

CABINET

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PUBLICATION OF MEDWAY LOCAL PLAN

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

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Summary

This report outlines the proposed publication of the draft Local Plan this autumn. The plan sets out the vision and spatial strategy for Medway's growth up to 2037. The report proposes the process to bring forward the plan and sets out an updated programme in the Local Development Scheme. It also reports on the process by which the Council is seeking to meet the Duty to Cooperate on cross border strategic planning matters.

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 covering the period 2021-2037, 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, including approval of the Local Development Scheme will be a matter for Cabinet.
 - 1.3. The costs of preparing the Local Plan are met within the Planning Service budget.

2. Background

- 2.1. The Council is preparing to publish its draft Local Plan, setting out the direction of Medway's growth up to 2037. It provides direction for investment in homes, jobs and services, and policies to protect and enhance what makes Medway special, and to deliver quality development that benefits our communities and respects the environment.
- 2.2. The plan needs to address the challenges of providing for high levels of housing need, supporting economic growth, promoting better health in our communities, and addressing climate change. The Local Plan sets out a strategy for growth that can realise the vision and aspirations for Medway. The strategy has been developed in the context of the global pandemic, structural changes in retail and the economy, increased pressure for housing, speculative planning applications, major changes in government policies, wider recognition of the requirements to address climate change, health inequalities and raised awareness of the value of local places.
- 2.3. The Local Plan provides the framework to shape future growth. It is closely aligned to wider strategies and plans for Medway. It can help to realise opportunities to bring new uses and vitality into areas such as the town centres where shops have closed as shopping patterns have changed. It can help to provide the connections that are critical to the city's success. It can provide for planned development, where new homes are phased with better services and infrastructure.
- 2.4. Medway is a complex and diverse area, including much land of national and international importance for wildlife; strategic infrastructure; and contrasting urban and rural areas. It is challenging to deliver the scale of growth needed in Medway, without significant change. It is the role of the Local Plan to guide that change and deliver development that is sustainable – balancing social, economic and environmental needs.
- 2.5. The Local Plan is a statutory requirement on the Council. The new Medway Local Plan contains strategic level policies and development allocations. The document is structured around a vision, strategic objectives, thematic based policies, development site allocations and a policies map setting out land designations.
- 2.6. The vision for the Local Plan promotes Medway's role as a city with revitalised centres and waterfront sites; growth which is fit for the future – addressing climate change and supporting new ways of living, travelling and working, and providing new opportunities for residents. It values the links with the natural and historic environments and supports healthier lifestyles. Change is seen on the Hoo Peninsula, with a thriving town serving its residents and workers, but the sensitive areas of countryside and coast are protected and enhanced.

- 2.7. The strategic objectives of the plan are focused on aspects of sustainable development:
- Environmental – including addressing climate change; transport; green infrastructure and biodiversity; protection of natural resources, such as air quality, agricultural land, minerals and waste management.
 - Social – including meeting housing needs for diverse sectors of the community; addressing health inequalities and tackling obesity; maintaining and providing a range of services and facilities and ensuring that development is accompanied by investments in infrastructure.
 - Economic – supporting economic growth; realising opportunities in key sectors and benefiting from better links to the Universities and Colleges in Medway; and directing new investment and uses to town centres where retail patterns have changed.
- 2.8. The policy areas in the plan will cover:
- Development Strategy and site allocations
 - Housing
 - Employment
 - Retail and Centres
 - Natural Environment
 - Built Environment
 - Health and Communities
 - Infrastructure
 - Transport
 - Minerals
 - Waste
 - Energy
- 2.9. It is anticipated that the most contentious part of the plan will be the spatial strategy and proposed sites for development allocations. Much of the growth is proposed in the urban centres and waterfronts and on the Hoo Peninsula. Town Centre masterplans have been prepared to support the urban regeneration strategy, and a Hoo Development Framework will be published with the draft plan providing additional guidance to support a proposed strategic growth allocation on the Hoo Peninsula. The plan is also supported by a comprehensive range of evidence base documents, including a Strategic Transport Assessment, Local Housing Needs Assessment and Strategic Flood Risk Assessment.

