

CABINET

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MEDWAY LOCAL PLAN – REGULATION 18 CONSULTATION

Portfolio Holder: Councillor Simon Curry, Climate Change and Strategic
Regeneration

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Summary

The report outlines the proposed consultation on the emerging Local Plan. It sets out the scope and objectives of the consultation and the key issues for consideration. The consultation will focus on the vision and strategic objectives for Medway's growth up to 2040, and options for how and where development should be planned to provide for Medway's growing and changing communities.

1. Recommendations

1.1. Cabinet is requested to approve the publication of the Local Plan Regulation 18 consultation document, as set out at Appendix 1, for consultation.

2. Suggested reasons for decision

2.1. To provide for community and stakeholder input to the preparation of the new Medway Local Plan.

3. Budget and policy framework

3.1. The Medway Local Plan is an important component of the authority's Development Plan. The Development Plan is part of the Council's Policy Framework. Decisions on consultation stages in the preparation of the Local Plan are matters for Cabinet. The costs of preparing the Local Plan are met through resources in the Planning Service. These include a dedicated Local Plan reserve, which is now close to being fully utilised.

4. Background

- 4.1. There has been protracted work on updating Medway's Local Plan and a number of challenges have significantly delayed progress. The current Plan was adopted in 2003 and the Council needs the new Plan to manage growth across Medway up to 2040. In addition to the challenges and constraints faced locally in developing the new plan, the national policy context is uncertain. Government is proposing to introduce reforms to the Planning system, including the plan making process. However there have been delays in publishing the government's response to consultation outcomes and further consultations are ongoing and planned. A key matter is the scale of housing that Local Planning Authorities should provide for in Local Plans.
- 4.2. The government's standard method for calculating Local Housing Need (LHN) identifies a need for 1667 homes annually in Medway, or around 28,500 over the plan period to 2040. The level of housing need is greatly higher than housebuilding rates seen in Medway for at least 30 years. The formula reflects dated demographic projections and has been much criticised across the country. There is confusion on the status of the housing need, with many referring to a speech by the Secretary of State inferring that the targets are not mandatory. However, there have been no changes to national planning policy that directs councils to use LHN in drawing up their plans. The Council views that until there is a clear update to national planning policy, it is appropriate to reflect LHN in the baseline information for plan preparation. This is consistent with advice from the Planning Advisory Service.
- 4.3. Medway is a diverse area, with a large urban conurbation made up of towns and suburbs and an extensive rural hinterland with national and international designations for nature. Medway includes strategic infrastructure for energy, transport, education and learning, and healthcare. The new Local Plan must balance the need to allocate land for housing, jobs and services with managing natural resources and caring for the area's historic and natural environment. There are particular challenges in meeting the full needs for housing within the constraints of environmental designations and infrastructure requirements, notably transport.
- 4.4. The Council is preparing to publish a consultation document to lead into the development of the detailed plan with the proposed spatial strategy and supporting policies in Spring 2024. The document is set out at Appendix 1. This is a formal stage of consultation – 'Regulation 18' – in the preparation of a Local Plan. The Council must follow legal requirements for the process and timetable of the consultation but has some flexibility on the content of the published materials. This consultation will focus on the vision and strategic objectives for the new Plan and set out the options available to meet Medway's growth needs. It will not promote preferred development options at this stage.
- 4.5. The consultation provides the opportunity to refresh the vision and strategic objectives of the new Plan to align with the ambitions of the new administration. This focus also allows for wide engagement in identifying the

key issues for Medway, and collating views on how best to deliver on aspirations for our environment, communities, and economy.

- 4.6. The Plan's vision is to establish Medway as a leading regional city, connected to its surrounding coast and countryside; with a thriving economy, where residents enjoy a good quality of life and there is a clear strategy for addressing climate change and strengthening natural assets.
- 4.7. The strategic objectives of the Plan are built around the intrinsic components of sustainable development – economic, social and environmental, with a cross cutting aim for infrastructure investment and development of a quality that boosts pride in Medway.
- 4.8. The second part of the document considers the spatial strategy for how Medway could grow by 2040. The consultation makes clear reference to housing needs and current government policy expectations to use the standard method and to positively prepare a Plan to meet development needs. The housing needs for Medway over the plan period of 2022-2040 is for 28,339 homes. Providing for a buffer to allow for some sites not coming forward for development would lift the total plan period need to over 29,000 homes.
- 4.9. There is an existing 'pipeline' of sites with planning permission for housing, not yet built, which contribute towards meeting the total need in the plan. Authorities can also make allowance for 'windfall sites' – those that come forward for development outside of Local Plan allocations. Taking account of these two sources of supply, the Council is assessing options to make provision for site allocations for over 19,000 homes to meet needs in Medway. Gravesham Borough Council has also requested that Medway Council consider the potential to deliver up to an additional 2000 homes to contribute to the housing needs of its residents.
- 4.10. This is a high level of need and the Planning Service has carried out a comprehensive and iterative review of potential sources of land for development allocations. The Council has produced a Land Availability Assessment (LAA) that will be published with the proposed Local Plan consultation this September. The LAA has been informed by a Call for Sites, where the Council invited developers, landowners and other parties to put forward sites for consideration as potential development allocations. Planning officers also sourced potential land supply from development briefs, the Brownfield Land Register and withdrawn planning applications. An initial high-level assessment has screened out unsuitable sites, such as those too small to include as allocations. Further work will consider the scope for mitigating constraints to achieve sustainable development.
- 4.11. The LAA has identified land with the potential capacity for c 38,800 homes, which will proceed to the next stage of detailed assessment through the Sustainability Appraisal process and broader site analysis work. Many of these sites are subject to constraints, including environmental considerations, infrastructure requirements and viability. It is likely that many of these sites will not be found suitable, available and achievable for sustainable development

