

## **CABINET**

**24 NOVEMBER 2015**

### **MEDWAY LOCAL PLAN**

Portfolio Holder: Councillor Jane Chitty, Planning, Economic Growth and Regulation

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#### **Summary**

This report presents an Issues and Options report that has been produced to undertake the initial formal consultation stage in the preparation of the new Medway Local Plan. It sets out the context of the scale of growth projected in Medway that the new plan will need to address. The consultation document is supported by information on the assessment of development needs and land availability in Medway.

The report also considers establishing a strategic approach to managing and mitigating the potential of damage to the protected habitats of the north Kent estuaries and marshes, resulting from population increases.

Authority is sought to undertake consultation on the Issues and Options document and to confirm the council's implementation of a Strategic Access Management and Mitigation scheme.

**Please note that the Appendices to this report are set out in Supplementary Agenda No.1.**

#### **1. Budget and Policy Framework**

- 1.1 The Development Plan forms part of the Council's policy framework. The Medway Local Plan 2003 provides the basis of the authority's planning policy, establishing a spatial strategy for Medway to meet the economic, social and environmental needs of the area, which is used to determine applications for development. It is supported by a number of supplementary planning documents that provide additional guidance to the Local Plan policies.
- 1.2 Following the withdrawal of the Submission Draft Medway Core Strategy from Examination in November 2013, the Council started work on a new Local Plan to replace the Medway Local Plan 2003. When adopted this will replace the saved policies of the 2003 Medway Local Plan. The preparation of the

replacement plan is therefore a matter to be considered within the Council's policy framework.

- 1.3 In advance of the adoption of the new Local Plan, the council seeks approval for a corporate policy to satisfy the legal requirements of the Conservation of Habitats and Species Regulations, 2010, and to address advice issued by Natural England. This aims to address the potential of damage from recreational disturbance to the protected habitats of the Special Protection Areas on the Thames, Medway and Swale estuaries and marshes. This policy decision is a matter for Cabinet.
- 1.4 The costs of the preparation of the Local Plan and supporting evidence base are met through the Planning Service budget.
- 1.5 The strategic access management measures for the protection of the SPA and Ramsar sites will be met through a tariff applied to consents for development.

## **2. Background**

### **Medway Local Plan**

- 2.1 The Local Plan provides the framework for development in Medway, and is the basis for making decisions on planning applications. The new Local Plan will cover the period up to 2035, and will set the strategic direction for development in Medway over the next 20 years, through updated land allocations and policies.
- 2.2 The new Local Plan needs to respond to the changes seen in Medway over recent years and to anticipate new opportunities and growth, so that the area is best placed to capitalise on benefits arising from development investment, and those aspects of Medway that are most valued are safeguarded into the future.
- 2.3 The council has prepared an Issues and Options consultation document as the first formal stage in the preparation of the new Local Plan. This is attached at Appendix 1. In developing the new plan, it is essential that the council assembles a comprehensive evidence base and demonstrates clearly that it has assessed all realistic alternative options for meeting Medway's development needs over the plan period. The aim of this stage therefore is to gather information from local communities and wider stakeholders on their views of what the new plan should contain.
- 2.4 The document does not set out detailed policies or identify specific sites for development. Rather, it presents the key contextual matters that will be the drivers for the new Local Plan. These include the scale of development that the area will need to meet the projected increases in Medway's population, for homes, jobs, infrastructure and services. The plan seeks to address some of the current issues facing Medway, such as opportunities for boosting the economy, bringing forward regeneration and sustaining its town centres, improving the health of local communities, and looking after its natural and historic environments.

- 2.5 The document is structured around the key themes of Housing, Economy, Environment, Natural Resources, Infrastructure and Delivery, and consideration of potential approaches that could be taken to a development strategy for the new Local Plan.
- 2.6 It presents a context for the broad topics, then sets out issues to be addressed in the Local Plan, and raises a series of questions to gather information and views from consultees.