Local Development Scheme

- 2.10. It is intended that the draft plan will be published this autumn for representations at the formal stage of plan making, known as Regulation 19. It is intended to present the draft plan to the Council meeting on 7 October, in advance of publishing the draft plan for representations.

- 2.11. It is proposed that there will be a six week period in which people and organisations can make representations on the draft plan, and will be asked if they view that the plan is legally compliant and sound. This is in line with legal requirements and meets the government's expectations on progressing the preparation of the plan. Following the end of the consultation period, the Council will review and collate the comments received, and consider any changes that may be necessary to the plan. It is then planned to submit the plan in Spring 2022 to the Planning Inspectorate for independent examination. It is anticipated that the plan will be adopted in 2023, following the conclusion of the examination, issuing of the Inspector's report and consultation on modifications to the plan.
- 2.12. The key details of the Local Plan programme are set out in the Local Development Scheme at Appendix 1. This is a formal document that provides information on the content and timetable for plan making. It also makes reference to work on Neighbourhood Plans in preparation in Medway.

Duty to Cooperate

- 2.13. The Council also needs to publish information on how it has met the Duty to Cooperate on cross border strategic matters and details of consultation carried out through the preparation of the plan. There is an ongoing programme of engagement with neighbouring local authorities and statutory consultees. These include discussions on development proposals on Medway's borders and strategic transport matters with National Highways and Kent County Council. There is a legal requirement under the Duty to Cooperate on the Council to engage constructively, actively, and on an on-going basis, during the preparation of development plan documents, such as a Local Plan. This is a test that local authorities need to satisfy at Local Plan examination stage and is an additional requirement to the test of soundness. The Duty to Co-operate applies to strategic planning issues of cross boundary significance.
- 2.14. The statutory requirements of the Duty to Co-operate are not a choice but a legal obligation. Whilst the obligation is not a duty to agree, co-operation should produce effective and deliverable policies on strategic cross boundary matters in accordance with Government Policy in the National Planning Policy Framework (NPPF). In the Planning White Paper, 'Planning for the Future', published in 2020, the government consulted on changes to the requirements on strategic working in plan making, including the removal of the Duty of Cooperate. The government has not yet introduced any changes. Therefore, the Council is required to prepare the draft plan under the existing legislation, which includes meeting the Duty to Cooperate.
- 2.15. To demonstrate effective and on-going joint working, Local Planning Authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress made in subsequent co-operation. The NPPF states that strategic policy makers should collaborate to identify the relevant strategic matters which they need to address in their plans. In Medway organisations that are

covered by this requirement and where statements of common ground may need to be compiled, include:

- Neighbouring Local Authorities – specifically, Maidstone Borough Council, Gravesham Borough Council, Swale Borough Council, Tonbridge and Malling Borough Council, Dartford Borough Council, Kent County Council, and Thurrock Council. This can be expanded for particular matters that have significance on a wider scale, such as waste and minerals.
- Statutory Bodies – such as National Highways, Natural England, Historic England, Environment Agency, Marine Management Organisation, Homes England, Sports England.
- Partnership Bodies – such as South East England Local Enterprise Partnership, Kent Nature Partnership.
- Infrastructure providers – including Southern Water, Network Rail, National Grid.
- Health and wellbeing – such as Kent and Medway Clinical Commissioning Group.

2.16. The NPPF defines the topics considered to be strategic matters, which are potential subjects for consideration in statements of common ground, as follows:

- a) Housing (including affordable housing), employment, retail, leisure and other commercial development.
- b) Infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat).
- c) Community facilities (such as health, education and cultural infrastructure).
- d) Conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change and mitigation and adaptation.

2.17. Given the complex networks of co-operation and interaction on strategic matters, a single Statement of Common Ground (SCG) will not be a practical option for Medway Council and the organisations that need to be engaged. Several statements will therefore be needed, albeit these will be grouped as far as possible to reduce administrative burdens.

