



GL Hearn

Part of Capita Real Estate

Medway Council Local Plan

Representations on behalf of British Airways Pension Trustees Limited

Hempstead Valley District Centre
Gillingham
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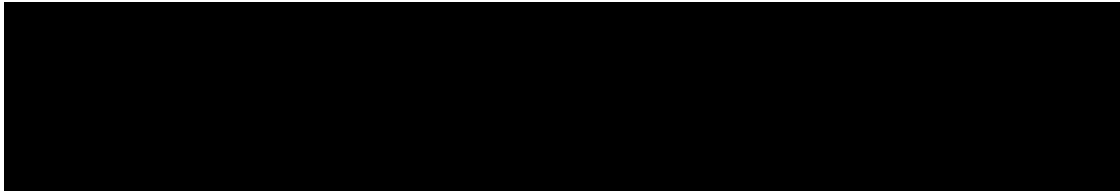
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1 PREAMBLE

- 1.1 This report has been produced by GL Hearn on behalf of British Airways Pension Trustees Limited (hereafter “the owners”), the owners of Hempstead Valley District Centre and forms their response to Medway Council’s emerging Medway Local Plan (2012-2035). Those representations and recommendations contained within this report have been submitted on behalf of the owners in their capacity as investors and managers of the Hempstead Valley District Centre (“HVDC”). Representations have previously been submitted on behalf of the owners in response to Medway Council’s consultation(s) on the Draft Core Strategy (2011).
- 1.2 As you may be aware the current owners have invested in the centre over a number of years and are long-term investors in property. The existing HVDC reflects the owners’ commitment to, and investment in, Hempstead Valley, indeed the HVDC is a popular, sustainable and well managed allocated District Centre which is highly regarded by the local population it serves.
- 1.3 The owners’ ongoing commitment to the HVDC is evident in the recent expansion and enhancement of the retail and leisure provision within the district centre. This illustrates the owners’ continuing commitment to Medway’s local economy, as well as the enduring need to invest in the HVDC in the light of changing retail patterns and competition from other centres outside of the borough, notwithstanding the extremely challenging market conditions for retail development in the UK that persist.
- 1.4 As reflected through the ongoing investment and improvements at the HVDC, the owners remain committed to maintaining and improving the retail and leisure offer within Medway and ensuring that it continues to perform its district centre role in the retail hierarchy. They therefore welcome the Council’s preparation of the emerging Medway Local Plan, and the opportunity to engage in its preparation at this early stage.
- 1.5 Those policies and objectives contained within the emerging Medway Local Plan will ensure that Medway Council are able to plan positively and proactively to meet the development needs of the borough over the plan period. Consequently, the accurate identification of those development needs in the borough over the plan period is critical if the emerging Medway Local Plan is to successfully manage the future development of the borough. Therefore, the strength and robustness of the evidence base in identifying the development needs (including retail and leisure), is fundamental in the preparation of the emerging Medway Local Plan.
- 1.6 The Medway Local Plan Regulation 18 Consultation (“Consultation Document”) sets out intended policies.

- 1.7 Following Medway's consideration of the responses to the Issues and Options consultation in January 2016, the Consultation Document forms the third round of consultation that will inform the production of the Local Plan.
- 1.8 The final stage of consultation will follow consideration of the responses to the Consultation Document, and will need to consider whether the Local Plan, as drafted, is "*sound*" in relation to the requirements of Paragraph 182 of the National Planning Policy Framework ("NPPF").
- 1.9 Consequently, the draft policies considered within the Consultation Document must reflect those overarching objectives and policies of the NPPF in order to be considered "*sound*" at submission and Examination stage.
- 1.10 Therefore, in accordance with the provisions of the NPPF, the Consultation Document should be based upon an up-to-date evidence base that identifies development needs within the borough over the plan period, and plan proactively to meet these needs in full. A review of the Council's evidence base is contained within Appendix A of this response.
- 1.11 The Consultation Document should therefore seek to identify the most appropriate policy approaches to meet this need, including the identification of locations for future development to support sustainable growth in Medway.
- 1.12 In addition, the diversification of HVDC away from a mainly retail (A1) offer to introduce more alternative "*town centre*" uses is a key aspiration of the owners. In making these representations, we have considered whether the policies, as drafted, include sufficient flexibility, as encouraged in the NPPF, to allow a greater mix of appropriate uses to be introduced into the centre, subject to planning.
- 1.13 The representations and recommendations provided within this report therefore reflect the owners' key observations with regards to the development needs, in particular retail and leisure need, and the Council's preliminary objectives for the future development of the borough to positively and proactively meet this need. Given the owners' interest in the HVDC, the representation and recommendations provided in this report are focused on the identification of retail and leisure needs, and the emerging strategy to meet these needs as set out in the '*Retail and town centres*' chapter of the Consultation Document.

