand management initiatives (leakage and water efficiency) and new resources. There will also be a strategic review of options in East Kent with Southern Water and Affinity Water before 2018. The following new infrastructure is currently planned:

- A new reservoir at Broad Oak, Canterbury required by 2033 to ensure supplies to WRZ8, which includes Ashford.
- A new service reservoir at Aldington to provide storage for balancing daily supply and demand and resilience for customers. Including mains laying to connect the reservoir to the system on the east side of Ashford.

- Reinforce the mains network on the North East side of Ashford back towards Canterbury.

4.4.4 In relation to waste water, the lead agency is Southern Water and consultation has taken place on the following matters to inform the development of the Local Plan, and to identify infrastructure requirements and constraints.

- Overall development levels proposed (October 2014)
- Site selection (December 2014)
- Scenario testing for meeting overall housing requirements (December 2014)
- Update correspondence March 2016
- Liaison following representations on Reg 19 draft Local Plan (December 2016)

4.4.5 Southern Water is the statutory sewerage undertaker in Ashford Borough. Southern Water has a statutory obligation to provide wastewater services to existing customers and planned new development. In consultation with Southern Water, we have not been made aware of any existing capacity issues.

4.4.6 The Council has its own Water Group that has representatives from the County Council, the Environment Agency, South East Water, Southern Water Services and the River Stour (Kent) Internal Drainage Board

## **4.5 Healthcare**

4.5.1 There are a number of agencies and organisations responsible for the delivery of health infrastructure in Ashford Borough, including:

- Ashford Clinical Commissioning Group
- NHS England
- KCC Public Health
- NHS Property Services
- East Kent Hospitals NHS University Foundation Trust (EKHUFT)
- Individual GP surgeries

4.5.2 A Health Facilities/Infrastructure Group has been established as a sub-group to the Health and Wellbeing Board. This group includes the health agencies listed above, as well as representatives from Planning and Cultural Services at ABC. The group was established in order to bring all the relevant parties together in planning for the future provision of health facilities and infrastructure in the borough. A number of meetings have been held with Ashford Clinical Commissioning Group between 2014 and 2017 in order to inform them of the proposals within the Local Plan and to understand the needs for health provision in the Borough.

## **4.6 The Natural Environment**

4.6.1 Consultation with the Environment Agency has taken place on the following matters to inform the development of the Local Plan, and to identify infrastructure requirements and constraints.

- Strategic Flood Risk Assessment Update 2014
- Overall development levels proposed (October 2014)
- Strategic site selection (November/December 2014)
- Meetings of the Ashford Water Group which take place quarterly.

4.6.2 Ashford town and the surrounding areas benefit from flood alleviation works at Hothfield (on the Great Stour) and Aldington (on the East Stour). These significant schemes comprise floor storage reservoirs, dating from the 1990s, which are vital in reducing flood risk.

4.6.3 As we experience the effects of climate change, the standard of service provided by these reservoirs will fall. The feasibility of improving the facilities to maintain the design standard has been investigated, however site constraints rule this out. The EA are currently considering the potential of the two additional flood alleviation schemes, both of which are at the early stages of development:

#### **4.7 Ground Water Management and Flood Protection Task Group**

4.7.1 The Groundwater and Flood Protection Task Group was set up as a task and finish group to consider how the Council works to prevent flooding in the Borough. The group met four times during 2016 and 2017 and considered the following issues; emergency planning; roles and responsibilities of agencies in relation to flood risk; ditch and waterway maintenance of Ashford Borough Council assets; sustainable drainage, biodiversity and the role of Ashford Water Group.

#### **4.8 Areas of Outstanding Natural Beauty**

4.8.1 There are two Areas of Outstanding Natural Beauty in the Borough - the Kent Downs Area of Outstanding Natural Beauty (AONB) that includes land in the northern part of the borough and the High Weald Area of Outstanding Natural Beauty that includes land in the southern half of the borough. The Council has a statutory duty to conserve and enhance this valued landscape and Borough Councillors and officers sit on both the Kent Downs AONB and High Weald AONB Joint Advisory Committees, which meet regularly, and the Council plays a key role in the development and implementation of the respective AONB Management Plans. The Local Plan makes specific reference to the need to take account of the policies of the appropriate AONB Management Plans.

