

Statement of Common Ground as Agreed Between:

**Medway Council
and
Dartford Borough Council**

(30 November 2021)

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1. Introduction and Parties Involved

- 1.1 This Statement of Common Ground (SOCG) has been prepared by Medway Council (MC) and Dartford Borough Council (DBC), to support the preparation of the Medway draft Local Plan, and Dartford's draft Local Plan. The SOCG provides respective positions and understanding on a range of strategic issues, which have an influence on plan making processes. It also sets out the basis on which MC and DBC have actively and positively agreed to work together to meet the requirements of the Duty to Co-operate.
- 1.2 DBC is a Local Planning Authority at district level in northwest Kent. It therefore is under the jurisdiction of Kent County Council. Dartford Borough's Local Plan applies to its whole Borough including the part where the Ebbsfleet Development Corporation takes the lead development management and regeneration role. Neither the Ebbsfleet Development Corporation, nor Kent County Council, are party to this SOCG.
- 1.3 Medway Council is a unitary authority in north Kent and the Local Planning Authority.
- 1.4 Under section 33A of the Planning and Compulsory Purchase Act 2004 (amended by section 110 of the Localism Act 2011) and in accordance with the National Planning Policy Framework (NPPF) 2021 (paras 24-27), it is a requirement under the Duty to Co-operate for Local Planning Authorities, County Councils, and other named bodies to engage constructively, actively and on an ongoing basis in the preparation of development plan documents and other local development documents. This is a test that local authorities need to satisfy at the Local Plan examination stage and is an additional requirement to the test of soundness.
- 1.5 The Duty to Cooperate applies to strategic planning issues of cross boundary significance. Local authorities all have common strategic issues, and as set out in the National Planning Practice Guidance (NPPG) - *"local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their plans for examination."* The statutory requirements of the Duty to Cooperate are also 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 The NPPF 2021 (para 27) states that: *"In order to demonstrate effective and on-going joint working, strategic policy making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these"*.

2. Local Plans' Status

Medway Council

- 2.1 Medway are currently preparing a publication Plan and are aiming to commence a Regulation 19 consultation during 2022. The Local Plan covers the time frame 2022 to 2037. The following stage have been completed, or are nearing completion:
 - The Issues and Options consultation (from 4 January to 29 February 2016)
 - The Development Options consultation (from 16 January to 30 May 2017)
 - The Local Plan Development Strategy consultation (from 16 March to 25 June 2018)
 - Preparation of the Regulation 19 Pre-submission draft Local Plan

Dartford Borough Council

2.2 Dartford have undertaken two Regulation 19 consultations and expect to submit their Plan by the end of 2021. The Local Plan covers the time frame up to 2037. Dartford have already completed the following stages:

- Local Plan Review - Big strategic issues consultation (June / July 2018)
- New Local Plan Review - Preferred options consultation (January / February 2020)
- First Regulation 19 Pre-submission draft Local Plan consultation (February / March 2021)
- Second Regulation 19 Pre-submission draft Local Plan consultation (September / October 2021)

2.3 Dartford Borough Council's second Regulation 19 consultation is based on representations made on the first stage Regulation 19 document, and Natural England's designation of extensive land at Swanscombe Peninsula (including land at Ebbsfleet) as an SSSI.

3. Engagement and cooperation to date.

3.1 Both local authorities' members and officers engage via a range of North Kent and wider forums, on strategic planning matters impacting on North Kent, including:

- Kent Planning Officers Group – monthly meetings for Heads of Planning
- Planning Policy Forum – bi-monthly meetings for planning officers
- Gypsy & Traveller & Travelling Showpeople Cross-Borough Liaison Group (now ceased and absorbed into the Planning Policy Forum above)
- Wider South East Officer Working Group – meeting chaired by the Greater London Authority
- South East Local Enterprise Partnership (LEP) & Kent and Medway Economic Partnership (KMEP) – quarterly meetings
- Thames Estuary Growth Board – ad-hoc meetings
- Lower Thames Crossing National Highways Meetings
- Transport for the South East Events – quarterly
- North Kent Environmental Planning Group – ad-hoc meetings

3.2 Joint working and consultation undertaken to date in relation to respective plan making processes, is also set out in Local Authorities respective Duty to Co-operate reports.

