

CABINET

17 DECEMBER 2019

PLANNING POLICY UPDATE

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

This report outlines work on the preparation of the new Medway Local Plan, including an update to the programme set out in the Local Development Scheme, and publication of evidence base documents.

The report also seeks authority to publish the Medway Authority Monitoring Report that is produced annually. It provides an assessment of development trends and wider social, economic and environmental indicators, together with progress on the preparation of the new Local Plan.

The report identifies opportunities to streamline some processes relating to Neighbourhood Planning, through extending the scheme of delegation.

1. Budget and Policy Framework

- 1.1 The Medway Local Plan is the statutory development plan for the area, and is part of the council's Policy Framework. The council is preparing a new Local Plan, which on adoption will replace the current Medway Local Plan, 2003. The Local Plan is being produced in conformity with the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- 1.2 Whilst approval of the Medway Local Plan will be a matter for Full Council because it forms part of the Council's Policy Framework, approval of preparatory matters will be a matter for Cabinet. The Local Development Scheme is a statutory requirement of the plan making process.

- 1.3 The Monitoring Report complies with the Policy Framework. Approval of publication of the Monitoring Report is a matter for Cabinet. It has no budget implications. The report is produced to meet statutory requirements for the local planning authority to publish information about development in the area and the implementation of the Local Plan.
- 1.4 Currently decision making relating to the designation of Neighbourhood Areas and Neighbourhood Forums for the purpose of preparing a Neighbourhood Plan is a matter for Cabinet.
- 1.5 The costs of preparing the Local Plan and Authority Monitoring Report are met within the Planning Service budget.

2. Background

Authority Monitoring Report

- 2.1 The Planning Service has been compiling and publishing annual Monitoring Reports for the last 15 years, following the statutory requirement introduced in the Planning and Compulsory Purchase Act, 2004. The council has adhered to a timetable for the publication of the Authority Monitoring Report on an annual basis each December. This provides a basis for comparison with previous years.
- 2.2 The report brings together substantial information about the area for the period 1 April 2018 to 31 March 2019. This includes statistics and indicators on Medway's population and development trends, and social, economic and environmental aspects of the local area. It is a valuable reference source for many services, external organisations and potential investors, and is of particular interest to the planning and development sector. The report is based around a large collection of data, focusing on the progress made against a number of planning policy themes. In general terms these reflect the planned policy coverage in the new Local Plan.

Planning Policy Update

- 2.3 The Council is working towards the publication of the draft Local Plan. In November 2019, government announced that the Council's bid to the Housing Infrastructure Fund for £170m was successful. This investment in strategic transport and environmental measures facilitates development on the Hoo Peninsula. This potentially forms a core component of Medway's growth strategy over the plan period. Work on preparing the draft Plan will reflect this major success and provide confidence in demonstrating delivery of potential development.
- 2.4 The HIF outcome had been expected in Spring 2019 and the delay in the announcement has had implications for the Local Plan timetable. Following the recent news of the successful HIF programme, the Council is updating and finalising content of key evidence base work for the Local Plan and documents supporting the plan making process. This includes a whole plan Viability Assessment, Infrastructure Delivery Plan, and Strategic Transport Assessment. A Sustainability Appraisal and Habitats Regulation Assessment

will also be published with the draft Local Plan. The completion of these documents will support the publication of the draft Local Plan.

- 2.5 One of the greatest concerns raised in consultation for the emerging Local Plan has been the pressure on infrastructure, and that development should not place unacceptable impacts on services and damage the quality of life in Medway. The Strategic Transport Assessment is a critical part of the evidence base for the Local Plan. It demonstrates how transport networks will be affected by potential development, and where and how growth can be accommodated to avoid severe impacts on roads. The Council has been liaising with Highways England, as a statutory consultee, on this assessment since the outset of the work. This has been a complex and lengthy process, reflecting resourcing issues in Highways England and wider constraints on the strategic road network. This has resulted in delays to the completion of the Strategic Transport Assessment. The consultants have advised the Council that the report will be completed by May 2020. As this is a critical piece of the evidence base for the Local Plan, the publication of the draft plan will follow the completion of this work.
- 2.6 The local plan timetable and process is set out in a Local Development Scheme. Government states in Planning Practice Guidance that the Local Development Scheme must be available publicly and kept up-to-date. The Council considers that it is now appropriate to update the Medway Local Development Scheme to provide clarity to local communities and interested parties on the progress of the plan. An updated Local Development Scheme is set out at Appendix 1.
- 2.7 The key stages for the plan preparation are summarised below:

<i>Key stage of plan making</i>	<i>Date</i>
Publication of draft plan (Regulation 19)	Summer 2020
Submission for independent Examination (Regulation 20)	By January 2021
Examination	2021
Adoption	December 2021

Neighbourhood Plans

- 2.8 There are currently four neighbourhood plans in preparation in Medway. The formal process commences with the designation of a neighbourhood area, and where appropriate, a neighbourhood forum. The designation process is defined in legislation and there are clear criteria to follow. Formal decision making on the designation of a neighbourhood area and a neighbourhood forum is a matter for Cabinet. There are opportunities to streamline the decision making process through extending the scheme of delegation to cover this specific responsibility of the Local Planning Authority.

