1 INTRODUCTION

1.1 This Statement of Common Ground sets out the agreed position of Shepway District Council (the Council) and the Environment Agency (the Agency) regarding the soundness of the Core Strategy, and in particular evidence and policy for flood risk within Shepway (including the Romney Marsh area).

1.2 The Council is responsible for the preparation of the Local Development Framework Core Strategy (CS), the leading part of the statutory development plan for the district.

1.3 The Agency is responsible for working with other government departments and agencies to make sure that planning systems in England and Wales fulfill statutory duties and development is sustainable, protecting and enhancing the environment.

1.4 The Agency have inputted extensively to Council’s CS. Detailed face-to-face discussions have been ongoing since before ‘Preferred Options’ in 2009, and up to and including publication of the CS in 2011.

1.5 This means there is wide common ground between the two parties on sustainable development in Shepway and environmental policy in the CS.

2 EVIDENCE BASE

2.1 The following documents are agreed by both parties to be robust and fully applicable:

- A92-A98: The Shepway Strategic Flood Risk Assessment (‘SFRA’)
- A91: The Shepway Core Strategy Flood Evaluation

2.2 It is common ground that documents A92-A98 were produced jointly for the parties, and that A91 is supported as bringing together documents previously published by the Council in consultation with the Agency.

2.3 A suite of further documents are common ground between the parties, including A37 and A38.

2.4 It is common ground that it is likely to be necessary and opportune to update elements of the SFRA to inform subsequent Shepway local plans, post CS.
3 MAIN AREAS OF COMMON GROUND

General Core Strategy common ground

3.1 The Agency and the Council agree that the CS accords with national planning policy on flood risk, as detailed under the sub-heading below.

3.2 It is agreed common ground between the Agency and the Council that the Shepway SFRA (2009) is currently robust and suitable to apply in planning decisions, including finalising the Shepway Core Strategy.

3.3 It is agreed common ground that major development in Shepway is strategically directed away from the main areas of flood risk in the Core Strategy.

3.4 Both parties agree that a sequential approach was adopted district-wide in the formation of the strategic distribution of development, as outlined in the attached statement, with reference at all appropriate stages to the relevant technical information.

3.5 Both parties agree that, on all known current information, CS strategic sites are expected to be deliverable in flood risk terms against national policy.

3.5 Both parties agree that New Romney is both the most sustainable settlement on The Romney Marsh and that its adjoining areas typically perform best in terms of flood risk compared to all other more sizeable settlements on Romney Marsh (Lydd and Dymchurch). Both parties agree development at New Romney cannot be simply located elsewhere in the district outside of Romney Marsh without adverse impact on regeneration and sustainability objectives for Romney Marsh.

National planning policy common ground

3.6 National policy on flood risk and climate change for local plans is set out in the 2012 National Planning Policy Framework ('NPPF') and the associated Technical Guidance to the National Planning Policy Framework. Provisions for sequential testing are focused in the NPPF on paragraphs 100 and 101. Policy was in Planning Policy Statement 25 (PPS25) that was deleted in Annex 3 of the NPPF, and the associated Practiced Guide. PPS25, which was not deleted by Annex 3.

3.7 It is agreed that NPPF paragraph 100 is highly relevant, where it states: "Local Plans should be supported Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency... Local Plans should apply a sequential, risk based approach to the location of development to avoid where possible flood risk to people and property..."

3.8 It is common ground that the CS local plan has adopted this approach in full and with consistency, both in its formulation (Preferred Options) and published form.

3.9 It is agreed evidence for this includes-

- The SFRA [A92-A98] is directly referenced in the CS as supported evidence.
- The SFRA is explicit [section 3.1] that the Agency have been directly involved.
- The SFRA focuses on a risk based approach, examining threats to people and property through detailing hazards, and this is reflected in the CS including policies SS1, SS3, CSD5 and CSD8.
3.10 It is agreed that NPPF paragraph 101 is highly relevant, where it states: "The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding."

3.10 It is common ground a sequential approach has been undertaken by the Council for the CS in accordance with national policy and this approach has been agreed with the Agency.

3.11 It is agreed development has been consistently strategically steered to areas with the lowest probability of flooding as set out in CS Preferred Options, and in CS publication policy SS1 through focusing Shepway's development on areas north of flood zone 3 ("Major new development will be delivered within the strategic corridor with priority given to previously developed land in the urban area.") and, within flood zone 3 (Romney Marsh area), "avoiding... localities at the most acute risk to life and property from tidal flooding").

