

Medway Local Development Scheme

2024 - 2026

February 2024

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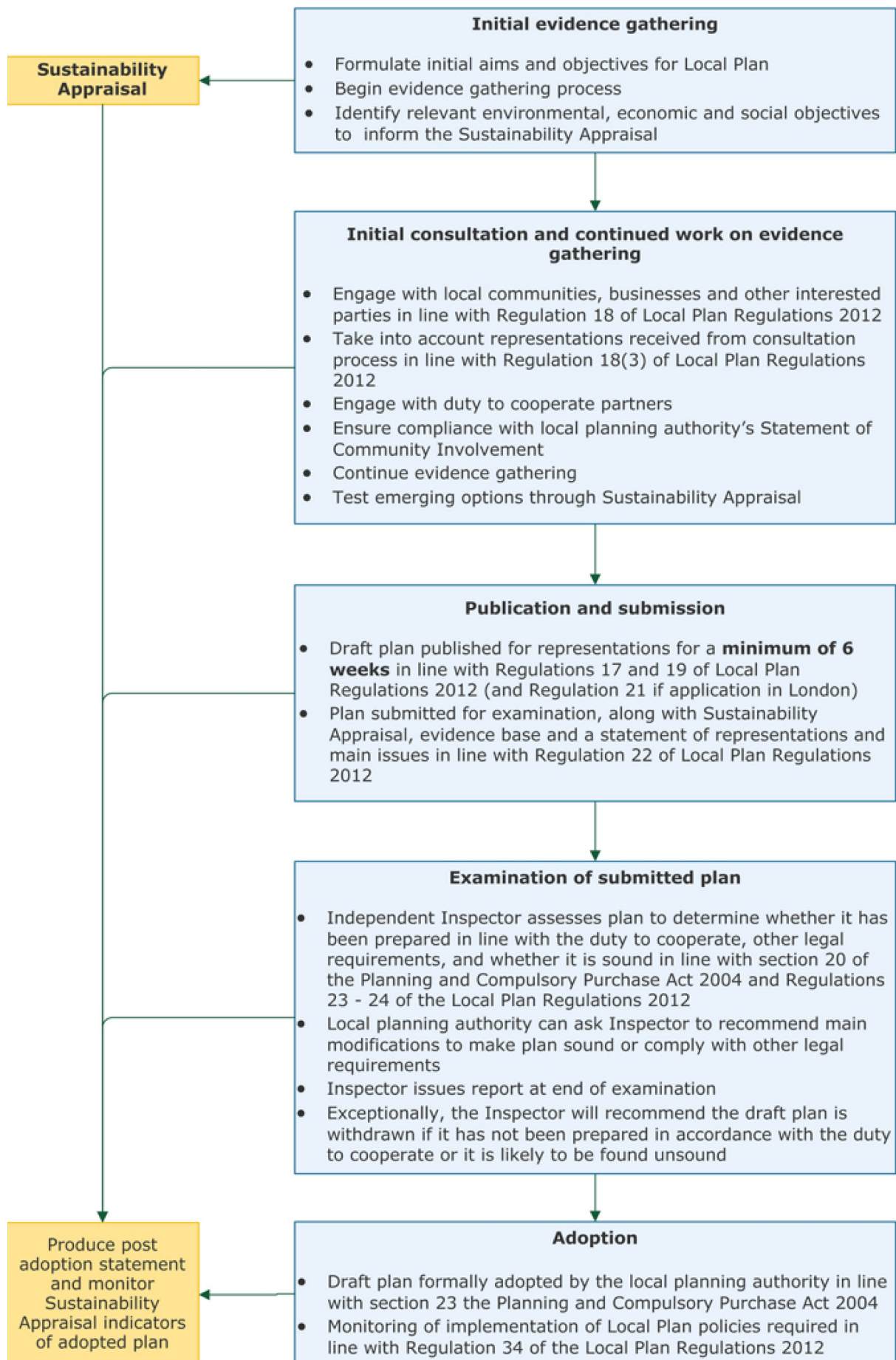
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1. Introduction

