

Dear Sir/Madam,

Thank you for your recent consultation.

Background.

Medway Councils failure to produce two core strategies is clear evidence of a total failure of its plan making function. It is against this backdrop of significant failure that this consultation takes place.

Medway Councils inability to allocate land for development have led them to a point where their Housing land supply is so grim they grant planning permission on unallocated Greenfields for fear of losing appeals. It gives me no pleasure to see local residents fighting housing developments they have no hope of winning. Many local residents report how they see the economic performance of Medway continue to decline by lack of an economic strategy that could be delivered in an adopted Local Plan if they had one. It is not acceptable that Medway are relying on ad hoc, speculative development that does not make the most of their areas potential and lacks co-ordination and limited buy-in from local people.

Introduction

The document presents a number of topic based descriptions of issues about growth in Medway. It presents at para 3.1 Objectively Assessed Need (OAN) for housing Employment and Retail. The document describes a vision for 2035 and outlines Strategic Objectives for Medway. It presents 4 alternative scenarios for growth.

Without further details it appears if Medway is trying to claim that they may not have enough land to meet their development needs over the plan period? If so they simply have to release more least environmentally sensitive land which they have plenty of. The council may have to use greenfield land that is not totally free from environmental constraints.

Evidence.

There appears to be a significant amount of important evidence missing from this consultation. Which questions the validity of the options generation process. This lack of evidence and short fall of sites for each scenario is recognised throughout the document for example:

Further work will be carried out to assess the ability to deliver growth, taking account of detailed infrastructure planning, viability testing and environmental and economic considerations. This will be informed by the representations made in the consultation on this document and development options. (I&O2 para 34)

Alongside the consultation documents, the council is collating a comprehensive evidence base to inform the content and direction of the Local Plan. These include:

- Strategic Housing Market Assessment, 2015
- Employment Land Needs Assessment, 2015
- Retail Needs Assessment, 2016
- Integrated Growth Needs Assessment, 2016
- Iterative Sustainability Appraisals and Habitat Regulations Assessment at key stages of plan preparation
- Viability appraisals

- Strategic Land Availability Assessment, 2016 and now (2017)
- Strategic Transport Assessment
- Infrastructure Delivery Schedule and Plan
- Village Infrastructure Audit
- Green Belt review
- Landscape Character Assessment update
- Green Infrastructure Strategy

As a fundamental precursor to options generation the evidence should identify whether sites are suitable*, available and achievable/economically viable. Only sites that are all three should be considered as reasonable alternatives. This preparatory work needs to be done first before scenario's are produced. Work carried out on the 4 scenario's so far appears unconvincing.

*The SA when it is produced may help to identify suitability in terms of environmental constraints. However, Medway should not rule out all sites that have environmental constraints. If they think they don't have enough sites to meet development needs they should re-examine and release the least environmentally sensitive land to meet development needs first, before releasing higher quality land which they might very well have to do.

With so much evidence missing and recognition that not all the sites deliver sustainable development can the 4 scenario's represent realistic alternative options? If they cannot be delivered, it is not at all obvious why they were chosen, which questions the validity of the options generation process.

Developing a vision for 2035.

Whilst, by 2035 Medway might be noted for its stunning natural...assets and countryside, it will be less so 'stunningly natural' if it builds on and removes the SSSI at Lodge Hill.

Strategic Objectives

Many of the Objectives as set out at paragraph 2.39 are not specific to Medway and could be anywhere objectives. They need to be more specific and focused for Medway

More worrying is at para 3.3 of the cabinet report (20th Dec 2016) there is a shortfall between identified sites and overall housing need. Without contingencies the possible removal of Lodge Hill from the housing supply may exacerbate the shortfall of housing sites. It would appear that all 4 scenarios are reliant on Lodge Hill for 3,000 homes. Has the Council thought of a contingency?

Lower Thames Crossing. At the time of writing the impact of this is still to be modelled.

Duty to cooperate.

Has Engagement been Constructive from the Outset?

Has Engagement been Active?

Has Engagement been On-going?