### *Development Needs*

- 2.7 At the core of the Issues and Options document is the scale of growth that is projected in Medway over the next 20 years. In common with other areas, Medway has experienced a marked increase in rates of growth in recent years. The population increased from 249,488 people in 2001 to 263,925 in 2011. The mid year estimates issued by the Office for National Statistics (ONS) have shown steady increases since the last Census, with the population rising to 274,015 in 2014.
- 2.8 The National Planning Policy Framework, 2012 (the NPPF) requires Local Planning authorities 'to use their evidence base to ensure that their Local Plan meets the full objectively assessed need for market and affordable housing in the housing market area, as far as is consistent with the (NPPF) policies'
- 2.9 In conjunction with Gravesham Borough Council, Medway Council commissioned GVA in early 2015 to produce a full Strategic Housing and Economic Needs Assessment. This commission was to identify the development needs for housing, employment and retail land and assess the viability for delivering development in Medway over the plan period. The assessment satisfies the government's requirements for an effective evidence base for the Local Plan. The final reports of this integrated needs assessment are being completed, but information from the early stages of the project has been used in the preparation of the Issues and Options consultation document. The full Strategic Housing and Economic Needs Assessment will be published in January 2016, to support the Issues and Options consultation. Extracts of the assessment have been provided for use with this report, and are attached at Appendix 2.
- 2.10 The government requires that councils use household projections published by the Department for Communities and Local Government as the starting point estimate of overall housing need. These are trend based and therefore reflect recent demographic changes. The latest official projections come from the ONS 2012-based sub national population projections. This anticipates the population of Medway will increase by 21.8% (58,600 people) to an overall population of 326,800 people in 2037. In 2012, Medway accounted for 18.1% of the total Kent county population; by 2037 this is projected to increase to 18.3%. The latest household projections released anticipate a 29% increase in Medway to a total of 139,900 households by 2037.
- 2.11 The work carried out by GVA has used these household and population projections, in combination with a range of local factors and market signals to establish development needs for housing in Medway over the plan period. These are set out in the table below, together with employment and retail land

needs. A fuller consideration of the calculation of the objectively assessed need for housing is presented in Appendix 3.

<b>Forecasts of Development Needs in Medway</b>		
<b>Housing</b> (number of dwellings) 2012-2035	Objectively Assessed Need	29,463
<b>Employment</b> (sqm land requirement) 2012-2035	Office	49,943
	Industrial	155,748
	Warehousing	164,263
<b>Retail</b> (sqm floorspace requirement) 2015-2031	Convenience	10,500
	Comparison	34,900

- 2.12 Government specifically asks for consideration of housing needs over a housing market area, in recognition that these may not necessarily align with local authority administrative boundaries. Work carried out by GVA has identified relationships between Medway and the neighbouring local authority areas of Gravesham, Tonbridge and Malling, Maidstone, and Swale. Further consideration of the nature of these relationships is set out at Appendix 2.

#### *Development Strategy Options*

- 2.13 The scale of the growth projected for Medway's population is such that it will require a wide ranging consideration of all feasible options for how new development can be delivered to achieve sustainable growth that will benefit Medway's communities, economy and environment.
- 2.14 This will involve a major review of the existing development boundaries for the urban areas and villages in Medway that were established in the 2003 Local Plan. The council must give consideration to development in areas of Medway that are much cherished as countryside, and look at new approaches to development, such as additional homes at higher density in urban locations. This will be a challenging process, but if the council fails to take a robust and comprehensive approach to the consideration of development options, the plan will be found 'unsound'. This would result in the council being without a Local Plan, and decisions on development being driven by the government or developers, compromising the local democratic process.
- 2.15 Inclusion of locations across Medway as possible development options in the Issues and Options consultation document does not mean that these will be confirmed as allocations for housing in the new Local Plan, or assume that planning permission will be granted.
- 2.16 The Local Plan process requires the council to draw up a strategy for the growth of Medway, meeting development needs in forms and locations that are consistent with the principles of sustainable development. This process will require careful consideration of development options and constraints to determine the capacity of Medway to accommodate the needs identified.