4. Strategic Geography

4.1 Dartford and Medway are both located in north Kent, with the River Thames to the north of each authority.

4.2 DBC is bounded by the London Borough of Bexley (and the Greater London Authority) to the west, Sevenoaks District Council to the south, Gravesham Borough Council to the east, and Thurrock Council on the opposite side of the river to the north.

4.3 Medway is bounded by Gravesham Borough Council to the west, Maidstone Borough Council and Tonbridge and Malling Borough Council to the south, Swale Borough Council to the east, and Thurrock Council, Castle Point and South-end-on-Sea Districts on the opposite side of the River Thames to the north.

4.4 The geographical proximity of the two authorities is shown in figure 1. Although the two authorities are non-contiguous, the A2/M2 and North Kent railway links provide connections

between Medway and Dartford, as shown in figure 2. National Cycle Route 1 and the Thames Path / England Coast Path, also run through both areas.

Figure 1 Geographic location of Dartford and Medway

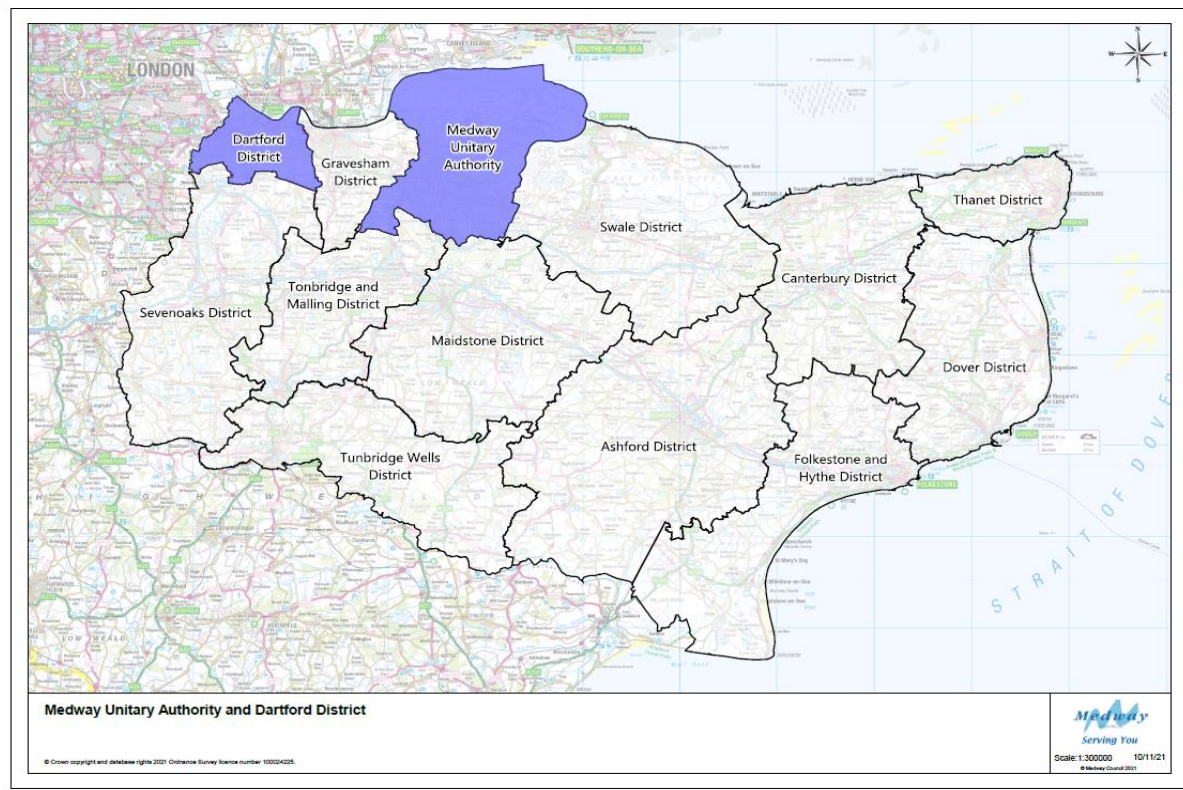
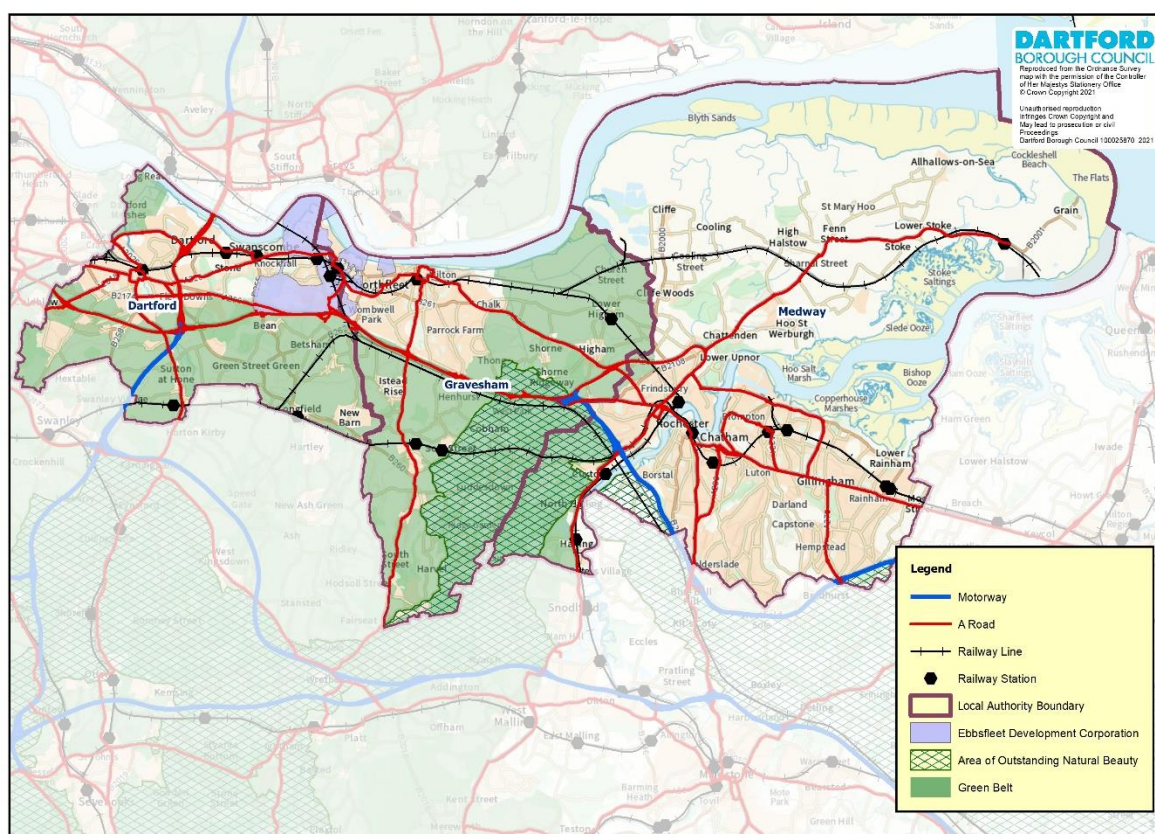