2 HEMPSTEAD VALLEY DISTRICT CENTRE

2.1 On behalf of the owners, we have submitted these representations to the Consultation Document in their capacity as investors in the Hempstead Valley District Centre (“HVDC”).

2.2 The HVDC is situated to the south of Hempstead and lies within the administrative boundary of Medway Council. The existing HVDC is located between Hempstead Valley Drive (west) and Sharsted Way (east), and encompasses the purpose-built indoor shopping centre, associated petrol filling station and access roads and surface level car parks.

2.3 Since opening in 1979, the HVDC has undergone a number of renovations and extensions, including recent expansion of, and improvements to, the leisure uses within the HVDC. Recent improvements to the HVDC further enhance the traditional comparison and convenience retail offer provided within the centre, supplementing the existing retail offer with complementary restaurants.

2.4 The existing HVDC provides for approx. 79 retail units, including two anchor stores (Sainsbury’s and Marks & Spencer) as well as a range of national multiple retailers including Argos, Boots, and Clarks, this represents approx. 44,749sq.m. Planning permission has recently been granted for 5x additional units (A1 and A1/D2) on the existing surface-level car park. On the basis of the high quality retail and leisure offer provided, the HVDC continues to function as a district centre and represents popular destination for consumers and retailers alike.

2.5 The HVDC represents one of the key retail destinations within the borough, making a significant contribution towards meeting demand for comparison and convenience retail and leisure floor space within the borough. Indeed, whilst those other centres within the borough struggle to maintain market share, with consumers choosing to shop outside of the borough, the HVDC attracts visitors from outside the borough.

2.6 Responding to the continued success of the HVDC, the existing Medway Local Plan acknowledges the important role of the HVDC in the retail and leisure provision of the borough, identifying the HVDC as a ‘District Centre’ within the hierarchy of retail centres.

2.7 Given the changing economic context surrounding retail in the UK, and the desire to create a more diverse and sustainable centre, the owners are currently seeking to increase the range of town centre uses within the centre and introduce more community and leisure uses as aside from the traditional retail and (more limited) restaurant, offer.

2.8 As a ‘District Centre’ the HVDC is considered second only to Chatham Town Centre which is the principle ‘Town Centre’ within the borough. The Proposals Map which accompanies the existing Medway Local Plan (2003) identifies the HVDC ‘District Centre’ allocation as covering the full extent

of the existing centre and associated surface level car parks. The existing allocation therefore includes those 'free standing' units located within the wider HVDC site.

3 RETAIL, & TOWN CENTRES

Policy RTC1 - Retail Hierarchy

3.1 The NPPF requires local planning authorities when “drawing up local plan” to “define a network of town centres” (para 23). The NPPF paragraph 23 (bullets 2 and 4) requires that when drawing up local plans, they:

- “define a network and hierarchy of centres that is resilient to anticipated future economic changes, and;
- promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres”.

3.2 Given the deficiencies identified in the supporting evidence base (Appendix A); we have concerns as to the justification of the hierarchy detailed pursuant to **Draft Policy RTC1**. We consider that it is challenging for the Council to define a hierarchy of centres, and allocate growth accordingly, given that there is no objective understanding of need and capacity.

3.3 Notwithstanding this, we welcome the recognition within the hierarchy (at **RTC1 II.**) that HVDC is defined as a District Centre. On this basis, we agree with the identification of the district centres in relation to **Question RTC3**.

3.4 In terms of **Questions RTC1, RTC2, RTC4 and RTC5**, we agree that the hierarchy provides an effective approach; and do not suggest any alternative approaches. However, specific to **Question RTC2** (i.e. the primacy of Chatham), and the **Draft Policy RTC1** more generally, the policy cannot be considered as justified and thus “sound” unless justified as realistic and deliverable against an up-to-date evidence base. Given our concerns as to the existing evidence base, **Draft Policy RTC1** remains unsound as it is not justified, unless and until it is supported by an up-to-date retail evidence base..