#### *Strategic Land Availability Assessment*

- 2.17 In order to inform the consideration of potential development options, the council has undertaken a Strategic Land Availability Assessment (SLAA) to

provide information on sites that may be suitable for inclusion as new allocations in the Local Plan. The NPPF requires Local Planning authorities to prepare strategic land availability assessments (SLAA) to demonstrate the availability of potential development sites. In doing so, the council must follow the approach set out by the government in its Planning Practice Guidance.

- 2.18 In assessing the supply of potential development sites the SLAA must consider if land is 'suitable' for development, 'available' and 'deliverable'. Land is considered suitable for development if it is free from development constraints; land is considered available if it is being actively promoted; land is considered deliverable if it is financially viable to develop.
- 2.19 Whilst the SLAA indicates the Council's initial assessment as to whether a site is free of constraints and would be likely to come forward for development, it does not allocate development sites or grant planning permission. As such the SLAA does not represent planning policy or predetermine the Council's future assessment of sites through the Local Plan and development management processes.
- 2.20 The preparation of the SLAA is an important element of the evidence base of the emerging Plan. As such, the Council has sought to undertake a robust and comprehensive assessment of the suitability, availability and deliverability of potential development sites in Medway, in line with government guidance. This has included engaging the development industry to source information on sites that landowners may wish to promote through the Local Plan process. The assessment process has comprised the following stages:
- Identification of potential development sites in Medway through a desktop review and a 'Call for Sites', where developers and landowners were invited to provide information on sites that they wished to see considered for their development potential;
  - An estimation of how much housing potential development sites might accommodate if developed;
  - An assessment of whether sites are subject to development constraints that might make them unsuitable for development;
  - An assessment of whether sites are available for development

Full details of the methodology that has been employed at each of these assessment stages is set out in the report at Appendix 4 and detailed information is published at: [www.medway.gov.uk/slaa](http://www.medway.gov.uk/slaa)

- 2.21 The assessment looked widely across urban and rural parts of Medway. 145 sites were submitted in response to the Call for Sites. The review also picked up sites that were considered in previous SLAAs. This resulted in a total of 425 potential development sites in Medway being assessed through the SLAA in 2015. A map showing the location of the sites considered is set out at Appendix 4. Of these 335 sites have been assessed as being unsuitable for development. A total of 90 sites have been identified as being suitable for accommodating housing development, with an estimated capacity of 12,808 units, of which 11,481 do not currently benefit from an extant permission. The calculation has included land at Lodge Hill being viewed as potentially suitable for development, but this is provisional and subject to the outcome of the Public Inquiry to determine its suitability.

## Local Development Scheme

- 2.22 The council is required to prepare, maintain and publish a Local Development Scheme (LDS) providing information on the process and timetable for producing its development plan documents. This helps the community and stakeholders to find out when they can participate in the process of preparing a new Local Plan for Medway.
- 2.23 An updated LDS is presented in Appendix 5. This replaces the current Scheme published in June 2014. This sets out the key stages for the preparation of the new Local Plan, as summarised below:

Key stage	Date
Issues & Options consultation	January – February 2016
Preferred Options consultation	January – February 2017
Publication draft plan consultation	November – December 2017
Submission to Planning Inspectorate	March 2018
Adoption of Local Plan	December 2018

- 2.24 The updated LDS has introduced a Preferred Options consultation stage in early 2017. This step has been taken to allow due consideration of the outcome of the Public Inquiry into the Lodge Hill planning application, and ensuring that options are fully assessed through a sustainability appraisal. The Inquiry is scheduled for 2016 and the outcome is critical to the council's assessment of the development strategy options to underpin the new Local Plan. The council is aware of the need to advance the preparation of the plan, and will keep the programme under review and consider opportunities to reach the Submission stage earlier, where this would not undermine the robustness of the process.