Figure 2 Connections between Dartford and Medway



5. Key Strategic Matters

5.1 The NPPF 2021 (para 20) defines the topics considered to be strategic matters, which are potential subjects for consideration in statements of common ground.

5.2 The strategic issues relevant to MC and DBC are set out as follows and reflect the matters where both authorities expect to seek agreement on, and any matters where agreement has not yet been reached. In this regard, the SOCG covers the following key strategic matters:

- Evidence base
- Housing
- Transport Infrastructure
- Local Economy
- Environment

5.3 Table 1 provides a summary of the nature of the strategic matter under consideration, and the associated duty to co-operate geography.

| Table 1 | |
|---|--|
| Strategic Issues | Geographical area relevant for the 'Duty to Co-operate' |
| Housing Meeting local housing needs within respective local authority administrative areas; consideration of taking unmet need from other areas. | North Kent Housing market areas |
| Transport Infrastructure Ensuring proposed quantum of development can be accommodated by existing and new transport infrastructure, sustainable and active transport opportunities; Impact of Lower Thames Crossing proposals; Impact of London Resort proposals. | North Kent Kent and Medway |
| Local Economy Ensuring sufficient land and floorspace is provided to support economic development in both Local Authorities, and the wider economic market area; Impact of London Resort proposals; Impact of Bluewater proposals. | North Kent Functional Economic Market Areas |
| Environment Sustainable management of SSSIs and other environmental designations; Green & Blue Infrastructure (GBI) initiatives; Climate Change | North Kent |

5.4 The record of where agreements have (or have not) been reached on key strategic issues, including the processes that have been undertaken in reaching or seeking to reach agreements on these, is set out as follows.

