

Memorandum of Understanding on the duty to co-operate between the East Kent Regeneration Board members (Ashford, Canterbury, Dover, Folkestone and Hythe and Thanet, working with Kent County Council).

Update 2021

This Memorandum of Understanding is between the authorities that make up the East Kent sub-region (Ashford, Canterbury, Dover, Folkestone and Hythe and Thanet, working with Kent County Council). This is the first revision, updating the MoU which was agreed between the parties in 2016. Since this time, there are have changes to the national policy and guidance regarding the Duty to Co-operate which are reflected in this update.

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.

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, where appropriate, take account of the impact upon the other local authority areas and informed by the views of other member authorities. This will normally involve engagement with Development Plan Document and Supplementary Planning Document preparation;

- **Forms the overarching framework and context within which Statements of Common Ground will be agreed between individual authorities, where necessary**
- 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; **these matters will be set out in Statements of Common Ground between individual authorities**
- 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 EKGB debate and reporting back outcomes. The EKGB will produce an annual report reviewing the operation of the Memorandum on behalf of its members.

Date

Annex 1 – Schedule of Statements of Common Ground (as at January 2021)

	Ashford BC	Canterbury CC	Dover DC	Folkestone and Hythe DC	Thanet DC	KCC
Ashford BC						
Canterbury CC			Dated Jan 2021			
Dover DC	N/A	Dated Jan 2021		Dated Dec 2019	TBA	
Folkestone and Hythe DC			Dated Dec 2019			
Thanet DC			TBA			
KCC						