- 1.1 The Local Development Scheme (LDS) provides information on the process and a timeline for the preparation of local development documents, including the new Medway Local Plan and neighbourhood plans. The LDS helps the community and stakeholders to find out when they can participate in the plan-making process. The LDS timeline is for the period 2024 to 2026.
- 1.2 [Section 15 of the Planning and Compulsory Purchase Act 2004](#) (as amended) requires local planning authorities to prepare, maintain and publish a LDS. This document replaces the LDS published in October 2022. It is presented to the Council's Cabinet meeting on 13 February 2024, seeking approval to publish the revised LDS as the updated programme for the preparation of the Medway Local Plan.
- 1.3 The Secretary of State has extended powers to intervene in plan-making where he has considered that local planning authorities have not made sufficient progress. The Secretary of State for Levelling Up, Housing and Communities wrote to the Council on 19 December 2023 directing the Council to revise its LDS by 12 March 2024.
- 1.4 The National Planning Policy Framework, as revised in 2018, 2019, 2021 and 2023, has reiterated the role of development plans to manage growth. Local planning authorities have a statutory duty to prepare and update local plans for their area.
- 1.5 The Council has clear ambitions for Medway's successful growth. The new Local Plan will plan positively for the development and infrastructure that the area needs, whilst conserving and enhancing the natural, built and historic environment. The plan will provide certainty on the direction for Medway's growth and show how the Council will help deliver on its ambitions for the local and global environment, supporting people and boosting jobs and investment in Medway.
- 1.6 The new Medway Local Plan will be an important part of the Council's policy framework. The Council is aware of its ageing Local Plan and its leadership has identified the adoption of a new Medway Local Plan as a corporate priority to guide the area's growth up to 2041.
- 1.7 The Council is planning positively for the area's significant development needs, considering the sensitivities of the built and natural environment, and addressing challenges of infrastructure capacity. We have engaged with the Department for Levelling Up, Housing and Communities, and the Planning

Advisory Service, to provide updates on the preparation of the new Medway Local Plan, and in the revision of this LDS.

- 1.8 The Council has carried out four rounds of formal consultation at 'Regulation 18' stage of the plan preparation process. The Council undertook an initial Regulation 18 'Issues and Options' consultation in early 2016. A further consultation stage on 'Development Options' was held in 2017. Representations made at the Development Options consultation stage requested that the Council explicitly consider a development option that did not include reference to development on land at Lodge Hill, Chattenden. This would provide greater clarity in assessing the potential impact of development on a designated Site of Special Scientific Interest. Therefore, the Council provided a further opportunity to make representations, through a Regulation 18 consultation on a 'Development Strategy' document in 2018. After the local elections in May 2023, the Council carried out a further Regulation 18 consultation in Autumn 2023 which focussed on the proposed vision and strategic objectives. The Council also wrote to statutory consultees to request comments on scoping reports for the Sustainability Appraisal and the Habitats Regulations Assessment. The outcomes of this consultation have informed a review of the Local Plan programme, which is reflected in this LDS.
- 1.9 The process for the preparation of local plans is set out in the diagram below.



2. Update to Local Development Scheme

- 2.1 The new Medway Local Plan period will be 2023-2041. The new Medway Local Plan will cover the whole of Medway.
- 2.2 The new Medway Local Plan will replace saved policies from the following documents that comprise Medway's current development plan:
 - Medway Local Plan 2003
 - Kent Waste Local Plan 1998
 - Kent Minerals Local Plan 1997: Chalk and Clay
 - Kent Minerals Local Plan 1997: Oil and Gas
 - Kent Minerals Local Plan 1993: Construction Aggregates Written Statement
 - Kent Minerals Subject Plan 1986: Brickearth Written Statement
- 2.2 The new Medway Local Plan will include strategic policies, including for waste and minerals, and a small number of local policies to manage development. It will have a policies map and provide for land allocations to meet development needs for housing and employment.
- 2.3 The Council has collated a comprehensive evidence base to inform the preparation of the new Medway Local Plan. It has published the information as it is prepared and made it available on the Council's [new Medway Local Plan webpage](#).
- 2.4 The Council will meet the requirements of sustainability appraisal throughout the plan preparation process, carrying out iterative appraisals of the sustainability of the options, proposals and draft policies in the emerging Medway Local Plan and prepare reports setting out the findings. This will be carried out at the key stages of plan preparation. The Council will consult on the sustainability appraisal in line with its Statement of Community Involvement.
- 2.5 The Council has considered independent technical advice and representations made at the Regulation 18 consultation to review its programme to Submission of the draft plan for examination. This has identified that an additional Regulation 18 consultation stage would provide a more transparent and robust process for the Local Plan and provide for further stakeholder engagement in plan-making. This approach is reflected in the commissioning of the iterative Sustainability Appraisal and Habitats Regulation Assessment and key evidence base documents, such as the Strategic Transport Assessment. An integrated programme of work on evidence, policy drafting and defining the spatial strategy and site selection has been produced. This programme has been used to identify key milestones in the plan making process. These are summarised in Table 1 below.