#### **4.9 Kent Nature Partnership**

4.9.1 The Kent Nature Partnership comprises the Kent local authorities, Natural England and Kent Wildlife Trust and it identifies the priorities for the natural environment in Kent and Medway, co-ordinates, facilitates and supports work that contributes to the objectives of

the Strategy for the Natural Environment, and ensures that this work is monitored to capture the contribution that is being made by Kent and Medway to *Biodiversity 2020: A strategy for England's Wildlife and Ecosystem Services*. Preparation of the Ashford Local Plan was undertaken in consultation with Kent Nature Partnership including completion of the KNP Local Plans Consultation Response Pro-forma, in order to work to deliver the four Outcomes of Kent Biodiversity Strategy 2015 -2025.

## APPENDIX A

### EAST KENT MEMORANDUM OF UNDERSTANDING

#### MEETING THE DUTY TO CO-OPERATE

Memorandum of Understanding between the East Kent Regeneration Board member Councils - Ashford, Canterbury, Dover, Shepway, and Thanet, working with Kent County Council.

This Memorandum of Understanding is between the authorities that make up the East Kent sub-region. It recognizes the strong linkages between the authorities, especially in terms of strategic economic development; housing provision; regeneration; and other strategic planning interests.

Whilst the links within East Kent are strong there may be issues which need explaining over a wider area and the member councils commit to doing this as well.

The Memorandum sets out how the member councils will commit to active and ongoing co-operation across administrative boundaries to meet the requirements of the Localism Act and the guidance in the National Planning Policy Framework.

This Memorandum builds on the solid basis of work underway for some time in the East Kent Regeneration Board to tackle strategic economic development and infrastructure provision.

The Memorandum does not override the statutory duties and powers of the identified parties. It is not legally binding nor is it intended to cover every detailed aspect of their relationships; rather it is a statement of principles to guide relations between the parties and provide a set of workable ground rules for early discussion and co-operation in addressing strategic and cross-boundary issues.

#### Purpose

This memorandum sets out how the member authorities will actively take forward their individual or collective Duty to Co-operate to *'engage constructively, actively and on an ongoing basis'* on planning matters that impact on more than one local planning area (*'strategic planning matters'*). The duty is further amplified in the National Planning Policy Framework (NPPF) which sets out the key *'strategic priorities'* that should be addressed jointly<sup>2</sup>.

There are a wide range of partner agencies which the member authorities will work closely with to fulfill the duty.

The Memorandum has the following broad objectives:

- To help secure a broad but consistent approach to strategic planning, transport and development issues across the East Kent sub-region and to consider any wider impact in the county;
- To identify and consider the appropriate response to spatial planning issues that impact on more than one local planning area within the East Kent sub-region;
- To ensure that the local planning and development policies prepared by each Local Authority are, where appropriate, informed by the views of other member authorities. This will normally involve engagement with Development Plan Document and Supplementary Planning Document preparation;
- To support the strongest possible integration and alignment of strategic spatial and investment priorities in the East Kent sub-region;
- To identify the infrastructure investment needs associated with proposed development and to address existing issues working with the LEP and other funding sources;
- To ensure that decisions on major, larger than local planning applications are informed by the views of other local Authorities across the East Kent sub-region;
- To ensure compliance with the Duty to Co-operate.

## Working together

We will work together to seek, where possible, to:

- agree those matters which are strategic in nature, based upon an appreciation of the wider demographic, economic, environmental and social context that affects the sub-region, and up-to-date evidence of development needs;
- agree an integrated and consistent approach to address these needs;
- agree the overall quantity and broad distribution/apportionment of development across the area, including its delivery through necessary strategic infrastructure;
- ensure that where strategic priorities cross local boundaries within the sub-region, and to areas outside it, to make sure they are clearly reflected in our individual plans;

- produce joint evidence where it is the most efficient and effective approach, and consider the scope for a joint policy base;
- involve other public sector agencies, including those identified in the legislation, to help inform choices and meet the Duty;
- ensure appropriate governance and officer support arrangements are in place to take forward the commitments in this Memorandum.