6. Evidence Base

6.1 MC and DBC have commissioned a range of evidence base studies independently, in support of their respective local plan processes, with key studies referenced by following sections of the SOCG. Where appropriate this information has been shared across both local authorities.

Agreed Current Position

6.2 MC and DBC have a good working relationship on sharing evidence base work and information on a bi-lateral basis, or within the context of wider forums including the Wider South East Officer Working Group, Kent Planning Officers Group, and the Kent Planning Policy Forum, and are committed to this continuing on an ongoing basis, as and when required.

7. Housing

7.1 Medway's Strategic Housing Market Assessment ¹ indicates it sits within a housing market area that attracts inward flows of people from parts of Gravesham, Swale, Maidstone, and from the London housing market. People moving out of Medway tend to look to neighbouring areas, including Swale, Tonbridge and Malling, and Maidstone. The Medway Local Housing Needs Assessment Update (August 2021) considers however, Medway to be a self-contained housing market area in terms of migration but is part of a wider functional economic area, which extends across neighbouring districts.

¹ North Kent Strategic Housing and Economic Needs Assessment - Strategic Housing Market Assessment; Medway Council (November 2015)

7.2 The Dartford and Ebbsfleet Residential Needs Assessment update (DERNA) (August 2021) indicates the greatest inward flows of people tends to be from neighbouring areas, particularly Bexley, Greenwich and Gravesham, with inward flows from Medway being considerably less. People moving out of Dartford tend to look to Bexley, Gravesham, Medway and Sevenoaks. In conclusion, the DRNA considers that Dartford is its own housing market, albeit with close links to neighbouring authorities.

7.3 The above analysis therefore indicates that housing market links between the two local authorities are weaker than with their respective neighbouring local authority areas.

Local Housing Needs and Meeting Unmet Needs

7.4 The NPPF requires strategic policy making authorities to 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.

7.5 Medway's future housing requirements have been derived from the application of the Government's standard method for assessing local housing need. Dartford's future housing requirement also meets the Government's standard method for assessing local housing need. Table 2 provides a summary of the resulting standard method housing requirements in each area.

| Table 2: Local Housing Needs in Dartford and Medway | | |
|--|---|------------------------------------|
| | Dartford | Medway |
| Housing Need | 15,800 790 per annum | 26,962 1,586 per annum |
| New Plan Until | 2037 (emerging) | 2037 (emerging) |
| Unmet need | 0 | 0 |
| New Plan Stage | Reg 19 consultation – Sept. to Oct. 2021 | Reg 19 consultation during 2022 |

7.6 Medway's future housing requirements have informed the identification of alternative development options and locations for accommodating the associated quantum of growth. The Hoo Peninsula, in conjunction with a continuing focus on urban regeneration, has subsequently formed the basis of the draft local plan's development strategy, with this considered by the Council as representing a sustainable approach for meeting local housing needs. As part of its plan making process, Medway considered alternative development strategies, including focussing some housing growth in the Capstone Valley area, and around Rainham close to the boundary with Swale. These options have not been taken forward as a preferred strategy, because of their impact on the environment, settlement coalescence, and infrastructure, and the greater contribution that the proposed spatial strategy can make to addressing the strategic objectives of the draft plan.

7.7 Through the above development strategy, MC will be able to meet their own housing needs during the Local Plan period, without needing to seek provision elsewhere. A consideration of alternative development options to the preferred approach, has also underlined that the Council will be unable to take any unmet housing need from other areas.

7.8 Dartford's future housing requirements have informed the identification of alternative development options and locations for accommodating the associated quantum of growth. A

continuing focus on urban regeneration has subsequently formed the basis of the draft local plan's development strategy. Ebbsfleet Garden City also straddles the boundaries of Gravesham and Dartford and contains strategic sites.

- 7.9 Through the above development strategy, DBC considers that it can meet its identified housing need and more, within the authority without needing to seek provision elsewhere. The Council is aware of the potential economic and social benefits of sustainable urban regeneration in north Kent. It also notes the scale of the government's housing ambition, and the Dartford Local Plan includes the ability to make some contribution towards unmet housing needs in the wider area.