3. Options

Authority Monitoring Report

- 3.1 The AMR is a statutory document setting out factual information. There are no feasible alternatives to publishing the document.
- 3.2 The Council must keep the Local Development Scheme up to date, so it is appropriate to publish a revised programme when there are key changes. The draft plan must be sound on publication, that is, provide an effective development strategy based on evidence and that can be delivered. If the Council were to publish the draft plan in advance of the conclusion of the Strategic Transport Assessment, and taking account of its findings in wider plan preparation, this exposes the plan to being found unsound.
- 3.3 The Council can continue to consider all applications to designate a neighbourhood area or neighbourhood forum as a Cabinet matter, or review the decision making process through extending the scheme of delegation.

4. Advice and analysis

Authority Monitoring Report

- 4.1 The Authority Monitoring Report (AMR) consists of three volumes:
 - Volume 1 provides an overview of key population and development trends, social, economic and environmental indicators, and a commentary on progress with the preparation of the new Medway Local Plan. (This is presented at Appendix 2).
 - Volume 2 comprises detailed data tables that are summarised in Volume 1. (Due to the length and format of the report, this is web-published only and is available at:
https://www.medway.gov.uk/info/200149/planning_policy/597/local_development_scheme_and_monitoring/2
 - Volume 3 comprises the Medway Local Aggregate Assessment, which assesses the supply of mineral aggregates from land won and imported sources in Medway in 2018. (This is presented at Appendix 3).
- 4.2 The 2019 AMR reports on signs of increasing confidence in the development sector in Medway, with regeneration schemes underway in urban waterfront and town centre locations. In 2018/19, 647 homes were completed, which is significantly lower than the defined level of Local Housing Need for 1683 homes per year. However the rates of housebuilding are projected to rise considerably in coming years, as schemes that have received planning consent in the last few years are built out. By 2024 over 10,000 new homes are forecast to be built in Medway. Monitoring of employment land has shown large increases in floorspace – this was due to the completion of warehousing facilities at London Medway Commercial Park at Kingsnorth. Development in the retail sector was down on previous years, reflecting ongoing wider issues in the sector, and the lack of new large scale activities in supermarkets and retail centres that were delivered in preceding years. The official mid year population estimate for Medway in June 2018 was 277,855. This was a slower

rate of growth than seen in recent years, with migration accounting for a smaller proportion of growth.

Medway Local Plan Evidence Base

- 4.3 In support of the draft Local Plan, the Council continues to collate and update evidence base documents. Earlier this year, the Council consulted on draft town centre masterplans and delivery strategies for Chatham, Strood and Gillingham. These considered opportunities for redevelopment and means of strengthening the centres. The plans were well received with general support for the approaches to encourage a wider mix of development in the centres, including residential, commercial and community uses, and investment in the public realm and access. The document prepared for Chatham has also been used to support the work on the Future High Streets Fund programme for Chatham Town Centre, and the Heritage Action Zone for the Sun Pier to Star Hill area. The masterplans identify significant potential for development in the town centres, notably for residential. This would continue to build on the success of Medway's urban regeneration and the market lead provided by the Council's Medway Development Company in providing for new homes in the centres. Following consultation, the documents have been reviewed, and it is proposed to publish the masterplans as evidence base documents for the Local Plan. The documents are set out at Appendices 4, 5 and 6 to this report.
- 4.4 The supply of land to meet development needs, including for housing and employment, is central to the purpose of the Local Plan. The government requires local planning authorities to prepare Strategic Land Availability Assessments (SLAA) to identify the potential future supply of land which is suitable, available and achievable for housing and economic development uses over the plan period. The Council has prepared and updated SLAA reports over the past few years to support the preparation of the Local Plan. Given a range of environmental and infrastructure constraints, it has been difficult to identify sufficient land to meet the scale of development needs required over the plan period.
- 4.5 The Planning Service has continued to review this work and to update the assessment based on further knowledge of sites, evidence base work, and infrastructure investments. This has allowed the latest assessment to consider how sites could be mitigated to deliver sustainable development. The success of the HIF bid provides confidence in the delivery of strategic growth on the Hoo Peninsula. The town centre masterplans produced for Chatham, Strood and Gillingham have clearly identified the potential for redevelopment. These provide evidence that supports the update of the latest SLAA report. The assessment has concluded that there is potential land supply for 29,244 homes, from existing planning consents, suitable sites identified in the SLAA and an allowance for windfall sites (those coming forward outside of the local plan allocations). The report also identifies potential for c 600,000 sq m of new employment land, in addition to the c 700,000 sq m previously identified. The assessment is an important tool in the plan making process in considering how the area's development needs could be met over the plan period. The SLAA report is set out at Appendix 7.
- 4.6 A Playing Pitch Strategy is a requirement of the Local Plan evidence base. It identifies whether the supply and demand of play pitches within a local authority is sufficient to meet the current and future needs and demands for