Policy RTC2: Sequential Assessment

3.5 While, as noted, the NPPF requires local planning authorities when “drawing up local plan” to “define a network of town centres” (para 23), the NPPF does not tie the operation of the sequential test (at paragraph 24) to the designation of a retail hierarchy when considering planning applications.

3.6 In fact, the NPPF explains, at Paragraph 24, that Councils, in operating a sequential test, should “require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered”.

- 3.7 The NPPF confirms, in the Glossary, that “town centres” in the above context includes all of the following:
- “References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance.”*
- 3.8 It is understood that the Council seeks to justify this alternative approach to the sequential test on the basis of the *Retail and Commercial Leisure Assessment - Part 2* (March 2018) (“RCLA2”). This document, which forms part of the Council’s evidence base and is considered as Appendix A, considers that such an approach is required in order to “protect other centres” (RCLA2, para 4.17).
- 3.9 In explanation of this approach, the RCLA2 notes (paras 4.18 and 4.19) an example of the treatment of the Willows district centre in the Torbay Local Plan (2015). However, while the Torbay Local Plan is indeed post-NPPF, the Inspector’s Report (12th October 2015) did not specifically consider retail policy or the context of the Willows.
- 3.10 As explained within Appendix A, we consider that this not provide a robust and objectively-assessed base to inform the direction of development management policy, including this alternative approach to sequential testing that would normally be at variance to the NPPF.
- 3.11 Accordingly, **Draft Policy RTC2**, as worded, in seeking to afford Chatham Town Centre and selected other centres additional protection compared to other Town Centres in terms of retailing, is not in accordance with the NPPF.
- 3.12 In fact, given that the draft policy seeks a preference for town centre uses in other centres in preference to HVDC, the wording would militate against the intended diversification of HVDC to include other “town centre” uses, subject to planning, as part of the longer-term aspiration to diversify the offer away from one of mainly retail (A1).
- 3.13 Thus, as a Town Centre, and notwithstanding the retail hierarchy, Hempstead Valley District Centre, and indeed all other Town Centres in Medway, must be considered on the same basis as Chatham in operation of the sequential test. Draft Policy RTC2 should therefore simply draw a distinction between proposals located:
- In a Town Centre;
 - Edge of Centre (with a preference for whichever is accessible and better connected to a Town Centre); and then
 - Out of Centre (with a preference for whichever is accessible and better connected to a Town Centre).
- 3.14 Unless **Draft Policy RTC2** is re-worded on the above basis, it will not be in conformity with the NPPF, and will thus be unsound. Given that the policy fails to draw the distinction properly between in-centre, edge-of centre and out-of-centre proposals it fails to protect the role of Town Centres in

line with the 'town centre first approach adopted by the NPPF, and is thus ineffective and unsound on this basis also.

3.15 Accordingly, in response to the Consultation Document's **Question RTC6**:

- The proposed policy, as worded, does not represent an effective approach for securing and strengthening Town Centres as it does not effectively protect and secure investment in all Town Centres as against Edge of Centre and Out of Centre locations and is thus unsound;
- We consider the sequential approach, is, as drafted, not in conformity with the NPPF and thus unsound; and
- An effective sequential approach that discriminates between proposals that are in Town Centres and those that are Edge of Centre and Out of Centre should be adopted to be both effective and in conformity with the NPPF.

3.16 If **Draft Policy RTC2** were re-worded on the above basis it would become effective and in conformity with the NPPF. Subject to **RTC2** being additionally supported by a robust evidence base, it could also become justified and thus, sound.

Policy RP3 – Impact Assessments

3.17 We consider that **Draft Policy RP3** is sound; subject to the policy considerations in terms of vitality and viability of existing centres being effectively justified by an effective retail evidence base (see Appendix A).

3.18 Therefore, in response to **Questions RTC7, RT8 and RTC8**, we consider that:

- The draft policy represents an effective approach for securing and strengthening Town Centres;
- We agree with the proposed approach to impact assessments;
- We agree with the 2,500 sqm size threshold submitted; but
- An up-to-date retail evidence base is required to support the assumptions underlining the vitality, viability and health of respective centres.

