



## **Health and Adult Social Care Overview and Scrutiny Committee**

**20 August 2024**

### **Medway Local Plan Regulation 18 Consultation**

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#### **Summary**

This report presents a consultation document in the preparation of the new Medway Local Plan. The consultation document sets out proposals for potential growth across Medway and policies to manage development. The Local Plan has implications for our residents, environment and businesses. The Council is seeking to gather comments from a broad range of people and interests in helping to draft the new plan.

This report is being provided to Overview and Scrutiny as part of the wider consultation in order that the Committee can provide comments specifically related to its Terms of Reference. Those comments will be considered alongside those of other stakeholders and residents of Medway when the Council looks to move to the next stage in the process of adopting the Local Plan.

#### **1. Recommendation**

1.1. The Committee is requested to provide feedback on the proposals in the Medway Local Plan consultation in relation to matters regarding health and adult social care.

#### **2. Budget and policy framework**

2.1. 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 within the Planning Service budget. As part of the budget for 2024/25 the Planning Service budget was increased by £320,000 to cover the anticipated cost for the preparation of the Local Plan, any expenditure in excess of this would represent a pressure on the budget for 2024/25.

### 3. Background

- 3.1. There has been a lengthy and complex process to preparing a new Local Plan for Medway. It is a priority for the Council's administration to progress the plan, to manage the sustainable growth of Medway into the 2040s. The Council is now consulting on the next stage of the preparation of the new Local Plan. This follows a consultation in Autumn 2023 on the vision and strategic objectives of the plan, and an updated programme, the Local Development Scheme (LDS), that was approved in February 2024. The timetable has been slightly delayed due to the pre-election period before the General Election held on 4 July. The consultation provides details on proposed policies and potential development sites. It is considered a critical stage in the production of the new Local Plan. The proposed Regulation 18 consultation document is set out at Appendix 1.
- 3.2. The consultation document is drafted to resemble a new Local Plan. It sets out a vision and strategic objectives for Medway's development. It identifies issues that the plan needs to address, and outlines draft policies to manage development to secure sustainable growth that addresses the issues and opportunities in Medway. The plan also looks at where growth could take place in Medway, to meet our communities' needs for homes, jobs and services over the plan period to 2041. The consultation document sets out strategic options for directing development over the plan period, and provides additional detail in draft policies maps that reflect current thinking on a preferred approach. The Council has not yet finalised the content of the plan, or decided on development sites – this is a consultation, and comments made will be taken into account when carrying out the additional work in finalising the plan for publication early next year.
- 3.3. The Local Plan has a key role to play in shaping the future of Medway, and helping to address issues across the area. The consultation document sets out options for how Medway can provide for the housing needs of our residents. Policies consider the range of homes required, reflecting the mix of our communities, and the need for affordable housing. The plan also considers the need for specialist accommodation, such as supported housing, older people's accommodation, and gypsy and traveller accommodation. The plan recognises the specific needs that come with demographic changes, such as an ageing population.
- 3.4. The Local Plan can also contribute to our ambitions for a healthier Medway. Proposed policies in the consultation document consider health and well-being; access to sport, play, leisure and culture facilities; safe and attractive routes for walking and cycling; improving air quality; and securing local centres as important focal points for communities to access services and socialise. There is an overarching strategic policy for reducing health inequalities and supporting health and wellbeing. The Planning Service worked closely with colleagues in Public Health and the Town and Country Planning Association in preparing this policy, and embedding objectives for healthier communities throughout the plan and its draft policies.

- 3.5. The plan will set out a strategy for Medway's future development. This will involve change in many areas of Medway. Regeneration of brownfield sites is an important component of the proposed growth strategy. The plan seeks to realise investment in new homes, jobs and services in urban centres and waterfront sites. This continues our commitment to regeneration programmes in Medway. In looking at greenfield sites for wider development, the plan seeks sustainable development, where housing is supported by improved services, such as transport, schools and green infrastructure. The plan promotes quality design and resilient development that is fit for the future, and reflects the needs of our communities.
- 3.6. With new development come opportunities to improve local services and facilities, such as health and community services, sports facilities and green spaces. These will be identified as requirements with policies and site allocations in the final version of the plan.
- 3.7. The Council wants the current consultation to reach different sectors of Medway's communities and to hear their views. This is a plan for Medway's future, and all residents have an important stake in shaping their surroundings and opportunities in Medway.