sport. The Council has commissioned a study, working to the guidelines set by Sport England for a robust and up to date evidence base to justify the protection, enhancement and provision of playing pitches. Local sports groups inputted to the content of the study, and the work has been signed off by Sport England as meeting its requirements. The study identifies current and future pitch balance across sub areas of Medway, and provides a set of strategic recommendations to guide future governance and investment into pitch sport provision across Medway. A copy of the reports making up the study (Medway Council Playing Pitch Strategy – Needs Assessment, and Strategy Document, October 2019) is set out at Appendix 8.

- 4.7 The Council continues to develop a comprehensive evidence base for the new Local Plan. There is ongoing work on the Infrastructure Delivery Plan, Viability Assessment, Town Centre Parking Study and a Green and Blue Infrastructure Strategy. The Council's Planning and Regeneration teams are working on a Hoo Development Framework to set out the principles and ambitions for sustainable growth on the Hoo Peninsula. The Council plans to publish consultation materials in early 2020 to engage with key stakeholders and local communities in developing plans for the area, and informing the draft Local Plan.

Scheme of Delegation for Neighbourhood Planning

- 4.8 Medway Council has designated 4 neighbourhood areas for the purpose of preparing a neighbourhood plan and one neighbourhood forum for the purpose of preparing a neighbourhood plan. The processes for applying and determining a neighbourhood area and neighbourhood forum are tightly defined in legislation. There are very limited grounds for the Council to reject or change an application, if it has followed the legal criteria, such as following the parish boundary for an application from a parished area. The formal decision making has been a matter for Cabinet on the basis that there is no provision in the Employee Scheme of Delegation covering this matter. This results in Member time being spent on administrative matters and lengthens the process of decision making, potentially beyond the statutory maximum. If the Council does not determine the application within the statutory period, the Neighbourhood Planning regulations provide for deemed consent for designation.
- 4.9 Therefore, it is proposed to seek a delegation to the Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive to deal with any future applications for designations of neighbourhood planning areas and forums. This would involve an addition to paragraph 8.1 of the Employee Scheme of Delegation:

To determine applications for the designation of a Neighbourhood Area and/or Neighbourhood Forum for the purpose of the preparation of a Neighbourhood Plan, including the consideration of any representations made during the statutory consultation period, in consultation with the Portfolio Holder for Planning, Economic Growth and Regulation, in accordance with the Neighbourhood Planning (General) Regulations 2012, as amended in 2015, and in the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017.

- 4.10 Changes to the Employee Delegation Scheme are a matter for the Leader to determine in accordance with paragraph 3.3.3 of part 3 (Responsibility for Cabinet Functions) of chapter 3 (Responsibility for Functions) of the Council's Constitution. The Leader is recommended to agree this addition, as set out in recommendation 9.5 of this report.

Sustainability Appraisal

- 4.11 The preparation of the Local Plan is informed by a Sustainability Appraisal to ensure that proposals in the draft plan represent sustainable development. A full Sustainability Appraisal will be published with the draft plan. A Diversity Impact Assessment screening is set out at Appendix 9.

5. Risk management

- 5.1 The successful outcome of the HIF bid has provided certainty for the delivery of strategic growth on the Hoo Peninsula and informs the evidence base and assessments for the Local Plan. This significantly de-risks the plan making process. However the delay to the completion of the Strategic Transport Assessment has implications for the timely production of the Local Plan, and has impacts for managing development in Medway. The Council will continue to develop and publish the evidence base supporting the draft Local Plan to inform decisions on development proposals to secure sustainable growth in Medway.