3.19 We conclude that **Draft Policy RP3** can be made sound if justified by an effective retail evidence base, in compliance with the NPPF.

Policy RTC4 - Frontages

3.20 This policy seeks to control the design of frontages within defined centres in Medway. As such, it requires that frontages should :

- Provide an active frontage at ground floor level;
- Be of a scale, format and character reflecting the upper levels;
- Protect and where possible enhance the public realm;
- Demonstrate no harm to neighbouring businesses; and
- Control the design of shutters.

3.21 While we agree that shop frontages should be attractively designed, in accordance with the requirements of Paragraph 59 of the NPPF, we would also remind the Council that the NPPF counsels against over-prescription in this regard. Paragraph 59 explains that Council should: *“...concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.”*

3.22 The policy as worded therefore risks lack of conformity with the NPPF in this regard, and a less prescriptive wording, which nonetheless seeks to promote active frontages, should be considered in taking this draft policy through to Regulation 19 Submission stage.

Policy RTC5 – Role, Function and Management of uses in centres - Frontage

3.23 The majority of the frontage within HVDC is designated as Primary Frontage under **Retail Designation 5f**. The predominantly food and beverage units that constitute the separate *“The Venue”* offer, are designated Secondary Frontage.

3.24 We consider that the requirements for marketing evidence pursuant to the loss of any A1 (retail) from Primary Frontages are too restrictive, and provide insufficient flexibility to allow for the introduction of other non-A1 uses into the Town Centres.

3.25 The inclusion of other town centre uses would add to the overall vitality and viability of Town Centres. The retail environment is changing at a rapid rate, with Town Centres continuously evolving. Customers are increasingly looking for a wider variety of experiences, and as such, there are new and retail related formats emerging which do not naturally fall into any specific use class. Specifically the retail footprint in many centres is decreasing and space is being taken up with other uses including leisure and other Town Centre uses. All of these uses can add to the vitality and viability of Town Centres. Therefore, it is important for all Medway's Town Centres to be able to respond to these changes in a positive way.

3.26 As currently worded, **draft policy RTC5** remains contrary to Paragraph 14 of the NPPF, which states that *“Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change”*. The principle of flexibility underpins the *“presumption in favour of sustainable development”*, which is seen as the golden thread running through both plan-making and decision-taking.

3.27 Town Centres should be a destination which offers a variety of shopping and leisure experiences that encourage increased activity outside of normal shopping hours. Non-A1 uses, particularly in the food and beverage sector, make a positive contribution by supporting Town Centres as a primary economic driver for the sub-region by increasing footfall and dwell time within centres. The

diversification of centres also assists in attracting high quality tenants which furthers economic development and encourages continued investment in Town Centres.

3.28 In seeking to restrict the amount of appropriate non-A1 town centre uses in Primary Frontages the policy, as drafted, limits its effectiveness in terms of securing the future vitality and viability of Town Centres.

3.29 Indeed, as noted in Section 2, above, the owners are keen to introduce an element of other town centre uses, including community and leisure uses, into HVDC. This is in light of both the existing economic context surrounding retail and also a desire to diversify the offer to create a more sustainable centre. By seeking to restrict moves away from retail in a large element of HVDC the policy, as worded, serves to undermine this aspiration.

3.30 Therefore, in response to **Questions RTC10 to RTC13**, our response is as follows:

- **Policy RTC5**, as drafted, is ineffective and inconsistent with national policy (NPPF) and is thus unsound;
- We do not consider that changes are required to town centre boundaries, nor the classification of Primary and Secondary Frontages as defined in figures 5a to 5f; however
- We consider that the restriction pursuant to the protection of A1 uses in Primary Frontages should be removed.

3.31 Accordingly, to make **Draft Policy RTC5** sound, the restriction against non-A1 town centre uses in Primary Frontages should be removed.

Policy RTC8 – Hempstead Valley District Centre

3.32 As explained in this representation and the Development Options consultation HVDC continues to perform a significant role in meeting the existing retail needs of the borough, as well as providing opportunities to meet future need through expansion/reconfiguration of the existing successful District Centre. The HVDC should therefore continue to be identified as a District Centre (and thus, in accordance with the NPPF Glossary, a Town Centre) through the emerging Medway Local Plan. Despite Medway's position to date as to the role of HVDC, there is no evidence to suggest that it is performing a lesser role than Gillingham and Stroud.

