


Model Representation Form for Local Plans

 Medway COUNCIL <i>Serving You</i>	Local Plan Publication Stage Representation Form	Ref: (For official use only)
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Name of the Local Plan to which this representation relates:

Medway Local Plan

Please return to Medway Council Planning Service by 11th August 2025

Email: planning.policy@medway.gov.uk or post to:

Planning Policy, Medway Council, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

2. Agent's Details (if applicable)

Title	<input type="text" value="Mr"/>	<input type="text" value="Ms"/>
First Name	<input type="text" value="Mike"/>	<input type="text" value="Kate"/>
Last Name	<input type="text" value="Hallows"/>	<input type="text" value="Holland"/>
Job Title (where relevant)	<input type="text"/>	<input type="text" value="Managing Director"/>
Organisation (where relevant)	<input type="text" value="Hutchison Ports"/>	<input type="text" value="Fortis Planning Ltd"/>
Address Line 1	<input type="text" value="Tomline House"/>	<input type="text" value="Office F23"/>
Line 2	<input type="text" value="The Dock"/>	<input type="text" value="Maidstone Studios"/>
Line 3	<input type="text" value="Felixtowe"/>	<input type="text" value="Newcut Road"/>
Line 4	<input type="text" value="Suffolk"/>	<input type="text" value="Maidstone"/>
Post Code	<input type="text" value="UP11 3SY"/>	<input type="text" value="ME14 5NZ"/>
Telephone Number	<input type="text"/>	<input type="text" value=""/>
E-mail Address (where relevant)	<input type="text"/>	<input type="text" value=""/>

Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph Policy Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

See Attached Cover Letter

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

See attached Conver Letter

(Continue on a separate sheet /expand box if necessary)

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

☐

No, I do not wish to participate in hearing session(s)

☒

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To represent our Client who's site is allocated as an existing employment site in the Local Plan.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

For details of our data privacy policy please see:

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For details of our data privacy policy please see:

<https://www.medway.gov.uk/info/200133/planning/714/planning-service-privacy-statement>

Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph Policy Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

✓

No

4.(2) Sound

Yes

✓

No

4 (3) Complies with the
Duty to co-operate

Yes

✓

No

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

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8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To represent our Client who's site accommodates riverside infrastructure as identified within the Policy T21

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

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Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph

Policy

T21

Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

☒

No

☐

4.(2) Sound

Yes

☒

No

☐

4 (3) Complies with the
Duty to co-operate

Yes

☒

No

☐

Please tick as appropriate

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8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To represent our Client who's site is safeguarded for mineral supply infrastructure within the Policy T31

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

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REPRESENTATIONS TO REGULATION 19 DRAFT LOCAL PLAN CONSULTATION Medway Council

On Behalf of
Hutchison Ports

August 2025

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1.0 INTRODUCTION

- 1.1 These representations have been prepared on behalf of Hutchison Ports in response to Regulation 19 Draft Local Plan Consultation being undertaken by Medway Council. These Representations in particular concern the existing site at London Thamesport.
- 1.2 Hutchison Ports made Representations to the Regulation 18 Local Plan in September 2024 and since that time Officers from the Council have also visited Thamesport to understand current port operations, available land and future development aspirations.
- 1.3 The Policies published in the Regulation 19 consultation have been updated in response to previous Representations which is welcomed by Hutchinson Ports. As such these current Representations are supportive in principle of the amendments to Policy S11: Existing Employment provision. However, there appears to be some conflict between Policy S11: Existing Employment Provision and S25: Energy Supply which require further clarifications. These matters are set out further in the Representations below.

2.0 EMPLOYMENT ALLOCATIONS AND LONDON THAMESPORT

- 2.1 As the Council is aware, London Thamesport continues to play a fundamental role for employment purposes and generates significant economic benefits to Medway and the wider south east region.
- 2.2 Since the time of adoption of the previous Local Plan, London Thamesport has developed as a low carbon construction hub. Partners include aggregate imports and handling, steel rebar and off-site fabrication, precast concrete manufacturing. Materials arrive across the quay and manufacturing of components occurs within the port to support major UK infrastructure projects including, Thames Tideway, High Speed 2, Thames Valley Viaduct.
- 2.3 There are undeveloped areas within London Thamesport which provide future development opportunities. There is a 40 acre of land to the north of the Site which is an area of previously developed land which is currently unoccupied. There are also other smaller pockets of land closer to the quay measuring a total area of 18 acres with development potential. There are plans for a cementitious import terminal to be provided on part of the land which will positively contribute to the on-port construction hub.
- 2.4 The Employment Needs Assessment (February 2025) which is published in support of the Regulation 19 Local Plan confirms the importance of Thamesport. Para 4.57 sets out:
- The industrial/warehouse market at the Isle of Grain/Thamesport is unique in that its more remote location is ideal to accommodate the heavier industry activities here and this needs to be protected and developed to attract the same or heavier industries.**
- 2.5 The Planning Policy Map supporting the Regulation 19 Local Plan allocates London Thamesport as an Existing Employment Site. Hutchinson Ports have previously advocated for a specific policy allocation for Thamesport given its strategic importance. However, it is welcomed that Policy S11: Existing Employment Provision has been updated to include clarifications on the types of employment uses that would be acceptable at existing employment sites. This will allow flexibility in the range of uses that can be accommodated to support the future growth aspirations of Hutchison Ports in relation to their low carbon construction hub.
- 2.6 There are also other emerging Local Plan policies that would be relevant to the consideration of future development proposals at London Thamesport. It is not clear how each of the

policies would be balanced given there is no cross referencing between the policies. Examples of this are set out below.

- 2.7 Policy S25: Energy Supply is supportive of the development of renewable and low carbon energy development on the Isle of Grain in recognition of its significance to national power generation and supply. However, Policy S11 does not specifically allow for renewable and low carbon energy development within existing employment areas.
- 2.8 In light of the acceptability in principle of energy supply development on the Isle of Grain it is considered that Policy S11 should be clear that this type of development would be acceptable at London Thamesport. Without this clarification there would be conflict between Policy S11 and Policy S25 of the Local Plan.
- 2.9 Other policies relevant to development proposals at London Thamesport are T21: Riverside Infrastructure and T31: Safeguarding Mineral Supply Infrastructure. As confirmed in previous Representations London Thamesport will continue to operate as an international shipping hub with complementary uses accommodated within the port area through the Plan Period.
- 2.10 There are areas of London Thamesport which are currently vacant albeit they have been previously developed. It is the intention to use these areas of land for complementary on-port manufacturing, flexible storage solutions for occupants to grow and meet their expansion plans and needs and energy related uses. It is not considered that this would undermine the use of the mineral supply infrastructure at London Thamesport.
- 2.11 These Representations are therefore supportive of Policies T21 and T31.
- 2.12 Whilst these Representations are generally supportive of the Local Plan Policies identified above, subject to clarifications on policy conflicts, these Representations continue to advocate for a specific allocation for London Thamesport. This will support the continued growth and expansion of London Thamesport, to positively plan for economic development, and provide certainty in respect of the type of development that would be acceptable. A generic protection as an 'existing employment site' does not allow for the nuances of other acceptable forms of development which include renewable / energy supply, minerals infrastructure, port related activities and other industrial uses.

3 CONCLUSIONS

- 3.1 These Representations are supportive of amendments to Policy S11: Existing Employment Provision which clearly set out the type of development that are acceptable on existing employment sites. However, there are policy conflicts between Policy S11 and S25: Energy Supply which require clarification to ensure the Local Plan is clear as to the type of development that is acceptable at London Thamesport.
- 3.2 There are areas of previously developed land within London Thamesport which are currently vacant and offer further development opportunities to allow the expansion and growth of the existing employment site. The role of London Thamesport and the potential to redevelop land within the port should therefore be reflected in a specific site allocation for London Thamesport. Hutchinson Ports are willing to work with Medway Council to provide up to date evidence and information in relation to the development potential of the Site including available development areas and potential uses of the land.
- 3.3 These Representations are supportive of Policies which seek to safeguard existing employment sites, minerals and riverside infrastructure as these are reflective of the long term aspirations and growth potential of London Thamesport.

Model Representation Form for Local Plans

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Medway Local Plan

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Part A

1. Personal Details*

2. Agent's Details (if applicable)

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

Title	<input type="text" value="Mr"/>	<input type="text"/>
First Name	<input type="text" value="T"/>	<input type="text"/>
Last Name	<input type="text" value="Dean"/>	<input type="text"/>
Job Title (where relevant)	<input type="text" value="Director"/>	<input type="text"/>
Organisation (where relevant)	<input type="text" value="Dean Lewis Estates"/>	<input type="text"/>
Address Line 1	<input type="text" value="Abacus House"/>	<input type="text"/>
Line 2	<input type="text" value="35 Cumberland Street"/>	<input type="text"/>
Line 3	<input type="text" value="Macclesfield"/>	<input type="text"/>
Line 4	<input type="text" value="Cheshire"/>	<input type="text"/>
Post Code	<input type="text" value="SK101DD"/>	<input type="text"/>
Telephone Number	<input type="text" value=""/>	<input type="text"/>
E-mail Address (where relevant)	<input type="text" value=""/>	<input type="text"/>

Part B – Please use a separate sheet for each representation

Name or Organisation: Dean Lewis Estates

3. To which part of the Local Plan does this representation relate?

Paragraph	<div>See Attached</div>	Policy	<div>See Attached</div>	Policies Map	<div>See Attached</div>
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4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<div>✓</div>	No	<div></div>
4.(2) Sound	Yes	<div></div>	No	<div>X</div>
4 (3) Complies with the Duty to co-operate	Yes	<div>✓</div>	No	<div></div>

Please tick as appropriate

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8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

DLE have interests in major land holdings proposed as housing and mixed-use allocations within the plan area, particularly on the Hoo Peninsula. The policies as expressed require modifications to make the Local Plan 'sound'.

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Medway Local Plan 2041

Regulation 19 Consultation

August 11th 2025

Consultation response

by

(HHH6 Chattenden, HHH12 Main Road Hoo St Werburgh, & HHH29, Christmas Lane, High Halstow)



DEAN LEWIS.

ESTATES LIMITED

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1 INTRODUCTION

1.1 Background

- 1.1.1 Dean Lewis Estates Limited is a professional strategic land promotion company specialising in the delivery of residential and mixed-use sustainable development.
- 1.1.2 This submission provides Dean Lewis Estates Limited response to and representations in respect of this Regulation 19 consultation into the Medway Local Plan 2041.
- 1.1.3 This submission focuses on the key planning policy considerations for the Medway Local Plan in order to enable its successful implementation, thereby sustainably meeting the identified full objectively assessed needs for housing (OAN) and enabling the wider regeneration of Medway in concert with economic growth and delivering significant social and environmental net gains throughout the plan area.
- 1.1.4 For completeness, it is also appropriate to state that Dean Lewis Estates Limited is part of a consortium of promoter and developer partners that are working together to promote development at Hoo St Werburgh and the Hoo Peninsula to enable successful delivery of the planned growth required to meet the needs of Medway up to 2041.
- 1.1.5 The Consortium members comprise:
- Church Commissioners for England
 - Dean Lewis Estates
 - Redrow
 - Taylor Wimpey
- 1.1.6 The areas of land within the control of Dean Lewis Estates (**HHH6 Chattenden, HHH12 Main Road Hoo St Werburgh, & HHH29, Christmas Lane, High Halstow**) are deliverable in their own right and are not contingent on any other third-party land ownerships or constrained by infrastructure that cannot be provided.
- 1.1.7 It should also be noted that the Dean Lewis Estates land holdings have the capability to provide community and environmental benefits substantially in excess of that needed to serve the development of solely the Dean Lewis Estates land. It therefore can genuinely be regarded as playing a major role in facilitating further development at Hoo St Werburgh and Chattenden and
-

High Halstow, supporting the needs of the wider community on the Hoo Peninsula.

- 1.1.8 HHH12 will deliver new neighbourhood at Cockham Farm, Main Road, to the South and the West of Hoo St Werburgh will be home to circa 1850 new homes with a new neighbourhood centre which will cater for the communities' needs for the western part of Hoo St Werburgh. The area of growth will be part of integrated growth plan for Hoo that will also comprise major green infrastructure in the form of a community parkland, and Hoo wetlands to the east. HHH6 will deliver a new neighbourhood at Chattenden, between Peninsula Way and Chattenden Lane and will deliver a new primary school, day nursey and convenience store. It will be set amongst structure landscaping and significant areas of green space that will also deliver significant biodiversity net gain. Development at HHH29. Christmas Lane, High Halstow will provide circa 55 -60 and will integrate with and complement the existing and emerging development to the east of High Halstow. The new residential neighbourhood will meet the critical housing need providing new market and affordable homes. The new neighbourhood will integrate with the existing community and facilities that located High Halstow and Sharnal Street.
-

2 RELEVANT POLICIES

2.1 Medway Local Plan (Regulation 19): Representations Structure

2.1.1 The following policies are commented on in these representations. Overall DLE are supportive of the Vision and Strategic Objectives' and consider that the plan is capable of being found 'Sound', subject the modifications set out below. Only matters of clarifications and objections are raised below in respect of specific policies or reasoned justification and the objection or clarifications required are noted in bold followed by a proposed modification.

2.1.2 The following policy Topics are covered herein.

Spatial Development Strategy

- I. 3.1 - Spatial Development Strategy
- II. 3.2 - Policies Map

Transport

- III. DM15 - Monitoring and Managing Vehicle Trip Generation

Site Allocations

- IV. SA8 - Hoo St Werburgh and Chattenden
- V. SA9 – High Halstow

2.1.3 The following section of this document deals with each policy as noted above.

3 DEVELOPMENT STRATEGY & SCENARIOS

3.1 Spatial Development Strategy

- 3.1.1 Paragraph 3.1.6 of the Spatial Development Strategy refers specifically to the Hoo Peninsula. It states that around 30% of the plan's housing is to be directed to Medway's rural areas, mainly to the larger villages on the Hoo Peninsula, also noting that Hoo St Werburgh has an important role as the principal village serving the wider peninsula. Whilst supporting the principle of plan led housing growth in this spatial location the plan also asserts that the distinct identity of the villages will be retained, and coalescence avoided. In the context of Hoo St Werburgh and Chattenden policy SA8 - 'Objective 3' requires that "The separation of Hoo and Chattenden as distinct settlements will be secured through a strategic landscape corridor". Further, the supporting text to policy SA8 states that, "In planning for Medway's future growth, it is important to ensure the distinct identities of Hoo and Chattenden. Development must retain the separation of the historic villages of Hoo and Chattenden and avoid coalescence. A landscape buffer is a key part of the strategic planning, providing for views over open landscape".
- 3.1.2 **DLE Object** to this wording in the policy and reasoned justification as it is too prescriptive and does not acknowledge the presence of the strategic Transport Corridor (A228 – Peninsula Way) which runs straight the location where a 'Strategic Landscape Corridor' is suggested. This is depicted on Figure 1 - Key Diagram. This strategic transport corridor which is a grade separated dual carriageway is a major piece of road infrastructure which forms an existing separation between these two settlements. Further, Ratcliffe Highway, a former main A Road, also sits between the two settlements and further adds to the physical separation of the two settlements. The A228 is a permanent, defensible feature that already physically separates the two areas.
- 3.1.3 This major road infrastructure also has large areas of water attenuation and significant areas of associated green space that presently aids in the physical separation of the settlements. The existing physical features can be supplemented with structure landscaping that will be planted on the western edges of allocation HHH8, eastern edges of HHH6 and will also be
-

significantly enhanced by the delivery of the Cockham Community Parkland delivering a 125metre minimum gap between the back edge of the residential properties on Toad Hall Way and Coes Green. The new development inside allocation HHH12 will further aid the perception of maintenance of the separation between the settlements by placing development only the eastern side of the estate distributor for the as it enters the site. Further the existing structure landscape on the eastern side of the existing residential areas at Chattenden prevents any views and perception of coalescence.

- 3.1.4 Long distance views from one myopic viewpoint taken from land that is not publicly accessible at Deangate allows a vista to be seen in wider perspective of the separated settlements. Appropriate additional landscape to be delivered on HHH8, together with Cockham Community Parkland, HHH12 and HHH6 will ensure the separation between Chattenden and Hoo St Werburgh is maintained. The evidence demonstrates that the existing major highway infrastructure prevents the delivery of 'strategic landscape corridor' between the two settlements.
- 3.1.5 The supporting text to Policy SA8 (para 14.9.8) also states that a 'landscape buffer' to provide views over 'open landscape'. Plainly the evidence on the ground demonstrates that the landscape is not open. It is acknowledged that appropriate landscape buffers can assist with the reinforcing separation of the two settlements. Realism must be exercised as where this can be these landscape buffers be provided in the overall master planning of the planned growth at the two settlements. **The Term 'strategic landscape corridor' should be removed for the policy.**
- 3.1.6 **Modification Required – Policy SA8: Hoo St Werburgh and Chattenden – Objectives – 3 – "The existing separation of Hoo and Chattenden as distinct settlements will be maintained and supplemented having regard to the existing roads and landscape features. Where appropriate additional landscape buffers will be introduced to retain the existing separation between the settlements.**

3.2 Policies Map

- 3.2.1 The policies maps reflect the areas of land that have been identified for development in terms of proposed allocations. These are simply land boundaries. The Policies, such as SA8, are then supplemented by Concept Master Plans which

are still broadly spatial in presentation but define the locations that the Local plan policies will apply positive support to encourage and guide development. The policies map for policy SA8 shows growth at Main Road, Cockham Farm, amongst other areas and a related proposals for small modicum of housing development east of Vicarage Lane and South of Saxon Shore way. Previously this site was being proposed for a site for a Primary School or as Leisure Centre and potential location for a Healthy Living Centre. The alteration to a proposed allocation for residential land is **Supported by DLE**. In the context of place making, the site is highly sustainable given its proximity to Hoo Village centre and all its attendant facilities. It is acknowledged that the land is within Flood Zone 2, but this is defended Flood Plain and not liable to flooding and therefore passes the sequential test. **DLE object** to the existing 'Medway Local Plan 2041 – Regulation 19 – June 2025 – Policies Map – North West. **A minor Modification if required to depict the allocation of land for residential east of Vicarage Lane in accordance with the 'Figure 14: Hoo St Werburgh and Chattenden Concept Plan'.**

3.3 Transport

- 3.3.1 **Policy DM15 - Monitoring and Managing Vehicle Trip Generation** is concerned with realising the place-based vision for access and movement and not the reasonable worst-case scenario. This principle is **supported by DLE**.
- 3.3.2 The supporting text to Policy DM15 sets out that the cumulative effect of trip generation across site allocations being lower than the vehicle trip budget set in the STA could be significant. It further notes that this would require the commissioning of a Medway-wide Monitor and Management Mitigation Strategy. **DLE Require** that prior to the submission of the Local Plan for examination **the Medway-wide Monitor and Management Mitigation Strategy be commissioned and published** as the Local plan notes that this could avoid the need for some elements of the package of transport mitigations and their developer contributions which could otherwise be invested in development quality and other forms of necessary infrastructure. Crucially it also states that it would be inappropriate to seek a full developer contribution (based on the reasonable worst-case scenario) if a development proposal can demonstrate how trip generation would be lower than the vehicle trip budget set in the STA. Therefore, a proportionate developer contribution discount is available. **DLE consider that the publication of the Medway-wide Monitor and Management Mitigation Strategy is therefore a fundamental component of**

evidence necessary to complete the Infrastructure Delivery Plan and related Local Plan Viability Assessment.

