

CABINET

18 OCTOBER 2022

PLANNING POLICY UPDATE - MEDWAY LOCAL DEVELOPMENT SCHEME AND STATEMENT OF COMMUNITY INVOLVEMENT

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

Report from: Richard Hicks, Director of Place, and Deputy Chief Executive

Authors: Dave Harris, Head of Planning
Catherine Smith, Planning Manager - Policy

Summary

This report presents a Local Development Scheme which sets out an updated programme for the preparation of the new Medway Local Plan and Neighbourhood Plans in Medway. This scheme provides for an additional stage of consultation in the preparation of the Local Plan. The report also considers an update to the Medway Statement of Community Involvement, which sets out the processes that the Council will follow in consulting on planning matters.

1. Budget and policy framework

- 1.1. The Medway Local Plan forms part of the statutory development plan for the area. The development plan 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, including approval of documents such as the Local Development Scheme and Statement of Community Involvement, will be a matter for Cabinet.
- 1.3. The costs of preparing the Local Plan are met within the Planning Service budget and Local Plan reserve.

2. Background

- 2.1. The Medway Local Plan provides a strategy and policies to guide growth and achieve sustainable development. It contributes to wider ambitions for Medway – to improve the health of our communities, to care for our environment, to strengthen the economy and to provide the housing and services needed for our area. The current Local Plan was adopted in 2003 and the preparation of the new Local Plan has faced a number of challenges.
- 2.2. In 2021, the Planning Service was working on preparing a draft plan for publication at ‘Regulation 19’. This would have represented the Council’s intended final version of the plan, to submit for independent examination, following the publication period for representations. This work was not progressed for publication. The Planning Service has since been considering the most appropriate means to progress the plan, together with strengthening and reviewing the evidence base for the Local Plan.
- 2.3. There is a high level of housing need in Medway. Government directs local planning authorities to use its ‘Standard Method’ for calculating housing need. The formula is updated annually. In March 2022, the annual level of housing needs in Medway increased from 1586 homes a year to 1675. The Council must refer to levels of housing need in defining the development that it needs to plan for in the new Local Plan. This means that the new Local Plan has to plan for around 28,500 new homes by 2040. Although some of the housing will be provided through schemes that already have planning permission, the plan will need to allocate land to meet much of that need. This will involve significant change for many parts of Medway, including more apartment blocks in our town centres, and new housing on greenfield sites in suburban and rural Medway. The process of reaching agreement on a preferred spatial strategy for how Medway should grow is challenging and contentious.
- 2.4. The Council has given careful consideration to how best to progress the new Local Plan. It has sought independent advice from the Planning Advisory Service and been in discussion with government officers at the Department for Levelling Up, Housing and Communities. It is considered appropriate to provide an additional stage of consultation at ‘Regulation 18’ on the emerging Local Plan, before the Council confirms its preferred development strategy in the draft plan at ‘Regulation 19’. This additional stage of consultation provides the opportunity to assess options on development sites and locations before finalising proposed allocations. It also allows the Council to consider how it will meet the increased development needs with the uplift in annual housing need, and an extended plan period to 2040. The Local Plan must provide for a minimum period of 15 years from adoption of the plan. With the additional stage of consultation and delay in the process, the Council will not be able to adopt a new Local Plan before 2025.
- 2.5. The Planning Service is working on the content of a further ‘Regulation 18’ document for consultation in 2023. The consultation will focus on options for development locations. The document will be informed by a refreshed assessment of potential development sites and a further iteration of

Sustainability Appraisal and Habitats Regulation Assessment on the potential impacts from development proposals. The Planning Service is issuing a 'Call for Sites' this autumn. Officers will contact developers and wider stakeholders across Medway seeking information on sites that could be suitable for different types of development. It is anticipated that this process will help to identify some new potential sites, as well as updating information that will help in assessing the suitability of sites. This comprehensive review of potential development sites will include a Sustainability Appraisal on the potential impacts on environmental, economic, and social measures. The assessment will identify 'reasonable alternatives' for development options, that will feed into the Regulation 18 document next year.