| Stage | Date |
|---|----------------------------|
| Regulation 18a – Setting the direction for Medway 2040 | September and October 2023 |
| Regulation 18b – Reasonable alternatives of the spatial strategy. | June – July 2024 |
| Regulation 19 - Publication of the draft local plan | January 2025 |
| Regulation 20 - Representations on the draft local plan | January – February 2025 |
| Regulation 22 - Submission to the Secretary of State | June 2025 |
| Adoption - determined on outcome of Examination | Autumn 2026 |

Table 1: Key milestones for Medway Local Plan

- 2.6 The additional Regulation 18 consultation will be informed by an interim Sustainability Appraisal and Habitats Regulation Assessment. It will set out alternative strategies for the Medway Local Plan that will provide greater certainty on the direction for local growth. It will also include details on strategic policies. This will provide the detail that many people and organisations have requested be available for consultation, prior to the Council finalising its draft plan.

3. Neighbourhood Plans and other policy documents

3.1 Neighbourhood Plans were introduced in the Localism Act in 2011. They are not compulsory, but when duly prepared they are a statutory document that forms part of the development plan. Neighbourhood plans must be in general conformity with the strategic policies of the adopted Local Plan and have regard to any emerging local plans or relevant development plan documents. Communities in Medway have shown increased interest in preparing neighbourhood plans for their local areas. Once the plans are 'made', or adopted, they will form part of the development plan for Medway. Currently there are five Neighbourhood Areas designated in Medway, for the purpose of producing a neighbourhood plan:

- Cliffe and Cliffe Woods – designated June 2015
- High Halstow – designated June 2018
- Hoo St Werburgh and Chattenden – designated December 2018
- Arches (Chatham) – designated August 2019
- Frindsbury Extra – designated May 2022

3.2 The Cliffe and Cliffe Woods Neighbourhood Plan was made in May 2023.

3.4 A Referendum on the Arches (Chatham) Neighbourhood Plan will be held in May 2024. The Hoo St Werburgh and Chattenden Neighbourhood Plan was published for representations at Regulation 16 in January 2024, and an examination is planned for Spring 2024. High Halstow Parish Council is planning to resubmit its draft plan to Medway Council later in 2024, to progress to examination. Frindsbury Extra Parish Council intend to carry out consultation at Regulation 14 in 2024.

3.5 Further details of [neighbourhood plans in Medway](#) and support available from the Council are available on the Council's website.

3.3 In preparation for the new Medway Local Plan, the Council has regularly reviewed its Statement of Community Involvement. The current [Statement of Community Involvement](#) was approved by Cabinet in October 2022 and is published on the Council's website.

3.4 The Council makes use of supplementary planning documents to provide guidance and certainty on bringing forward development. It promotes the use of masterplans and development briefs for regeneration sites, as a core component of the area's growth strategy. It has also produced guidance on developer contributions and obligations to assist in the development process.

A full list of the [supplementary planning documents and other policy documents](#) is set out on the Council's website.

- 3.5 The Council has prepared a Local Development Order, jointly with Tonbridge and Malling Borough Council to support the development of a key employment site at Innovation Park Medway. This covers a defined area on the border of Medway near Rochester Airport, that has been identified by both Councils as a key location for a new business park.
- 3.6 The emerging Local Plan is informed by work on infrastructure planning and delivery. The Council has not progressed a Community Infrastructure Levy and continues to use Section 106 agreements as its preferred mechanism to collect developer contributions.