and will be removed at the next stage of assessment and Sustainability Appraisal. A range of mitigation measures will be required to achieve the scale of housing needed for the Plan. The scale of proposed growth is anticipated to have significant impacts across Medway. This level of housebuilding will mean the transformation of urban centre and waterfront areas and large-scale development in suburban and rural areas.

- 4.12. The consultation document considers both the opportunities and challenges for Medway in defining a spatial strategy that will secure a thriving and resilient future for our communities and environment.
- 4.13. The broad development options are presented across four categories, reflecting Medway’s geography. Indicative housing capacities from the LAA for the different categories are presented for each category:

Category	Potential Housing Capacity (from LAA)
Urban regeneration	11,625
Suburban growth	9,691
Rural development	14,621
Green Belt loss	2,824
Total potential supply	38,761

Table 1: Potential sources of housing land supply by category

- 4.14. The scale of the housing need will likely involve land allocations across different parts of Medway. In considering the options for growth, the Council’s starting point is urban regeneration. This continues to build on the success of recent decades and to attract investment into the centres where structural changes have resulted in vacant shop units and businesses. This spatial option also considers the potential redevelopment of waterfront sites currently in commercial use, such as Chatham Docks and areas on Medway City Estate. Such sites could provide for a new mix of housing, employment and services, reflecting the wider regeneration of Medway’s urban riverside. Provision would need to be made for relocation of businesses, so that Medway’s economic base was not negatively impacted. Investment in sustainable transport networks may also be required to facilitate a modal shift from car-based travel.
- 4.15. Medway’s urban regeneration programme is well recognised and continued redevelopment of brownfield sites will likely form an important element of the spatial strategy for the new Local Plan. However, the Council will need to consider wider locations to provide for the majority of site allocations in the new Plan.
- 4.16. In looking at development potential in suburban areas, the Planning Service has identified land to the north and east of Rainham and in the Capstone Valley. The Council has permitted a number of greenfield sites for housing development around Rainham in recent years. These sites account for a significant part of the ‘pipeline’ of sites with planning permission for housing, and also locations for Medway’s housebuilding in recent years.

- 4.17. The areas around Rainham and Capstone are attractive to developers and much land is being promoted in this location. There are a number of constraints that would need to be mitigated with development, including limited capacity on transport networks, such as the A2, which is an Air Quality Management Area; landscape and loss of the best and most versatile agricultural land; and infrastructure. There is also a risk that promotion of suburban development could exacerbate unsustainable car-based transport.
- 4.18. Although Medway is an urban authority by population, much of its land area is rural on the Hoo Peninsula and in the Medway Valley and Kent Downs. These areas include environmental assets of significance, as well as strategically important infrastructure, notably energy. The villages and countryside are markedly distinct from urban Medway, with their own landscape character and strong local identity. Many of the villages reflect an industrial heritage, such as the cement industry and power stations. The LAA shows that over 37% of the potential land supply for housing in the plan is in rural Medway. The vast majority of this potential supply is on the Hoo Peninsula.
- 4.19. The Council has recognised the potential for growth on the Hoo Peninsula in working on spatial planning for over 20 years. A draft Hoo Development Framework was produced in 2022 to consider how large-scale growth could be managed on the peninsula, recognising the infrastructure requirements and the distinctive characteristics of this rural area. This work needs to be reviewed as part of ongoing work on the new Local Plan, but provides a reference for key considerations, opportunities and constraints in assessing the role of the peninsula in Medway's spatial plan.
- 4.20. Green Belt is presented as a separate category in recognition of its national policy status and the presumption that non-Green Belt land should be allocated for development in preference to Green Belt release. There is a common confusion between the technical planning terms 'Green Belt' and 'Greenfield' land. There is a portion of the metropolitan Green Belt to the western part of Medway, adjoining Strood and in the Medway Valley where it is close to the boundary of the Kent Downs Area of Outstanding Natural Beauty. There are cross border development issues, as sites adjoining the Medway boundary are also being promoted in the emerging Local Plans for Gravesham and Tonbridge and Malling. Both Authorities have considerably higher proportions of Green Belt land and may be in a different position in justifying Green Belt release for housing in these locations.
- 4.21. The Planning Service continues to collate the technical evidence base and detailed assessments to define preferred sites and broad locations for development allocations and draft policies to deliver sustainable development. A critical aspect of this work is the Strategic Transport Assessment, which indicates the capacity of transport networks to accommodate growth and the mitigations that would be needed. Existing work has shown that there are a number of junctions and routes that would need upgrading to support further development. The costs of improvement schemes will be reflected in the Infrastructure Delivery Plan and the Local Plan Viability Assessment.