- 2.6. The Planning Service is continuing to strengthen and keep its evidence base updated, to support the new Local Plan. This includes further work on transport, landscape, open spaces, and gypsy, travellers and travelling showpeople's accommodation needs.
- 2.7. Neighbourhood Planning groups in Medway are also progressing with the preparation of Neighbourhood Plans. The Cliffe and Cliffe Woods Plan is at examination stage, and High Halstow and Arches (Chatham) intend to submit their draft plans to Medway Council in coming months. The Council expects the first Neighbourhood Plans to progress to referendum in 2023 and subject to the outcome of the voting, to be adopted as planning policy next year.
- 2.8. The Council is required to prepare and maintain a Local Development Scheme. This sets out the programme and timetable for preparing key planning policy documents, such as the Medway Local Plan and the Neighbourhood Plans. The current published scheme is outdated. A refreshed Local Development Scheme is set out at Appendix 1. The key stages for work on the new Local Plan are summarised below:

Key Stage	Date
Consultation on Alternative Development Options (Regulation 18)	Summer-early Autumn 2023
Publication of draft Plan (Regulation 19)	Early 2024
Submission to Secretary of State (Regulation 22)	Mid 2024
Independent Examination (Regulation 24)	2024 - mid 2025
Adoption (Regulation 26)	Autumn 2025

Table 1: Local Plan key stages

Statement of Community Involvement

- 2.9. The Council is required to prepare a Statement of Community Involvement setting out how it will consult on planning matters, including the preparation of the Local Plan and Neighbourhood Plans. Local planning authorities must review their Statements of Community Involvement every 5 years. It is important that Statements of Community Involvement are kept up-to-date to ensure effective community involvement at all stages of the planning process. Government advises that local planning authorities should regularly review and update their Statement of Community Involvement to reflect any changes

to engagement. Medway Council updated its Statement of Community Involvement in 2020 to address the impacts of the Coronavirus pandemic and to reflect the Coronavirus regulations issued by government. That context has now changed. There have also been some updates to procedures in the Planning Service. The service continues to develop its digital processes in line with government ambitions for Planning and the Council's aims for service improvements and better ways of working. The Planning Service has reviewed the Statement of Community Involvement and an updated document is set out at Appendix 2. This will guide the Council's approach to further consultation in the preparation of the new Local Plan.

3. Options

- 3.1. The Council is required to publish and update a Local Development Scheme to keep people informed about progress on its planning policy work. The Planning Service has considered the options for the next stages of work on the Local Plan.
- 3.2. The Local Development Scheme, set out at Appendix 1, provides for an additional stage of consultation at Regulation 18, in advance of publishing the draft plan at Regulation 19. This is considered appropriate, as it provides the basis for meeting additional development needs, resulting from the extended plan period and uplift in Local Housing Need. It also provides the opportunity for further consideration of development options on Medway's spatial growth strategy.
- 3.3. The Council has the option to proceed to publishing the draft plan at Regulation 19. This stage of plan-making represents the Council's decision on its preferred spatial strategy and the supporting allocations and policies. Given the need to provide for higher levels of growth and the longer plan period, and the call for consideration of wider options on development locations, it is not viewed that proceeding directly to Regulation 19 is a sound approach for the new Local Plan.
- 3.4. The Council is required to publish and update a Statement of Community Involvement. The previous version reflected arrangements for consultation during the Covid pandemic. It is considered appropriate to refresh the document now to reflect updated procedures and changed circumstances.

4. Advice and analysis

- 4.1. It is proposed to approve an updated Local Development Scheme for the Local Plan programme, and an updated Statement of Community Involvement. It is important to provide clarity on the preparation of the Local Plan, and it is appropriate that the updated Local Development Scheme is published. It is considered that the proposed additional stage of consultation at Regulation 18 provides a sound basis for the preparation of the new plan.
- 4.2. The updated Statement of Community Involvement reflects current procedures and requirements in relation to consultation on Planning matters.

It is viewed as appropriate to update the document as part of the supporting work for the new Local Plan.

- 4.3. A Diversity Impact Assessment screening on the Statement of Community Involvement is set out at Appendix 3.
- 4.4. The Local Plan is informed by iterative sustainability appraisals which consider the potential social, environmental and economic impacts of the draft proposals and policies. This forms part of the legal process for plan making.