## 4. Options

- 4.1. The Council has previously considered options in the programming and stages in plan preparation. The updated Local Development Scheme (LDS) approved by Cabinet in February 2024 set out a timetable for the production of the new Local Plan. This provided for an additional round of consultation at Regulation 18.
- 4.2. The Regulation 18 consultation document, as set out at Appendix 1, provides the basis for consultation on options for development locations and sites, and policies to manage growth in Medway. A range of options and 'reasonable alternatives' on approaches to growth have been considered in the interim Sustainability Appraisal (SA) report accompanying the Regulation 18 consultation document. The consultation focuses on three alternative growth options. These are outlined in the consultation and shown in strategic diagrams. The growth options are:
  - Option 1 - Urban Regeneration focus
  - Option 2 – Dispersed growth with less delivery through regeneration
  - Option 3 – Blended strategy with regeneration and greenfield
- 4.3. Option 1 seeks to maximise development on brownfield sites in urban centres and waterfront sites, benefitting from good transport links and accessible locations. There would be a focus on increasing density in these urban areas. The urban locations would not meet the full growth needed in Medway, so there would also be more limited greenfield development adjoining existing larger settlements, including Strood, Rainham, Lordswood and Hoo. There is strong support in national planning policy for the regeneration of previously developed land, and often a preference from the public for the development of

brownfield sites. However, such a reliance of the scale and density of development in urban centres and waterfronts raises issues with potential conflict with design guidance, such as the Chatham Design Code, and heritage constraints. This option also includes the proposed redevelopment of existing employment sites at Chatham Docks and areas of Medway City Estate to residential led mixed use growth. There are potential issues with viability and the reliance on this development approach would limit the range of housing types to meet the needs of Medway's communities, such as family homes.

- 4.4. Option 2 considers more limited land being provided through regeneration and excludes a number of sites such as Chatham Docks and certain town centre and waterfront opportunity sites that are not actively being promoted by landowners. This option involves a much higher release of land on greenfield and Green Belt sites, including the Hoo Peninsula, North of Rainham, Medway Valley and sites in proximity to sensitive environmental areas, such as Darland and Deangate. It raises issues of sustainability, as there is likely to be higher reliance on car-based transport, a greater loss of good quality farmland, and wider environmental impacts.
- 4.5. Option 3 blends regeneration and greenfield development, and is the preferred option. There is a 'brownfield first' focus with regeneration in urban centres and waterfront locations, complemented by a range of sites in suburban and rural areas. About half of the development would be on brownfield land. It provides for a range of housing and types, and density and heights in regeneration sites would reflect design guidance and heritage constraints, rather than focusing on maximising housing numbers to the detriment of the surrounding amenities and quality.
- 4.6. Option 3 has been identified as the Council's indicative preferred approach at this stage. The interim SA report has found that this option is likely to offer the best balance of sustainability considerations by integrating urban regeneration with suburban and rural development, promoting sustainable travel, and addressing the needs of diverse communities. On the whole, this option is likely to ensure a diverse range of housing types and tenures can be provided across Medway and economic needs can be met whilst directing the majority of new development to sustainable locations.
- 4.7. The consultation report as set out at Appendix 1, presents the three broad options and invites people to make comments. The consultation materials provide an additional level of detail on sites for Option 3 in a draft policies map, so that there is greater clarity on the indicative sites that the Council may include in the final draft of the plan. This information is provided to help people in making comments on the proposals.

## 5. Advice and analysis

- 5.1. The purpose of this consultation on the Local Plan is to provide greater certainty on the Council's ambitions for Medway's growth up to 2041. The consultation report is a detailed document, including the vision and strategic

objectives informed by the consultation responses in 2023; strategic and thematic policies; and options on development sites and locations that could provide for Medway's growth needs to 2041. The greater detail in the plan allows the Council to be more explicit on its aims for sustainable development. This will provide an effective basis for stakeholder engagement – from local communities wanting to comment on potential development sites in their neighbourhood, to developers providing more information on how their sites could provide for sustainable development, and statutory consultees, businesses and voluntary groups advising on how the plan could best meet their areas of interest. There has been some frustration in the lengthy plan-making process that decision making has not always been transparent and people have not had sufficient opportunity to raise their views and provide additional information.