3.33 We therefore object to the assertion within both the draft policy and the supporting text that the Hempstead Valley District Centre *"is different from other traditional centres with high streets"*, and that, by extension, policy needs to mitigate its impact by ensuring it only provides for *"local needs"* and, therefore, *"not undermine the viability of main town centres in Medway."*

3.34 The continuing assertion that the success enjoyed by the HVDC has arisen at the expense of the traditional centres – in particular Chatham Town Centre – fails to acknowledge either the

demonstrable interest in the HVDC shown by national and local retailers and leisure providers (including many national retailers whose only presence within the borough is at the HVDC), or the shortfalls of these “*traditional*” centres and the physical barriers to these centres meeting the objectively assessed needs.

- 3.35 Furthermore, as explained the NPPF does not provide a definition of the function or role of District Centres. Consequently the continued suggestion that the HVDC does not perform the same role as the “*traditional*” town centres that is included within the Consultation Document is contrary to the NPPF.
- 3.36 The NPPF is clear in the Glossary that Town Centres include District Centres. As HVDC is, therefore, a Town Centre, it should enjoy policy protection in accordance with the NPPF.
- 3.37 It is noted that the Council’s evidence base, through the RCLA2, promotes this approach to limiting additional retail floorspace at HVDC (see Appendix A). However, we consider, as explained in the Evidence Base section above, that this retail evidence still does not provide a robust and objectively-assessed base to inform the direction of development management policy, still less the proposed restriction on retail floorspace within a defined centre.
- 3.38 As noted, national policy (NPPF para 23) requires that, “*...needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability*”
- 3.39 Thus, by seeking to restrict Town Centre sites that could assist in meeting such needs and based on a less-than-robust understanding of current need and capacity, the Consultation Document is not only not justified and at variance with national policy, it also risks allowing surplus capacity (should it exist) to be met through Edge-of and Out-of-Centre sites, creating a less than effective policy context, and undermining the ‘town centre first’ approach.
- 3.40 In addition, In fact, given that the draft policy also seeks control additional “leisure” development at HVDC, this policy would also undermine the aspiration to diversify the centre away from mainly retail (A1) and include other “*town centre*” uses, including leisure (D2).
- 3.41 Thus, by seeking to restrict the amount of town centre uses of HVDC, which is a Town Centre, **Draft Policy RTC8** fails the NPPF tests of soundness (paragraph 182) on the following bases:
- The policy is not “*positively prepared*” as it would hamper the provision of required town centre and retail needs in a sustainable location (i.e. a town centre);
 - It is not “*justified*” as the evidence base (SHENA and RCLA2) that identifies retail needs and seeks to allocate sites to meet that capacity is not sufficiently robust;
 - It is not “*effective*” as it would limit the provision of retail and town centre development in town centres (including Hempstead Valley); and

- It is not consistent with national policy (i.e. the NPPF), which encourages town centre uses to be located in “*Main Town Centres*” which include District Centres such as Hempstead Valley.

3.42 In response to **Questions RTC20 to RTC22**, we therefore consider:

- The policy is not the appropriate approach to planning for Hempstead Valley District Centre, which is a Town Centre and should be treated as such;
- Town Centre development should not be restricted within Hempstead Valley as it is suitable for “*Main Town Centre*” uses in accordance with the NPPF; and
- Policy should support Main Town Centre uses, (as defined by the NPPF), across all Town Centres (as defined by the NPPF) in Medway.

3.43 Therefore, in order to ensure subsequent drafts (notably the Regulation 19 Submission Draft) can be considered “*sound*”, the extent of retail provision within HVDC, a defined Town Centre, should not be limited in such a manner given that there remains, to date, no effective and objectively-assessed evidence base to justify such an approach.

3.44 **Draft Policy RTC8** should be deleted accordingly to seek soundness on this basis.