Has Engagement been Collaborative?

Has Every Effort been made to Secure the Necessary Co-operation?

Has Engagement been Diligent?

Is the Evidence Robust?

Has Engagement been of Mutual Benefit (the broad outcomes)?

There is a list of Strategic priorities that demonstrate that the Council knows what some these are.

Viability Assessment where is it?

Development of larger planned settlements

Medway suggest that the scale of growth projected for Medway also indicates that the council needs to look more widely than just considering incremental growth around the edges of towns and villages in appropriate locations. Thought must be given to larger planned settlements that can deliver a mixed development of homes, services, infrastructure, green spaces, shops and jobs. (Para 3.15 I&O2 document)

However, the SHENA suggest that whilst the major brownfield sites are a major part of the future supply they are complicated and expensive to develop and in many parts of the area this challenges development viability. Therefore, it will be risky for the majority of supply to lie within large, complex sites and a mixed portfolio will be needed to support delivery in the short, medium, and long term. (North Kent SHENA Appendix 2 (Medway IGNA Technical Paper) Nov 2015 pp10)

It is unclear what Medway are proposing when it says 'larger planned settlements' in its I&O2 document. As stated in the SHENA it is questionable if the Council's strategies will be successful if they are reliant on large complex sites.

Alternative options.

Scenario 1. Maximising the potential of urban regeneration (17,500 homes)

The council will increase the rate of development in urban areas, including: building at higher densities in appropriate locations, seeking land consolidation to bring forward bigger development sites, and bringing mixed development into retail and employment areas. No details have been given as to how viable these proposals are. Indeed as with scenario 4 there is caution in identifying land at Medway City Estate and Chatham Docks for significant residential developments due to the complexity of these sites (Para 3.41 I&O2 Document). Why is it being put forward?

The council acknowledges that there are a number of risks in such an approach, including the ability to deliver within the plan period, potential loss of overall employment land supply, securing infrastructure and services to support growth at this scale, viability of building at high heights, and difficulties in providing the full range of housing that the market requires. (Para 3.26 I&O2 Document)

Without further details and evidence, it is difficult to see if this scenario is a reasonable alternative. Housing figures are shown but it is unclear what these figures actually represent.

Scenario 2. Suburban expansion (15,700 homes)

Many of these sites are subject to environmental constraints or lack the infrastructure and

access to services that would be required for sustainable development. (Para 3.28 I&O2 Document)

There is no consideration of, infrastructure planning or impact on the natural environment which is needed to determine the capacity of these areas to accommodate growth. (Para 3.29 I&O2 Document)

The potential scale of pressure on the highway network may require new transport schemes that cannot be supported on environmental or viability grounds, and this may constrain the scale of development capacity in these areas. (Para 3.29 I&O2 Document)

There is no Green Belt review that supports this scenario. (Para 3.30 I&O2 Document)

Development close to the borough boundaries could have implications for neighbouring towns and villages and countryside, and the council will need to have regard to discussions with adjacent authorities in Kent, Gravesham, Tonbridge and Malling, Maidstone and Swale. (Para 3.31 I&O2 Document)

If this is not resolved there is concern that the duty to cooperate may not succeed.

With so little going for it and without further details and evidence it is difficult to see if this scenario is a reasonable alternative. Housing figures are shown but it is unclear what these figures actually represent. Why is this scenario being put forward?

Scenario 3. A rural focus (15,410 homes)

Growth at this scale would inevitably change the character of Hoo and its surroundings. Such scale of growth would inevitably have an impact on the environment and the countryside character that borders the villages on the peninsula. (Para 3.34 I&O2 document)

Attention needs to be given to: Landscape features, separation of urban rural, wildlife, green spaces, country parks, services, facilities, infrastructure and in particular the road network. Public transport and strategic transport network. At the time of writing no assessment has been put forward to describe any of the above matters. (Para 3.35 and 3.37 I&O2 document)

In generating this scenario the Council has paid little attention to the significant change for the Hoo Peninsular. Housing figures are shown but it is unclear what these figures actually represent.