3.4 SA8 - Hoo St Werburgh and Chattenden

- 3.4.1 **Objective 3 – DLE Object to objective 3 as currently worded** for the reasons set out above at section 3.1 paragraphs 3.1.1 – 3.1.6.
- 3.4.1 **Criteria 5** - Refers to a 'Strategic Masterplan'. The Masterplan provide by the Hoo Consortium depicts the locations and sites, some of which already have been built, are under construction and some of which already have planning permission, where development is planned. This Master Plan accords with the general principles of the 'Figure 14: Hoo St Werburgh and Chattenden Concept Plan'. **DLE object to the wording of Criteria 5** and suggest that the **policy wording be modified** to state that "Development will come forward in **general** accordance with a **Hoo St Werburgh and Chattenden Concept Plan** ~~strategic masterplan~~ for Hoo and Chattenden, providing a framework for design, landscape and green infrastructure, heritage, services, employment, transport, infrastructure, defining distinctive neighbourhoods and centres". **This approach avoids and necessary additional layer of policy making.**
- 3.4.2 **Criteria 6** states that, "Development will be delivered in phases across the plan period and extend beyond into the 2040s. Infrastructure delivery is linked to the phased growth, with triggers identified in the Hoo Peninsula Infrastructure Plan. Whilst the principle of this approach is supported DLE consider that the **phasing strategy will need to be prepared as per Criteria 12 and is required to be completed prior to submission of the Local plan for Examination. It will require Medway Council to consult with the Hoo Consortium and any other relevant stakeholders to formulate the phasing strategy having regard to the Infrastructure Delivery Plan.**
- 3.4.3 **Criteria 8** relates to the network of centres across Hoo and Chattenden, with a main centre strengthening Hoo's role as a focus for services for its residents and the wider Hoo Peninsula, supported by smaller centres at neighbourhood level. This policy must be read in conjunction with Policy T17, sets of thresholds of 280sqm for convenience retaining. **DLE object to Criteria 8 and Policy T17 in its current form.** National Planning Retail Group definition of 'net sales area' is as follows:
-

- 3.4.4 *"The area within the walls of the shop or store to which the public has access or from which sales are made, including display areas, fitting rooms, checkouts, the area in front of checkouts, serving counters and the area behind used by serving staff, areas occupied by retail concessionaires, customer services areas, and internal lobbies in which goods are displayed; but not including cafes and customer toilets."*
- 3.4.5 These policy criteria requires **modification** so that the 280sqm refers specifically to '**net sales area**'. Therefore, retail buildings with a sqm more than this figure with storage, management and welfare facilities should not trigger the need for a retail impact assessment providing that the net sales area does not exceed 280sqm. **The description provide above from the National Planning Retail Group should be cited in the supporting text to the policy.**
- 3.4.6 **Criteria 15** – see also section 3 'Transport' above paragraph 3.3.1 and 3.3.2. The policy commensurate requires contributions from each site covered under SA8 towards improvements to the four highway mitigation schemes. In principle this is approach is supported but is also incumbent on the council to ensure that the implementation of the highway interventions is coordinated in such a way to aid the timely delivery of new homes and infrastructure. The publication of the Medway-wide Monitor and Management Mitigation Strategy prior to the submission of the Local plan for examination will be an essential tool in assisting in the phasing of highway interventions and realising development accordingly.
- 3.4.7 **Criteria 19** states that a strategic environmental management plan will be prepared and approved by the Council and Natural England to provide the basis for an integrated programme of measures to safeguard and strengthen the natural environment around Hoo and Chattenden, particularly the SPA, Ramsar sites and SSSIs. DLE will contribute land that will enable delivery of Cockham Community Parkland Hoo Wetlands. **DLE require a modification to Criteria 19 which recognises that where on site provision of land and interventions is made by the developer in this regard the equivalent S106 contributions will be reduced by a commensurate amount.**
-

Model Representation Form for Local Plans

	Local Plan Publication Stage Representation Form	Ref: (For official use only)
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Name of the Local Plan to which this representation relates:

Medway Local Plan

Please return to Medway Council Planning Service by 11th August 2025

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Planning Policy, Medway Council, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*

2. Agent's Details (if applicable)

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

Title	<input type="text" value="Mr"/>	<input type="text"/>
First Name	<input type="text" value="T"/>	<input type="text"/>
Last Name	<input type="text" value="Dean"/>	<input type="text"/>
Job Title (where relevant)	<input type="text" value="Director"/>	<input type="text"/>
Organisation (where relevant)	<input type="text" value="Dean Lewis Estates"/>	<input type="text"/>
Address Line 1	<input type="text" value="Abacus House"/>	<input type="text"/>
Line 2	<input type="text" value="35 Cumberland Street"/>	<input type="text"/>
Line 3	<input type="text" value="Macclesfield"/>	<input type="text"/>
Line 4	<input type="text" value="Cheshire"/>	<input type="text"/>
Post Code	<input type="text" value="SK101DD"/>	<input type="text"/>
Telephone Number	<input type="text" value=""/>	<input type="text"/>
E-mail Address (where relevant)	<input type="text" value=""/>	<input type="text"/>

Part B – Please use a separate sheet for each representation

Name or Organisation: Dean Lewis Estates

3. To which part of the Local Plan does this representation relate?

Paragraph	<div>See Attached</div>	Policy	<div>See Attached</div>	Policies Map	<div>See Attached</div>
-----------	-------------------------	--------	-------------------------	--------------	-------------------------

4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<div>✓</div>	No	<div></div>
4.(2) Sound	Yes	<div></div>	No	<div>X</div>
4 (3) Complies with the Duty to co-operate	Yes	<div>✓</div>	No	<div></div>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see attached

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

☐

No, I do not wish to participate in hearing session(s)

☒

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

The Local Plan policies as expressed do not provide for any contingency should the housing delivery across the plan area be delayed and fall short of the rolling five-year housing land supply requirements. Additional land should be identified in the plan to ensure avoidance of this potential issue. The LP requires a modification in this regard to make the Local Plan 'sound'.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

For details of our data privacy policy please see:

<https://www.medway.gov.uk/info/200133/planning/714/planning-service-privacy-statement>

Medway Local Plan 2041

Regulation 19 Consultation

August 11th, 2025

Consultation response

by

Residential and Mixed-Use Development

Land Merryboys Road Cliffe Woods

Site ID: SR16



DEAN LEWIS.

ESTATES LIMITED

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1.1	Background	3
2	Housing Provsion - Spatial Development Strategys	4
3	Residential and Mixed-Use Development - Merryboys Road Cliffe Woods.....	6
3.1	Key Benefits	6

1 INTRODUCTION

1.1 Background

- 1.1.1 Dean Lewis Estates Limited is a professional strategic land promotion company specialising in the delivery of residential and mixed-use sustainable development.
 - 1.1.2 This submission provides Dean Lewis Estates Limited response to, and representations in respect of, this Regulation 19 consultation into the Medway Local Plan 2041 with specific regard to Residential and Mixed-Use Development Land Merryboys Road Cliffe Woods.
 - 1.1.3 This submission focuses on the key planning policy considerations for the Medway Local Plan in order to enable its successful implementation, thereby sustainably meeting the identified full objectively assessed needs for housing (OAN) and enabling the wider regeneration of Medway in concert with economic growth and delivering significant social and environmental net gains throughout the plan area.
 - 1.1.4 These representations demonstrate that this will development in line with the Vision and Strategic Objectives and Spatial Development Strategy for Medway up to 2041. The site has not been selected for allocation but is sustainable in its own right and, if needed, would supplement the delivery of housing and local employment. For these reasons **it should be identified as 'Reserve site'** that can be drawn upon if the housing delivery and five-year supply falls below the requisite targets.
-

2 HOUSING PROVISION - SPATIAL DEVELOPMENT STRATEGYS

- 2.1.1 The Local Plan acknowledges that Housing is a major issue for the plan, and the scale of defined housing needs requires significant land to be identified for new housing sites. This is an important driver of the spatial strategy. The Local Housing Needs requirement is defined through use of a government standard method formula. The annual need for 1,636 homes a year has been projected over 15 years of the plan period to 2041, resulting in a need to plan for 24,540 homes.
- 2.1.2 The Local Plan provides for housing land supply through implementation of schemes with planning permission – ‘pipeline’ sites, new site allocations for development, and allowance for ‘windfall’ sites. Windfall sites are those that receive planning permission, outside of Local Plan allocations. The supply provided in the draft plan consists of:
- Pipeline sites (with planning consent, not completed or allocated) – 1,762
- Local Plan allocations – 21,194
- Windfall sites – 1,584
- 2.1.3 The Council has taken a ‘brownfield first’ approach, using previously developed land to bring forward opportunities for investment in urban centres and waterfront sites, such as Chatham Docks as part of a wider riverside regeneration area, continuing to deliver on Medway’s regeneration potential. This component will deliver around **40%** of the housing needs in the Local Plan.
- 2.1.4 The strategy proposes around **30%** of the plan’s housing in extensions to suburban areas that provide access to existing services, such as Capstone Valley and land to the west of Strood.
- 2.1.5 Around **30%** of the plan’s housing is to be directed to Medway’s rural areas, mainly to the larger villages on the Hoo Peninsula.
- 2.1.6 It is noted within the Plan that this provides a small buffer on supply over need.
-

- 2.1.7 The Local plan acknowledges the significant reliance on Brownfield sites which are inherently more difficult to development in comparison to most greenfield development and often can be subject to viability problems also.
- 2.1.8 Further, it is also evident that the Local plan has a significant amount of infrastructure that will require coordination with the delivery of new housing. This may slow down the anticipated delivery rates envisaged within the Local Plan. This site is not reliant on major infrastructure and could make a positive contribution to the housing land supply if housing delivery is delayed.
- 2.1.9 **A Modification to the site Allocations** policies should be made. A contingency policy should be included to aid the maintain housing land supply and housing throughout the plan period delivery.
-

3 RESIDENTIAL AND MIXED-USE DEVELOPMENT - MERRYBOYS ROAD CLIFFE WOODS

3.1 Key Benefits

Overview

- 3.1.1 Development at Merryboys Road, Cliffe Woods will provide Circa 120 dwellings approximately 30,000sqft of local employment, and environmental enhancement. It will integrate with and complement the existing settlement of Cliffe Woods helping to enhance and reinforce the sustainability of the settlement.

Constraints and Opportunities

Constraints

- Chattenden Woods and Lodge Hill SSSI lie to the southeast of the prospective development site.
- Thames Estuary & Marshes lie to the north of the prospective development site.
- Hoo Stop Line Heritage Asset crosses the site
- High Pressure gas main crosses the site.
- Minor impact of traffic generation.

Opportunities

Social

- The new residential neighbourhood will meet the critical housing needed to provide new market and affordable homes.
 - The new neighbourhood will integrate with the existing residential area and with the local employment, recreational and amenity areas.
 - The development site is within easy walking distance of the existing commercial centre at Cliffe Woods and is also in easy walking distance of local schools and essential facilities.
-

-
- New Employment provision at East Croft Business centre will provide additional Local employment and reinforce the sustainability of the settlement.
 - New Community Orchard will serve to enhance community cohesion.

Environmental

- Planned growth will provide for sustainable development that addresses climate change in terms of the design of new homes and employment provision.
- The site is host to the 'Hoo Stop line' which is a Heritage Asset. The Stop line will form a green corridor through the site. An interpretive display board will be provided on site to provide the local community with the historic context of the WWII defences.
- The are of the site which hosts a high-pressure gas main will be restricted the appropriate level of low-density development
- The site will be endowed with significant woodland structure planting and community orchard as well as providing areas of informal open space and a children's play area.
- The surface water drainage attenuation for the site will also be located at the lowest point in the southwestern corner of the site.
- The site will host a communal electric car charging facility which will serve the resident community and will serve to encourage greater patronage of electric cars.

Economic

- The additional housing will provide the immediate economic impact of supporting local jobs for local companies and trades people involved in the building of new homes and provision of infrastructure.
 - New Employment provision at East Croft Business centre will provide additional Local employment and reinforce the sustainability of the settlement.
-


- Continuing to the grow the community of Cliffe Woods will provide additional economically active workforce close to the strategic employment at Kingsnorth, Grain and more local employment provision within the existing and proposed new communities on the Hoo Peninsula.
- Access to local employment will help to reduce out commuting and will assist in capturing greater expenditure for local businesses and on the Hoo Peninsula, thereby improving and reinforcing the viability of local businesses.

3.1.2 An extract the of the Development Framework Plan is shown blow.



3.1.3 Notably this site provides on the genuinely mixed use and sustainable development opportunity at Cliffe Woods, providing new homes and employment to serve the needs of the rural area.

Model Representation Form for Local Plans

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First Name	<input type="text" value="T"/>	<input type="text" value="T"/>
Last Name	<input type="text" value="Dean"/>	<input type="text" value="Dean"/>
Job Title (where relevant)	<input type="text" value="Director"/>	<input type="text" value="Director"/>
Organisation (where relevant)	<input type="text" value="Dean Lewis Estates"/>	<input type="text" value="Dean Lewis Estates"/>
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Telephone Number	<input type="text"/>	<input type="text" value=""/>
E-mail Address (where relevant)	<input type="text"/>	<input type="text" value=""/>

Part B – Please use a separate sheet for each representation

Name or Organisation: Dean Lewis Estates

3. To which part of the Local Plan does this representation relate?

Paragraph	<input type="text" value="See Attached"/>	Policy	<input type="text" value="See Attached"/>	Policies Map	<input type="text" value="See Attached"/>
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4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input type="text" value="✓"/>	No	<input type="text"/>
4.(2) Sound	Yes	<input type="text"/>	No	<input type="text" value="X"/>
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☐

No, I do not wish to participate in hearing session(s)

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Medway Local Plan 2041

Regulation 19 Consultation

August 11th, 2025

**Consultation response
by**

**Residential and Mixed-Use Development
Land at Meresborough Road, Rainham, Medway
Site ID: Part of RSE 10**



CONTENTS

1	Introduction	3
1.1	Background	3
2	Housing Provsion - Spatial Development Strategys	4
3	Residential Development – Land at Meresborough Road	6
3.1	Key Benefits	6

1 INTRODUCTION

1.1 Background

- 1.1.1 This submission provides Dean Lewis Estates Limited & Watson Day response to and representations in respect of this Regulation 19 consultation into the Medway Local Plan 2041 with specific regard to Residential Development at Meresborough Road, Rainham.
 - 1.1.2 This submission is made on behalf of a consortium landowners all of whom confirm that their land is available for development in this local period.
 - 1.1.3 The submission focuses on the key planning policy considerations for the Medway Local Plan in order to enable its successful implementation, thereby sustainably meeting the identified full objectively assessed needs for housing (OAN) and enabling the wider regeneration of Medway in concert with economic growth and delivering significant social and environmental net gains throughout the plan area.
 - 1.1.4 These representations demonstrate that this development is in line with the Vision and Strategic Objectives and Spatial Development Strategy for Medway up to 2041. The site has not been selected for allocation but is sustainable in its own right and, if needed, would supplement the delivery of housing in the early part of the Local Plan period. For these reasons it should be identified as 'Reserve site' that can be drawn upon if the housing delivery and five-year supply falls below the requisite targets.
-

2 HOUSING PROVISION - SPATIAL DEVELOPMENT STRATEGYS

- 2.1.1 The Local Plan acknowledged that Housing is a major issue for the plan, and the scale of defined housing needs requires significant land to be identified for new housing sites. This is an important driver of the spatial strategy. The Local Housing Needs requirement is defined through use of a government standard method formula. The annual need for 1,636 homes a year has been projected over 15 years of the plan period to 2041, resulting in a need to plan for 24,540 homes.
- 2.1.2 The Local Plan provides for housing land supply through implementation of schemes with planning permission – ‘pipeline’ sites, new site allocations for development, and allowance for ‘windfall’ sites. Windfall sites are those that receive planning permission, outside of Local Plan allocations. The supply provided in the draft plan consists of:
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- 2.1.6 It is noted within the Plan that this provides a small buffer on supply over need.
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- 2.1.7 The Local plan acknowledges the significant reliance on Brownfield sites which are inherently more difficult to development in comparison to most greenfield development and often can be subject to viability problems also.
- 2.1.8 Further, it is also evident that the Local plan has a significant amount of infrastructure that will require coordination with the delivery of new housing. This may slow down the anticipated delivery rates envisaged within the Local Plan. Should that occur, and this site is not reliant on major infrastructure and could make a positive contribution to the housing land supply if housing delivery is delayed.
- 2.1.9 **A Modification to the site Allocations** policies should be made. A contingency policy should be included to aid the maintain housing land supply and housing throughout the plan period delivery.
-

3 RESIDENTIAL DEVELOPMENT – LAND AT MERESBOROUGH ROAD

3.1 Key Benefits

Overview

- 3.1.1 Development at Meresborough Road, Rainham Woods will provide Circa 130 - 150 dwellings and environmental enhancements. It which will integrate with and complement the existing settlement of Rainham helping to enhance and reinforce the sustainability of the settlement.

Constraints and Opportunities

Constraints

- The Site lies within the Mierscourt/Meresborough Area of Local Landscape Importance (ALLI) as identified in the 2003 Adopted Local Plan.

Opportunities

Social

- The new residential neighbourhood will meet the critical housing need providing new market and affordable homes.
- The new neighbourhood will integrate with the existing residential area and is closely related to existing employment, schools, shops, recreational and amenity areas.
- The development site is within easy walking distance of the existing commercial centre at Moor Street which also benefits from a railway station.

Environmental

- Planned growth will provide for sustainable development that addresses climate change in terms of the design of new homes and employment provision.
 - The site will be endowed with significant woodland structure planting and as well as providing areas of informal open space and a children's play area.
-

- The surface water drainage attenuation for the site will also be designed to serve as a biodiversity net gain area.

Economic

- The additional housing will provide the immediate economic impact of supporting local jobs for local companies and trades people involved in the building of new homes and provision of infrastructure.
- Access to local employment will help to reduce out commuting and will assist in capturing greater expenditure for local businesses and within Rainham.

3.1.2 An extract of site area is shown below.



Model Representation Form for Local Plans



Local Plan Publication Stage Representation Form

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(For
official use
only)

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1. Personal
Details*

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

2. Agent's Details (if applicable)

Title	<input type="text"/>	<input type="text" value="Mrs"/>
First Name	<input type="text"/>	<input type="text" value="Lucy"/>
Last Name	<input type="text"/>	<input type="text" value="Wilford"/>
Job Title (where relevant)	<input type="text"/>	<input type="text"/>
Organisation (where relevant)	<input type="text" value="Taylor Wimpey & Persimmon Homes"/>	<input type="text" value="DHA Planning"/>
Address Line 1	<input type="text"/>	<input type="text" value="Eclipse House"/>
Line 2	<input type="text"/>	<input type="text" value="Eclipse Park"/>
Line 3	<input type="text"/>	<input type="text" value="Sittingbourne Road"/>
Line 4	<input type="text"/>	<input type="text" value="Kent"/>
Post Code	<input type="text"/>	<input type="text" value="ME14 3EN"/>
Telephone Number	<input type="text"/>	<input type="text" value=""/>
E-mail Address (where relevant)	<input type="text"/>	<input type="text" value=""/>

Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph	Evidence Base Documents Duty to Cooperate Strategic Policies and Legal Tests Housing Delivery & Supply (including the Council's LAA) para 1.3.5 (Housing Requirement) Spatial Strategy Figure 1 Infrastructure Deliverability & Viability	Policy	S4, S5 DM5, DM8, DM10, DM15, T3 SA1-SA12 S5, S14, T26, T27, T29, DM21, DM22 SA12	Policies Map	
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4. Do you consider the Local Plan is:

4.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The Plan is not legally compliant there are issues with the Evidence Base, Duty to Cooperate, Strategic Policies and Legal Tests and Housing Supply and Delivery.

See accompanying representation - ref 30369 & 30527/LW - Mill Hill, Gillingham

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with

the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

See accompanying representation - ref 30369 & 30527/LW - Mill Hill, Gillingham

(Continue on a separate sheet /expand box if necessary)

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

☐

No, I do not wish to participate in hearing session(s)

☒

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To discuss the soundness and legal requirements of the plan with specific reference to:

- Evidence Base Documents
- Duty to Cooperate
- Strategic Policies and Legal Tests
- Housing Delivery & Supply (including the Council's LAA)
- Spatial Strategy, including Policies S4 and S5
- Proposed Housing Allocations (Policies SA1-SA12)
- General Policy Requirements

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

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MILL HILL, GILLINGHAM

Prepared on behalf Taylor Wimpey & Persimmon Homes

Medway Council Regulation 19 Consultation Response

Final

30369 & 30527

August 2025



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1 INTRODUCTION

1.1 PURPOSE OF THIS REPRESENTATION

- 1.1.1 These representations have been prepared on behalf of Taylor Wimpey & Persimmon Homes in response to Medway Council's (MC) Local Plan 2041 Regulation 19 consultation document (July 2025).
- 1.1.2 These representations have been submitted in the context that Taylor Wimpey & Persimmon Homes controls "Land at Mill Road, Gillingham" (hereafter referred to as "the Site" which has been promoted through previous iterations of the Draft Local Plan, Site ref:RN1 for residential development.
- 1.1.3 These representations have been submitted in objection to the Local Plan and demonstrates that as currently prepared the Plan is "Unsound" with reference to the NPPF (para 36). Furthermore, it is demonstrated that the Plan fails to satisfy the legal tests as set out in the Planning and Compulsory Purchase Act 2004.
- 1.1.4 Where possible changes to the Plan are proposed which would assist in making the Plan "Sound" and satisfying the legal tests. However, fundamentally additional sites must be identified to ensure the Council's housing requirement is met in full. Site's such "Land at Mill Road, Gillingham" should therefore be included in the Plan as housing allocations where they align with the Council's spatial strategy for growth.