4 CONCLUSIONS

- 4.1 On behalf of the owners of the Hempstead Valley District Centre, we continue to welcome the Council's preparation of the emerging Medway Local Plan and the subsequent replacement of those existing policies of the Medway Local Plan (2003). However, we retain a number of concerns regarding both the process that has been adopted by the Council in the preparation of the emerging Medway Local Plan, as well as those options for the future development of the borough that are presented within the Consultation Document. We consider that a number of the draft policies promoted would be considered "*unsound*" if taken forward to submission stage, and object to them on this basis.
- 4.2 Many of these objections are predicated on the continuing failure of the Council to provide an up-to-date and robust evidence base in support of the Consultation Document. As explained, given the absence of the identified development needs, many of the draft policies presented within the Consultation Document do not meet the objectively assessed needs in full as required under the provisions of the NPPF.
- 4.3 We also continue to express their serious concerns with the Council's proposed spatial strategy for the distribution of future retail and leisure development within the borough.
- 4.4 In particular we object to the Council's assertions, and draft policies, regarding the current and future role of the HVDC. We continue to strongly object to the Council's suggestion that the HVDC does not, and should not, perform the role of a District Centre, and proposition that the HVDC should not perform any function in meeting the future retail and leisure needs of the borough. This approach not only fails to acknowledge the significant role that the HVDC performs in meeting retail and leisure need within the borough, but also jeopardises the ability of the development needs of the borough to be met. This approach appears predicated on an insufficient evidence base, as detailed above, which results in such an approach not being properly justified. Any such approach is also considered to be contrary to those overarching objectives of the National Planning Policy Framework.
- 4.5 HVDC is a designated District Centre as opposed to a primary centre; it remains considerably below Chatham in the NLP national rankings (and as confirmed in the local Evidence Base), is substantially smaller and has a much more localised catchment than Chatham. We also consider it significant to note that from the NLP survey that Chatham loses comparatively little expenditure to HVDC.

- 4.6 By encouraging more retail and associated investment at HVDC, Medway would benefit from a centre which is capable of helping deliver on the ground some of the quantitative and qualitative needs of the borough in the early part of the plan period.
- 4.7 The emerging Medway Local Plan should, in fact, acknowledge that the HVDC benefits from significant capacity for additional retail/leisure floorspace.
- 4.8 Given Hempstead Valley's location in the south east of the district, additional capacity at HVDC would not only serve Medway itself, but would claw back trade being lost to Medway's largest competitor, namely Maidstone. This would not continue to leave more than sufficient identified need for the redevelopment and regeneration of Chatham, nor would it adversely impact on the investment prospects of the other centres.
- 4.9 We consider that without a flexible and deliverable policy response to meeting retail and leisure needs within the borough, there is a real concern that Medway's shoppers will continue to vote with their feet and take their expenditure out of the borough. If this were to happen then the prospect of any major comparison retail in Chatham at any point in the plan period will significantly recede.
- 4.10 In addition, as stated, the proposed restrictions on town centre floorspace within HVDC could, in fact, act against the longer-term aspirations of the owners to introduce, subject to planning, more non-retail "*town centre*" uses into the District Centre, as all such floorspace would be subject to a sequential , and potentially an impact, test. Such a restriction would hobble the ability of HVDC to adapt to a changing commercial environment and undermine the effectiveness of Medway's town centre planning policy.
- 4.11 In summary, we consider that the draft policies detailed in the Consultation Document are currently "*unsound*", but could be made "*sound*" subject to the responses and evidence requested in the answers to the consultation questions as set out in this response.
- 4.12 On the basis of these concerns and objections, we look forward to the opportunity make future representations and recommendations to the emerging Medway Local Plan as it progresses to submission stage.
- 4.13 We therefore take this opportunity to request that we are kept fully informed of the progress of the emerging Medway Local Plan, including the publication of the evidence base upon which it is to be based.

APPENDIX A – REVIEW OF EVIDENCE BASE

Under the provisions of the National Planning Policy Framework (“NPPF”) test of “*soundness*”, specifically the “*justified*” requirement, Local Plans must be based upon an up-to-date evidence base that identifies development needs within the borough, with those policies and objectives contained within Local Plans meeting this identified need.

Consequently the emerging Medway Local Plan must plan proactively to meet fully the objectively assessed economic development needs of the borough as identified through the evidence base upon which it is based. Indeed, under the provisions of paragraph 14 of the NPPF, meeting these development needs in full through the emerging Local Plan is fundamental in achieving sustainable development.