2.18. Each SCG is expected to be reviewed and updated as part of an ongoing iterative process, as strategic matters are progressed with individual or groups of organisations. It should also be noted that neighbouring Local Authorities may also decide they require their own SCGs to ensure compliance with NPPF requirements in respect of ensuring their Local Plans are presented as being sound at examination. This means the Council may be approached at any time by neighbouring Local Authorities seeking to agree and sign-off updates to SCGs.

2.19. Given the likely number of SCGs and their iterative nature, accompanying governance arrangements will need to be sufficiently flexible to enable updates to be progressed in a timely manner. It is therefore considered that

the use of delegated powers through the Director of Place and Deputy Chief Executive, in consultation with the Head of Planning and the Portfolio Holder for Planning Economic Growth and Regulation rather than via Cabinet decision, would be a more efficient and appropriate mechanism for signing off SCGs as and when they are drafted and updated.

3. Options

- 3.1. There is a statutory duty on the Council to prepare a local plan to guide growth in its area. Therefore, it is appropriate to progress with the publication of the draft plan as a key step towards an adopted local plan. There are a number of options that have been considered as part of the plan making process. These are outlined below.

Housing Needs

- 3.2. The plan should be positively prepared to meet the area's development needs. Providing sufficient land to meet the needs for housing is a critical requirement of the plan. Government directs local planning authorities to use the Standard Method for calculating Local Housing Need, unless exceptional circumstances can be justified and found sound by a Planning Inspector at examination. The Standard Method provides a formula based approach to meeting the government's policy aims to boost the supply of housing and to reach 300,000 new homes a year. The calculation identifies an annual housing need of 1586 homes in Medway, and this is projected over the plan period to give the level of development needed up to 2037. The Standard Method uses 2014 based household projections, and more recent data series are available.
- 3.3. Demographic information published by the Office of National Statistics (ONS) shows that rates of growth have declined in Medway in recent years. The later series of household and population projections indicate much lower levels of growth in Medway. The Council has considered if it is appropriate to use an alternative methodology to determine the level of housing needed over the plan period. This assessment is set out in the Local Housing Needs Assessment, 2021, commissioned as part of the evidence base for the Local Plan. Options on levels of housing delivery have also been considered in the Sustainability Appraisal informing the draft Local Plan. Further, the Council has sought legal opinion on this matter, and Counsel has confirmed that is appropriate to use the Standard Method in preparing the Medway Local Plan. Although there are concerns about the Standard Method which the Council has set out in consultation responses to Government, the Council and its independent consultants have concluded that the local circumstances do not meet the very high requirements to justify 'exceptional circumstances'. The Council would expect significant objections to the use of an alternative methodology and detailed scrutiny by the Local Plan Inspector at Examination. The Inspector could reject the plan as unsound, or require the Council to use the Standard Method and allocate additional development sites to meet the levels of housing required. The expectation to use the Standard Method has been restated by government officers from the Ministry of

Housing, Communities and Local Government in recent discussions with the Council.

Spatial Strategy

- 3.4. The draft plan sets out a development strategy guiding Medway's growth up to the late 2030s. The strategy promotes urban regeneration and the strategic growth of villages on the Hoo Peninsula, together with a number of sites in suburban areas, many of which have been granted planning permission in recent years. The Council is required to look widely at options for how its development needs can be met. This has involved an iterative process of reviewing land availability and suitability, and assessing alternative approaches to growth. The high level of housing needs, and the significant range of constraints in Medway (including the natural environment, infrastructure and viability) have made this a challenging and complex process. The reasonable alternatives to the development strategy are set out in the Sustainability Appraisal which will be published with the draft plan.
- 3.5. These include directing more growth to the suburban locations around Rainham and Capstone, and release of Green Belt land to the west of Strood. The Council could also consider a strategy that did not meet development needs, but it would be required to reach agreement with neighbouring authorities to provide for Medway's unmet housing needs. Given the development pressures facing many areas in Kent, this is not a realistic option.
- 3.6. The proposed spatial strategy is considered to represent the most sustainable approach to guiding Medway's growth. The focus on urban regeneration provides investment in centres, realising new opportunities for homes, jobs and services, providing a positive response to structural changes in retail and employment. The proposal for strategic growth on the Hoo Peninsula is supported by the investment in infrastructure, notably through the transport and environmental measures delivered through the Housing Infrastructure Fund programme.