- 5.2. The consultation report is structured to resemble the draft plan, setting out the context, aims, policies and a policies map, with details of potential sites and spatial growth strategies, as outlined in the growth options above. For the indicative preferred option, the Council has provided a detailed plan of sites. The consultation will seek to gather views on policies to allow for amendments before finalising the plan, and also provide a transparent approach to how the Council decides on the content of the plan. Planning officers will be engaging with developers of major sites being promoted in the plan, to gather further information on constraints and opportunities, particularly for mitigation and greater detail on how the sites could meet the vision and strategic objectives of the plan for sustainable development. The consultation will also have specific engagement with statutory consultees and key stakeholder groups.
- 5.3. In addition to the Regulation 18 consultation document, the Council has also published a number of supporting documents. These include key sustainability and environmental assessment documents – the Interim Local Plan Sustainability Appraisal, and the Interim Local Plan Habitats Regulations Assessment. Further evidence base documents and technical reports have been published to view with the consultation proposals.
- 5.4. It should be noted that there are further evidence base reports that will be produced for the next stage of work on the Local Plan at Regulation 19. These include the Strategic Transport Assessment (STA) and Infrastructure Delivery Plan (IDP). It is appropriate that the detail of the STA and IDP is published following further assessments and analysis, when there is greater certainty on the preferred spatial strategy and development proposals. The IDP will include details of services needed to improve and extend health care, and community facilities.
- 5.5. The role of the Plan is to provide for sustainable development. Sustainability Appraisal is intrinsic to the plan making process. An interim Sustainability Appraisal has been prepared for the Regulation 18 consultation document. This considers the potential impacts of proposed policies and growth options and sites on a matrix of economic, environmental and social objectives. This provides an evidence base to inform decision making and transparency of information for interested parties. The aim of the plan is to provide for

sustainable growth, and this is reflected in the selection of potential development sites and locations, and the content of policies. However, the scale of growth needed in Medway over the plan period will involve significant change and potential impacts are noted in the SA report.

- 5.6. A Diversity Impact Assessment screening has been prepared for the Local Plan Regulation 18 consultation. This is set out at Appendix 2. The consultation and engagement strategy supporting the Regulation 18 will seek to reach under-represented groups and increase the diversity of responses to the consultation.

## 6. Risk management

- 6.1. The preparation of the Local Plan is subject to a large number of risks, including the impacts of external policies and developments, and internal resourcing issues. These are considered in the table below. This additional Regulation 18 consultation is a key mitigation to secure a successful outcome from the Examination of the plan. It provides an opportunity for further engagement in the preparation of the plan, and more information on the direction of Medway's growth over the plan period. It is the Council's intention to progress the new plan as quickly as due process allows.

Risk	Description	Action to avoid or mitigate risk	Risk rating
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.	CII
Government intervention	The former Secretary of State 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 MHCLG officers and Planning Advisory Service on assessment of LDS and monitoring progress.	CII
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.	CII

		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.	CII
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.	CII
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.	CII
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.	CII
Resourcing effective consultation	Formal consultation at Reg 18 has time and resource implications and may raise expectations that cannot be met. Assessment of consultation responses is a significant task.	Communications plan needs to be clear on purpose and scope of consultation. Use of bespoke consultation software, review of assessment processes, and seeking external support on analysis if necessary.	BIII

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.	CII
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.	CII
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.	In the absence of certainty on the LTC, the Council is testing two options in the STA.  This also needs to be recognised as a wider strategic matter with implications for LPAs across north and mid Kent.	BII
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 National Highways to development. The Council continues to liaise with Natural England on	In addition to early and ongoing engagement at officer level and specifying key interventions in work programmes shared with the key consultees, the scale of these matters may need to be addressed at a strategic and political level.	BIII



	potential for impacts on designated sites. Delays in statutory consultees providing advice can impact on the wider plan programme.		
Strategic infrastructure mitigations not secured	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.	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 cannot be delivered, the plan may need to restrict development levels and review phasing.	BII
Cross border impacts of development proposals from neighbouring Councils	Neighbouring LPAs are considering/ proposing development on the borough boundary, which could have implications for Medway's spatial strategy. Requests for Medway to provide for unmet housing needs in neighbouring areas also have major implications.	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.	All
Changes in national planning policy	Revisions to national policy could require significant changes to work on the Local Plan, which could delay progress and create further uncertainty.	Ongoing review on policy changes, including consideration of changes to the NPPF. Need to manage LDS to ensure meet deadline for submission under current plan making regime.	BIII