1.2 SUMMARY OF REPRESENTATIONS

- 1.2.1 Set out below is a summary of the representations.

Policy/Matter	Comment
Evidence Base Documents	Fails legal requirements
Duty to Cooperate	Fails legal requirements
Strategic Policies and Legal Tests	Fails legal requirements
Housing Delivery & Supply (including the Council's LAA)	Fails legal requirements
Para 1.3.5 (Housing Requirement)	Object, Unsound
Spatial Strategy	Object, Unsound
Figure 1: Key Diagram	Object, Unsound
Policy S4: Landscape Protection & Enhancement	Object, Unsound
Policy S5: Securing Strong Green and Blue Infrastructure	Object, Unsound
Policy DM5: Housing Design	Object, Unsound
Policy DM8: Sustainable Design & Construction	Object, Unsound
Policy DM15: Monitoring and Managing Vehicle Trip Generation	Object, Unsound
Policy T3: Affordable Housing	Object, Unsound
Proposed Housing Allocations (Policies SA1-SA12)	Object, Unsound
Infrastructure Deliverability & Viability (Evidence Base)	Object, Unsound

General Policy Requirements (Policies S5, S14, T26, T27, T29, DM21 and DM22)	Object, Unsound
Land at Mill Road, Gillingham (Ref: RN1) & Sustainability Appraisal	To be included in Policy SA12

1.3 STRUCTURE OF THE REPRESENTATION

- 1.3.1 These representations are structured to consider first the legal requirements of the Plan and then specific policies, alongside the Council's Local Plan evidence base.
- 1.3.2 It is the conclusion of these representations that for the Plan to be deliverable and thus "Sound" additional unconstrained greenfield sites, such as "Land at Mill Road, Gillingham" must be allocated for development.

2 EVIDENCE BASE DOCUMENTS

2.1 SUBMISSION DOCUMENTS

- 2.1.1 As set out under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, the Council is required to make available “proposed submission documents” for consultation.
- 2.1.2 Regulation 17 of the act defines what “proposed submission documents” means. This includes amongst other items “such supporting documents as in the opinion of the Local Planning Authority are relevant to the preparation of the Local Plan” (Regulation 17 e).
- 2.1.3 At the time of publication of the Regulation 19 Plan, the following evidence documents, which are fundamental to the preparation of the Plan (and cannot be considered as anything other than “proposed submission documents”) are missing:
- Air Quality Assessment which also underpins the Habitats Regulation Assessment (HRA) which is not in its final form;
 - Final Habitats Regulation Assessment; and
 - Completed Duty to Cooperate Report. Para 1.4.4 of the Local Plan confirms this is still being completed and is intended to be submitted with the Local Plan for examination.

2.2 CONCLUSION

- 2.2.1 In not making these documents available with the consultation Local Plan for review and comment, the Council has failed in its statutory duty in this regard. In particular the absence of the Air Quality Assessment is fundamental to the HRA and determining whether the spatial strategy put forward in the Local Plan is likely to have a significant effect on European designated sites, of which there are several in Medway. The missing documentation is to be made available and re-consulted upon prior to the Plan proceeding to examination.

3 DUTY TO COOPERATE

3.1 PLANNING & COMPLUSORY PURCHASE ACT

- 3.1.1 Section 33A of the Planning & Compulsory Purchase Act requires Council's to engage constructively, actively and on an on-going basis with neighbouring authorities and certain statutory bodies regarding strategic matters during the Plan preparation.
- 3.1.2 The Council's published "Duty to Cooperate Statement, Proposed Submission Document, June 2025" is in complete and advises that it still intends to provide a final composite statement with no less than four Local Planning Authorities, and five statutory consultees, including National Highways which is pivotal to ensuring the Plan is deliverable. It is further noted in the Duty to Cooperate Statement (Section 2.6) that the Council is still to conclude discussions with Gravesham Borough regarding its calculation on unmet need this summer. This matter therefore clearly remains unresolved and goes to the heart of whether the total number of homes being planned for is sufficient and whether further land needs to be identified to meet the unmet needs of the neighbouring authority.
- 3.1.3 In addition to the requirements of the Planning & Compulsory Purchase Act, the NPPF (para 28) is also clear that Council's "should prepare and maintain one or more statements of common ground, documenting cross boundary matters being addressed and their progress in cooperating to address these".
- 3.1.4 There is currently only available one agreed Statement of Common Ground (SoCG) with Kent County Council in respect of Strategic Waste Management and Minerals Supply Matters. As such there is clearly a number of matters, specifically in relation to housing numbers and shared infrastructure which remain to be resolved/agreed under the duty to cooperate. In the absence of any further SoCG it is therefore unclear whether the Council's statutory duty has been fulfilled and if the Plan does plan to provide for the correct level of housing i.e. there is no residual requirement to address as a result of needs arising from Gravesham Borough Council or any of the other neighbouring boroughs, including Tonbridge and Malling which is also progressing a draft Local Plan and is expected to publish a Regulation 18b Plan autumn 2025.

3.2 CONCLUSION

- 3.2.1 The evidence available fails to demonstrate that the Council has fulfilled its statutory duty under Section 33A of the Planning & Compulsory Purchase Act, or accord with the requirements of the NPPF (para 28) and in doing so is not "Consistent with National Policy" and it cannot be determined that it has been "Positively Prepared". The missing completed Duty to Cooperate Statement must be made available for consultation before proceeding to examination and additional sites identified to meet neighbouring authorities' unmet needs where necessary.

4 STRATEGIC POLICIES, LEGAL TESTS

4.1 PLAN PERIOD

- 4.1.1 As identified at para 1.3.5. of the Plan, the Plan period is for 15 yrs until 2041, assuming adoption in 2026.
- 4.1.2 The Adopted Local Development Scheme (LDS) does not anticipate the adoption of the Local Plan until the end of 2026. This is an extremely fragile position, considering the requirement for a 15yr Plan period at the point of adoption is the minimum, as required by the NPPF (para 22).
- 4.1.3 As set out in these representations, there are significant failings in the preparation of this Local Plan, which if rectifiable through the examination process, will necessitate further consultation and re-examination of the changes extending the examination period and risking adoption in 2026.
- 4.1.4 The Planning & Compulsory Purchase Act 2004 Section 19 (2) makes it a legal requirement for strategic policies to have regard to National planning policy, which includes the NPPF. As such the Plan cannot satisfy its legal requirements if it does not cover the required 15 yr period at the point of adoption.
- 4.1.5 For the Plan to satisfy the legal tests, an additional year must be added to the Plan period extending it to 2042. The housing requirement for the Plan period must therefore be amended to at least 26,176 (16 x 1,636) to be set out in a new strategic housing policy as set out in Section 4.2 below.

4.2 HOUSING DELIVERY

- 4.2.1 In accordance with the Planning & Compulsory Purchase Act 2004 (Section 19 1B-1E), the Plan:
- Must identify strategic priorities for the Plan; and
 - Set out policies to address those strategic priorities.
- 4.2.2 The Plan contains an overarching vision for the District (pg 16), followed by a series of strategic objectives and the spatial strategy. Critically at no point is the amount of development being planned for mentioned. Nor is there any strategic policy or any other form of policy which sets out the amount of development that is to be delivered, over what period and at what rate.
- 4.2.3 The Council's housing requirement is only mentioned in supporting paras 1.3.5 and 6.1.2. This is a significant failing of the Plan. In the absence of any such policy or policies setting out the amount development the Plan is to deliver, how is it to be assured that the Council's strategic objectives are met. The NPPF further highlights the importance of this (para 20) in setting out that "strategic policies should set out an overall strategy for the pattern, scale and design quality of places and make provision for a) homes (including affordable housing, employment, retail, leisure and other commercial development....."

- 4.2.4 In the absence of such a policy, the Plan fails to meet its legal requirements as set out at Section 19 (1C) of the Planning & Compulsory Purchase Act 2004, which states Local Plans must contain policies to address its priorities taken as a whole. In the absence of such a policy, it further fails to meet the requirements of Section 19 (2) of the Act, which advises that regard must also be had to National policies and advice contained in guidance issued by the SoS. The Plan clearly does not align with the NPPF (para 20) in this regard.
- 4.2.5 A new strategic policy must be set out in the Local Plan identifying as a minimum, the total planned housing requirement, the annual housing requirement and the breakdown of how the housing need will be met. As set out in representations in respect of the Plan period, the total amount of housing to be planned for must be at least 26,176 homes over 16yrs.
- 4.2.6 Subsequently further sites must be allocated in the Local Plan to meet this requirement.

4.3 HOUSING SUPPLY

- 4.3.1 In accordance with the NPPF, para 78, strategic policies should include a housing trajectory. As set out further under the Housing Supply section of this Statement, the Council's housing trajectory (contained at the back of the Council's Land Availability Assessment) demonstrates the Council does not have a 5 yr supply.
- 4.3.2 In the absence of being able to demonstrate a 5 yr supply, the Plan has also failed to satisfy its requirements under Section 19 (2) of the Planning & Compulsory Purchase Act 2004. Accordingly, additional deliverable sites must therefore be identified in the Local Plan to satisfy this requirement.

4.4 CONCLUSION

- 4.4.1 The Plan as currently drafted fails to satisfy its legal duties as set out under Section 19 of the Planning & Compulsory Purchase Act 2004.
- 4.4.2 A new strategic housing policy must be included in the Local Plan, based on a 16yr Plan period which seeks to deliver 26,176 new homes. Additional sites must be identified to satisfy this requirement. Further sites must also be identified to demonstrate a 5yr supply of deliverable sites.

5 HOUSING DELIVERY & SUPPLY

5.1 HOUSING LAND SUPPLY & BUFFER

Pipeline Supply

- 5.1.1 Para 1.3.5 of the Local Plan identifies the different elements of the Council's Housing Land Supply comprising:
- Pipeline sites: 1,762
 - Allocations: 21,194
 - Windfall: 1,584
- 5.1.2 Having reviewed the Land Availability Assessment (LAA), it is not clear what sites have been included as pipeline sites. In the absence of this information, it cannot be determined whether there is any double counting, since many sites have been permitted at Appeal or are currently under construction, but are also allocated for development in the Local Plan.
- 5.1.3 Greater transparency is required in the LAA to ensure there is no double counting to ensure the Plan is "Positively Prepared" and "Effective".

Allocations

- 5.1.4 Under Section 14 of this Statement a number of concerns are raised in respect of the deliverability of several sites, especially considered the Council's high reliance of the delivery of brownfield sites, which even the Council's Viability Assessment cautions against. As such the LAA and consequently the proposed sites allocations are considered an overestimate of the sites likely to come forward, especially within the first 5 yrs.

Windfall Sites

- 5.1.5 Whether the windfall supply should contribute towards the Council's 5 yr housing land supply is addressed further under Section 5.2.

Buffer

- 5.1.6 The LAA identifies that the Council has only a buffer of 203 homes across the entire Plan period. This is a buffer of just 0.8%. Whilst there is no requirement to demonstrate a buffer over the lifetime of the Plan, this serves to demonstrate the fragility of the Council's housing supply position should any of its strategic sites be delayed, several of which, as identified in Section 14 of this Statement are complex and there are serious concerns over their deliverability, especially within the timescales the Council has identified.

- 5.1.7 However, should the Plan period be increased to 16 yrs, to ensure the Plan satisfies the legal tests under the Planning & Compulsory Purchase Act 2004, this “buffer” is lost and further sites must be identified to address the housing shortfall, including suitable sites such as “Land at Mill Road, Gillingham”

5.2 5 YEAR HOUSING LAND SUPPLY

- 5.2.1 Based on the Council’s annual requirement for 1,636 homes and allowing for the required 20% buffer (NPPF, para 78 b), the Council must demonstrate the deliverability of 9,816 homes in the first 5 yrs of the Plan.
- 5.2.2 As set out at pg 1884 of the Council’s LAA the Council can only demonstrate a supply of 8,042 homes in the first 5 yrs. This is 1,774 short of its requirement. This figure is further considered optimistic with reference to Section 14 of this Statement and noting that the Council has included some sites within its 5 yr supply (as identified in the Local Plan) even when the completed performa in LAA does not identify the site as being deliverable in the first 5 yrs. Examples include sites FP25, CCB49 and CB37
- 5.2.3 In the absence of a 5yr supply the Plan simply cannot be considered “Sound” in failing to be “Consistent with National Policy”.
- 5.2.4 Furthermore, the Council has not provided any compelling evidence in respect of its anticipated windfall supply, especially where it seeks to rely on it in the first 5 yrs of the Plan. Whilst the windfall supply will only contribute 132 dwellings per annum from yr 4 onwards, it is not considered “Justified” noting that the Plan allocates sites down to 3 homes, meaning the immediate supply of windfall sites is likely to have been exhausted or at least significantly diminished, at least for the immediate future.
- 5.2.5 As a minimum the windfall supply must therefore be removed from the 5yr supply. The Council also needs to re-visit its housing trajectory in light of the assessment carried out in the LAA to confirm the housing delivery rate, which is likely to be less than the Council is currently forecasting.

5.3 CONCLUSION

- 5.3.1 With reference to the proposed site allocations, the LAA does not identify a deliverable supply of sites sufficient to meet Local Plan requirement either over a 15 yr or 16 yr period. It further demonstrates that the Council does not have a 5 yr supply as required by the NPPF (para 78). The Council therefore simply cannot demonstrate that the Plan is “Positively Prepared”, “Effective” or “Consistent with National Planning Policy”. The Plan must identify more sites, such as “Land at Mill Road, Gillingham” to ensure the planned housing requirement is met over the short and medium term.
- 5.3.2 Para 1.3.5 of the Plan, must also be updated to increase the number of allocated sites to address the identified shortfall, clarify the pipeline supply and reduce the windfall allowance to 1,452 homes after removing the windfall allowance from the 5 yr supply.

6 SPATIAL STRATEGY

6.1 SPATIAL STRATGEY

- 6.1.1 In the context that the Council has not identified sufficient sites to meet the housing requirement for the Plan period (which needs to be extended to 16ys), and is unable to demonstrate a 5yr supply of Sites, the Spatial Strategy cannot be considered "Sound" where it fails to meet the requirements of National policy in facilitating the delivery of development to meet its requirements. It can therefore also not be considered "effective".
- 6.1.2 The spatial strategy must therefore be updated to facilitate the delivery of other Sites to meet requirements, such as those set out in these representations.
- 6.1.3 The wording of the Strategy currently only reflects those Sites which are currently proposed to be allocated.

7 FIGURE 1: KEY DIAGRAM

7.1 STRATEGIC GAP

- 7.1.1 Representation have also been submitted in respect of Policy S4 (Landscape Protection & Enhancement). However, reference to strategic gap, must be removed from Figure 1. There is no such policy relating to this designation nor is it shown on the accompanying proposals map.
- 7.1.2 Figure 1 therefore seeks to introduce this designation/consideration unsupported by any policy. Accordingly, it is not considered "Justified".
- 7.1.3 In line with representations on the strategic policies and housing land supply, the Figure should further be amended to include "Land at Mill Road, Gillingham" to ensure the Plan can address it housing requirement and thus be found "Sound".

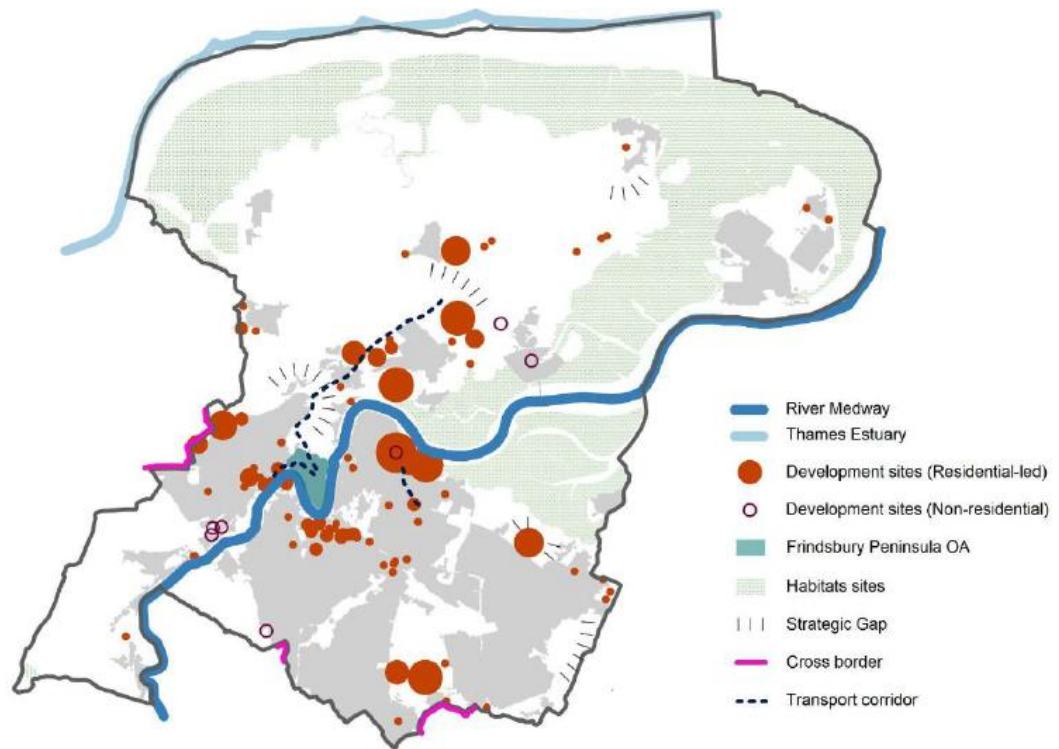


Figure 1: Key Diagram

Extract of Reg 19 Local Plan: Figure 1, Key Diagram

8 POLICY S4: LANDSCAPE PROTECTION & ENHANCEMENT

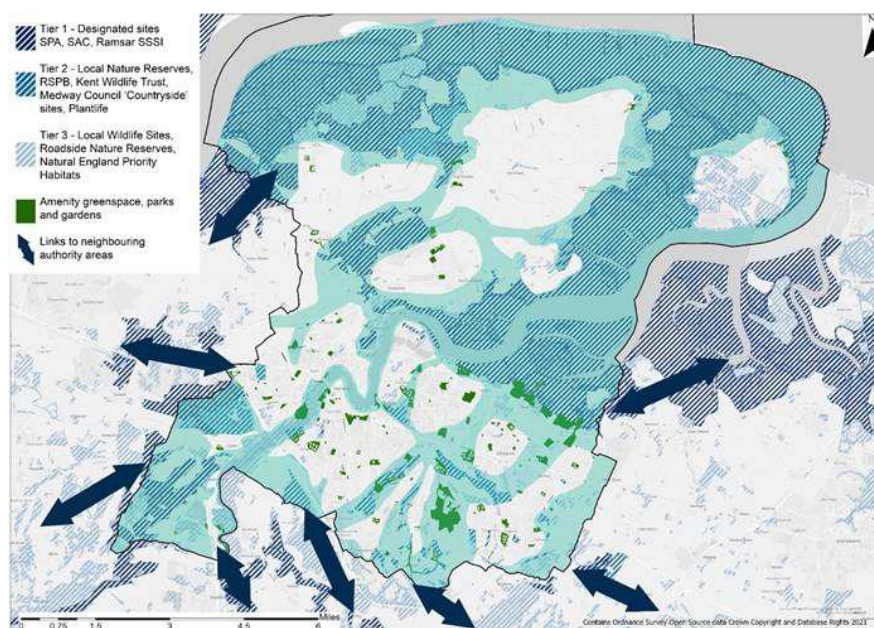
8.1 POLICY S4

- 8.1.1 Separate objections have been raised in respect of Figure 1 and the introduction of strategic gaps. How Figure 1 relates to the application of this policy, if at all is unclear.
- 8.1.2 However, Figure 1 introduces the concept of a “strategic gap” which is not referenced in the principal landscape policy (Policy S4) and is only referenced in supporting paras 4.5.2, 4.7.2 and 4.12.2. The latter reference is in respect of the Green Belt. The former are in reference to a “strategic gap between urban Medway and settlements in neighbouring swale” and the gap between Medway, Maidstone and Malling.
- 8.1.3 Policy S4 makes reference to preserving the separation between settlements, but this does not amount to the introduction of a “strategic gap”. It is therefore of significant concern that the Plan is potentially trying to introduce such a concept without the need for this being evidentially based or being clearly set out.
- 8.1.4 In the context of Figure 1 and supporting paras 4.5.2, 4.7.2 and 4.12.2, Policy S4 cannot be considered to be “Positively Prepared” or “Justified” where it could unnecessarily restrict the delivery of development, including windfall opportunities, on which the Council intends to rely on as part of its housing delivery.
- 8.1.5 The implications of this policy are therefore unclear and must be clarified to be considered “Sound”.