4. Resources and project management

- 4.1 Medway Council has strong corporate commitment to the adoption of the new Medway Local Plan, and the importance of this work is recognised and supported across the authority. The new Medway Local Plan will be produced by the Council's Planning Service, with the work being led by the Planning Policy team. The Planning Service is supported by the specialist technical skills and knowledge of other teams, including Environmental Protection, Regeneration Delivery and Public Health.
- 4.2 The Council will seek to use its processes of community involvement and engagement and its Duty to Cooperate activities and organisations to help inform and develop the new Medway Local Plan, making effective use of intelligence and resources. This will include the preparation of Statements of Common Ground in relation to strategic cross-border planning matters. The new Medway Local Plan will be supported by a comprehensive evidence base, including housing, employment, retail, transport, heritage, infrastructure, viability, and the natural environment.

Monitoring progress

- 4.3 The Council has established management and reporting structures to support the delivery of the new Medway Local Plan, including the use of briefings and reporting to senior managers and members throughout the plan preparation process. There are fortnightly meetings with the Assistant Director, Culture and Community and Chief Planning Officer to report on progress on the Local Plan and identify key concerns. There are separate fortnightly meetings with the key Cabinet members for the Portfolios including Planning, Regeneration, Climate Change Housing and Economic Development and the Chairperson of Planning Committee. Officers brief members on progress and key issues.
- 4.4 A refreshed work programme has been prepared to meet the requirements and deadlines for the revised LDS. This identifies specific workstreams on plan content, the evidence base and wider supporting documents and processes. Officers in the Planning Service review the work programme on the Local Plan programme on a weekly basis to focus on delivering tasks on time, and prioritising work. The work programme is shared with consultants to align external commissions and agree milestones and deadlines. These are shared at an early stage, where appropriate, with statutory consultees who may be advising on evidence base work. The service is also seeking to secure a dedicated programme management post in the Policy team for the Local Plan.

Reporting progress

- 4.4 The Council will publish this updated LDS on its website. There is a dedicated page on the Council's website for the [LDS](#).
- 4.5 Progress on the new Medway Local Plan and supporting activities, such as demonstrating that the Duty to Cooperate is being met, is reported annually in the Authority Monitoring Report. The report will show the progress being made on the new Medway Local Plan, and the degree of compliance with the LDS. The [Authority Monitoring Report](#) is published each December on the Council's website.

Risk Assessment

- 4.6 The Council recognises that the progress of the Local Plan is subject to a range of influences that represent potential risks to the programme. An updated risk assessment has been produced for this LDS. This will be carefully monitored and regularly reviewed to identify risks at a timely stage and steps taken to mitigate.

| Risk | Description | Action to avoid or mitigate risk |
|------------------------------|--|---|
| Delays to plan adoption | Lack of certainty in managing Medway's growth and area open to speculative development. | Need robust and effective management of plan programme, and early identification of additional risks and seek mitigation. Publication of evidence base and details on preferred spatial strategy. |
| Government intervention | The Secretary of State has indicated that he could further intervene in the Medway Local Plan, which could undermine local control of the appropriate strategy for Medway's growth | Submission of updated LDS that provides confidence in delivery. Ongoing engagement with DLUHC officers and Planning Advisory Service on assessment of LDS and monitoring progress. |
| Slippage in updated LDS 2024 | This could lead to failure to submit under the current plan making regime, and create further uncertainty on the direction for Medway's growth. | LDS 2024 needs to be robustly informed by requirements on work streams, and effective project management and monitoring to reduce slippage, and timely identification of key issues. |

| Risk | Description | Action to avoid or mitigate risk |
|--|---|--|
| | | LDS subject to external review by Planning Advisory Service. |
| Resources - financial | Budget pressures could constrain work on the evidence base and wider input to the local plan, potentially impacting on the quality of work, and opening challenges to the plan. | Planning Service to provide clarity on projected budget needs for timely consideration by senior management and members. |
| Insufficient resources – Planning Service | This includes the size of the Policy team, skills and experience, and competing commitments outside core Local Plan work. There is the risk of insufficient capacity to effectively carry out the necessary work. | The Policy team is now fully staffed, following a lengthy period of vacant posts. A restructuring of the Planning Service has increased resilience. The Policy team will bring in support from the wider Planning Service and other corporate and external services, and consultants to progress work on the plan. |
| Evidence base not effective for sound plan | A dated or incomplete evidence base could lead to challenges or failure at Examination. | Refresh of evidence base and independent review that it is fit for purpose. Identify additional work needed and present timely budget proposal to senior managers and members. |
| Defining the spatial strategy and site allocations | There are challenges to address, including mitigating environmental and infrastructure impacts, and viability. | Develop a robust approach to considering spatial development options and site assessment, clearly integrated with Sustainability Appraisal (SA) and the Habitats Regulation Assessment (HRA), and informed by the evidence base, particularly on transport and viability. |
| Resourcing effective consultation | Formal consultation at Reg 18 has time and resource implications and may raise expectations that cannot be met. | Communications plan needs to be clear on purpose and scope of consultation. Use of bespoke consultation software, |