## Strategic Access Management

- 2.25 The work presented above on the preparation of the Local Plan establishes that Medway will be the focus of ongoing growth in coming years. A key consideration for the Local Plan will be that in accommodating development, due regard is given to the protection of the special features of the area. This has particular significance for designated habitats that are protected under international and national legislation.
- 2.26 Much of the estuary and marshes along the north Kent coast on the Thames, Medway and Swale are designated Special Protection Areas (SPAs), or Ramsar sites in recognition of their international importance for wildlife, in particular wintering birds. These designations establish legal requirements for the protection of these special environments, and specific duties on local authorities, particularly with regards to planning.
- 2.27 Both local and national studies have found that recreational activities such as walking dogs off the lead, cycling and running, in the proximity of these protected areas, results in disturbance to the birdlife. Based on North Kent housing projections a 15% increase in visitor numbers is estimated to be experienced at coastal and estuarine sites, due to the area's growing population. This increase in visitor activity and disturbance to birds is expected to have a negative impact on wintering bird numbers and therefore

the health of the Special Protection Areas (SPAs). This impact needs to be identified and addressed in all proposals for development that could affect the SPA and Ramsar sites, in order to satisfy the requirements of the Conservation of Habitats and Species Regulations, 2010 (often referred to as the Habitat Regulations).

- 2.28 Based on findings in the studies at local and national levels, Natural England's advice is that all residential development within 6 km of the SPA and Ramsar sites could potentially contribute to recreational disturbance and consequent damage to their special wildlife features. The designated areas and the extent of the 6 km buffer is shown in the map set out at Appendix 6. The 6km buffer represents the distance from within which the majority of trips to the coast originate.
- 2.29 Given the scale of the area covered, a strategic approach has been developed through the partnership work of the North Kent Environmental Planning Group. This comprises the Local Planning authorities of Medway, Gravesham, Swale and Canterbury, together with Kent County Council, Natural England, Kent Wildlife Trust and the RSPB. The group has commissioned specialist studies and developed a strategic mitigation response that is appropriate to address increased bird disturbance from eastern Gravesham to Seasalter in Canterbury. This response has been based on practice established and tested in other SPAs.
- 2.30 The strategic approach is acknowledged by Natural England as satisfying the requirements of the Habitat Regulations. The Strategic Access Mitigation and Management Scheme (SAMMS) would involve the development and delivery of a package of measures to address the management and mitigation of recreational pressure on the SPA and Ramsar sites on a strategic basis across north Kent. The scheme is to be funded through contributions collected from housing developers as a tariff tied to planning applications that have been granted consent.
- 2.31 Research has been carried out to determine the scale and range of project work required to offset the potential for damage arising from increased visitors to the estuary and marshes with the growing population in north Kent. An integrated package of projects has been costed and a calculation made of the charge that would need to be levied on each new residential property. This work has established that a charge of £223.58 would be required on every new additional dwelling built in the area identified, and to be collected by the four Local Planning authorities on consented developments. If developers do not accept the tariff, they would be required to carry out an Appropriate Assessment under the Habitat Regulations, which would involve significant costs in collating and analysing technical information and satisfying the legal tests. Such an approach would also require consultation with Natural England, and the developer would need to demonstrate that any mitigation measures proposed were effective in addressing strategic issues. If developers refuse to pay the tariff and do not carry out an Appropriate Assessment then applications will be refused on the basis of a potential negative impact on the SPA and being contrary to the Habitat Regulations.
- 2.32 It is intended that an appropriate policy in relation to protection of the SPA and Ramsar sites be included in the new Medway Local Plan, in line with the approach now being taken by many local planning authorities. However in

advance of the adoption of a new policy, Natural England has advised that local planning authorities should establish an interim policy position. Its letter of 17 August 2015 advises the following requirements:

- *A local authority having a policy that sets out how likely recreational disturbance impacts on overwintering bird interest from new residential development identified in the Local Plan will be avoided on European sites through strategic mitigation, and which states its intention to support the implementation of the mitigation as a partnership between the North Kent local authorities.*
- *Where a local authority does not have a relevant policy or a Local Plan in place, an alternative approach would be for the authority to consider developing an Interim Policy Statement, or similar mechanism.*

2.33 The council wishes to establish a policy basis setting out its support for this approach, in applying the tariff to development and in participating in the governance arrangements to oversee the operation of the scheme. Further details of the evidence base and the strategic approach to managing access in the designated habitats of the SPA and Ramsar sites are set out in the council's interim policy statement at Appendix 6.