Existing town centres, such as the HVDC, perform an important role in sustainably meeting the development needs of their area. Indeed, paragraph 23 of the NPPF states that ‘*In drawing up Local Plans, local planning authorities should: recognise town centres as the heart of their communities and pursue policies to support their viability and vitality*’. Local planning authorities should therefore seek to maximise opportunities to meet identified development needs within existing town centres, of which HVDC is one such location.

Achieving sustainable development, which under the provisions of the NPPF should be seen as the ‘*golden thread*’ that runs through plan-making, is intrinsically linked to the identification of development needs, and the adoption of positive policies and objectives to meet this need in full. The identification of development needs is therefore at the heart of the preparation of Local Plans.

Consequently, under the provisions of the NPPF, the emerging Medway Local Plan must be based upon a robust, and up-to-date, evidence base that identifies the quantitative and qualitative economic needs within the borough (including need for retail and other town centre uses). All these points were made in relation to the previous, Development Options consultation (May 2017) and are re-iterated here.

As explained, this Consultation Document details draft policies to guide the future development of the borough. It is intended that they will be taken forward to Regulation 19 submission stage. Accordingly, to seek to meet the NPPF test of soundness, they must plan proactively to meet the objectively assessed development needs.

Consequently, the Consultation Document must be supported by a robust and up-to-date evidence base that identifies fully the development needs (including retail and leisure) within the borough.

In this regard the evidence base that has been prepared in support of the draft policies to-date is incomplete and fails to identify the full development needs of the borough. Indeed, whilst the Consultation Document

suggests that an assessment of future retail and leisure growth capacity in Medway has been undertaken as part of the Strategic Housing and Economic Needs Assessment (SHENA) 2015 (including findings from a Retail and Commercial Leisure Assessment – RCLA), the findings of this assessment are not sufficiently robust to support the objectives of the emerging Medway Local Plan, facilitate informed debate or ensure relevant planning policy on the future of Medway’s retail centres is ‘sound’.

While the Council has since commissioned a *Retail and Commercial Leisure Assessment - Part 2* (March 2018) (“RCLA2”) this does not seek to provide updated quantitative evidence pertaining to retail need and capacity across Medway. Rather, it provides a summary of cross boundary issues; provides a healthcheck of the existing centres (as informed by an on -street survey) and provides guidance as to the direction of future policy and the determination of planning applications.

As noted in the Development Options Consultation, the previous Draft Core Strategy (2011) was supported by the Retail Needs Assessment (2009) prepared by NLP which identified retail and leisure needs within the borough based upon a thorough assessment of consumer behaviour and the health and function of all existing centres within the borough and wider sub-region. In contrast, the SHENA sought only to identify retail and leisure capacity based on spending assumptions and population/demographic trends.

While the RCLA2 addresses some of these deficiencies with a street-based survey of spending and a board healthcheck of the respective centres, this continues to provide an insufficient basis for evidence pertaining to the capacity and needs for retail floorspace within the borough.

The authenticity of the findings of the retail evidence base, which seeks to inform the Consultation Document, cannot yet be properly verified.

As was noted in the Development Options Consultation, those brief findings expressed within the Consultation Document do not comply with the requirements of either the NPPF or National Planning Practice Guidance (“PPG”).

Although the emerging Medway Local Plan is to extend until 2035, the evidence base that is presented within the Consultation Document provides only projected Retail and Leisure Capacity up to 2031. Consequently, as in the Development Options consultation, the evidence base that is provided at this stage does not meet the requirements as set out in the PPG.

The absence of an assessment of either current (2016) retail and leisure capacity, or expected capacity at the end of the plan period (2035) is therefore contrary to the requirements of the PPG, and will not enable the emerging Medway Local Plan to meet development needs throughout the plan period.

On the basis that an insufficient evidence base (in particular with regards to retail and leisure needs) remains in support of this Consultation Document, it is contended that the Council remains unable to demonstrate that the strategy for the future development of the borough will meet the objectively assessed development needs in full. Consequently, the draft policies predicated on the basis of this evidence base will be contrary to the objectives of the NPPF and PPG.

On this basis we retain significant concerns regarding both the evidence base presented to-date, and the strategy for the future development of the borough identified through the draft policies in the Consultation Document. The deficiencies in the evidence base are therefore reflected in the responses we have made to the draft policies contained in the Consultation Document, and our answers to the questions thereon.