| Risk | Description | Action to avoid or mitigate risk |
|---|--|---|
| | Assessment of consultation responses is a significant task. | review of assessment processes, and seeking external support on analysis if necessary. |
| Successful legal challenges to plan | This could lead to failure at Examination. Key grounds of challenge are on the SA process and Duty to Cooperate. | Further work on SA and proposed additional Regulation 18 consultation will address areas of potential legal challenge. Ongoing work on Duty to Cooperate on cross border issues, and further work with neighbouring LPAs. |
| Successful challenges to plan at Examination on soundness grounds | This could lead to failure at Examination. The main grounds of challenge are on proposals not being appropriately evidenced. | Critical role of the evidence base to inform decisions and need to use SA process to show how preferred policies and site allocations have been selected. |
| Uncertainty on Lower Thames Crossing (LTC) and lack of mitigation for potential impacts on Medway and strategic road network. | The LTC is showing a significant impact on Medway and the local strategic road network, but the scheme does not deliver the wider mitigations needed. A different approach to the LTC transport modelling 'under-accounted' for Medway's planned growth needs. This could result in substantially reduced capacity to accommodate development, and a reduced housing allocation in the local plan on transport constraints. The uncertainty on the LTC – outcomes, timing and impacts – has a huge impact on the Local Plan. | <p>In the absence of certainty on the LTC, the Council is testing two options in the STA, and will use an additional Regulation 18 consultation to consider potential implications from the LTC on a strategy for the Local Plan.</p> <p>This also needs to be recognised as a wider strategic matter with implications for LPAs across north and mid Kent.</p> |
| Engagement with statutory consultees, prescribed Duty to Cooperate bodies, and infrastructure providers | There are major challenges, particularly on transport infrastructure and the strategic road network, and objections from | In addition to ongoing engagement at officer level and specifying key interventions in work programmes shared with |

| Risk | Description | Action to avoid or mitigate risk |
|---|---|---|
| | <p>National Highways to development. The Council continues to liaise with Natural England on potential for impacts on designated sites. Delays in statutory consultees providing advice can impact on the wider plan programme.</p> | <p>the key consultees, the scale of these matters may need to be addressed at a strategic and political level.</p> |
| <p>Strategic infrastructure mitigations not secured</p> | <p>There are specific risks identified for transport, but also issues for wider services. Lack of funding/certainty on delivery could be a barrier to demonstrating sustainable development.</p> | <p>Focus on an effective evidence base to inform the Infrastructure Delivery Plan, and production of a Viability Assessment to support the developer contribution policy and provide a basis for securing external funding. If key infrastructure dependencies can not be delivered, the plan may need to restrict development levels and review phasing.</p> |
| <p>Cross border impacts of development proposals from neighbouring Councils</p> | <p>Neighbouring LPAs are considering/ proposing development on the borough boundary, which could have implications for Medway's spatial strategy.</p> | <p>Need to continue cross border engagement, with specific focus on Green Belt issues and cross border transport and infrastructure impacts, which would require mitigations to be delivered and funded in Medway.</p> |
| <p>Changes in national planning policy</p> | <p>Revisions to national policy could require significant changes to work on the Local Plan, which could delay progress and create further uncertainty.</p> | <p>Ongoing review on policy changes, including consideration of NPPF 2023 update, and further consultation on the Infrastructure Levy. Need to manage LDS to ensure meet deadline for submission under current plan making regime.</p> |

5. Contact information

Further information about [Medway's planning policy work](#) is available on the Council's website.

You can contact the Planning Policy team at:

Email: planning.policy@medway.gov.uk

The Planning Service
Regeneration, Culture & Environment
Medway Council
Gun Wharf, Dock Road, Chatham, Kent, ME4 4TR

Telephone: 01634 331629