Agreed Current Position

- 7.10 Both parties are taking an appropriate approach and are positively tackling development needs in line with national policy, and no redistribution of housing is necessary or appropriate between them. MC and DBC will continue to liaise on housing matters as their respective Local Plans progress, on a bi-lateral basis or within forums including the Kent Planning Officers Group and Kent Planning Policy Forum.

8. Transport Infrastructure

- 8.1 MC has appointed consultants to undertake a Strategic Transport Assessment to accompany its Regulation 19 pre-submission draft Local Plan. This work was completed on 21 November 2021. The modelling runs are based on the quantum of development and locations proposed by the draft local plan. The draft STA has been sent to KCC as the Local Transport Authority for information / comments, with a view to including related matters in a KCC – Medway Council – National Highways SOCG.
- 8.2 DBC has appointed consultants, Stantec, to undertake strategic transport modelling in support of the emerging local plan. The modelling includes the Dartford Cordon of the Lower Thames Area Model (DCLTAM), provided by Highways England. DBC has published the outputs from transport modelling work carried out by Stantec, and remains open to answering any remaining queries. DBC is also anticipating SOCGs with KCC and National Highways. Also, the Dartford Transport Background Paper (September 2021) shows that, prior to the outputs from the modelling work, a number of local transport assessments were available, providing a reasonable understanding of the future transport implications of development growth on the local and strategic network in Dartford Borough. The Sustainable Transport Strategy outlines a framework for a range of sustainable travel actions to support modal shift and mitigate impacts on the highway network.
- 8.3 National Highways proposals for the Lower Thames Crossing will have potential impacts across the sub-region. London Resort proposals (subject to a DCO process) on the Swanscombe Peninsula also have the potential to have significant potential impacts on transport infrastructure and air quality across the sub-region. Where appropriate both Councils will address areas of common concern on a bilateral basis, jointly with National Highways, or within the context of wider North Kent planning forums.

Agreed Current Position

8.4 Both Councils have shared evidence base information and discussed issues related to transport and air quality matters, organising a number of major bespoke discussions in the sub-region on transport matters, involving Kent County Council and others, and will continue to do so, particularly in respect of putting forward cases for mitigating investments/actions linked to respective Local Plan processes, and other influencing factors such as London Resort proposals, and Lower Thames Crossing proposals. Matters for further consideration include:

9. Local Economy

Employment Land Needs Assessments

9.1 MC commissioned an update of their Employment Land Needs Assessment, which was completed during summer 2021. Medway intends to meet its own employment land needs through its draft Local Plan's approach to regeneration, designated employment areas and new employment site allocations.

9.2 Dartford Council published an Employment Needs Review in January 2020, and an Economic Land Report in September 2021. Dartford's approach meets its own employment land needs and provides additional flexibility to acknowledge an uncertain economic climate and commercial market, operating in conjunction with changes in the UCO.

London Resort Proposals

9.3 London Resort proposals are being considered via a DCO process, with it understood that the Planning Inspectorate are waiting on further information from developers and a re-submission of their planning application, prior to setting a date for an examination. A key consideration is Natural England's SSSI designation on part of the site area. A range of other issues including impacts on transport infrastructure and neighbouring areas, are also due to be considered within the context of the DCO process.

Retail

9.4 Both areas include key retail facilities. The Councils recognise retail is a dynamic and competitive sector important to local communities and economies, and subject to potential changing circumstances. DBC and MC agree to be responsive to any queries over retail evidence and will positively address queries arising; and the Councils retain the option of making detail comments on strategic policy proposals (as necessary) through formal comments as part of the Local Plan process, whilst maintaining a constructive parallel dialogue .

Agreed Current Position

9.5 MC and DBC will continue to share information on employment land and local economy issues on a bilateral basis, or within North Kent forums.

9.6 MC and DBC will continue to engage on a bi-lateral basis, and in conjunction with other affected local authorities, as London Resort proposals progress through the DCO process, to seek common ground on impacts related to the development proposals.