## Review

Each member authority will be responsible for its own processes of feeding into the EKRБ debate and reporting back outcomes. The EKRБ will produce an annual report reviewing the operation of the Memorandum on behalf of its members.

## APPENDIX B

### Summary of Duty to Co-operate Groups or Bodies involved in the Local Plan

Group/Body	Format /Subject Matter
Environment Agency	Statutory consultee - on-going involvement of officers and members in numerous environmental groups – Ashford Water Group, Ground water Management and Flood Protection Task Group Continuous dialogue and involvement in specific topics, evidence base and consultation throughout the plan making process. Specific input into site policy development Attendance at the East Kent DTC session January 2016
Historic England	Statutory consultee - ABC and HE officers liaison Dialogue on specific elements of the Local Plan and consultation phases specific input on Conservation Area appraisals and the Council's draft Heritage Strategy.
Natural England	Statutory consultee – ABC and NE officers Dialogue on specific elements of the Local Plan and consultation phases – specific input into relevant site policies where appropriate leading to amendments in the main Changes Attendance at the East Kent DTC session January 2016
Highways England	Statutory consultee - ABC and HE officers Input to local plan evidence documents, specific extensive dialogue regarding the delivery of junction 10A, specific input into traffic modelling and site specific comments Attendance at the East Kent DTC session January 2016
CAA	Statutory consultee – no comments received at the consultation stages
Network Rail	Statutory consultee There has been specific liaison with Network Rail officers regarding specific site policy issues where relevant – particularly the Main Change to the Leacon Road policy (S11) and the proposals for Rail Halt at Park farm South East.
Clinical Commissioning Group (CCG)	Statutory consultee – dialogue, meetings and collaborative working on specific elements of the Local Plan IDP Involvement in Health and Well Being board (see below) Attendance at the East Kent DTC session January 2016
HCA	The Council holds regular meetings with the HCA regarding local land and property issues
SELEP	The LEP is governed by a board of 27 members, representing County and District Councils and organisations throughout the LEP area.

Kent and Medway economic partnership	The group is composed of Kent Districts, Kent County Council, and Medway Council, in addition to representatives from local businesses and education. The KMEP is responsible for the management of funding devolved from the accountability board (SELEP) taking all local decisions in investment within defined thresholds. KCC and the district councils are responsible for generating projects which require funding to enable them to be delivered. The Council therefore works with KCC, KMEP and the LEP in the delivery of key infrastructure schemes
Kent Nature Partnership	KNP takes a strategic view of the challenges and opportunities involved in managing the natural environment as a system benefitting biodiversity, people and the local economy. Key strategic planning issues reported to and discussed at Kent Planning Policy Forum.
East Kent Regeneration Board (EKRB)	Comprises ABC and KCC, Canterbury, Dover, Shepway and Thanet - has developed a set of shared objectives for the area and infrastructure delivery mechanisms, and is a key decision-making body for infrastructure and regeneration schemes. The Board adopted an East Kent Growth Plan in 2013, which sets out joint priorities for growth in East Kent. The Board is also being used to feed in to the South East Local Enterprise Partnership Strategic Economic Plan.
Kent Planning Officers Group (KPOG)	Heads of Planning from KCC and all Kent districts plus Medway Council – meets bi monthly Discusses planning issues of concern at a high level and recommends appropriate research and/or a course of action to member authorities
Kent Planning Policy Forum (KPPF)	KPPF is a sub group of KPOG for Policy managers – discussion around major policy and practice issues of common interest bi-monthly. Discusses planning issues of concern, national planning policy, joint approach to research and policy formulation. The group has a standing DTC item where each LA up-dates on their Plan’s progress and highlights an specific DTC relevant issues. The group has two allocated representatives on the London Plan: Strategic Spatial Planning Officer Liaison Group who provide feedback to officers on the London Plan. The London Plan is also a standing item on the PPF agenda.
GLA Strategic Spatial Planning officer Liaison Group (SSPOLG)	The group comprises representatives from a range of district and county councils and organisations across the South East of England. There are two Kent representatives from the Kent districts who report back to the KPPF meeting. The SSPOLG discusses the preparation of the London Plan. The Kent representatives provide feedback to all other Kent districts through the KPPF and KPOG. The two representatives provide feedback are also required to raise any issues and topics as requested through KPOG and KPPF.