5. Risk management

- 5.1. The key risks relate to the delay in the adoption of a new Local Plan. With an ageing Local Plan from 2003, high levels of housing need, and the absence of a five-year land supply for housing, the Council is under pressure from speculative development. This weakens the Council's position in guiding future development to meet its strategic objectives for growth in Medway. However, the Council needs to ensure that the new Local Plan meets the tests of legal compliance and soundness at independent Examination. The process set out for the preparation of the new Local Plan provides the basis for ensuring that the plan is soundly based on evidence and is informed by a comprehensive Sustainability Appraisal and Habitats Regulation Assessment. With high levels of housing need, there will be a number of challenges to locations and sites selected for growth in the new Local Plan. The additional stage of consultation at Regulation 18 will provide an opportunity to again consider the potential impacts and opportunities that could result from different development locations and sites. This will provide further evidence to inform decisions on the preferred spatial strategy.

Risk	Description	Action to avoid or mitigate risk	Risk rating
'Policy vacuum' provides grounds for further speculative development proposals	Further pressures for unsustainable development.	Preparation and publication of evidence base documents to support decision making.	B2
Challenges to preferred development strategy.	Lack of support for draft plan.	Further work in assessing development options and consultation informs decision making.	C2
Lack of updated Local Plan	Risk of Government intervention in	Engagement with DLUHC, members and PINS on emerging Local	C2

Risk	Description	Action to avoid or mitigate risk	Risk rating
	Medway's planning. Vulnerable position in resisting speculative development proposals in inappropriate locations.	Plan work and timetable to build confidence that the Council is progressing as quickly as due process allows in positively preparing a new plan. Revision to LDS provides for updated programme.	
Ageing evidence base	Does not provide effective basis to provide soundness of plan.	Review of key documents and updates where necessary.	C2
Changes to national planning policy	New legislation introduced by government impacts on plan preparation and policies.	Anticipate provision for transitional arrangements and officers to assess implications of legislative changes and adapt.	C3

6. Consultation

- 6.1. There is no requirement to consult on the Local Development Scheme or updates to the Statement of Community Involvement. The Statement of Community Involvement sets out the steps that the Council will follow in further consultation on the new Local Plan. The additional stage of Regulation 18 consultation will provide more opportunities for engagement in the development of the new Local Plan.

7. Climate change implications

- 7.1. The Local Development Scheme sets out a timetable for the preparation of the Council's development plan. The Statement of Community Involvement outlines how the Council will carry out consultation in relation to Planning. Neither document directly addresses climate change matters. However, there are specific considerations on climate change in the wider work in preparing the Local Plan and in the determination of planning applications. The new Local Plan will include objectives and policies to mitigate and adapt to climate change.

8. Financial implications

- 8.1. The costs of preparing the Local Plan are met within the Planning Service budget, The current projection is for the cost of preparing the Local Plan and Public Enquires will be able to be met from the Local Plan reserve. Any expenditure in excess of the amount held in the Local Plan reserve would need to be funded from existing service budgets or from other reserves.

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). A Local Development Scheme is required under section 15 of the Planning and Compulsory Purchase Act 2004. Section 18 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to prepare a Statement of Community Involvement.

10. Recommendations

- 10.1. The Cabinet is requested to approve the Medway Local Development Scheme 2022, as set out at Appendix 1.
- 10.2. The Cabinet is requested to approve the Medway Statement of Community Involvement 2022, as set out at Appendix 2.

11. Suggested reasons for decisions

- 11.1. Cabinet is requested to approve the Medway Local Development Scheme 2022, as set out at Appendix 1, to provide clarity on an updated programme for the preparation of the Medway Local Plan.
- 11.2. Cabinet is requested to approve the Medway Statement of Community Involvement 2022, as set out at Appendix 2, to provide an updated policy for consultation on Planning matters.

Lead officers contacts

Dave Harris
Head of Planning
Gun Wharf
Telephone: 01634 331575
Email: dave.harris@medway.gov.uk

Catherine Smith
Planning Manager – Policy
Gun Wharf
Telephone: 01634 331358
Email: catherine.smith@medway.gov.uk

Appendices

Appendix 1: Medway Local Development Scheme, 2022
Appendix 2: Medway Statement of Community Involvement, 2022
Appendix 3: Diversity Impact Assessment screening for Statement of Community
Involvement

Background papers

None