9 POLICY S5: SECURING STRONG GREEN AND BLUE INFRASTRUCTURE

9.1 MEDWAY GREEN AND BLUE INFRASTRUCTURE FRAMEWORK

- 9.1.1 The policy as currently worded is vague as to how it is to be applied. Whilst there is no objection in principle to maintaining and securing green and blue infrastructure in accordance with the NPPF (para 188), the Policy as currently worded advises that in addition to identified protected assets, "wider components of the green infrastructure network will be protected"
- 9.1.2 What these "wider components are" is underdefined and cross references to the Medway Green and Blue Infrastructure Framework and the Kent and Medway Local Nature Recovery Strategy. Both these documents are in draft but cover significant areas of Medway including allocated sites.
- 9.1.3 The implications of this policy are therefore unclear and to what extent it will impact the delivery of both allocated and windfall sites. As such the policy cannot be considered "Consistent with National Policy" where it could frustrate and prevent the delivery of the Council's identified development needs.
- 9.1.4 In accordance with the NPPF (para 20 d) the policy must be clearly written. How it is to be applied must therefore be clarified if it is to found "Sound".



Extract from Reg 19 Local Plan: Figure 2 Green and Blue Infrastructure Plan

10 POLICY DM5: HOUSING DESIGN

10.1 POLICY DM15

10.1.1 Whilst there is no in principle objection to this Policy, there are areas of the Policy which are vague, specifically in respect of the following:

- Provide for recycling and refuse storage to maximise recycling but without a detrimental impact on the street scene or character of the area.

10.1.2 Reference to “maximise recycling” is unclear. The Council is responsible for refuse and therefore recycling requirements in the home in terms of no. of bins to be provided etc. All a development can reasonably do is design homes to meet the Council’s refuse requirements at that time.

10.1.3 The above element must be removed from the Policy to ensure they are clearly written and design expectations clearly understood, but those applying the policies in line with the NPPF (para 16 d). Policy DM5 must therefore be amended as follows:

New housing developments must provide good, healthy living conditions for future occupants with high quality, robust, adaptable housing, inclusive and functional spaces that respond to changing resident needs throughout their lives and support the undertaking of necessary day to day activities.

All new accommodation must, in addition to the design and amenity policy above (T1):

- *As a minimum meet the relevant nationally described internal space standard for each individual unit.*
- *As a minimum meet the Medway Housing Design Standards for external spaces including shared outdoor amenity space, shared access and circulation, cycle storage, refuse and recycling, management, visual privacy and private outdoor space, environmental comfort.*
- *Incorporate dementia friendly standards where appropriate.*
- *As a minimum requirement, the provision of sufficient natural light must be met to satisfy healthy living standards:*
 - *Single aspect facing homes shall be avoided where possible.*
 - *Demonstrate use of up-to-date British Standards methodologies.*
- *Provide a convenient and efficient layout, including sufficient circulation space and avoiding awkward or impractically shaped rooms, unless there is justification for doing so on the basis of significant design quality gain.*
- *Demonstrate sufficient space for storage and clothes drying.*
- *Be informed by a contextual analysis of key character traits that contribute to local distinctiveness. Demonstrate well-defined character areas which individually and collectively create a strong sense of place and as a whole presents development that is clearly differentiated from other places across Medway.*
- *Provide for recycling and refuse storage ~~to maximise recycling~~ but without a detrimental impact to the street scene or character of an area*

11 POLICY DM6: SUSTAINABLE HOUSING DESIGN & CONSTRUCTION

11.1 POLICY DM6

- 11.1.1 There is no objection in principle to Policy DM6 is raised, however reference to targeting net zero carbon should be removed. This is a matter that is already addressed in Building Regulations.
- 11.1.2 The new Building Control measures came into effect in 2021 which deliver a significant uplift in the efficiency of homes and reduction in carbon emissions. A further uplift is expected in 2025/26 as part of the Future Homes Standards, which requires carbon emissions for homes to be 75-80% lower than those built at current standards and to be zero carbon ready.
- 11.1.3 The proposed policy sets an expectation that development should be exceeding Building Regulation requirements, which runs significantly in advance of National standards. No substantive evidence is provided in support of the policy which demonstrates that this is deliverable and the Viability Report confirms that no additional costings have been provided in respect of achieving this beyond meeting Building Regulations.
- 11.1.4 For clarify and to ensure the policy is "Consistent with National Policy" it is proposed to amend the policy as follows:

All new forms of development should aim for high standards of sustainable design and construction.

Proposals for all types of development whether new or conversion must as a minimum demonstrate:

- Where relevant, how proposals adhere to Building for a Healthy Life.*
- Use of sustainability criteria, such as Building with Nature Standards which define "what good looks like" covering the themes of wellbeing, water and wildlife and other references.*
- The use of natural features such as green walls/roofs/hedges/roof top gardens etc. to enhance sustainability and Biodiversity Net Gain and contribute to the health and wellbeing of residents.*
- Design principles founded on locally sourced and/or recycled materials where possible.*
- That new dwellings built to ensure that wholesome water consumption is not greater than 110 litres/person/day.*
- Details of how the proposal is seeking to address the climate emergency with ~~an aim to achieve or aspire to net zero carbon~~ with due regard to Medway's current Climate Action Plan and Medway Council Corporate Strategies. The whole life cycle of a building should be considered. Where possible proposals for conversion or reuse of buildings will be favoured.*

- *That the inclusion within any planning application, details how the proposals will address matters of sustainability through the design, construction and operation phases via design considerations and submission of a construction management plan.*
- *Creation of a safe environment including but not limited to during the operational phase of the development but also ensures full remediation of brownfield sites to appropriate standards for re-use.*
- *Where appropriate and technically and financially viable, any submission must demonstrate how it will meet a very good BREEAM standard for water and energy for non-residential development proposals.*

12 POLICY DM15: MONITORING AND MANAGING VEHICLE TRIP GENERATION

12.1 POLICY DM15

- 12.1.1 The policy as currently worded requires allocated sites to “demonstrate how vehicle trip generation would be materially lower than the vehicle trip credit in the IDP”.
- 12.1.2 There is no definition of what “materially lower” is. For the policy and the Plan to satisfy the requirements of the NPPF (para 16 d) to ensure it is deliverable and policies are clearly written, what is expected in terms of trips being “materially lower” must be defined, otherwise decision makers and those bringing forward sites do not know how to act, causing delay and inconsistency in approach.
- 12.1.3 In addition, the Policy cross refers to the Infrastructure Delivery Plan (IDP) which makes no reference to this policy under the Policy references. Furthermore, it provides no further information on what the vehicle trip credit is (as is suggested by the Policy) , making it impossible to determine in any event how a development might go about demonstrating it is “materially lower”.
- 12.1.4 The credit system simply seems to be a method of pooling contributions to pay for highways infrastructure. There therefore seems to be considerable confusion around this policy, what it is seeking to achieve and how it is to be applied.
- 12.1.5 Simply the policy fails to be clearly written as required by the NPPF (para 16 d) and is not demonstrated to be deliverable also contrary to the NPPF (para 16 b). It therefore fails to be “Consistent with National Policy” or “Justified”.
- 12.1.6 The wording of the policy must therefore be re-visited with further evidence provided as to how the vehicle trip credit system is expected to operate to ensure it is deliverable and does not frustrate the delivery of the Local Plan.

13 POLICY T3: AFFORDABLE HOUSING

13.1 POLICY T3

- 13.1.1 The NPPF (para 16 d) advises that Plans should contain policies “which are clearly written and unambiguous”.
- 13.1.2 Policy T3 establishes different affordable housing thresholds depending on where a site is located in Medway. The different locations are identified in the accompanying Viability Assessment. However, there is no plan or any other tool in the Viability Appraisal which is easily discernible, that determines where the cut off area is for higher or lower value areas. Without the extent of these areas being physically identified on a Plan, the Policy is clearly ambiguous, meaning it is likely to be applied inconsistently and does not provide a positive framework for meeting housing needs contrary to the NPPF (para 15).
- 13.1.3 Allied to this and contrary to the NPPF (para 64) the policy fails to set out the different affordable tenures that should be sought. The NPPF is explicit is advising that “planning policies should specify the type of affordable housing required (including the minimum proportion of Social Rented Homes required).
- 13.1.4 The policy as currently drafted therefore fails to be “Consistent with National Policy”. The policy must be amended to clarify the tenure split sought.
- 13.1.5 In addition, the policy requires affordable provision to “reflect the need for affordable accommodation for older persons and those with specialist needs, in line with the tenure and size split requirements as detailed in the latest Local Housing Need Assessment”. Depending on the size of the site and the nature of the need this may not be practicable/viable i.e a minimum number of properties might be needed to make the provision viable for an RP given their specialist nature. The bullet point should therefore be amended as set out below to ensure the policy is “Effective”.

“Where practicable to do so, reflect the need for affordable accommodation for older persons and those with specialist needs, in line with the tenure and size split requirements as detailed in the latest Local Housing Need Assessment.”

14 POLICY T26: ACCESIBILITY STANDARDS

14.1 POLICY T26

- 14.1.1 Under Section 17 of this Statement, the Council uses interchangeably a number of definitions such as "major development" to apply thresholds as to when policies will be applied. However, these definitions are not defined.
- 14.1.2 As identified in Section 17, these must be clarified to ensure compliance with the NPPF (para 16 d).
- 14.1.3 Whilst the flexibility in the application of this policy is welcomed and noted at supporting para 9.10.3 of the Plan, allowing site specific circumstances to be taken into account, the policy itself provides no such flexibility and not knowing at what scale of development this policy might be applied, the overall reasonableness of its requirements cannot be adequately assessed, especially considering more rural locations may not be able to meet all the criteria and even some more urban locations might not be able to satisfy all of them i.e. being within 15 minutes of a secondary school
- 14.1.4 Taking into account supporting para 9.10.3, it is essential the flexibility in applying the policy, it brought into the policy wording itself. The additional text below must therefore be included, to ensure the Plan is deliverable and does not unnecessarily frustrate the delivery of other suitable sites.

"Flexibility on the application of the accessibility standard, taking into consideration the particular locations of a Site and its characteristics will be applied However, as a starting point ... "

15 PROPOSED HOUSING ALLOCATIONS POLICIES SA1-SA14

15.1 BROWNFIELD SITES

- 15.1.1 As set out in the Local Plan, at least 40% of the Council's housing need (9,816 homes) is on brownfield land. A high proportion of this, is identified to come forward in the first 5yrs of the Plan.
- 15.1.2 The Viability Assessment forming part of the Local Plan evidence base, specifically notes that "it would be necessary to be cautious to relying on brownfield sites in the 5 yr land supply and the overall housing trajectory, as the delivery of these is likely to continue to be challenging" (para 12.101).
- 15.1.3 The Council has not provided any substantive evidence to demonstrate that it should and can be reliant on such a high proportion of brownfield sites over the plan period and specifically within the first 5 yrs. This is in the context that the Council cannot already demonstrate a 5 yr supply and with a housing buffer of just 203 homes, if just one of the strategic sites does not come forward, the Council will not meet its housing requirement.

15.2 RIVER WATERFRONT

- 15.2.1 Site SMI6 "Chatham Waters" identified under site allocation SA4 River Waterfront, is an existing employment site, identified for the delivery of 2,200 new homes in years 1-15.
- 15.2.2 As a brownfield site currently in use, it is understand that there are complex tenancies on the Site and the proposals will result in the loss of a significant area of existing employment, located on the waterfront. Its loss cannot be easily compensated.
- 15.2.3 There is no substantive evidence demonstrating that the site is therefore deliverable, especially within the early part of the Plan. Allied to this, it is noted that there are significant infrastructure requirements expressly listed in the Policy which remain to be resolved and impact all sites identified under Policy SA4. This includes the need for flood defences. The cost of which (if funding is not forthcoming from sources such as Homes England, as suggested in the policy) can be prohibitive. There are further time implications in terms of their delivery, should funding be secured.
- 15.2.4 It therefore seems unlikely that any of the Sites in SA4 should be being relied upon especially in the short term.

15.3 CONCLUSION

- 14.4.1 There are significant concerns regarding the deliverability of several of the sites in the Council's proposed housing allocations, especially within the short term. Additional sites therefore need to be identified to ensure the Council meets its

housing requirement over the Plan period and specifically within the first 5yrs, as already identified under Section 4.

- 14.4.2 Additional site allocations must therefore be included such as "Land at Mill Road, Gillingham".

16 INFRASTRUCTURE DELIVERY AND VIABILITY

16.1 INFRASTRUCTURE DELIVERY PLAN

- 16.1.1 Medway undoubtedly needs to deliver a significant step change in housing delivery. In doing so, significant new infrastructure is required to support sustainable growth and to ensure housing is deliverable in line with the Council's housing trajectory and is not delayed in coming forward due to a lack of infrastructure, specifically highways.
- 16.1.2 In accordance with the PPG (para 059, ref ID: 61-059-20190315), Local Authorities are encouraged to prepare an Infrastructure Funding Statement setting out anticipated funding from developer contributions to demonstrate the delivery of infrastructure throughout the Plan-period. The provision of infrastructure alongside housing is essential to the delivery of "sustainable development" which is both a requirement under the NPPF (16) but is also a legal requirement under the Planning & Compulsory Purchase Act (Section 19).
- 16.1.3 Whilst the Council's IDP identifies the infrastructure that needs to be delivered to support housing and economic growth and includes a list of infrastructure projects totalling at least £654 million (noting, 29 infrastructure items on the list are uncoded). There is no link in the IDP between infrastructure delivery and the Council's housing trajectory. It is therefore not evidenced that the Plan is deliverable, noting, as set out under Section 14, that the Council is relying on a high proportion of brownfield sites in the first 5yrs of the Plan, not all of which are likely to come forward, and even more probable are unable to deliver in full on all the S106 requirements for reasons of viability. There is therefore a high risk that insufficient monies will be pooled to facilitate infrastructure delivery, particularly highways infrastructure, to support housing growth, risking future delivery. Additionally, there are sites in the Plan which already have planning permission and as such will not be contributing to the higher S106 costs now being sought in respect of the provision of strategic infrastructure.
- 16.1.4 Allied to this the Council is also relying on a number of strategic sites, which require approved masterplans and/or area specific infrastructure plans to be in place. These are significant pieces of work that will take time to prepare and require collaboration and agreement over multiple landowners, potentially further delaying housing and therefore infrastructure delivery, noting that the IDF references the use of grampian conditions to hold delivery back until infrastructure is in place (pg 24).
- 16.1.5 Alongside the need to bolster the Council's 5 yr supply, unconstrained and easily deliverable medium sized sites, such as "Land at Mill Road, Gillingham" would make a valuable contribution to meeting housing requirements and contributing to the delivery of much needed infrastructure, to ensure the Plan is deliverable. This includes the provision of much need affordable housing, for which there is an annual requirement of 436 homes, as set out in the Housing Needs Assessment (para 6.8). The Council's high reliance on brownfield sites, which only need to deliver 10% affordable (assuming the development is viable at this level of provision), significantly hinders the provision of, despite the delivery of affordable homes being central to the Council's vision for development in Medway.

16.2 VIABILITY

- 15.2.1 Section 8 of the Viability Appraisal considers likely S106 costs in respect of the strategic sites. The strategic sites listed equate to just over 18,000 homes. As identified in the IDP not all the infrastructure costs are known, but the approximate bill is upwards of £645 million. Table 8.1.1 in the Viability Assessment estimates the total S106 costs for the strategic sites alone as being £488 million (noting under Section 14 of this Report, that development at Hoo still needs to prepare its own infrastructure Plan which may have additional costs). This leaves a funding gap of circa £157 million to deliver the balance of the infrastructure, to be delivered over the remaining 6,450 homes, which make up the balance of the Local Plan requirement.
- 15.2.3 It is therefore inevitable that more greenfield sites need to be identified, contribute towards infrastructure delivery to ensure the Plan is deliverable and therefore “Sound”.

16.3 CONCLUSION

- 15.3.1 The IDP is not linked to the Council’s housing trajectory. It is therefore not evidenced that the Council can deliver housing in line with required infrastructure delivery. Furthermore, there are significant identified infrastructure funding gaps both in the IDP and Viability Appraisal. It is therefore evident that additional new unconstrained greenfield sites such as “Land at Mill Road, Gillingham” will need to be identified, to support infrastructure provision, including the delivery of much needed affordable housing, to ensure the delivery of sustainable development in line with the NPPF and the vision for the Local Plan.

17 GENERAL POLICY REQUIREMENTS

17.1 POLICY PREPERATION

- 17.1.1 The NPPF (para 16) sets out that a Plan must contain policies that “are clearly written and unambiguous so it is evident how a decision maker should react to development proposals.”
- 17.1.2 There are several policies which set out development thresholds for their application, this either being large scale, strategic, major or minor. These are terms which are undefined in the Plan, therefore under what circumstances those policies are to be applied is not clear. It is essential that this is clarified to ensure the Plan is effective and consistent with the requirements of the NPPF in being “clear” .
- 17.1.3 Policies which use these terms include:
- S5: Securing Strong Green and Blue Infrastructure (refers to Major development)
 - S14: Supporting Medway’s culture and creative industries (refers to Major development)
 - T26: Accessibility standards (refers to Major and Strategic development)
 - T27: Reducing health inequalities and supporting health and wellbeing (refers to major development)
 - T29: Community and Cultural Facilities (refers to large scale)
 - DM21: New open space, outdoor sports and play spaces (refers to minor development)
 - DM22: Digital communications (refers to major development).
- 5.1.4 The policies must be amended to be define the circumstances under which they will be applied or definitions included within the appendices to the Plan.

17 LAND AT MILL ROAD, GILLINGHAM

17.2 OVERVIEW OF ALLOCATION OPPORTUNITY

17.1.1 Land at Mill Road (the Site) extends to circa 3.78ha has been promoted through the LAA (REF: RN1) for residential development and is located to the east of Gillingham. A Site Location Plan is provided at Appendix 1.

17.1.2 The allocation of the Site for circa 100 homes would offer the following:

Deliverability Within 5 yrs

- The Site is controlled by two National housebuilders with a strong track record of delivery in Medway.
- The Site is not constrained and is of a size that can be delivered within 5 years ensuring it can contribute to the immediate supply of housing.
- There are no viability constraints, meaning unlike some regeneration/brownfield sites, the proposals will be able to deliver affordable housing in line with policy requirements, contributing to meeting a significant unmet need.

Contributing to a Range of Sites

- To secure a robust and deliverable housing land supply, the NPPF (para 73) advocates Local Plans identifying a mix and range of small and medium sized sites, recognising the important contribution these can make to housing land supply, since they are often built out quickly. The Site would contribute to this, as well as contribute to providing variety in terms of location to respond to different market needs.
- Contribute to the provision of family housing. The urban regeneration sites are more likely to include higher proportions of apartments and a mix of housing types will be required to meet different needs.