Joint Transportation Board (JTB)	Membership of the group consists of councillors from ABC and KCC. The purpose of the JTB is to collaborate on the delivery of highway functions where KCC is the Highway Authority
Ashford Health and Wellbeing Board	Consists of councillors and officers of ABC, KCC and the Local Clinical commissioning Group and community based focus groups for health The group meets quarterly to raise awareness of key local health issues and needs with a community focus.

## **APPENDIX C**

### **Ashford Borough Local Plan to 2030 - Examination**

#### Statement of Common Ground

as agreed between

**Ashford Borough Council**

and

**Rother District Council**

November 2017

## **Introduction**

1. This Statement of Common Ground has been prepared jointly by Ashford Borough Council ('ABC') and Rother District Council ('RDC').
2. This Statement sets out a confirmed agreed position in respect of cross boundary working between the two Authorities in relation to the Submission version of the Ashford Local Plan to 2030 ('Ashford Local Plan'). It should be read in conjunction with ABC's Duty to Co-operate Statement to be submitted with the Ashford Local Plan.

## **Agreed Matters**

3. The following matters are agreed:-

### **Unmet housing need - Rother District Core Strategy 2014**

4. ABC and RDC recognise that the extant RDC Core Strategy adopted in 2014 did not make full provision for meeting the Objectively Assessed housing needs (OAN) for the part of the Hastings/ Rother Housing Market Area that falls within Rother District. This equates to a shortfall within the RDC area of 478 dwellings.
5. It is agreed that the Strategic Housing Market Assessment (2014) for Ashford Borough, updated in January 2017 does not identify any part of Rother District to be within the Ashford Housing Market Area.
6. ABC and RDC have corresponded in writing on the matter of the possibility of ABC accommodating some of RDC's established unmet housing need in the ABC Local Plan to 2030.

7. For the purposes of the Ashford Local Plan only, ABC and RDC agree that ABC are seeking to meet its own OAN within its own administrative boundary and that RDC agrees that it is not seeking ABC to make provision for meeting any of the unmet need from the RDC Core Strategy.

### **Future Collaboration**

8. ABC and RDC agree to collaborate actively and formally, including the involvement of elected members, as part of a group of local authorities which may include those within or adjoining the Ashford and Hastings/ Rother Housing Market Areas, to consider the matter of meeting the cumulative OAN across that group of Authorities.
9. Such collaboration shall take place in the context of the next review of the Rother Core Strategy and the first review of the 'Ashford Local Plan' as these documents will be required to plan on the basis of a new methodology for assessing OAN, a revised National Planning Policy Framework (NPPF) and updated provisions for addressing the statutory Duty to Co-operate.
10. ABC and RDC agree that they will strongly support and work towards the delivery of key infrastructure improvements between the districts, in particular the extension of High Speed Rail services from Ashford International to Rye, Hastings and Bexhill, as this will help to significantly boost the local housing market and thus help future housing delivery across the housing market areas.

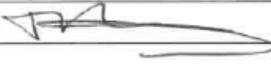
## Duty to Co-operate

11. It is agreed that ABC has complied with the Duty to Co-operate with RDC during the preparation of the Ashford Local Plan with respect to matters of strategic importance between the two boroughs.

12. It is agreed that RDC does not have any outstanding objections to the Ashford Local Plan.

## AGREEMENT

Signed on behalf of Ashford Borough Council		
Name & Position	Signature	Date
Simon Cole (Head of Planning Policy)		27 <sup>th</sup> November 2017

Signed on behalf of Rother District Council		
Name & Position	Signature	Date
Tim Hickling Senior Manager Planning		27 Nov 2017