Risk	Description	Action to avoid or mitigate risk	Risk rating
Lack of updated Local Plan	Risk of government intervention in Medway's planning. Vulnerable position in resisting speculative development proposals in inappropriate locations.	Engagement with MHCLG, members 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
Further delay in completion of Strategic Transport Assessment	Subsequent effect on Local Plan programme.	Engagement with Highways England through commitment to work programme and signing of Statement of Common Ground.	C2
'Policy vacuum' provides grounds for further speculative development proposals	Further pressures for unsustainable development.	Publication of evidence base documents to support decision making.	C2

6. Consultation

- 6.1 As the Authority Monitoring Report is factual, there is no requirement to consult; it is however web published to inform the public and users of the planning system, to meet statutory requirements.
- 6.2 The Council consulted on the draft versions of the Town Centre masterplans for Chatham, Gillingham and Strood from mid August to the end of September 2019. The Planning Service contacted over 1000 organisations and individuals on its Local Plan database to invite them to make comments. Officers also held a Member workshop, drop in sessions in town centres, stakeholder workshops and met with key groups, such as the Town Centre Forums. Generally there was support for the proposals, with specific representations from Historic England in relation to protecting and enhancing the heritage features of Chatham in progressing new development, and comments from land owners. Full details of the consultation and the responses received are set out in reports published on the Council's website at:
https://www.medway.gov.uk/info/200133/planning/525/planning_public_consultations/5

7. Financial implications

- 7.1 The costs of preparing the Local Plan are met from within the Planning Service budget, including the dedicated Local Plan Development Fund, which is critical to the funding of the work to provide an essential evidence base of technical documents and the costs of the independent Examination.

8. Legal implications

- 8.1 The Local Plan forms part of the council's policy framework, and must be prepared in accordance with statutory processes. These include conformity with the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The Authority Monitoring Report fulfils the requirements set out in the Planning and Compulsory Purchase Act 2004, Localism Act 2011 and the Town and Country (Local Planning) (England) Regulations 2012.
- 8.2 On adoption a 'made' Neighbourhood Plan forms part of the development plan for the area. The Local Planning Authority has the duty to determine the designation of the Neighbourhood Area and the Neighbourhood Forum. The Council's actions meet the requirements of the Neighbourhood Planning (General) Regulations 2012, as amended in 2015, Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016, and in the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017.

9. Recommendations

- 9.1 That the Medway Local Development Scheme, December 2019, as set out at Appendix 1 to the report, be approved as an updated programme for the preparation of the Medway Local Plan, to take effect from 31 December 2019.
- 9.2 That the 2019 Authority Monitoring Report, as detailed in paragraph 4.1 of the report, be approved for publication.
- 9.3 That the town centre masterplans for Chatham, Strood and Gillingham as set out at Appendix 4, Appendix 5 and Appendix 6 to the report respectively be approved as part of the evidence base for the Medway Local Plan.
- 9.4 That the Medway Strategic Land Availability Assessment, 2019 as set out at Appendix 7 to the report and the Medway Playing Pitch Study as set out at Appendix 8 to the report be approved as part of the evidence base for the Medway Local Plan.
- 9.5 That the Employee Scheme of Delegation be amended by the Leader to provide for a delegation to the Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive to deal with any future applications for designations of neighbourhood planning areas and forums, as set out in paragraph 4.9 of the report.

10. Suggested reasons for decisions

- 10.1 Approval of the Medway Local Development Scheme, 2019, will provide clarity on an updated programme for the preparation of the Medway Local Plan.
- 10.2 To comply with the duty to compile and publish a planning monitoring report.
- 10.3 To provide for an up to date and robust evidence base for the Medway Local Plan.
- 10.4 To provide for efficient decision making on the designation of Neighbourhood Areas and Neighbourhood Forums.

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Appendices

Please note that owing to the overall page count of the appendices (700+ pages), these can be accessed online:

<https://democracy.medway.gov.uk/ieListDocuments.aspx?CId=115&MId=4382&Ver=4>

In addition, hard copies of the appendices are available to view at the Chatham, Gillingham and Strood Community Hubs, the Conservative Group and Labour Group offices and the Democratic Services office at Gun Wharf. Please contact Democratic Services (T: 01634 332509 or E: democratic.services@medway.gov.uk) should you require a hard copy of the appendices.

Appendix 1	Medway Local Development Scheme, December 2019
Appendix 2	Authority Monitoring Report, 2019, Volume 1
Appendix 3	Authority Monitoring Report, 2019, Volume 3
Appendix 4	Chatham Town Centre Masterplan – Concept Masterplan and Delivery Strategy Report, December 2019
Appendix 5	Strood Town Centre Masterplan, December 2019
Appendix 6	Gillingham Town Centre Masterplan, November 2019
Appendix 7	Medway Strategic Land Availability Assessment, December 2019
Appendices 8a/8b	Medway Council Playing Pitch Strategy – Needs Assessment and Strategy Document, October 2019
Appendix 9	Diversity Impact Assessment screening

Background papers

None