Opportunities

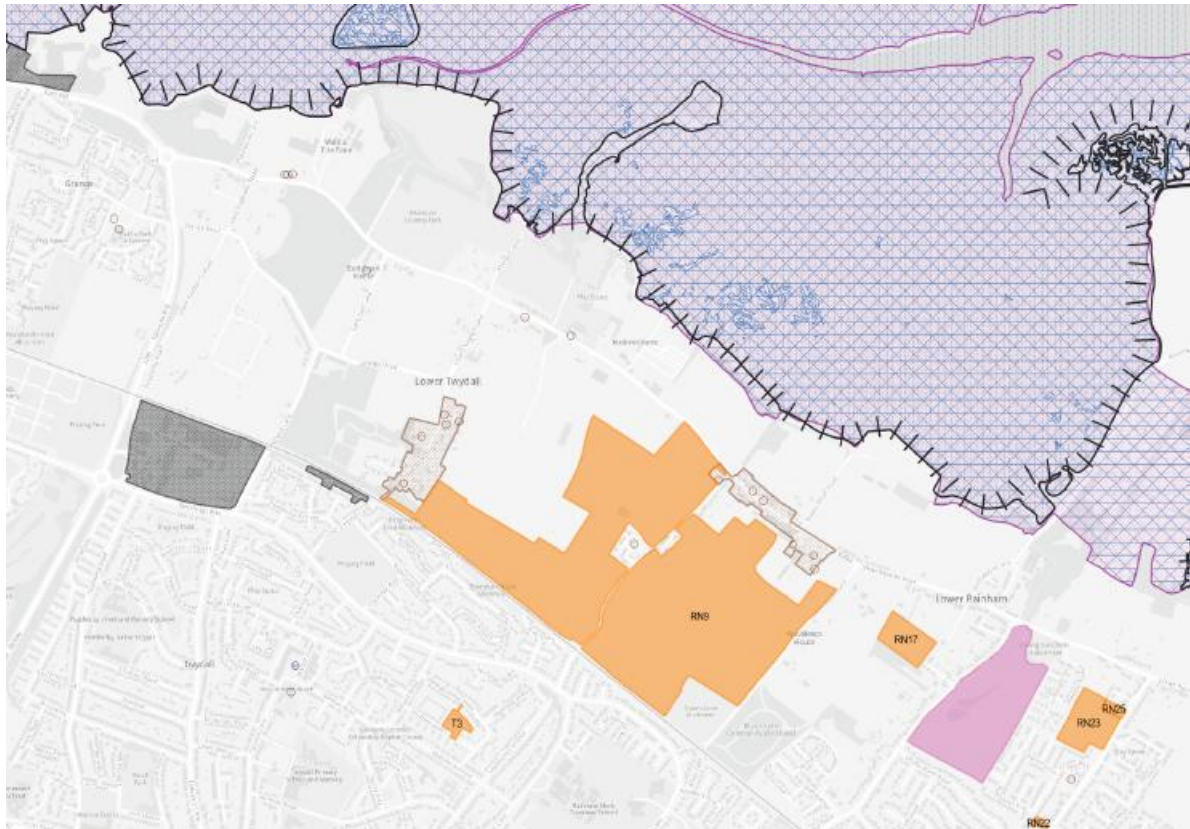
- The Site is well located close to existing services and facilities and would represent a sustainable urban extension, which would contribute to the upgrading of existing facilities to meet its residents needs.
- The Site is not of a size that it would significantly contribute towards highway constraints and could come forward in the immediate term. The Site is however well related to existing pedestrian and cycle transport links and is therefore accessible by a range of modes of transport.
- The Site is paddocks and is of low ecological value. The development is not constrained by ecology, and it is expected that 10% BNG can be easily achieved on the Site.

- Development can be positioned outside the areas of flood risk, which cover only a small proportion of the Site. These areas provide opportunities for open space and ecological enhancement through the provision of new/more varied habitats.
- BMV Agricultural Land covers large parts of Medway and the need to develop on Grade I is necessary to address the Council's significant housing requirement. However, this Site is made up of (two quite small and constrained sites for farming, currently used as paddocks), BMV is not considered to be a constraint to development and its loss outweighed by the significant housing need.
- The Site is not constrained by any heritage considerations.

17.1.3 The Site is located in a highly sustainable and accessible location. The Site is relatively unconstrained, with no constraints identified that would prevent it coming forward for housing. The development of the Site for housing therefore provides the opportunity to support the ongoing regeneration of Medway, by delivering growth and contributing to the viability of Gillingham. Furthermore, it would provide an important contribution towards the immediate supply of housing and diversification of sites in line with the NPPF (para 73).

17.3 SUSTAINABILITY APPRAISAL (SA)

- 17.3.1 The Sustainability Appraisal (SA) accompanying rejected the Site (Part 3, pg J12) on the basis that of "Loss of BMV agricultural land. The development could lead to coalescence between settlements. Beyond reasonable walking distance to current public transport services."
- 17.3.2 Given the size of the development proposals and as set out above, the Site is well located with regards to its proximity to services and facilities. In addition, the above assessment fails to take into account the proposed strategic allocation at RN9 at Lower Rainham, which will bring services and facilities within close proximity to the Site.
- 17.3.3 As already addressed large areas of BMV have been allocated for development, such as a Hoo in order to address the dire need for housing. The Site comprises two very limited parcels. As such the loss is not considered detrimental/would not be outweighed by the benefits.
- 17.3.4 With regards to matters of coalescence, as identified in the SA (pg C15), many of the landscape impacts would be mitigated through policies in the Local Plan. The Site is also a self-contained parcel, contained by Lower Featherby Road and existing built development to the east. The development of the Site would therefore not result in the perceived and actual coalescence of settlements, with the existing gap between the Site and proposed allocation RN9 remaining considerable.



Extract from Reg 19 Local Plan: Proposals Map

17.4 CONCLUSION

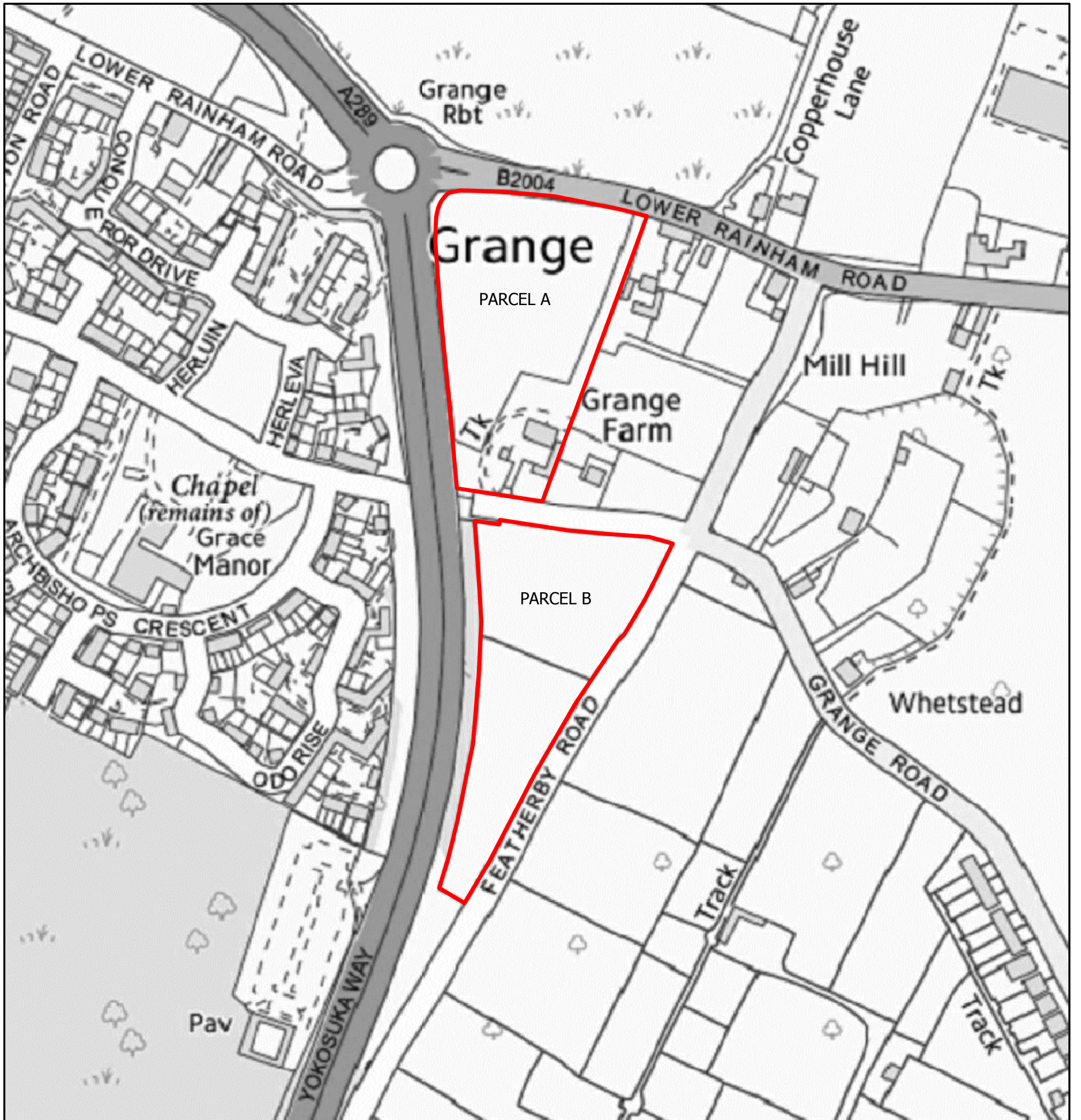
- 17.4.1 The Sites are suitable, available and achievable now and would make a valuable contribution to addressing the Council's current significant housing shortfall, especially within the immediate 5yr period.
- 17.4.2 The Sites should therefore be included as a new Site allocations under Policy SA12 (Other Sites).

18 CONCLUSION

- 18.1.1 These representations have been prepared on behalf Taylor Wimpey & Persimmon Homes in response to Medway Council's (MC) Local Plan 2041
- 18.1.2 These representations have been submitted in objection to the Local Plan and demonstrates that as currently prepared the Plan is "Unsound" with reference to the NPPF (para 36). Furthermore, it is demonstrated that the Plan fails to satisfy the legal tests as set out in the Planning and Compulsory Purchase Act 2004.
- 18.1.3 Fundamentally the Council needs to identify additional greenfield Sites such as "Land at Mill Road, Gillingham" (Site ref:RN1) for residential development where it currently fails to deliver sufficient housing to meet its identified requirement, especially if the Plan period is extended a further year as suggested. Furthermore, on the Council's own evidence base it cannot demonstrate a 5yr supply of deliverable sites.
- 18.1.4 Allied to this, it is not evident that sufficient housing has been identified to deliver the infrastructure necessary to support the planned levels of growth. This is principally because the Council has not produced a housing trajectory which is linked to infrastructure delivery. This is essential to ensure the planned development is deliverable, especially when the Council has chosen to rely on such a high percentage of brownfield sites (40%) including in the short term.
- 18.1.5 In addition, a number of policies require amendment to ensure the Plan is "Sound" and satisfies it legal requirements.
- 18.1.6 Where possible changes to the Plan are proposed However, fundamentally additional sites must be identified in the Plan to ensure the Council's housing requirement is met in full. Site's such should therefore be included in the Plan as housing allocations where they align with the Council's spatial strategy for growth.

APPENDIX 1

SITE LOCATION PLAN



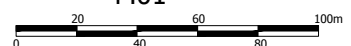
LEGEND

 Site Boundary



Project
Mill Hill
Gillingham
Drawing Title
Site Location Plan

Date 29.04.14	Scale 1:2500@A3	Drawn by HS	Check by KD
Project No 22372	Drawing No M01	Revision -	



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Medway Local Plan Regulation 19 Consultation Representations

August 2025

On behalf of **Uniper UK Limited**

Project Ref: 33567 | Date: August 2025

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For and on behalf of Stantec UK Limited				

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Appendices

Appendix 1 – MedwayOne Site Plan

Appendix 2 – The Grain Power Station Site Plan

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1 Introduction

- 1.1 These representations are submitted on behalf of Uniper UK Limited in response to Medway Council's Local Plan Regulation 19 Consultation (June 2025) on the emerging Medway Local Plan 2041. Uniper is progressing the redevelopment of the former Kingsnorth Power Station site (known as MedwayOne) and also own the Grain Power Station and therefore have a direct interest in the Local Plan and the long-term development strategy for Medway.
- The MedwayOne site is a 113ha brownfield site with Outline Planning Permission for employment and energy development (see Appendix 1 – Site Location Plan);
 - The Grain Power Station is a safeguarded energy infrastructure and employment site with potential for future industrial and energy intensification (see Appendix 2 – Site Location Plan).
- 1.2 The former Kingsnorth Power Station site (MedwayOne) is an extant employment allocation under Policy S12: Kingsnorth of the adopted 2003 Medway Local Plan. That policy identifies the site as a location for strategic Class B2 (Industrial) and B8 (Storage and Distribution) uses. In August 2023, Medway Council granted Outline Planning Permission (ref: MC/21/0979) for a mixed employment development comprising B2, B8, E(g)(iii) and Energy related uses with associated infrastructure.
- 1.3 Reserved Matters Permission has been secured for the internal estate roads, lighting, landscaping, drainage and ecological enhancements (ref: MC/24/0421) and an Energy from Waste facility (ref: MC/24/0489) at one of the development plots. MedwayOne is anticipated to deliver its first development plots by 2026/27, subject to the timely discharge of planning conditions.
- 1.4 Representations in relation to the MedwayOne site were previously submitted as part of the February 2023 Call for Sites exercise (Site ID: HHH36). Joint Representations in respect of MedwayOne and Grain Power Station were submitted in relation to the Hoo Development Framework consultation (November 2022), the Medway Local Plan Regulation 18 consultation (September 2023) and the Medway Local Plan Regulation 18B consultation (July 2024).
- 1.5 The MedwayOne site is identified on the Regulation 19 Policies Map (North East) as a “site allocation” for non-residential (employment) development, which Uniper supports.

- 1.6 The Grain Power Station forms part of the existing safeguarded employment land identified in Policy S13 of the 2003 Local Plan. The policy supports B1 (now E(g)), B2, and B8 uses, and is currently operational as a Combined Cycle Gas Turbine (CCGT) and Combined Heat and Power (CHP) facility. The site was acquired by Uniper in 2011 and is of significant strategic value for energy infrastructure, decarbonisation projects, and potential expansion of industrial activities.
- 1.7 The Grain Power Station site was submitted to the February 2023 Call for Sites (Site ID: AS26) and is identified on the Regulation 19 Policies Map (North East) as an Existing Employment Area. Whilst it is recognised that this site is currently operational as an employment site, the wider site has potential for further Energy and B2/B8/E(g)(iii) Uses and intensification. This is confirmed within the Call for Sites submission which noted that:
- “The existing CCGT and power generation uses would remain (Grain B site circa 10.52ha, National Grid circa 8.62ha) and do not form part of any of the GIA floor area at the site. The whole site is being put forward with circa 170,000 sqm of floorspace immediately available. In addition to B2/B8 uses, the site is also considered suitable for energy generating uses.”***
- 1.8 The Call for Sites submission confirms timescales for delivery of the development within 5 years and within 6 to 10 years. The site was included as a ‘preferred site allocation’ for ‘non-residential’ development within the Policies Map which supported the Regulation 18B Local Plan consultation. However, this status has now been removed and the site is now identified within the Regulation 19 Local Plan Policies Map as an Existing Employment Allocation. We consider that the site’s future potential for development for energy and employment related uses within the timeframe of the Local Plan period should be acknowledged by recognising the site’s future development potential for employment and energy related uses under draft Policy S11: Existing Employment Provision. This would seek to ensure that such uses are appropriately safeguarded.
- 1.9 Both MedwayOne and Grain are longstanding brownfield sites and designated employment allocations within the adopted Development Plan. Together, they offer a significant quantum of deliverable employment land and are aligned with National planning policy, the Employment Land Needs Assessment (2025), and the Sustainability Appraisal (2025).
- 1.10 Delivery at Grain Power Station is anticipated to commence within the early phase of the new Local Plan period, supported by nationally significant energy projects including:

i) Carbon Capture at Grain B Power Station

Uniper has obtained a Scoping Opinion for an Environmental Impact Assessment under the Electricity Act 1989 from the Secretary of State. This is regarding an application to retrofit the existing Grain B Power Station with post-combustion carbon capture.¹

ii) “National Grid’s Grain CO2 Gathering Pipeline”

An Outline planning application has been submitted to Medway Council for the construction and operation of a CO2 Gathering Pipeline and associated development and is due to be determined in October 2025 (ref. MC/25/1153).

- 1.11 These representations focus on the strategic issues and development management related policies that are associated with the development of the site. Notwithstanding our client’s specific land interests, these representations have been prepared in objective terms and in recognition of prevailing planning policy – in particular Government guidance as set out in the National Planning Policy Framework [NPPF] (December 2024) and National Planning Practice Guidance [NPPG] (March 2014, as amended).

i) Content of Representations

- 1.12 The consultation document and the strategy for the preparation of a new Local Plan, has been assessed on the basis of National policies as set out in Section 2.0. These representations are structured as follows:

- Section 2.0 – National Planning Policy;
- Section 3.0 – Response to Consultation;
- Section 4.0 – Conclusions.

¹ <https://www.gov.uk/government/publications/grain-b-power-station-scoping-opinion-for-environmental-impact-assessment-variation-to-section-36-consent-electricity-act-1989>

2. National Planning Policy & Strategic Policy

i) National Policy & Plan Making

2.1 The NPPF (December 2024) places a strong 'presumption in favour of sustainable development' in all planning related matters and places a responsibility on Local Planning Authorities (LPAs) to encourage and support sustainable growth and to plan positively for new development. There are three dimensions to sustainable development in relation to the planning system as outlined in the NPPF. These include:

- an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. (Paragraph 8)

2.2 Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:

- Local Planning Authorities (LPAs) should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
- Local Plans should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless: – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or – specific policies in the NPPF indicate development should be restricted. (Para 11)

- 2.3 The NPPF notes that the planning system should help create the conditions in which businesses can invest, expand and adapt. Accordingly, significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. (Para 85).
- 2.4 To meet these objectives, Para 86 directs that planning policies should:
- Set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to the National Industrial Strategy and other local policies for economic development and regeneration;
 - Set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;
 - Pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying suitable locations for uses such as laboratories, gigafactories, data centres, digital infrastructure, freight and logistics;
 - Seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and
 - Be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.
- 2.5 Furthermore, planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations. (Para 87)
- 2.6 LPAs should ‘submit a plan for examination which it considers is “sound” – namely that is:
- Positively prepared – the plan should be prepared based on a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - Justified – the plan should be an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and,

- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the NPPF and other statements of national planning policy, where relevant. (Para 36).

2.7 The NPPF requires that Local Plans should:

- be prepared with the objective of contributing to the achievement of sustainable development;
- be prepared positively, in a way that is aspirational but deliverable;
- be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
- contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
- be accessible through the use of digital tools to assist public involvement and policy presentation; and
- serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant). (Para 16).

2.8 Strategic policies should look ahead over a minimum 15-year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. (Para 22)

2.9 Furthermore, strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area (except insofar as these needs can be demonstrated to be met more appropriately through other mechanisms, such as brownfield registers or non-strategic policies). (Para 23)

2.10 The NPPF directs that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals. (Para 32)

ii) National Planning Practice Guidance

2.11 The National Planning Practice Guidance (NPPG) builds on the principles within the NPPF and provides further detailed technical guidance, with reference to relevant legislation and other guidance.