2.34 In taking forward the delivery of this scheme, the council is keen to secure an effective and comprehensive approach and to engage with other local planning authorities in north Kent to commission strategic projects. A number of areas in Medway, such as Riverside Country Park, Grain Coastal Park and Allhallows are identified for targeted work. The council seeks to participate in the governance arrangements and express willingness to take on a coordination role on behalf of the wider partnership. Such a role would be fully funded from the tariff.

### **3. Options**

#### *Local Plan*

3.1 **Review development needs** – Calculation of the objectively assessed needs for housing in Medway has determined a requirement for over 29,000 homes over the plan period. This scale of need presents challenges for the council in identifying suitable land for development in Medway, which does not damage the natural and historic environment or create severe pressures on infrastructure.

3.2 The government sees the delivery of housing as a key national priority and reforms to the planning system over recent years have aimed to boost the supply of housing. A number of Local Planning authorities have had to withdraw their Local Plans from Examination, or carry out new work in assessing housing needs where Inspectors have not been satisfied that the plans have been positively prepared to meet development needs.

3.3 An understanding of the objectively assessed housing need is fundamental to the plan making process. As the plan progresses, the council will be assessing the capacity of the area to accommodate needs through sustainable development.



- 3.4 **Reduce timescale for producing a Local Plan** – the council is aware of the expectations for authorities to have an updated Local Plan in place by early 2017, and that there is a risk that the government could intervene to arrange for a plan to be written if this deadline is not achieved. The council shares the government’s aspirations for an updated plan being in place as soon as possible to provide direction and certainty for development in Medway. However it is essential that the plan making process followed by the council is robust, collating and analysing information to provide an adequate, up-to-date and relevant evidence base that will duly support a sound development strategy and policies. The plan needs to be developed through effective consultation with the local community, developers and wider stakeholders. Options and policies need to be objectively assessed on an iterative basis as the plan progresses, to ensure that the impacts of the proposals on the different components of sustainable development are understood, and used in decision making. If the council fails to provide the evidence, consultation, and consideration of the sustainability appraisals of the plan at its various stages, it will be found unsound, not legally compliant, and not properly justified. It is therefore important that the council does not put the plan at risk, in not giving due attention to all requirements of the process.
- 3.5 A critical milestone in the plan preparation process is the outcome of the Public Inquiry into the Lodge Hill planning application. The Inquiry is scheduled for summer 2016, but a decision is not expected until later in 2016. The scale of the strategic mixed use development proposed in the Lodge Hill planning application is such that it has major implications for the development strategy options to be considered in the Local Plan. The council needs certainty on the outcome of the Public Inquiry before it can appropriately assess options in the emerging Local Plan.

#### *Strategic Access Management Scheme*

- 3.6 **Extent of buffer zone** – the buffer zone applied to the SPA/Ramsar sites in designing the strategic access scheme covers most of Medway’s administrative areas. It may be considered that a tighter buffer zone would have a more direct relationship to the designated habitats. However research has shown that 6km represents the distance from within which the majority of visits to the coast originate. This research was carried out to inform the evidence base and strategy that is the basis for the strategic access scheme. This distance has been confirmed as appropriate by Natural England and is consistent with findings from research in other designated areas.
- 3.7 **Measures to address potential impact on the SPA/Ramsar sites** - the effectiveness of the projects and initiatives identified in the strategic approach have been assessed and found to be appropriate. Natural England has stated that provision of alternative natural greenspace in association with new development does not adequately replicate the special characteristics that attract people to visit coastal areas. Therefore such provision would not be considered as wholly effective in meeting the requirements of the Habitats Regulations. Work carried out for the North Kent Environmental Planning Group established that a strategic approach was more appropriate than individual projects.