Local Plan programme

- 3.7. The preparation of the Medway Local Plan is a complex process, involving the collation of a wide evidence base and balanced decision making on sites and policies. There is also ongoing significant change in government policy and strategic projects, such as the Lower Thames Crossing and London Resort that have implications for Medway. Some local planning authorities have delayed the publication of their draft plans awaiting further certainty on policy changes and strategic projects.
- 3.8. The Council has reviewed the Local Plan programme and updated the risk register, and it is considered appropriate to publish the draft plan this autumn and proceed to submit the plan for independent examination early next year.

- 3.9. It is important that the Council provides direction to Medway’s growth, particularly in the context of significant speculative development proposals and a dated Local Plan. Therefore, it is critical that the Council progresses with the publication of the draft plan in coming months, noting uncertainties in the wider policy and development context, but providing a clear and positive vision and strategy to guide Medway’s growth and direct investment.

Duty to Cooperate

- 3.10. This is a legal requirement of the plan making process, and work has been ongoing throughout the preparation of the Medway Local Plan. The Statements of Common Ground are an important component of this process and involve iterative reviews to take account of key issues and additional evidence. The governance process needs to provide for flexibility in updating the Statements. For this reason, formal sign off through Cabinet is not considered the most appropriate option. However, it is important to have member involvement in this process, and an officer delegation alone would not provide the appropriate governance to this critical area of plan making and strategic working. Therefore, it is proposed that the preferred option is to seek delegated authority to the Director of Place and Deputy Chief Executive to, in consultation with the Portfolio Holder for Planning, Economic Growth and Regulation and the Head of Planning, to sign Statements of Common Ground on behalf of the Council on cross border strategic planning matters, as part of the requirements under the Duty to Cooperate.

4. Advice and analysis

- 4.1. It is proposed that a report on the draft plan be presented to Council on 7 October. It is proposed that the plan be published with the proposed spatial strategy, seeking to meet defined levels of Local Housing Need for 26,962 homes over the plan period. The Council will invite representations on the proposals in the draft plan.
- 4.2. A Diversity Impact Assessment will be prepared for the publication of the draft Local Plan.

5. Risk management

- 5.1. The Local Plan is complex and subject to a range of external factors, and local constraints. Risk awareness and management has been integral to the plan making process.

Risk	Description	Action to avoid or mitigate risk	Risk rating
Spatial strategy not deliverable	Plan does not provide for sufficient development – could be found	Sites assessed on range of criteria, including viability and infrastructure dependencies	D2

Risk	Description	Action to avoid or mitigate risk	Risk rating
	unsound/additional sites allocated		
Legal compliance	Publication of plan and supporting papers do not meet legal requirements.	Duty to Cooperate work, Counsel advice, use of Planning Advisory Service checklists and independent review of content and process.	D1
Soundness test	Plan proposals not properly justified.	Attention to evidence base	D2
Inadequate consultation and engagement	Lack of stakeholder involvement or frustration with process, including limited time in which to make comments.	Clear communications on Regulation 19 timetable and process. Considered consultation programme with focused engagement with key groups.	C3
Managing objections and responses	Capacity to manage high volume of responses; managing expectations and significant objections to the plan.	Processing arrangements in place to manage consultation responses, and clear communications on Local Plan process and requirements.	C3
Significant issues raised at Regulation 19	Issues indicate changes required to plan – significant changes could require further consultation prior to Submission.	Strategy and content of plan clearly based in evidence and following legal requirements.	C2
Further government policy changes	Could require new policy or procedural approaches that	Keeping abreast of anticipated changes; generally transition period	B3