4.22. Officers are working to prepare the draft Local Plan for publication next Spring. This work will be informed by the upcoming consultation, assessments through Sustainability Appraisal and Habitats Regulation Assessment and a full evidence base. The draft Plan will set out the Council's preferred spatial strategy and policies, that it intends to submit for independent Examination.

5. Options

5.1. The main options for consideration are the timetable and process for the preparation of the Local Plan.

- A – Proceed directly to 'Regulation 19' stage and publish the draft Plan and full supporting evidence base
- B – Provide fuller opportunities for consultation through a 'Regulation 18' stage. **This is the recommended option.**
- C – Delay the preparation of the Plan to align with proposed national policy changes for a more streamlined plan-making process.

5.2 The government is currently consulting on reforms to the plan-making process. These include a considerably shorter timetable for updating Local Plans, with the potential for a reduction in the evidence base required for a Plan and speeding up the examination process. However, it is anticipated that Plans currently in development will be submitted under the existing system until 30 June 2025. Given the age of the current Medway Local Plan, and the need to provide direction to managing growth in Medway, it is critical that the Council proceeds with plan-making under the current system.

5.3 The Council has the option to proceed directly to the publication of the proposed submission version of the plan at 'Regulation 19' stage. This involves the publication of the policies and spatial strategy that the Council considers provide for sustainable development in Medway. This is not a consultation stage and representations received during the publication of the draft Plan will be presented to the independent Local Plan Inspector for consideration through the Examination process. As there is much interest in the Medway Local Plan and site allocations are particularly sensitive matters, it is viewed appropriate to provide an additional opportunity for local communities and wider stakeholders to comment on options for Medway's future growth before the spatial strategy is finalised.

5.4 Therefore it is advised that the preferred option is to provide an additional Regulation 18 stage to support wide engagement in plan making and allow people to have their say before the Plan is finalised by the Council.

6. Advice and analysis

6.1. The Council has a strong commitment to getting a new Local Plan in place to guide Medway's future development in the interests of our communities, businesses and the environment. The plan-making process is complex and challenging. The Council wishes to ensure that the Plan is informed by the needs and aspirations of our residents. The Council is balancing its aim for timely progress on the Local Plan, with the need to give people more

opportunities to have their say on what is important to them in shaping Medway's future. The proposed Regulation 18 consultation provides this balanced approach, in advance of finalising the draft Plan for publication next year.

- 6.2. The consultation's focus on the vision and strategic objectives for Medway's growth supports input to the Plan from many different perspectives. People also have the chance to consider options for how and where Medway can find the land needed for homes, jobs and services. This is an important stage in defining shared aspirations for Medway and providing the lead in to the details of policies and site allocations.
- 6.3. The role of the Plan is to provide for sustainable development. Sustainability Appraisal is intrinsic to the plan making process. A Sustainability Appraisal Scoping Report will be prepared alongside the Regulation 18 consultation document. The Council will consult Natural England, Historic England and the Environment Agency on the scoping report. There will be further iterations of analysis of potential sites and policies through Sustainability Appraisal and Habitats Regulations Assessment to shape the content of the draft Plan. The Plan will contain policies to promote sustainable transport, green infrastructure, energy efficiency, and management of natural resources.
- 6.4. A Diversity Impact Assessment screening is set out at Appendix 2. It is noted that the consultation does not cover the detailed policies that would be expected to be assessed at draft Plan stage. The consultation and engagement strategy supporting the Regulation 18 seeks to reach under-represented groups and increase the diversity of responses to the consultation.

7. Risk management

- 7.1. The Local Plan is a highly complex, sensitive and high-profile area of work for the Council. There are a number of risks associated with the formal consultation on the development of the Plan. It is anticipated that there will be a number of groups using the consultation to campaign and object to growth proposals. There may be expectations for reduced levels of development across Medway that can not be met, if the Council is to meet legal requirements for a positively prepared Plan to address the needs for development. The Planning Service is working closely with the Communications Team on an effective communications and engagement strategy to manage this sensitive consultation process.