Until more detail is supplied it is difficult to see what impact this Scenario would have on the character of the area and whether or not it should have been put forward as a reasonable alternative.

Scenario 4. Urban regeneration and a rural town (18,650 homes)

This Scenario states that there is caution in identifying land at Medway City Estate and Chatham Docks for significant residential developments due to the complexity of these sites (Para 3.41 I&O2 Document). Why is it being put forward?

There is no consideration what acceptable level of suburban expansion is necessary that prevents urban sprawl whilst supporting service provision and jobs on the Hoo peninsular.

Once again this scenario has paid little attention to the significant change for the Hoo Peninsular and what could be delivered at key regeneration sites. Housing figures are shown but it is unclear what these figures actually represent.

Until more detail is given it is difficult to assess if this scenario is a reasonable alternative.

Summary

None of the scenarios provide costed /deliverable infrastructure to support them. There is no highways evidence or modelling presented. No real assessment of impact on the environment. With so much evidence missing it is difficult to understand what Medway are proposing. It is difficult to assess how sustainable each scenario is, let alone compare them. I doubt that some of the scores in SA objective 4 and 8 in all 4 scenarios is merited. The loss of an SSSI is likely to have a significant negative impact.

General comments.

All Scenarios include the development on the SSSI at Lodge Hill.

If Lodge Hill is not confirmed by the Sec of State, how will the short fall in development be made up in each Scenario? If amended will the options need to be re assessed in the SA/SEA and will there be a need for a further period of consultation? This could unnecessarily delay the plan making process.

More worrying is the suggestion that Medway¹ might reduce its development targets in the Local Plan. This would impact on the plan's ability to meet Medway's development needs. They state that at that point they would make requests to neighbouring areas to meet unmet housing need outside of the borough boundary. Maybe they should be making those requests now under the Duty to Cooperate.

The historic under delivery of housing in Medway is a severe problem. Has viability testing been done on the housing supply as shown in the table at para 3.7. It shows an annual delivery rate 2012-2013 of 545 dwellings. Is it realistic to deliver 29,463 dwellings over the plan period of 15 years with a delivery rate of 1964 dwellings per annum? A figure which is 4x the previous delivery rate. A figure Medway's housing market has never come anywhere close to deliver.

It is not clear how many dwellings at Lodge Hill are relied on in the plan period. In the AMR 2016 table Section 8 Residential Pipeline Sites show the majority being delivered 2030+ (4550). This is still within the plan period.

¹ Para 4.29 Interim sustainability report March 2017

Housing Trajectory. SHLAA Jan 2017

Year	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20	20/21	0-5 yrs	6-10 yrs	11-15 yrs	16+yrs	TOTAL
Large site apps (as at 31/3/2016)	-	-	-	-	583	893	895	884	736	3991	1543	390	24	5948
Small site apps (as at 31/3/2016)	-	-	-	-	112	63	97	13	16	301	2	-	-	303
MLP Allocation	-	-	-	-	0	0	9	108	171	288	18	5	45	356
2017 SLAA pipeline sites	-	-	-	-	0	0	45	227	626	898	2421	731	2089	6139
Extant SLAA sites that received permission between 1/4/2016 and 31/12/2016	-	-	-	-	-	18	-	-	60	78	350	31	-	459
Windfall allowance	-	-	-	-	-	-	202	202	202	606	-	-	-	606
TOTAL					695	974	1248	1434	1811	6162	4334	1157	2158	13811

pp21

At para 3.3 of the cabinet report 20th Dec 2016 it states that up to 30,000 new homes are needed over the plan period. The Housing Trajectory above shows 13,811 dwellings in the pipe line. If this is correct Medway have a significant short fall of more than 50% of its housing requirements.

The Council as a part of the SLAA process has identified wider spatial options to be included in the SLAA to allow for larger comprehensive developments to come forward. In some areas, these are adjacent to SLAA sites submitted and in addition to them, but also represent potential for extensions to villages and urban areas in Medway. This process has identified 21 sites.