- 2.12 The NPPG provides guidance to support LPAs in objectively assessing and evidencing development needs including economic development. A robust evidence base will need to be developed, in liaison with the business community, to understand their current and potential future requirements. An assessment of the appropriate functional economic market area; existing employment land stock; recent pattern of employment land supply and loss; evidence of market demand; wider market signals and evidence of market failure will need to be undertaken. [Para: 026 Ref ID: 2a-026-20190220]
- 2.13 In relation to ensuring sufficient land is allocated for logistics, the NPPG notes that an assessment of need should be informed by engagement with logistics developers and occupiers to understand the changing nature and requirements in terms of the type, size and location of facilities, including the impact of new and emerging technologies; analysis of market signals including trends in take up and the availability of logistics land and floorspace across the relevant market geographies; analysis of economic forecasts to identify potential changes in demand and anticipated growth in sectors likely to occupy logistics facilities, or which require support from the sector; and engagement with Local Enterprise Partnerships and review of their plans and strategies, including economic priorities within Local Industrial Strategies. [Para: 031 Ref ID: 2a-031-20190722]
- 2.14 The NPPG recognises the importance of planning for renewable and low carbon energy technologies with ensuring that the UK has a secure energy supply, reducing greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. [Para: 001 Ref ID: 5-001-20140306]

iii) Industrial Strategy (June 2025)

- 2.15 The Industrial Strategy seeks to create the most favourable conditions in key UK sectors to foster economic growth. To achieve this and, with particular reference to Planning, the Strategy seeks to remove planning barriers and give Government backing to transformative infrastructure projects. In relation to freight and logistics, the Strategy recognises the sector makes a vital contribution to the UK economy and notes that a new plan for freight and logistics will be published later this year to ensure that the sector can continue to play its part in growing the economy.
- 2.16 The Strategy confirms that key interventions will be supported by fast tracking more projects through the planning process including for data centres by allowing such projects to 'opt in' to be designated as Nationally Significant Infrastructure Projects. Government will seek to establish AI Growth Zones as dedicated hubs to fast-track AI infrastructure development, support planning approvals and unlock access to energy. Furthermore, data centres are noted as 'high priority development' and timely decision making will be supported by a more strategic planning policy framework.

iv) Thames Estuary 2050 Growth Commission

2.17 The Thames Estuary 2050 Growth Commission was set up to develop an ambitious vision and delivery plan for North Kent, South Essex and East London. The Commission defines these areas into City Ribbon, Inner Estuary, South Essex Foreshore, North Kent Foreshore and the River Thames. The vision for the Thames Estuary 2050 places a focus on developing strong and specific sectors; connecting to and enhancing natural assets and green infrastructure; and planning for long term and resilient development.

2.18 The vision aims to deliver:

- 1.3 million new jobs;
- £190 billion* additional GVA;
- At least 1 million new homes.

* Assuming an annual average growth rate of 1.25% at current GVA per job.

2.19 Both Sites are located within an area described in the Commission's report as 'North Kent Foreshore', which includes Medway, Swale, Canterbury and Thanet. The Hoo Peninsula is noted within the reports as one of the key priority areas for the Commission and an 'Area of Change'. The report states that there are significant opportunities for growth and development of the North Kent Foreshore.

3 Response to Consultation

i) Economic Strategy

- 3.1 We welcome that the Local Plan acknowledges the economic strategy “recognises the potential to realise the strategic economic role of sites such as Grain and Kingsnorth in growing sectors, such as low carbon energy and AI.” (para. 1.3.8).
- 3.2 The MedwayOne site will play an important role in creating growth within these sectors. The site has Reserved Matters Permission for an Energy Hub which comprises a 49.9 MW energy recovery facility which will process 450,000 tonnes of residual waste per annum. The Energy Hub is a low carbon energy producer driven by the 50% biogenic content in the fuel. The plant has the capacity to export 45MW to the national grid and/or export electricity to local demand. The Energy Hub produces heat which is ideal for district heating systems for local homes and businesses and aligns with future strategic development proposed on the Hoo Peninsula (Policy SA8). The project includes land reserved for a future carbon capture facility which will capture 90% of all carbon emissions arising from the development.
- 3.3 In addition to the energy recovery facility the site will host an electricity interconnector scheme providing an up to 1,250MW high voltage electricity interconnector between the UK and France helping each country to meet its energy needs for the next 25 years. Once operational, GridLink will transport sufficient electricity to supply 3.4 million households in the UK. The interconnector will also make a sizeable contribution to reducing carbon emissions by enabling the displacement of fossil fuels by other sources of energy.
- 3.4 The Outline Planning Permission for the MedwayOne site includes the provision of up to 170,000 sqm of B8 data centre floorspace. MedwayOne is seeking to be at the forefront of the emerging AI technology sector through its application to the Government Department for Science, Innovation and Technology to be designated as an ‘AI Growth Zone’. The submission bid has been led by Uniper in collaboration with key stakeholders including Medway Council. The submission has sought to demonstrate how MedwayOne can deliver 500MW power capacity data centre development by 2030.
- 3.5 We support that the Local Plan recognises that MedwayOne could deliver a range of commercial, manufacturing, industrial, distribution, data centre and energy uses (in line with its Outline Planning Permission) and the potential for the site to be intensified to maximise the development potential with flexibility to meet market requirements (para 7.4.4).

- 3.6 In relation to Grain Power Station, the future development potential for employment and energy-related uses (as indicated in the Call for Sites exercise and the Council's subsequent assessment of the site) has not been reflected by allocating the site for intensification for these purposes. While we support that the site remains recognised as an existing employment allocation, we consider that there is opportunity for the potential development opportunities on this brownfield site to be maximised and recognised within the Local Plan. We recognise that Medway has identified employment land in excess of its objectively assessed needs. The NPPF requires that, for plan-making, strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses (including employment) (para 11 b). National policy does not seek to provide a limit to meeting strategic growth so long as this growth is sustainably planned.
- 3.7 We note that the NPPF seeks to prioritise development on brownfield sites in advance of greenfield land and this site is fully aligned with this approach. Supporting new development opportunities including energy generating uses at the site would align with the brownfield first approach and the NPPF para. 8 – meeting the environmental objective of sustainable development by moving to a low carbon economy. Furthermore para. 161 seeks to ensure that the planning system supports the transition to net zero by 2050 supporting renewable and low carbon energy and associated infrastructure. The NPPF supports the increased use and supply of renewable and low carbon energy and heat, and to this extent, plans should provide a positive strategy, that maximises the potential for future development and consider and identify suitable areas for renewable and low carbon energy sources and supporting infrastructure (para. 165).
- 3.8 We note that the Infrastructure Delivery Plan will establish a vehicle trip budget and that committed development (including MedwayOne) would benefit from the first tranche of vehicle trip credits which is a positive strategy (paras. 9.2.3 and 14.15.7). The site was previously subject to an initial cap on the number of peak hour operational traffic movements that could be generated from the site due to the potential theoretical highway impact upon Junction 1 of the M2. This has now been lifted with agreement from National Highways and Medway Council through the submission of further evidence to demonstrate that the operation of the site will not have an unacceptable impact upon the safe operation of Junction 1 of the M2.
- ii) **Draft Policy S10: Economic Strategy**
- 3.9 We note that the latest Employment Needs Assessment (dated February 2025) is now available and should be referred to within the policy, whilst also referring to any subsequent updates to this to ensure that the policy is up to date with the supporting evidence base.
- 3.10 We support the reference to “Larger scale Net Zero Carbon Energy generating uses and port using facilities to be directed to the Hoo Peninsula to sites at Kingsnorth and Grain.”

iii) **Draft Policy S11: Existing Employment Provision**

- 3.11 Policy S11 seeks to protect existing employment sites. We are pleased to note that Policy S11 has been revised to provide clear support for proposals involving Use Classes E(g), B2, and B8 within existing employment areas. However, we consider that the Use Classes referenced should be expanded to refer to Energy related uses (under Sui Generis Use Class) to ensure that the Grain Power Station site is appropriately safeguarded as an Existing Employment Allocation. Future development proposals at the site could support B2, B8 and energy generating uses as set out within the Call for Sites submission.

iv) **Draft Policy S12: New Employment Sites**

- 3.12 We support the revised policy wording for Policy S12 in relation to prioritising the phasing of brownfield sites before new greenfield employment allocations are brought forward. This is in line with NPPF para 124, which seeks to make as much use as possible of brownfield land, and reflects comments made in our previous Regulation 18B representations.
- 3.13 Prioritising brownfield allocations before releasing new greenfield sites (particularly those with extant planning permissions such as MedwayOne), represents the most sustainable and deliverable strategy for the future growth of Medway across the Plan period. This strategy also aligns with the recommendation within the Sustainability Appraisal Report (2025) and Interim Habitats Regulations Assessment, which caution against the premature release of greenfield land on the Hoo Peninsula due to landscape, biodiversity and infrastructure sensitivities.
- 3.14 We support the reference to site allocation policy SA14 within the second sentence of policy S12 but consider that greater clarity is required within the policy wording and should be amended as follows:

Brownfield sites (including London Medway Commercial Park and MedwayOne) are phased before greenfield sites (including Kingsnorth Expansion Area), as per site allocation Policy SA14.

v) **Draft Policy SA14: Employment Sites**

- 3.15 We endorse the inclusion of draft policy SA14: Employment Sites, following the completion of the Employment Lands Needs Assessment (ELNA) and the consequent identification of employment requirements for the duration of the Plan period. The policy also outlines the phasing of strategic allocations throughout the Plan period, which is essential to ensure that development is appropriately sequenced, thereby supporting sustainable economic growth across the entirety of the Plan period.

- 3.16 Criteria 4 of the policy wording notes that the “Kingsnorth Expansion Area is anticipated to be developed during the latter part of the plan period, i.e. after employment sites on previously developed land have been occupied.” We also note that further detail on timescales for phasing is set out in the ‘Site -specific information’ table included at the end of the policy wording which sets out that this area is planned to be developed within 11+ years of the Plan period.
- 3.17 While we support the phasing approach in principle to facilitate the delivery of existing employment allocations and to adhere to the proposed development timelines for the Kingsnorth Expansion Area as detailed in the table, we request that the draft policy wording is explicitly aligned with these timescales. Therefore, we recommend amending the draft policy wording as follows:

Kingsnorth Expansion Area ~~shall is anticipated to be developed during the latter part of the plan period, i.e. after employment sites on previously developed land have been occupied.~~ Development shall align with the timescales set out in the ‘Site-specific information’ table included within this policy.

- 3.18 In terms of the phasing timetable included at the end of the policy, we support the identification of MedwayOne as a strategic employment site and welcome the inclusion of phased delivery within 1 – 5 and 6 – 10 years of the start of the new Local Plan period. The accompanying site-specific table aligns with the fact that MedwayOne has Outline Planning Permission and Reserved Matters Permission for part of the site has been approved to enable the delivery of the site to progress within the early part of the Plan period.
- 3.19 However, we request that Grain Power Station is also explicitly recognised within Policy SA14 as a safeguarded Existing Employment Allocation with significant strategic potential. It is in active energy and industrial use, and has scope for further intensification aligned with decarbonisation, logistics, and advanced manufacturing. Recognition within the policy framework would ensure the future development potential of this strategic site is protected. The Land Availability Assessment (June 2025) confirms that the site is Suitable, Available and Achievable, however has not been recognised as a potential future employment allocation in respect of the circa 170,000 sqm of floorspace which is immediately available at the Site as set out within the Call for Sites submission.
- 3.20 The Employment Land Needs Assessment (ELNA) (2025) confirms that against an industrial requirement for 204,000 sqm of employment floorspace across the Plan period, the Council has identified more than four times that amount (although recognising the 2no. locations account for two-thirds of this supply). Para. 7.15 notes that:

“It is clear that the existing supply can continue the growth trajectory and could accommodate higher growth, and on the assumption that there are no further industrial losses through reconfigure or regeneration, there is no need to increase the industrial supply.”

3.21 The report indicates that additional employment allocations are not currently required, given the existing identified pipeline of sites. However, it recognises that in locations where major housing development is to be provided, the Council should consider additional local scale and quality employment floorspace, where it would assist with placemaking and it is viable to do so. As such the major housing development proposed through allocations on the Hoo Peninsula would fall within the remit of such locations and it is recognised that future employment allocations have been proposed on the Hoo Peninsula (HHH35: Land to the south of Eschol Road and Land to the north of Eschol Road, collectively part of the Kingsnorth Expansion Area), aligning with that approach. Furthermore, the Council has identified the potential for the redevelopment of Medway City Estate as part of plans for the Frindsbury Peninsula for mixed-use regeneration which could potentially involve the re-location of businesses to the Kingsnorth Expansion Area.

3.22 The Kingsnorth Expansion Area is scheduled for development during the later part of the Plan period (11+ years) to coincide with significant residential growth at Hoo. No objections are raised concerning the allocation of additional employment land in this location, in excess of Medway's identified employment need across the Plan period. It is necessary for newly proposed employment allocations to be phased toward the latter part of the Plan period to provide sufficient time for delivering existing employment allocations, such as MedwayOne, for the following reasons:

- The Kingsnorth Expansion Area which is located on greenfield land is relatively unconstrained and requires less financial investment to develop than MedwayOne, which is remediating and regenerating contaminated brownfield land;
- MedwayOne is located on an existing allocated employment site within the adopted Local Plan. The principle of employment development in this location is therefore already well established and the grant of Outline Planning Permission reaffirms this;
- Without the phasing of future employment land on greenfield sites this would undermine the progress of development at MedwayOne because employment development of (cheaper) greenfield land over brownfield sites could be more commercially attractive for potential occupiers;
- The NPPF emphasises the importance of maximising the potential of brownfield land (Paragraph 124), which should be a key factor in the development of planning policy.

vi) Draft Policy SA8: Hoo St Werburgh and Chattenden

3.23 We support the inclusion of a strategic policy setting out the objectives and the criteria for sustainable growth across the Plan period and in particular, guided sustainable growth across the Hoo Peninsula. The intention to bring development forward in accordance with a comprehensive strategic masterplan is welcomed in principle. However, it is important that the design and layout of the emerging masterplan is carefully considered to ensure that it does not negatively impact upon

the ability for employment sites with extant Planning Permission such as MedwayOne and London Medway Commercial Park to be successfully delivered and ensure that their operational capacity is protected. To this extent, we consider that public consultation on any masterplan is undertaken at an early stage of preparation to ensure that future growth at Hoo does not conflict with the ability for these employment sites to successfully operate.

- 3.24 In addition, the 'Employment' section of SA8 should directly reference the existing strategic employment sites at Kingsnorth including MedwayOne and London Medway Commercial Park (as well as the Kingsnorth Expansion Area as referenced in policy SA14 to reinforce their role as anchors of existing and future economic activity as part of the future growth envisaged for the Hoo Peninsula.

vii) Draft Policy S25: Energy Supply

- 3.25 We support the reference to Kingsnorth and the Isle of Grain as suitable locations for renewable and low carbon energy development. This recognises the strategic role that both MedwayOne and the Grain Power Station site will play in the delivery of the Energy Hub and electricity interconnector scheme at MedwayOne and the carbon capture scheme proposals at the Grain Power Station.

4.0 CONCLUSIONS

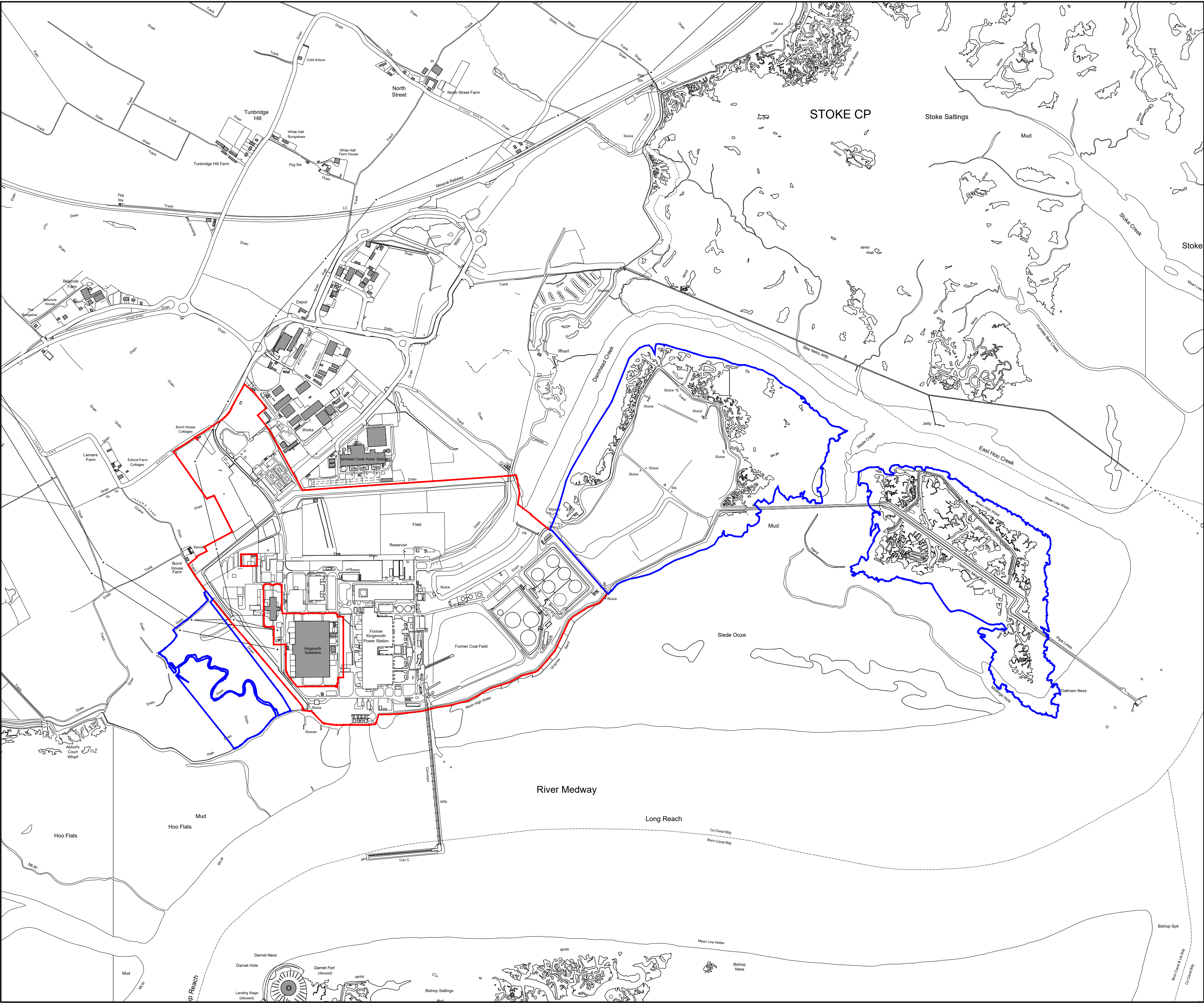
- 4.1 The Regulation 19 Local Plan (June 2025) has been produced by Medway Council seeking to address its growth needs until 2041. Uniper welcomes the Plan's commitment to supporting economic growth, sustainable infrastructure delivery, and employment provision across Medway.
- 4.2 We strongly support the Plan's focus on delivering employment land, particularly through the re-use of existing brownfield allocations. However, we note that the proposed employment strategy does not appear to be fully aligned with the findings of the ELNA, which confirms that the existing employment land pipeline significantly exceeds identified demand across the Plan period. Notwithstanding this, we note that National policy requires Local Planning Authorities to meet objectively assessed needs as a minimum strategy and does not seek to provide a limit to meeting strategic growth so long as this growth is sustainably planned.
- 4.3 We note that the ELNA identifies that the Council should review the allocation of more local employment floorspace alongside major housing developments to support placemaking. In relation to the strategic growth proposed on the Hoo Peninsula, we note that the Kingsnorth Expansion Area (which is located on a greenfield site) is included as part of this strategy which also seeks to provide a potential location for the re-location of businesses to facilitate potential future development at Medway City Estate. We accept this approach on the basis that the Kingsnorth Expansion Area is now appropriately phased to be delivered to align with timescales for such proposals and the delivery of significant housing growth on the Hoo Peninsula later in the Plan period. This timeframe enables the delivery of sites including MedwayOne to be prioritised before less sustainable greenfield land is released for development.
- 4.4 In relation to the Grain Power Station site, we support that the site is proposed as an Existing Employment allocation which supports the future development potential of the site. However, we propose that policy S11 is amended to ensure suitable flexibility to recognise that Energy related uses will be supported at the site to ensure that this is fully aligned with the existing and future uses at the site. The site also offers the potential for intensification for B2/B8/E(g)(iii) uses on brownfield land; we recognise that Medway has identified employment land in excess of its objectively assessed needs however note that the NPPF seeks to prioritise development on brownfield sites in advance of greenfield land and this site is fully aligned with this approach.
- 4.5 As such, the focus should be on enabling and prioritising delivery of extant brownfield sites, such as MedwayOne and Grain Power Station, before releasing new greenfield allocations (albeit we recognise that the Kingsnorth Expansion Area will seek to support local placemaking as part of future growth at Hoo). The ELNA rightly recognises that in areas of major housing growth, such as

the Hoo Peninsula, the Council may consider complementary local-scale employment allocations to support placemaking where viable. Uniper accepts this balanced approach and supports the proposed phasing of MedwayOne and Grain to align with the early and middle stages of development at Hoo. This ensures an integrated spatial and infrastructure strategy without compromising brownfield-first delivery principles.