3.12 It is agreed evidence for this includes-
- The Strategic Distributions Report [document X80] paragraphs 3.2-3.5 goes through a sequence of identifying areas of flood risk and those at less risk, so that development may be strategically distributed accordingly. This is considered alongside the other extensive environmental 'development constraint' in Shepway, the AONB.
- The SFRA identifies areas in Agency flood zones in the district, so demonstrating where development in Shepway would be at the highest probability of flooding, and thereby areas outside of flood zones to be the focus of development.
- The SFRA also identifies areas within flood zones where probabilities of major hazards from flooding are lowest.
- The SFRA has examined a selection of possible sites across the whole district in order to assist the appraisal of risks in a sequential manner.

3.13 It is agreed that NPPF paragraph 101 is highly relevant, where it states: "The Strategic Flood Risk Assessment will provide the basis for applying this [sequential] test."

3.14 It is common ground SFRA has clearly provided the basis for applying the sequential test in the CS, both in its formulation (Preferred Options) and published form as reflected in the district spatial strategy (CS policy SS1) and that it will continue to do so as set out in CS policy SS3 ("development located within zones identified by the Environment Agency as being at risk from flooding... will utilise the Shepway Strategic Flood Risk Assessment").

3.15 It is agreed evidence for this includes-
- Core Strategy documents, including the strategic approach in the Preferred Options consultation document [G5] reflecting SFRA findings.
- The Shepway Core Strategy Flood Evaluation [document A91] shows in section 2 the application of national flood risk policy to proposed strategic allocations, using the SFRA.
- Document C4 (reproduced as an appendix to A91) shows the SFRA has been the basis of the sequential testing for New Romney.

4. AGREED

On behalf of the Environment Agency:

Name and position: [Signature]

Date: 9 May 2012

On behalf of Shepway District Council:

Name and position: [Signature]

Date: 9 May 2012
Attachment:

Statement outlining chronology of district-wide sequential approach in line with national policy

1. Issues & Options stage explored four strategic patterns of development in the district (Options 1a-1d).
2. As a result, the Preferred Options distribution (which is presented within the three constituent character areas of Shepway and relevant topic policies) was drafted concentrating development to the north of the main flood zone 3 area in Shepway i.e. steered strategically away from the Romney Marsh area.
3. The Draft SFRA (March 2009) and second draft (May 2009) SFRA, and national policy including PPS25, informed the Preferred Options document as set out in paragraphs 7.2 and 7.3 (G5; p. 60).
4. The approach is supported by Sustainability Appraisal (documents X21 and A28).
5. The following provisions of the Preferred Options document [G5] demonstrate the commitment to a sequential approach to avoid flood risk in the district:
   - The preferred option environmental strategy is to: "place the impact of climate change and environmental sustainability at the heart of its proposed policies by... [8th bullet point] strategically responds to the major challenge of avoiding inappropriate development in areas at risk of flooding." ('The Preferred Option' (Green) p.60-61.) This is elaborated on in policy GS2 and preceeding paragraphs, demonstrating a clear commitment for development in Shepway to be located sequentially (p.65).
   - The preferred option for Folkestone & Hythe (urban) area is to provide for the majority of residential development [approximately 4,700 out of the 6,000-8,000 range] and "the bulk" of new employment land within this area (p.91).
   - The preferred option for the North Downs area is to provide for approximately 1,600 dwellings out of the 6,000-8,000 range and new employment land within this area. "The bulk of new provision will be outside of the high quality AONB landscape designation.... the Preferred Option is to encourage appropriate growth opportunities in the south-west of the area... In order to do this the Core Strategy will focus on new strategic development within the district's road-rail corridor, where there existing services, outside the AONB." (p.121-122).
   - The preferred option for Romney Marsh starts as follows "The Development Path Preferred Option SO3 is to take account of the specific environmental, flooding and socio-economic issues of the area and make strategic provision for at least 700 new homes and increased employment land between 2006 and 2026, with the bulk of additional provision in and around New Romney Town, and with a secondary focus on Lydd." (p 108). Paragraphs 10.8 and 10.10 show strategic (district-scale) growth was not supported due to flood risks on Romney Marsh.
6. These principles are reflected in the published Core Strategy (2011) which continues to strategically steer development towards areas of low flood risk.