The council has included these areas as part of the potential spatial options for consultation in the Medway Local Plan Development Options document. Initial work has been carried out to assess the development potential of these strategic locations for residential, employment, retail, infrastructure, open space and community uses. This work has identified a number of constraints in such areas, including the best and most versatile agricultural land, infrastructure dependencies and impacts, landscape considerations, and potential viability and deliverability challenges. These constraints have been recorded in the SLAA assessment as impacting on the suitability of sites. The wider work on the Local Plan, including the Development Options consultation and iterative Sustainability Assessments, will determine which locations and approaches to development represent the most sustainable strategy for Medway's growth to promote in the new Local Plan. (SLAA 2017 pp8)

However, none of this evidence is available on the Councils website at the time of writing other than a simple SLAA table and SA. It is difficult to understand why some sites are acceptable and other not. This is important given how this assessment feeds into the generation of growth options. Furthermore the quality of the SA assessment leaves a lot to be desired and the scoring in the matrix is inconsistent.

As a presentation matter it may have been better to look at smaller local areas and identify different realistic options for growth. This would have enabled a mix and match approach to selecting the preferred option. For example there may be 4 different options for Rainham Town Centre and land east of Rainham. It may have been better to focus on these 4 options. Similarly for land around Capstone etc.

The way the alternative options have been described is quite ridged. A more flexible Local area based approach may be needed if an appropriate option for the whole of Medway is to be identified.

There is clearly a contradiction that states that the regeneration of Chatham is central to the success of Medway's development. Yet identifies other areas in close proximity for significant retail and mixed use provision that would compete with Chatham.

If master plans are to be produced for major residential schemes in broad locations identified in the Local Plan where are these locations and how much development will be identified for them including infrastructure and service provision?

At para 10.37 (I&O2 document) it states that viability work will be carried out to determine an appropriate approach in the draft Local Plan, based on an assessment of the viability of the preferred development strategy, which will identify the locations, scale and mix of development across Medway. If viability of sites is to be tested only for the preferred option to see if they are suitable for development then all sites need to be tested in all of the 4 scenarios. If this is not done then there has not been an equal examination of the alternatives.

In the policy approach to Implementation and Delivery pp92 it states that an infrastructure Deliver Plan (IDP) will be prepared. If Medway have stated that infrastructure is essential to development should it produce an IDP as part of the local plan process including the assessment of the 4 scenario's?

Conclusion.

At this stage the Council have put forward 4 options for growth. Medway fails to state how much land is actually available/unavailable for these alternatives. There is no examination of viability, infrastructure or services, impact on the highways network locally or nationally.

The options would require a calculation of capacity for Housing land, Employment land, retail, infrastructure, transport, service, impact on the countryside, etc, etc. for 'all' the options. Medway states that it will only be carrying out a viability study of the preferred option. (para 10.37 I&O Document 2017)

This is important given the High Court challenge in both *Heard v Broadlands and Cogent Land LLP v Rochford DC*. According to Ouseley J para 71:

It is appreciated that, although there is a case for examination of a preferred option in greater detail, the aim of the SEA Directive, which may affect which alternative it is reasonable to select, is more obviously met, and it is best interpreted as requiring, an *equal examination of the alternatives*... even at the outset...

So far there is a significant lack of evidence and the scoring in the SA leaves a lot to be desired. Unless this is put right there is a risk that the preferred option could be challenged.

If Medway follow this approach it is unclear if they can set out an appropriate strategy for the area.

Way forward.

Putting Lodge Hill to one side, it is inevitable that Medway will at some point allocate land of greater environmental and agricultural value than it would like. It should not duck politically sensitive options for growth.

At the moment Medway may be saying it is self-contained in terms of the supply of development land. But not if Lodge Hill fails again. So, until enough suitable land is found it is unclear if an appropriate strategy has been set out.

It is a pity that Medway have not developed the evidence base or the Duty to Cooperate adequately before committing to Public consultation. It is equally disappointing that Medway have not developed any of these scenarios to a reasonable level of maturity to enable a proper examination to be made by the public.