- 4.6 Uniper considers that the Regulation 19 Local Plan is ‘sound’ within the context of the NPPF. The Local Plan has been positively prepared in that it provides a strategy which seeks to meet the minimum employment land needs. The Local Plan is justified in that it provides an appropriate strategy for Medway’s future growth until 2041, which has been supported by an appropriate evidence base. An effective strategy for future growth and development has been provided which is deliverable over the Plan period and based on effective joint working on cross-boundary strategic matters. The Local Plan is consistent with national policy and will enable the delivery of sustainable development.
- 4.7 Uniper looks forward to continuing engagement with the Council to ensure the successful delivery of MedwayOne and Grain Power Station as strategic employment sites central to Medway’s long-term economic resilience and low-carbon transition.

Appendix 1

MedwayOne Site Plan



The scaling of this drawing cannot be assured

Revision	Date	Drn	Ckd
C	15.01.21	SM	EH
Site Boundary Updated			

- Site Boundary
111.00Ha / 274.29Ac
- Land Under Ownership
115.89Ha / 286.37Ac

Project
MedwayOne

Drawing Title
SITE BOUNDARY PLAN

Date	Scale	Drawn by	Check by
15.07.20	1:10000@A2	S.M.	E.H
Project No	Drawing No	Revision	
29497	RG-M-20	C	



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Appendix 2

The Grain Power Station Site Plan

APPENDIX 2

GRAIN POWER STATION SITE LOCATION PLAN





Medway Council
Gun Wharf
Dock Road
Chatham
ME4 4TR

Our ref: DHA/PD/36209

11 August 2025

Dear Sir/Madam,

REGULATION 19 CONSULTATION RESPONSE

LAKE AND SURROUNDING LAND AT ST ANDREWS LAKE, FORMBY ROAD, HALLING, KENT

These representations have been prepared on behalf of St Andrews Leisure Development Ltd in response to Medway Council's (MC) Local Plan 2041 Regulation 19 consultation document (July 2025).

These representations have been submitted in the context that St Andrews Leisure Development Ltd controls "Lake and surrounding Land at St Andrews Lake, Formby Road, Halling, Kent" ("the Site"), which has been promoted through previous iterations of the Draft Local Plan for tourism and leisure use and development.

The land was promoted previously, and the Council therefore already holds information on the Site; however, further information has been provided.

This letter is submitted alongside the Council's digital form completed online and is also supported by the following plans/documents:

- Site Location Plan

Plan Context

MC is in the final stages of preparing its new Local Plan, and this consultation intends to determine whether the Regulation 19 draft Local Plan is legally compliant and meets the test of 'soundness' set out in Paragraph 36 of the NPPF.

Site Context

The site is located within the Medway Valley and the A228 corridor between Cuxton and Halling.

The site falls within the Metropolitan Green Belt and comprises approximately 54.5Ha of land with a central aquifer-fed lake (25.5Ha in area and roughly 30m in depth) (formerly a quarry).



Figure 1: Aerial view of the application site (Courtesy of Google Earth)

The site following permission MC/19/2814 benefits from the following tourism and leisure uses:

- Holiday-let accommodation – small, medium and large units.
- Eco Lake Pods – bespoke-built floating units.
- Three-storey Water Sports Centre – 'The Hub' – main access point to the whole site (reception), and base for all activities.
- Zip Wires.
- Forest School – an initiative with Gillingham Football Club School.
- Nature Reserve Walk – provision of educational pedestrian and cycle ways. Provision of opportunities for ecological study groups, ecology talks and education, and training.
- Open water swimming sessions.
- Sailing and Windsurfing.
- Paddle Boarding.
- Kayaking and Rowing.
- Fishing.
- Sand Martin Bird Nesting and Viewing Areas.
- Outdoor activities – climbing/water park.

Planning History

The site itself is subject to permission MC/19/2814 for the following development:

"Change of use of site to sui generis use as a wildlife reserve/watersports and outdoor activity centre together with the construction of 20 waterside holiday accommodation units, 10 on-the-lake holiday pods, one on-the-lake residential a managers unit and one on-the-lake office/security unit (non-residential), a Water Sports Centre with associated 'hub' to provide for sailing, diving, fishing, rowing, paddle-boarding venue and incorporating a café and restaurant as well as multi-function space for use by members and visitors for training/education and related activities. In addition the provision of an outdoor activity centre, fishing lodge, two zip wires and tower, Sand Martin hide, an artificial wreck, floating pontoon and infrastructure, provision of a Forest School, retrospective placement of temporary facilities comprising of temporary office/admin/education/sales facility; temporary toilets; temporary car parking, temporary café, temporary storage/changing rooms and infrastructure with associated parking, access, engineering, landscaping, mooring infrastructure and ecological enhancement works throughout St. Andrews Lake."

Policy Support to Promote Existing and Future Employment, Leisure and Tourism Uses

Having regard to Medway's new local plan, we note that no policy directly regards the tourism, leisure and employment opportunities at St Andrews Lake.

Policy T13: Tourism, Culture and Visitor Accommodation is most relevant to the site, and the relevant text has been provided below.

Policy T13 states that the Council will support and promote tourism development where it contributes to the local economy, enhances Medway's cultural life, and meets sustainable development principles.

Any development that contributes positively to the regeneration of Medway, extends the existing tourism, cultural and visitor economy offer will be welcomed. The policy goes on to state that the development of rural-based tourism opportunities will also be welcomed, where they can demonstrate that negative impacts on the environment can be avoided.

The Council will also support the retention, enhancement and provision of visitor accommodation where it contributes to the sustainable development of Medway's tourism, cultural and visitor economy.

Whilst we acknowledge that the policy is supportive of existing tourism and leisure sites, we consider the benefits the St Andrews Lake site has brought to Medway's economy are more than enough to justify a specific policy wording within the policy for this leisure and tourism site. This is to ensure that this exceptional opportunity as a leisure and tourism venue is maximised.

If the St Andrew Lake site were to be included specifically within policy, the plan would directly support the investment, expansion and adaptation of the tourism and leisure venue that has grown significantly over the last 5 years.

We consider the Policy to lack support for specific sites that exist within the authority area, which hinders the opportunities that are provided directly to these sites, to allow for onward growth of the business.



We would urge the Council to reconsider Policy T13 to include specific mention to leisure and tourism sites, especially St Andrews Lake, to provide support to the businesses that provide an accessible and diverse range of activities for everyone.

Removal of the Site from the Green Belt to Facilitate the Above Uses Without Excessive Restriction

The site is located within the Metropolitan Green Belt. Medway's new local plan includes Policy S7: Green Belt, to address this designation.

Policy S7 states that the Council recognise the importance of the Green Belt function in managing against urban sprawl and coalescence of settlements to maintain openness. The policy confirms that the Council have reviewed the Green Belt boundary under the Duty to Cooperate with Gravesham Borough Council to establish exceptional circumstances for Green Belt release to accommodate sustainable growth. The updated boundary is shown on the new policies map; however, we note that our site remains within the Green Belt.

The policy goes on to state that the Council will seek opportunities to enhance land for beneficial uses in the Green Belt to strengthen its function. However, whilst we acknowledge that tourism and leisure uses are supported and mostly acceptable, there is still a level of control towards new buildings in the Green Belt. With a site like this one, there could well be a future requirement for new buildings to be provided to cater for on-site expansion. Whilst Policy T13 supports the expansion of existing tourism and leisure sites, it would be far preferable if the site were removed from the Green Belt to allow full utilisation of the site while respecting the landscape and ecological value of the site.

The site is located within a former quarry, surrounded by residential and other built development, and so the possibility for expansion beyond the redline is limited. Therefore, the site will not sprawl into neighbouring settlements, and we consider the Green Belt boundary in this area needs to be amended to remove the site from within it. This will allow the business to expand and maximise the benefits St Andrews Lake provides to Medway.

In our original submission, we considered that each part of the Green Belt should be carefully assessed to determine whether it meets these tests. If not, the site should be removed from the Green Belt, and if sustainably located, should be positively promoted for development. Additionally, Medway are required to provide opportunities to deliver the jobs, health and lifestyle improvements that are necessary to deliver a sustainable and viable future.

To achieve this, any genuine opportunity for tourism and leisure-related economic development that will encourage inward investment must be taken. To do so, a careful and objective assessment of the current Green Belt boundary is essential. A failure to do so is a failure to consider all genuine opportunities and is likely to perpetuate and indeed exacerbate existing socio-demographic, health and lifestyle issues within Medway, with such leisure and tourism benefits going to other Council areas.

We ask that the Council reconsider the Green Belt boundary to remove this site from within it, in accordance with NPPF paragraph 145. We consider that the site would meet the exceptions to be released from the Green Belt, given it is previously developed, contained by built form and natural boundaries, and is sustainably located.

Kent

Gatwick

London

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We also note that paragraph 154 of the NPPF confirms that development in the Green Belt is inappropriate unless one of the listed exceptions applies. We note that the following exception would be relevant to this site and its use:

(b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

Paragraph 155 also confirms that development is not inappropriate where all of the following apply:

- a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b) There is a demonstrable unmet need for the type of development proposed;
- c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
- d) Where applicable, the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157.

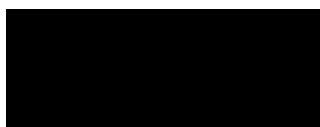
Where paragraph 156 applies, the Golden Rule (c) for the provision of new, or improvements to existing, green spaces that are accessible to the public applies. The site provides a wider variety of publicly accessible spaces and activities, along with an opportunity to learn about the environment and the former quarry site.

Given that the site meets at least one exception in paragraph 154, and is considered to meet all four Grey Belt tests in Paragraph 155, we request that the Council review the Green belt boundary around St Andrews Lake, to allow for maximum future support and expansion to the business.

Summary

To summarise, we consider the new local plan to be positive, but to requires further amendments to ensure it is sound. To maximise the tourism and leisure offerings in the authority area, the St Andrews Lake site should be taken out of the Green Belt, and site-specific policy should be provided to support this major tourism and leisure facility.

Yours sincerely,



Planning Director
John Collins



Kent

Gatwick

London

Web: www.dhaplanning.co.uk

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Model Representation Form for Local Plans



Local Plan Publication Stage Representation Form

Ref:

(For official
use only)

Name of the Local Plan to which this
representation relates:

Medway Local Plan

Please return to Medway Council Planning Service by 11th August 2025

Email: planning.policy@medway.gov.uk or post to:

Planning Policy, Medway Council, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation
you wish to make.

Part A

1. Personal

Details*

2. Agent's Details (if applicable)

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable)
boxes below but complete the full contact details of the agent in 2.*

Title

First Name

Last Name

Job Title

(where relevant)

Organisation

(where relevant)

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Ltd

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Eclipse House

Line 2

Eclipse Park

Line 3

Sittingbourne Road

Line 4

Detling

Post Code

ME14 3EN

Telephone
Number

E-mail Address
(where relevant)

Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph	<input type="text" value="Strategic Policies"/>	Policy	<input type="text" value="T13 and S7"/>	Policies Map	<input type="text"/>
-----------	---	--------	---	--------------	----------------------

4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input type="text"/>	No	<input type="text" value="✓"/>
4.(2) Sound	Yes	<input type="text"/>	No	<input type="text" value="✓"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="text"/>	No	<input type="text" value="✓"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The Plan **is not legally compliant** - there are issues with the Strategic Policies.

Please see accompanying representation titled **DHA_36209 - St Andrews Lake Reg 19 Rep.**

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please see accompanying representation titled **DHA_36209 - St Andrews Lake Reg 19 Rep.**

(Continue on a separate sheet /expand box if necessary)

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

☐

No, I do not wish to participate in hearing session(s)

☒

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To discuss the legal compliance and soundness of the plan with specific reference to

- Strategic Policies

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

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Site Location Plan

Scale: 1:2000



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Revisions

Project | St Andrew's Lake
Formby Road, Halling

Client | St Andrews Leisure Development Limited

Title | Site Location Plan

Status | **PLANNING**

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Project Number	Drawing Number	Revision
18-042	01	

18.042 01 ----
Bim Number: 18.042-GHA-YY-YY-09-A-01-S0-.....

Model Representation Form for Local Plans



Local Plan Publication Stage Representation Form

Ref:

(For official
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Name of the Local Plan to which this representation relates:

Medway Local Plan

Please return to Medway Council Planning Service by 11th August 2025

Email: planning.policy@medway.gov.uk or post to:

Planning Policy, Medway Council, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

2. Agent's Details (if applicable)

Title	Mr	
First Name	Kevin	
Last Name	Rice	
Job Title (where relevant)		
Organisation (where relevant)		DHA Planning Ltd (obo) Mr Kevin Rice
Address Line 1		Eclipse House
Line 2		Eclipse Park
Line 3		Sittingbourne Road
Line 4		Detling
Post Code		ME14 3EN
Telephone Number		

E-mail Address
(where relevant)

Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph	Duty to Cooperate	Policy	Policies Map
	Strategic Policies and Legal Tests	SA13, DM5, DM6, DM9, DM15, T2, T3, S10, S11	SR53 (formerly SR40)
	Housing Supply and Delivery		
	Paragraph 1.3.5		
	Paragraph 1.3.7		
	Paragraph 1.3.7		
	Paragraph 14.14.3		
	Paragraph 14.14.8		

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

No

☒

4.(2) Sound

Yes

No

☒

4 (3) Complies with the
Duty to co-operate

Yes

No

☒

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The Plan **is not legally compliant** there are issues with the Duty to Cooperate, Strategic Policies and Legal Tests and Housing Supply and Delivery. Please Accompanying representation titled **DHA/Q26687 Waterside Court - Medway City Estate - Frindsbury Peninsula Opportunity Area**

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please see **Section 4.4 and 5** of the accompanying representation titled **DHA/Q26687 Waterside Court - Medway City Estate - Frindsbury Peninsula Opportunity Area** for the suggested wording for the draft policies SA13, DM5,DM6,DM9,DM15,T2,T3,S10 and S11

(Continue on a separate sheet /expand box if necessary)

Please note *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

☐

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☒

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To discuss the legal compliance and soundness of the plan with specific reference to:

- The Duty to Cooperate;
- Strategic Policies and Legal Tests;
- Housing Supply and Delivery;
- Site allocation SR53; and
- Policy SA13 Frindsbury Peninsula Opportunity Area.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

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Waterside Court - Medway City Estate - Frindsbury Peninsula Opportunity Area

Medway Council Regulation 19 Consultation Response

LAA SITE REF: SR40
CALL FOR SITES FORM SUBMISSION ID: 256
CALL FOR SITES RESPONDENT ID: 414
REGULATION 18a CONSULTATION ID: 1364
REGULATION 18a CONSULTATION ID:2800

Final
DHA/Q26687
August 2025



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DATE	Version	Revision Notes
06.08.2025	1	Draft
11.08.2025	2	Authorised

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1 OVERVIEW

1.1 SUMMARY

- 1.1.1 This representation has been prepared on behalf of our client, Mr. Kevin Rice, in relation to the Medway Council ("MC" or "the Council") Proposed Submission Draft Regulation 19 Consultation ('Medway Local Plan 2041'), which runs until Monday, 11 August 2025.
- 1.1.2 The consultation builds upon responses received during the Regulation 18b consultation held in September 2024. It informs the independent examination of the Local Plan and represents a comprehensive draft, setting out the Council's proposed final vision, strategic objectives, and detailed planning policies for Medway up to 2041.
- 1.1.3 Mr Kevin Rice controls the land know as Waterside Court which has previously been promoted through previous iterations of the Draft Local Plan including the most recent Regulation 18b consultation in September 2024 as part of the wider mix-use regeneration of the Medway City Estate (MCE) under site reference SR40. The site has since been merged with other sites on the MCE to create the Frindsbury Peninsula Opportunity Area (Site Ref SR53). The Frindsbury Peninsula Opportunity Area is included in the Local Plan as Draft Policy SA13.



FIGURE 1.1INDICATIVE SITE LOCATION

- 1.1.4 Our client principally supports the allocation of their site as part of the Frindsbury Peninsula Opportunity Area, as shown in the concept plan supporting the

Opportunity Area at Figure 16 of the draft Local Plan. This provides a landmark mixed-use regeneration area extending beyond the plan period in a sustainable location. However, our client objects to the proposed scale of development on the peninsula within the plan period.

- 1.1.5 Our client's site, SR40, was put forward for the delivery of 200 dwellings in year 8 of the plan (2033/34), as submitted to the 'Medway Housing Trajectory', which informed the Land Availability Assessment (LAA) (June 2025). Draft Policy SA13 only allocates an initial phase of development of up to 690 new homes within the plan period across the entire Opportunity Area. The proposed 690 homes allocated during this plan period within the Opportunity Area are significantly fewer than the anticipated delivery outlined in the housing trajectory information submitted to Medway by several landowners who are invested in the Vision for the Medway City Estate (MCE) and the draft designation as an Opportunity Area.
- 1.1.6 Overall, these representations raise no objections to the overall spatial strategy and supports the allocation of the Opportunity Area under Policy SA13. However, this representation sets out that the Plan in its current form has been demonstrated to be "Unsound" with reference to the NPPF (para 36) as the Plan currently fails to deliver sufficient housing to meet its identified requirement, especially if the plan period is extended a further year as suggested. It is also suggested that the housing supply buffer be increased to align with best practice providing a 5-8% non-implementation buffer.
- 1.1.7 Notwithstanding this, Mr Kevin Rice remains fully committed to collaborating and helping to deliver the vision set out in Policy SA13 for the MCE.

1.2 PLAN CONTEXT

- 1.2.1 This consultation is MC's Regulation 19 consultation which runs from the 30th June to the 11th August 2025.
- 1.2.2 The consultation follows MC's Regulation 18b consultation which was undertaken at a high level and provided the vision, strategic objectives and an overview of the Strategic Growth Options available to the Council, alongside draft planning policies and planning policy maps. The Regulation 18b included indicative site allocations at a high level. The Regulation 19 consultation now includes draft site allocations and associated policies.

1.3 STRUCTURE OF THE REPRESENTATION

- 1.3.1 Below is an overview of the structure of the remainder of the consultation response:
- Section 2 (Duty to Cooperate) – Reviews the Council's Duty to Cooperate Statement against Section 33A of the Planning & Compulsory Purchase Act.
 - Section 3 (Plan Period and Housing Supply) – Reviews and suggests changes to the draft Local Plans Plan Period and Housing Supply.

- Section 4 (Waterside Court) – Re-introduces the Site and supports its draft allocation within Policy SA13 Frindsbury Peninsula Opportunity Area, provides a commentary of Site SR40 against the Local Plan Evidence Base and suggested changes to draft planning policies to ensure it can be made “Sound”.
- Section 5 (Other Policies) – Sets out if the policies identified are supported and “Sound”.
- Section 6 (Conclusion) – Summarises the key points raised throughout the representation and supports the need for changes to the Regulation 19 stage for the Plan to be found “Sound”.