- 3.8 Appropriate assessment at individual planning application level –** developers have the option of not contributing to the strategic access management tariff, and choosing instead to prepare an Appropriate Assessment of their planning proposal to satisfy the requirements of the Habitat Regulations. This is likely to be a more costly approach, and may still fail to satisfy the need to provide a strategic response.

#### **4. Advice and analysis**

##### *Local Plan*

- 4.1 The work on identifying development needs and land availability provides the basis for the initial consultation on the approach and content of the Issues and Options document. The council is actively seeking participation in the consultation process to collate further evidence and understand views on the options for development and how policies can address the key issues facing Medway in the new Local Plan.
- 4.2 It is considered appropriate to commence consultation on the Issues and Options document, in order to progress the preparation of the new Local Plan, and demonstrate a positive approach to planning for the area's growth.

##### *Strategic Access Management Scheme*

- 4.3 It is considered that the Strategic Access Management and Mitigation Scheme as proposed represents the most appropriate approach to address the potential impact on the designated areas. In line with Natural England advice, the council is seeking to establish an interim policy position and is applying the tariff on consented residential development. The other Local Planning authorities affected in Gravesham, Swale and Canterbury have agreed to this strategic approach, and are putting the appropriate policies and arrangements in place.
- 4.4 The strategic approach addresses the requirements of the Habitats Regulations and supports the council in meeting its duty of regard for the protected habitats of the estuaries and marshes.
- 4.5 The purpose of the Local Plan is to deliver sustainable development in Medway. The preparation of the plan will involve an iterative process of sustainability appraisal.
- 4.6 Diversity impact assessments have been carried out for the Issues and Options consultation and the strategic access management and mitigation scheme, and are attached at Appendix 7.

#### **5. Risk management**

- 5.1 The preparation of the new Local Plan is critical to the council's function as a Local Planning authority, and in managing the development of Medway over the next 20 years. The process is complex and subject to external risks, such as national policy changes and economic conditions, that are difficult to control. Project and risk management processes are built in the work programme for the plan preparation, and will be regularly monitored.

5.2 The implementation of the Strategic Access Management scheme will seek to minimise risk to the authority in not meeting the legal requirements arising from the protected habitats of the Thames and Medway estuaries and marshes.

Risk	Description	Action to avoid or mitigate risk	Risk Rating
Lack of updated Local Plan	Risk of government intervention in Medway planning. Vulnerable position in resisting development proposals in inappropriate locations.	Engagement with DCLG, members, PAS and PINS on emerging Local Plan work and timetable to build confidence that the council is progressing as quickly as due process allows in positively preparing a new plan.	C2
Failure to conduct effective consultation	Consultation on Issues and Options does not meet legal requirements, or effective engage local people or stakeholders.	Care in timing and management of consultation, and effective publicity to reach wide audience.	D2
Challenge from developers to Strategic Access Management Scheme.	Scheme is not supported by developers.	Tested evidence based approach endorsed by Natural England. Training/awareness raising. If SAMMS not supported, developers are required to submit an Appropriate Assessment for planning application, or application refused and defended at appeal	C3
The tariff generated funds are not sufficient to cover costs.	Funding shortfall inhibits delivery of scheme.	The full project costs have been identified and index linked. An endowment will be built in to ensure delivery in perpetuity. Phased projects to run in line with funding collected. Ongoing monitoring - SAMMS board can increase the tariff if needed.	C2
Implementation fails to address disturbance	Projects do not address impact on SPA/Ramsar sites.	Monitoring. If necessary changes will be agreed by the partnership board.	C2

## 6. Consultation

6.1 The Issues and Options document has been produced with the express purpose of carrying out consultation to support the plan making process. The statutory consultation process will be carried out in accordance with the

council's Statement of Community Involvement, 2014, that seeks meaningful and effective engagement with a wide range of stakeholders and diverse communities. The consultation period will run for 8 weeks from 4 January to 29 February 2016. The dates have been chosen to avoid the Christmas holiday period. The next edition of Medway Matters will publicise the upcoming consultation.