Risk	Description	Action to avoid or mitigate risk	Risk rating
	may delay/change plan.	for major policy changes.	
Government intervention	Government could intervene in plan making process due to lack of uptodate local plan, and reduce local input	Publish draft plan as planned, to provide certainty to government on progress.	D3
Impacts of external strategic development	Projects such as the Lower Thames Crossing and developments on Medway's borders could impact on growth strategy.	Engagement on strategic development and planning matters; consideration of wider planned growth in transport evidence base.	B2

6. Consultation

- 6.1. The publication of the draft plan for representations is a formal part of the plan making process, referred to as Regulation 19. This provides the opportunity to review the proposed plan, and its supporting evidence base and make comments on its compliance and soundness.
- 6.2. The Council intends to publish the draft Local Plan and supporting evidence for representations for six weeks this autumn. The Council is under pressure to progress plan making and an extension to the statutory consultation process would be questioned by Government. All information will be published on the Council's website and hard copies of key documents will be available for inspection at a number of public libraries and at Gun Wharf during this six week period. The Planning Service will directly contact organisations, groups, businesses and local people with an interest in the plan, using its database of over 1000 contacts. The consultation programme will be discussed with members of the cross-party Development Plans Advisory Group, who have been involved through the plan making process.
- 6.3. The Council's website will be the primary source of information on the Local Plan, and the Council's Communications team are working with the Planning Service to raise awareness of the publication of the draft plan. A number of events and meetings will be planned as part of the consultation process, with consideration to public health, and those communities potentially most affected by the proposals in the plan.
- 6.4. Given experience with other Local Plans promoting high levels of development, it is anticipated that many people and organisations will want to

comment on the draft plan. Following the close of the formal period for comments, the Council will review and collate the information received, consider any changes needed to the draft plan, and the written representations will be submitted to the Planning Inspector with the draft plan and its supporting evidence base.

7. Climate change implications

- 7.1. Climate change is one of the key issues to address in the Local Plan. It is recognised in the vision for Medway's growth and in the strategic objectives for the plan.
- 7.2. The scale of growth needed in Medway over the plan period will have impacts on use of resources, including transport, energy usage in homes and other buildings, and the natural environment. The Local Plan is one aspect of the policy framework and measures promoted by the Council to deliver its commitment to address climate change.
- 7.3. The plan seeks to support sustainable development. The spatial strategy directs growth to urban regeneration sites that benefit from good accessibility for public transport, walking and cycling that reduce reliance on cars. The proposed strategic growth on the Hoo Peninsula seeks to deliver better access to services and transport choices and build better for the future of residents and the environment.
- 7.4. Many policies also directly seek mitigations and adaptations to climate change, including transport, housing design, energy, waste, flood and water management, and green infrastructure. Accessible town centres and local centres can also provide local services for residents and reduce the need to travel.

8. Financial implications

- 8.1. The costs of preparing the Local Plan are met through the Planning Service budget. The draft plan will include an updated policy on infrastructure, that directs developer contributions to mitigating the impacts of growth on services.

9. Legal implications

- 9.1. 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 Duty to Cooperate is in accordance with the Localism Act, 2011.

10. Recommendations

- 10.1. The Cabinet is requested to:
- 10.2. Agree that the draft Local Plan be reported to Full Council on 7 October 2021, seeking approval to publish the plan for representations.
- 10.3. Approve the publication of the Medway Local Development Scheme, 2021, as set out at Appendix 1 to the report, as the formal programme for the preparation of the Medway Local Plan.
- 10.4. Delegate authority to the Director of Place and Deputy Chief Executive to, in consultation with the Portfolio Holder for Planning, Economic Growth and Regulation and the Head of Planning, to sign Statements of Common Ground on behalf of the Council on cross border strategic planning matters, as part of the requirements under the Duty to Cooperate.

11. Suggested reasons for decisions

- 11.1. To confirm the timely progress of the publication of the draft Local Plan.
- 11.2. To provide an updated formal programme for the preparation of the Local Plan.
- 11.3. To provide a robust and effective governance process supporting the legal Duty to Cooperate.

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Appendices

Appendix 1 Medway Local Development Scheme, 2021

Background papers

None.