6.2. For risk rating, please refer to the following table:

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

## 7. Consultation

- 7.1. The Regulation 18 document and supporting materials have been published for consultation between 15 July and 8 September 2024. 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 worked closely with the corporate Communications Team in designing the engagement and publicity programme for the Local Plan. Officers have discussed the consultation plan in detail with key Planning members, and with the Local Plan Cross Party Working Group. The Council is following a similar approach as was used in the last round of consultation on the Local Plan in Autumn 2023. This was well received, particularly the branding and marketing materials and the multi-channel approach.
- 7.2. The Council's website is the primary resource for the consultation and people are encouraged to submit comments online. The Planning Service has a bespoke consultation platform – OpusConsult, which is 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, and data protection. However, there are options for people to submit written comments through different methods.
- 7.3. The Planning Service has contacted a wide range of statutory consultees and stakeholders with an interest in planning issues in Medway. The Communications Team is additionally promoting the consultation and raising awareness through social media channels and e-bulletins. The Council has arranged a programme of exhibitions and events throughout the consultation period, to provide an opportunity for people to speak directly to officers about the proposals. These have been arranged in a variety of venues across Medway. 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.
- 7.4. The Planning Service has arranged briefings for Members and a session for all parish councils during the consultation. Member briefings have been arranged by group/independents and are scheduled to take place in July. The Local Plan Consultation Report is included on agendas for Children and Young People (CYP), Regeneration, Culture and Environment (RCE), Business Support and Digital (BSD) and Health and Adult Social Care (HASC) Overview and Scrutiny Committees in August.
- 7.5. The Council expects a high level of interest in this consultation. Around 400 people responded to the consultation in Autumn 2023. Responses were received from developers, statutory bodies, neighbouring councils, parish councils, politicians, voluntary and community groups, businesses, residents and people working in Medway. Issues raised often reflected the particular interests, such as developers promoting their sites and seeking higher rates of housing delivery; residents generally raised concerns about the location and impacts of development, especially on infrastructure and the environment;

others focused on their key interests, such as transport, nature, and heritage. A number of comments made reference to the limited information available in the consultation and sought an additional opportunity for consultation at Regulation 18 before finalising the content of the plan. The Council has published a summary report on the Regulation 18 2023 consultation outcomes and the individual representations made.

- 7.6. Officers anticipate a higher volume of responses to the upcoming consultation as it will include details of potential development sites. The comments received from the consultation will be recorded, assessed and published with the Pre-Submission Draft Local Plan in early 2025. 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.

## 8. Climate change implications

- 8.1. 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. This is a requirement of national planning policy. It is recognised that significant growth in Medway up to 2041 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. The Local Plan has an important role in contributing to the Council's aims for a net zero carbon Medway by 2050.
- 8.2. The need to address climate change is intrinsic to the plan. The commitment to provide for sustainable growth that adapts to and mitigates the impacts of climate change are stated in the vision and strategic objectives of the plan. There is a strategic Planning for Climate Change policy that will apply to all development. Many wider policies also reflect the aspirations to reduce carbon emissions, and provide mitigations and adaptations. These include policies for transport, green infrastructure, water management, and design. The consultation document is accompanied by an interim SA, and Habitats Regulations Assessment (HRA). The interim SA report considers the potential impacts of proposed policies and site allocations and growth options on a range of economic, social and environmental measures. The report details the potential impacts of each proposed policy, growth option and site against the SA framework. The SA framework includes objectives for:
- climate change mitigation (minimise Medway's contribution to climate change);
  - climate change adaptation (plan for the anticipated impacts of climate change);
  - pollution and waste;
  - natural resources; and
  - transport and accessibility (improving the choice of sustainable transport and reducing the need to travel).

## 9. Financial implications

- 9.1. The costs of preparing the Local Plan are met within the Planning Service budget. As part of the budget for 2024/25 the Planning Service budget was increased by £320,000 to cover the anticipated cost for the preparation of the Local Plan, any expenditure in excess of this would represent a pressure on the budget for 2024/25.

## 10. Legal implications

- 10.1. 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).
- 10.2. This report is being provided to Overview and Scrutiny as part of the wider consultation in order that the committee can provide comments specifically related to its Terms of Reference. Those comments will be considered alongside those of other stakeholders and residents of Medway when the Council looks to move to the next stage in the process of adopting the Local Plan.

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### Appendices

Appendix 1 – Medway Local Plan Regulation 18 Consultation Document, 2024

Appendix 2 – Medway Local Plan Regulation 18 consultation – Diversity Impact Assessment screening

### Background papers

[Medway Local Plan Regulation 18 Consultation, September 2023](#)