10. Environment

- 10.1 Areas of strategic biodiversity interest are found across both Dartford and Medway, especially along the north of each area adjacent to the River Thames. In Dartford, they include the Swanscombe Peninsula Site of Special Scientific Interest (SSSI), the Ebbsfleet Marshes Local Wildlife Site, and Dartford Marshes, which are areas that are of biodiversity interest and are strategic in nature due to their scale.
- 10.2 In Medway, the Thames, Medway and Swale estuaries and marshes form a contiguous swathe of coastal habitats along the north Kent shore and are designated as Special Protection Areas (SPA) and listed as international wetlands under the Ramsar Convention. Medway also has eight SSSIs, the North Downs Woodlands Special Area of Conservation (SAC), and part of the Kent Downs AONB. The Medway estuary also has Marine Conservation Zone status.
- 10.3 The Birdwise – North Kent Strategic Access Management and Monitoring Scheme (SAMMS) ‘6km buffer’ covers a large part of the areas designated for housing growth in Medway. The buffer also includes part of the area designated for housing by the Ebbsfleet Development Corporation.
- 10.4 Strategic and local footpath and cycle routes pass through the two authorities, including National Cycle Route 1 and the Thames Path / England Coast Path.
- 10.5 Taken together, the above form part of North Kent’s Green Grid/ Green Infrastructure networks. Components relevant to Dartford are shown on the existing Dartford Local Plan Policies Map, in the Policies Map Changes document which accompanies the second Publication Dartford Local Plan Sept 2021 and/or in Diagram 3 of the second Publication Dartford Local Plan.
- 10.6 Medway’s R19 pre-submission draft Local Plan’s environment policies, and proposals map, aim to offer protection to the above designations in their area, and enable the enhancement of Green and Blue Infrastructure networks and corridors, via for example the Medway draft Green and Blue Infrastructure Framework.
- 10.7 Dartford recognises the serious impact of climate change and the fact that there is a climate emergency. It welcomes the government’s commitment to cut greenhouse gas emissions to net zero by 2050 but aspires to see the effects of climate change tackled earlier than the national target. DBC has committed to pursuing measures that are deliverable, measurable and practical and to co-operate with other authorities at every tier. As an example, at its Cabinet meeting in October 2020, Dartford committed to supporting the Kent and Medway Energy and Low Emissions Strategy.
- 10.8 Medway Council declared a climate emergency on 25 April 2019 and adopted a Climate Change Action Plan in June 2021. Climate Change impacts however, cross administrative boundaries, so local authorities need to work strategically on adaptation, mitigation, resilience and related issues, including - strategic flood and coastal erosion risk management; sustainable transport and air quality; net zero carbon and renewable energy; water resource management, drainage and wastewater management; and waste management. Medway has also committed to supporting the Kent and Medway Energy and Low Emissions Strategy.

10.9 With the River Thames forming the northern boundary of both Dartford and Medway, there is a particular longer-term issue in terms of growing risk of tidal flooding, and the Environment Agency's TE2100 plan has been produced to manage tidal flood risk in the Thames Estuary until the year 2100. This is a flexible response to the issue of sea level rise, with a range of measures capable of being implemented over time.

10.10 The TE2100 measures for DBC's tidal rivers (River Thames and part of the River Darent), In the very long term before 2070, also includes options to improve the existing Thames Barrier at Woolwich or construct a new downstream barrier at Long Reach within DBC's area but no decision has yet been taken on this. TE2100 has been considered by Medway's Strategic Flood Risk Assessment, in support of its emerging Local Plan.

Agreed Current Position

10.11 Through their respective local plan policies, both Local Authorities aim to:

- Protect and enhance areas designated for their environmental importance. Wider green and blue infrastructure, including cross boundary corridors and links will also be supported and promoted by both local authorities.
- Ensure that new development is located and designed to mitigate and adapt to the effects of climate change and that schemes which generate low, or zero carbon technology are encouraged.
- Ensure strategic tidal flood defences projects can be achieved, for example by not sterilising unnecessarily land which may be needed for this purpose in the future and that tidal riverside development makes provision as appropriate for the future management, maintenance and upgrading of strategic flood defences.

11. Signatories / Declaration

| Signed on behalf of Medway Council (Officer) | Signed on behalf of Medway Council (Councillor) |
|--|---|
| | |
| <u>Position: Head of Planning</u> | |
| <u>Date: 8 December 2021</u> | |

| Signed on behalf of Dartford Borough Council (Officer) |
|--|
| |
| <u>Position:</u> <u>Head of Planning Services</u> |
| <u>Date: 30-11-21</u> |

End