Risk	Description	Action to avoid or mitigate risk	Risk rating
High levels of objection	Objections to scale and potential growth locations raise expectations that can not be met through a positively prepared plan.	Consultation strategy seeks to reach wider range of stakeholders and clear messages about legal requirements for plan making.	All

Risk	Description	Action to avoid or mitigate risk	Risk rating
Low levels of responses to consultation	Potential criticism of Council for lack of engagement	Consultation and Engagement strategy seeks wide reach.	CIII
High levels of responses to consultation	Volume of responses requires considerable resources to process and may delay timetable to Reg 19.	Use of OpusConsult consultation software to manage processing of responses.	BII
Government policy changes	Uncertainty on plan making and stakeholder expectations that levels of housing needs can be reduced.	Consultation materials to provide clear messages on current requirements.	AIII
Legal challenges to plan	Delay or rejection of plan	Clear plan-making approach, meeting legal requirements and following best practice.	CII
Delay to plan preparation	Additional stages and work in plan making delay progress to Submission.	Programme management and monitoring.	CII

For risk rating, please refer to the following table:

Likelihood	Impact:
A Very likely B Likely C Unlikely D Rare	I Catastrophic II Major III Moderate IV Minor

8. Consultation

8.1 It is proposed to publish the Regulation 18 document and supporting materials for consultation between 18 September and 31 October 2023. This is a formal stage of consultation in the preparation of a Local Plan. The Council will meet the requirements of its Statement of Community Involvement in consulting on emerging policy documents. The Planning Service has been working closely with the corporate Communications Team in drafting the engagement and publicity programme for the Local Plan. Officers have discussed the consultation plan with key Planning members.

8.2 The Council's website will be the primary resource for the consultation and people will be encouraged to submit comments online. The Planning Service has a bespoke consultation platform – OpusConsult, which will be used as the main method for collecting consultation comments. The bespoke software offers a number of advantages, including collating and organising the comments received on different aspects of the consultation.

- 8.3 The Planning Service will contact a wide range of statutory consultees and stakeholders with an interest in planning issues in Medway. The Communications Team will additionally promote the consultation and raise awareness through social media channels and e-bulletins. The Autumn 2023 edition of Medway Matters, that reaches all households in Medway, will carry an item on the Local Plan to raise awareness of the consultation and encourage people to get involved in planning for Medway's future.
- 8.4 The Planning Service will arrange briefings for Members and hold a session for all parish councils. This consultation builds on work carried out over a number of years. It is acknowledged that the scale of growth to be managed in the new Local Plan raises concerns for many residents and groups. Previous rounds of consultation have attracted comments about the potential negative impacts of development on infrastructure and the environment. The Council is keen to hear from wider perspectives across Medway and particularly engage with people whose voices and experiences may be under-represented in planning consultations, including young people.
- 8.5 As the Regulation 18 consultation is focused on the vision and strategic objectives for the Plan, this provides a broader and more positive basis for consultation. The Planning Service is seeking to work with services across the Council and key stakeholders to gather input to the ambitions of the new Plan. This will involve thematic and area-based events and workshops with invites to key stakeholders to reach out to wider representatives.
- 8.6 The comments received from the consultation will be recorded, assessed and published with the draft Local Plan. The Planning Service will prepare a Consultation Report, outlining the consultation programme and the issues raised and how the Council has responded to the issues. Written comments will form part of the background information on the Plan to be submitted to the Local Plan Inspector for independent examination.

9 Climate change implications

- 9.1 The purpose of the Local Plan is to secure sustainable development across Medway. The Council must ensure that the Plan makes effective provision to mitigate and adapt to the impacts of climate change. The consultation document does not set out detailed policies or allocations, but the need to address the climate emergency is embedded in the vision and strategic objectives of the plan. It is recognised that significant growth in Medway up to 2040 will have implications for the natural environment and the Local Plan will need to set out an effective strategy and policy framework to address the climate emergency.

10. Financial implications

- 10.1 The costs of preparing the Local Plan are met within the Planning Service budget. This has included a dedicated Local Plan Reserve, which has been resourced through internal contributions for over 15 years. However, with pressures across the corporate budgets, and ongoing and complex work on the Local Plan, such as the Strategic Transport Assessment, the reserve is

close to being fully utilised. Finance officers are reviewing the position in the context of the review of Reserves and the Medium Term Financial Outlook.

11 Legal implications

11.1. 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).

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Appendices

Appendix 1: Medway Local Plan Regulation 18 Consultation Document, September 2023

Appendix 2: Diversity Impact Assessment Screening

Background papers

None