- 6.2 The council must ensure that it consults with a number of prescribed bodies and organisations, as well as reaching a wide range of stakeholders, residents, community groups, and developers. It holds a Local Plan contact database of over 1000 people and organisations and will use this to invite responses to the consultation. Officers will arrange meetings and events during the consultation to reach a wide range of people and different interest groups. The planning service will work corporately in taking forward this work, making use of contacts with different groups and sectors of the community across Medway. The cross party member Development Plans Advisory Group has been briefed on the preparation of the Local Plan, and an all member training event was held in October 2015. Further work with members will be built into the consultation programme.
- 6.3 Following the end of the consultation, officers will record all responses received, and use the information gathered to develop specific development strategy options and draft policies. The council will report on the representations made to the consultation, and how they have been taken into account in the preparation of the plan.

## **7. Financial implications**

- 7.1 The council is required to produce an updated Medway Local Plan, and this is a key function of the planning service. The Planning Service budget meets the costs of the preparation of the Local Plan. This includes the production of an effective evidence base and meeting the fees of the Planning Inspectorate for the independent Examination process.
- 7.2 The strategic access management scheme involves the collection of a tariff on new residential development to fund a package of strategic measures to address the potential impact on the designated areas. The tariff has been developed to cover all costs associated with the scheme, including the administration and coordination work.

## **8. Legal implications**

- 8.1 The preparation of the new Medway Local Plan is being undertaken in conformity with the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012. Recent government announcements have confirmed the importance of Local Planning authorities having an up-to-date Local Plan in place.
- 8.2 The strategic access management and mitigation scheme has been developed as a direct response to the requirements of the Conservation of Habitat and Species Regulations, 2010, and is considered as appropriate to meeting the duty that regulations place on the council as a competent authority.

## **9. Recommendations**

### **9.1 Cabinet is asked to:**

- (i) Approve an eight week period of statutory consultation on the Issues and Options document (as presented at Appendix 1) for the purpose of preparing a new Local Plan for Medway.
- (ii) Approve the implementation of a strategic access scheme as set out in the interim policy statement at Appendix 6 for the purpose of addressing the potential of damage to the Special Protection Areas and Ramsar sites on the Thames, Medway and Swale estuaries.
- (iii) Provide approval for the authority's collection of a tariff of £223.58 (index linked) per dwelling on development consents to fund the strategic access management and mitigation scheme, and to participate in the governance, coordination and implementation of the scheme.
- (iv) Provide delegated authority to the Director of Regeneration, Community and Culture to allow minor changes to the Issues and Options document prior to consultation for the purpose of presentation or improving clarity.

## **10. Suggested reasons for decision(s)**

- 10.1 To progress the preparation of the new Medway Local Plan, and to satisfy the requirements of the Conservation of Habitat and Species Regulations, 2010 on the council as a competent body.

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## **Appendices**

1. Issues and Options consultation document
2. Integrated Growth Needs Assessment – Technical Paper
3. Objectively Assessed Need for Housing
4. Strategic Land Availability Assessment – overview map of sites
5. Medway Local Development Scheme, 2015
6. Strategic Access Management and Mitigation Scheme – Interim Policy Statement
7. Diversity Impact Assessments

## **Background papers**

National Planning Policy Framework, 2012

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

Bird Disturbance Study, North Kent, 2010/2011, Footprint Ecology

<http://www.medway.gov.uk/pdf/Final%20North%20Kent%20Bird%20Report.pdf>

Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy, 2014, Footprint Ecology

<http://www.medway.gov.uk/pdf/Strategic-Access-and%20RecreationManagementPlan.pdf>