2 DUTY TO COOPERATE

2.1 PLANNING & COMPLUSORY PURCHASE ACT

- 2.1.1 Section 33A of the Planning & Compulsory Purchase Act requires Council's to engage constructively, actively and on an on-going basis with neighbouring authorities and certain statutory bodies regarding strategic matters during the Plan preparation.
- 2.1.2 The Council's published "Duty to Cooperate Statement, Proposed Submission Document, June 2015" is incomplete and advises that it still intends to provide a final composite statement with no less than four Local Planning Authorities, and five statutory consultees, including National Highways which is pivotal to ensuring the Plan is deliverable. It is further noted in the Duty to Cooperate Statement (Section 2.6) further notes that the Council is still to conclude discussions with Gravesham Borough regarding its calculation on unmet need this summer. This matter therefore clearly remains unresolved.
- 2.1.3 In addition to the requirements of the Planning & Compulsory Purchase Act, the NPPF (para 28) is also clear that Council's "should prepare and maintain one or more statements of common ground, documenting cross boundary matters being addressed and their progress in cooperating to address these".
- 2.1.4 There is currently one agreed Statement of Common Ground (SoCG) with Kent County Council in respect of Strategic Waste Management and Minerals Supply Matters. As such there is clearly a number of matters, specifically in relation to housing numbers and shared infrastructure which remain to be resolved/agreed under the duty to cooperate. In the absence of any further SoCG it is therefore unclear whether the Council's statutory duty has been fulfilled and if the Plan does plan to provide for the correct level of housing i.e. there is no residual requirement to address as a result of needs arising from Gravesham Borough Council or any of the other neighbouring boroughs, including Tonbridge and Malling which is also progressing a draft Local Plan.

2.2 CONCLUSION

- 2.2.1 The evidence available fails to demonstrate that the Council has fulfilled its statutory duty under Section 33A of the Planning & Compulsory Purchase Act, or accord with the requirements of the NPPF (para 28) and in doing so is not "Consistent with National Policy" and it cannot be determined that it has been "Positively Prepared". The missing completed Duty to Cooperate Statement must be made available for consultation before proceeding to examination.

3 PLAN PERIOD AND HOUSING SUPPLY

3.1 PLAN PERIOD

- 3.1.1 As identified at para 1.3.5. of the draft Local Plan, the plan period is for 15 yrs up to 2041, assuming adoption in 2026.
- 3.1.2 The Adopted Local Development Scheme (LDS) does not anticipate the adoption of the Local Plan until the end of 2026. This is an extremely fragile position, considering the requirement for a 15yr Plan period is the minimum, as required by the NPPF (para 22) at the point of adoption.
- 3.1.1 For the Plan to satisfy the legal tests, an additional year must be added to the Plan period extending it to 2042. The housing requirement for the Plan period must therefore be amended to at least 26,176 (16 x 1,636) to be set out in a new strategic housing policy as set out in Section 4.2 below.

3.2 HOUSING LAND SUPPLY

- 3.2.1 As set out above, it is stated that the plan period needs to be extended by one year to 2042. Putting this to one side, the plan as drafted identifies a current housing need of 1,636 homes per annum, or 24,540 over the plan period, using the updated standard method (May 2025). MC's housing supply, derived from the sources listed below, is taken from paragraph 1.3.5 of the Draft Local Plan, which states that the housing supply takes account of:
- Pipeline sites (with planning consent, not completed or allocated) – 1,762;
 - Local Plan allocations – 21,194
 - Windfall sites – 1,584
- 3.2.2 Paragraph 1.3.7 of the Plan states that there is a "small buffer on supply over need." This buffer is not identified within the Plan itself, but rather in the Land Availability Assessment (June 2025). Table 7 of the LAA sets out the buffer to be 203 dwellings across the plan period (a buffer of just 0.8%). While there is no requirement to demonstrate a buffer over the lifetime of the Plan, this figure highlights the fragility of the Council's housing supply position should any of its strategic sites be delayed, potentially impacting the deliverability of sites within the plan period. Best practice normally has the buffer at 5–8% to account for non-delivery of sites during the plan period.
- 3.2.3 With a 16 year plan period providing 26,176 homes the proposed buffer should be 1,309 – 2094 homes across the plan period.

4 SITE SR40 - WATERSIDE COURT ON THE FRINDSBURY PENINSULA

4.1 REGULATION 18 CONTEXT

- 4.1.1 In September 2024, representations in response to MC's Regulation 18b Local Plan publication were submitted to promote the site for allocation. The case made in the Regulation 18b representations and comments on the Plan's vision and strategic objectives is not repeated here; however, the submission document is included at Appendix 1.

4.2 OVERVIEW OF THE OPURTUNITY

- 4.2.1 Site Ref SR40 comprises 0.87ha of Class E floor space but has the capacity to deliver circa 200 residential units in an area where there are existing employment opportunities within a sustainable location on a brownfield/ previously developed site circa 1.5km from Strood train station and 2km from Strood High Street. It is envisaged that, due to typical brownfield delivery rates, the site could come forward from the middle of the plan period, in the 2030s.
- 4.2.2 The consented scheme at Land South of Berwick Way, East of Frindsbury Hill, and North and West of Parsonage Lane (known as Manor Farm) was approved in December 2021 and provides a secondary school and 152 dwellings. The site forms part of the Council's pipeline development and is expected to deliver within the first five years of the plan period. This development, located near the entrance to the MCE, could enhance the sustainability of SR40 and other sites in the Frindsbury Peninsula Opportunity Area throughout the plan period.

4.3 SA13 FRINDSBURY PENINSULA OPPORTUNITY AREA

Commentary of the existing draft Policy

- 4.3.1 Following the Regulation 18b consultation, all sites submitted within the MCE were merged to create the site known as SR53 in the Council's Sustainability Assessment, which is allocated in the draft Local Plan under Policy SA13 as an Opportunity Area for the controlled release of land within the MCE for landmark mixed-use regeneration. Policy SA13 proposes an initial phase of up to 690 dwellings across the plan period.
- 4.3.2 Our client set out in their Regulation 18b representation that the MCE should be allocated as an opportunity area for further residential/mixed-use development over the next two plan periods. This would enable the whole of the peninsula to be redeveloped and allow the time for the industrial use to be relocated to Kingsnorth and the Isle of Grain on the Hoo Peninsula, where "*indicative*" allocations are shown on the Policies Maps. This proposal has been brought forward in this draft plan with the MCE allocated as the "Frindsbury Peninsula Opportunity Area. This is welcomed.

- 4.3.3 Given the above our client is supportive of the objective of Policy SA13 which seeks:

"managed release and relocation of some existing businesses, providing a catalyst for a landmark mixed-use regeneration area"

- 4.3.4 It is noted that the draft Local Plan's goal for the Opportunity Area is to deliver thousands of new homes across multiple plan periods. It is acknowledged that this has its challenges and as per paragraph 14.13.5 there needs to be *"a comprehensive, collaborative approach is required to address the challenges noted above, particularly the timely relocation of existing businesses to new employment areas in Medway, such as Kingsnorth."*

- 4.3.5 Criteria 1 of the policy sets out that:

"a. An initial phase of development of up to 690 new homes within the plan period as part of a large-scale, mixed-use regeneration area.

i. An initial phase of development will not jeopardise future opportunities identified on the Frindsbury Peninsula Concept Plan."

- 4.3.6 An initial phase is welcomed; however, the concept plan set out at Figure 16 of the Plan is very high-level, only providing broad locations for the types of development across each part of the peninsula. The concept plan lacks supporting evidence relating to key parameters such as building heights, locations for landmark buildings, or new access routes. It is considered that more detail should be provided within the concept plan to guide the overall design of the Opportunity Area.

- 4.3.7 Criterion 1a.ii) of the policy states that "The planning application(s) for an initial phase of development will be guided by a Frindsbury Peninsula Planning Framework." Criterion 4 further states that the Frindsbury Peninsula Planning Framework will be prepared by 2030/31 to manage the medium - to long-term redevelopment of the MCE.

- 4.3.8 The housing trajectory information submitted for the site indicates that it can come forward in year 8 of the plan (2033/34), after the date set for the adoption of the Frindsbury Peninsula Planning Framework. However, our client is concerned about the collaborative approach and the timeframes required for Medway to deliver the Framework. Land ownership within the MCE is fragmented, and the proposed Framework will require agreement across multiple landowners to ensure its delivery.

- 4.3.9 Given that our client anticipates delivering the site in year 8 of the plan, it is considered that the Frindsbury Peninsula Planning Framework should be brought forward earlier in the plan period. This would allow the site to come forward with a planning application that is compliant with the Framework, thereby supporting deliverability in year 8.

- 4.3.10 Therefore, there needs to be clarity, certainty, and reassurance from MC regarding the delivery of the Frindsbury Peninsula Planning Framework as set out in Criterion 4 of the policy. MC should establish a timetable for the development of the Framework to ensure that the draft policy and its supporting framework are "Sound" in accordance with the legal test set out in paragraph 36(a) of the NPPF.

- 4.3.11 Notwithstanding the above, it is not clear from reviewing the concept plan or the wording of Policy SA13 which sites submitted during the Regulation 18b consultation form part of the "Initial Phase" of development within the Opportunity Area. This needs to be clarified through revised policy wording, or by identifying specific areas within the concept plan for delivery during the proposed plan period.

Commentary on the Sustainability Assessment

- 4.3.12 The Sustainability Assessment (SA) (June 2023) Stage 2 assessment reviewed the capacity of site SR40 based on a desktop study, applying a generalised urban multiplier ratio of 0.825 to all sites within the MCE. The review concluded that the site could only deliver 90 dwellings, rather than the 200 dwellings proposed in the Regulation 18b consultation.
- 4.3.13 Considering MC's need to revise the plan period (See Section 3.1) to 16 years period providing 26,176 homes and best practice is to provide a 5-8% non-implementation buffer (equivalent to 1,309 – 2094 dwellings) for the plan to be considered "Sound".
- 4.3.14 MC must ensure there are sufficient deliverable sites, where development potential has been optimised, to meet identified housing needs over the plan period. This will make the Plan effective in meeting its objectives and provide flexibility should other elements of the Council's housing land supply be delayed, while also ensuring the most effective use of land.
- 4.3.15 Given the above, our client disagrees with the SA's reduction of the site's capacity to 90 dwellings. This represents a reduction of 110 dwellings and does not make the most effective use of the land, especially in the context of MC needing to deliver a significant amount of additional homes across the plan period. MC should therefore reconsider the proposed 200 dwellings as set out in the Regulation 18 submission.
- 4.3.16 Some concerns were raised regarding in the SA about the site's scores against the climate change adaptability, pollution and waste, and health and wellbeing objectives even after considering mitigations from the proposed policies in the Local Plan. However, it is anticipated that these concerns can be addressed at the future planning application stage or through the development of the Frindsbury Peninsula Planning Framework.
- 4.3.17 The strategic approach to flood risk mitigation required within the for development within the Opportunity Area allocated under the Policy SA13 will address concerns relating to climate change mitigation in the long term. However, measures such as raising the height of ground floor levels of dwellings or locating habitable accommodation above ground level can be incorporated into the policy wording to ensure this is not a concern. This will enable independent delivery of sites within the MCE if strategic mitigation is slow to come forward or takes several years to complete.
- 4.3.18 Regarding the Health and Wellbeing score for the sites in the SA, Medway is prioritising development in the urban area. Given the delivery of several brownfield sites in the Strood Rural area, a joined-up approach will be needed to ensure access to health services and opportunities for new outdoor leisure space as part of the Frindsbury Peninsula Planning Framework.

Employment Land Needs Assessment (February 2025)

- 4.3.19 The Employment Land Needs Assessment (ELNA) raises concerns about the long-term future of the Medway City Estate. It states that the strategic release of employment sites within the Medway City Estate may be appropriate, but only if suitable alternative site(s) are identified to accommodate the displaced floorspace, as there remains a need for such provision.
- 4.3.20 The ELNA is reluctant to support the deallocation of safeguarded employment land within the MCE, particularly in areas identified in Figure 16 (the Concept Plan for Policy SA13) as the ELNA clearly states at paragraph 6.2 there is a relatively small size of overall office stock in Medway. At paragraph 8.4 the Assessment notes that the existing stock needs careful protection for the foreseeable future. Paragraph 8.4 goes on to note that this conflicts with the Opportunity Area and MC's vision for the MCE.
- 4.3.21 The ELNA does not make any recommendations to release Class E and other employment stock on the MCE, mainly due to very low vacancy rates. Overall it raises concerns with the long term future of the Medway City Estate as its critical mass becomes eroded and regeneration introduces more new homes. The lack of available similar property in Medway, should sites be de-allocated is a concern in the short term, which may – depending on the take-up of the pipeline land, allow more strategic land releases here in the future.
- 4.3.22 What is concerning is the current conflict between the ELNA and the allocation of the Opportunity Area under Policy SA13. It has the potential to hinder development of necessary homes in the Opportunity Area within the plan period to meet the uplift in MC housing supply set out in this representation.
- 4.3.23 The details of how MC will release sites such as SR40 need to be discussed with landowners in the development of the Frindsbury Peninsula Planning Framework, which is currently required to be in place to enable any future planning applications on the peninsula. Therefore, the approach to the phased release of sites on the Medway City Estate, as part of Policy SA13, should be explicitly integrated into the policy wording and suggest which sites on the MCE will be part of the initial phase of the mixed use regeneration in this plan period.

Site Deliverability

Available & Achievable

- 4.3.24 Availability is essentially about confirming that it is financially viable to develop, and viability remains a central consideration throughout plan making. We can confirm that there would be no financial restrictions that would impact upon the viability of a housing led scheme or that would prohibit development coming forward within the mid years of the plan period.
- 4.3.25 The site currently comprises Class E office and workshop space. The site is controlled by our client, who can manage the leasing of the stock as required to release the site for development.
- 4.3.26 As set out in the LAA, the site is available for delivery within the plan period. This is confirmed in the client's housing trajectory submission, with the site scheduled

to deliver in year 8 of the plan period and achievable as part of the allocation within the Frindsbury Peninsula Opportunity Area (Policy SA13).

Suitability

- 4.3.27 The Site is sustainably located as acknowledged in accompanying SA, well positioned close to a range of services, facilities and public transport. The sustainability of the site is enhanced by the recent planning consent at Land South of Berwick Way, East of Frindsbury Hill and North and West of Parsonage Lane (known As Manor Farm) was consentient in December 2021 and provides a secondary school, 152 dwellings.
- 4.3.28 As set out in the LAA, the Site is not subject to any national landscape or ecological designations. Whilst the site is within the wider setting of a Dockyard Conservation Area and significant Listed Buildings. The LAA and the clients Regulation 18 representations set out that any impacts can be mitigated against through the careful placement of development and sensitive designing of any future proposal.
- 4.3.29 For the reasons set out in this representation, this site is considered suitable for development, supported by its draft allocation.

4.4 PROPOSED POLICY CHANGES

Objective

An initial phase of development will be delivered in the latter part of the plan period, following the managed release and relocation of some existing businesses, providing a catalyst for a landmark mixed-use regeneration area extending beyond the plan period.

Criteria

An initial phase of development of up to ~~690~~ 1, 200 new homes within the plan period as part of a large-scale, mixed-use regeneration area.

1. i. *To ensure a continuous supply of housing throughout the plan period, the Council will support an early phase delivery of an initial phase of residential lead mixed use development which can include Sites SR30, SR31 and SR37 and other sites within the residential area of the Concept Plan independent of the Frindsbury Peninsula Planning Framework provided that:*

The proposals provide appropriate Flood Risk Mitigation Strategy in accordance with Policy DM1 the Environment Agency Guidance; and

The phase of development accords with the Council's initial Concept Plan and the proposals will not jeopardise future opportunities identified on the Frindsbury Peninsula Concept Plan.

- ii. The planning application(s) for an initial phase of development ~~will~~ can be guided by the Frindsbury Peninsula Planning Framework ~~following its adoption~~.

2. The requirements in policies S2 and S3 must be applied, given the sensitive location.

3. Have regard to the setting of the Chatham Historic Dockyard, Frindsbury and Manor Farm and Star Hill to Sun Pier conservation areas, scheduled monuments at Chatham Historic Dockyard and nearby listed buildings.

Subsequent design principles

4. Medway Council will produce a timetable for the production of the Frindsbury Peninsula Planning Framework for adoption by 2030/31 to manage the medium to long-term redevelopment of MCE, including a riverside strategy, an economic strategy and the delivery of strategic flood risk infrastructure.

5 OTHER POLICIES

- 5.1.1 This section considers other development control policies and identifies those which as drafted are not currently “Sound” and require amendments.

5.2 POLICY DM5: HOUSING DESIGN

- 5.2.1 No objection in principle is raised in respect of Policy DM5, however the wording of the policy should be amended. The requirement for “dementia friendly standards” is not specific and is already included in Policy T4 and Bellway would raise concerns regarding its inclusion. The requirement for M4 dwellings (Building Regulations) can be included as a standalone policy or within Policy T2 (Housing Mix), as this allows for dwellings which are adaptable to various living situations.

- 5.2.2 It is proposed that the policy is amended as follows:

New housing developments must provide good, healthy living conditions for occupants with high quality, robust, adaptable housing, inclusive and functional spaces that respond to changing resident’s needs throughout their lives and support the undertaking of necessary day to day activities.

All new accommodation must, in addition to the design and amenity policy above (T1):

- *As a minimum meet the relevant nationally described internal space standards for each individual unit.*
- *As a minimum meet the Medway Housing Design Standards for external spaces including shared outdoor amenity space, shared access and circulation, cycle storage amenity space, shared access and circulation, cycle storage, refuse and recycling, management, visual privacy and private outdoor space, environmental comfort.*
- ~~*Incorporate dementia friendly standards where appropriate*~~
- *As a minimum requirement, the provision of sufficient natural light must be met to satisfy healthy living standards:*
 - *Single aspect facing homes shall be avoided where possible*
 - *Demonstrate use of up-to-date British Standards methodologies.*
- *Provide a convenient and efficient layout, including sufficient circulation space and avoiding awkward or impractically shaped rooms, unless there is justification for doing so on the basis of significant design quality gain.*
- *Demonstrate sufficient space for storage and clothes drying.*
- *Be informed by contextual analysis of key character traits that contribute to local distinctiveness. Demonstrate well-defined character areas which individually and collectively create a strong sense of place and as a whole*

presents development that is clearly differentiated from other places across Medway.

- *Provide for recycling and refuse storage to maximise recycling but without a detrimental impact to the street scene or character of an area.*
- *Be flexible towards future adaptation in response to changing life needs.*

5.3 POLICY DM6: SUSTAINABLE DESIGN AND CONSTRUCTION

5.3.1 No objection to the principle of Policy DM6 is raised, however bullet point 6 is already covered by Policy S1 and should therefore be removed and not repeated. Furthermore, this is also now superseded by Building Regulations.

5.3.2 It is proposed to amend the policy as follows:

- *Where relevant, how proposals adhere to Building for a Healthy Life.*
- *Use of sustainability criteria, such as Building with Nature Standards which define "what good looks like" covering the themes of wellbeing, water and wildlife and other references.*
- *The use of natural features such as green walls/roofs/hedges/roof top gardens etc. to enhance sustainability and Biodiversity Net Gain and contribute to the health and wellbeing of residents.*
- *Design principles founded on locally sourced and/or recycled materials where possible.*
- *That new dwellings built to ensure that wholesome water consumption is not greater than 110 litres/person/day.*
- ~~*Details of how the proposal is seeking to address the climate emergency with an aim to achieve or aspire to net zero carbon with due regard to Medway's current Climate Action Plan and Medway Council Corporate Strategies. The whole life cycle of a building should be considered. Where possible proposals for conversion or reuse of buildings will be favoured.*~~
- *That the inclusion within any planning application, details how the proposals will address matters of sustainability through the design, construction and operation phases via design considerations and submission of a construction management plan.*
- *Creation of a safe environment including but not limited to during the operational phase of the development but also ensures full remediation of brownfield sites to appropriate standards for re-use.*

Where appropriate and technically and financially viable, any submission must demonstrate how it will meet a very good BREEAM standard for water and energy for non-residential development proposals.

5.4 POLICY DM9: HERITAGE ASSETS

- 5.4.1 Requires that proposals should be submitted in Full, where development lies within or may impact a Conservation Area.
- 5.4.2 It is unclear why this requirement only applies to Conservation Areas, when it would be more reasonably applied to development's that impact heritage assets of higher significance, such as Scheduled Ancient Monuments.
- 5.4.3 Notwithstanding, this requirement should be removed, there is no clear justification for this, and each application must be considered on its own merits having regard to the level of impact the development may or may not have on a Conservation Area.
- 5.4.4 This is an unnecessary burdensome requirement, which could significantly delay the delivery of development. The Council, on the submission of an application, also has powers under Article 5 (2) of General Development Management Procedure Order 2015 to request full details of the proposals if required. Accordingly, this requirement should be removed where it is not considered "Justified".

5.5 POLICY DM15: MONITORING AND MANAGING VEHICLE TRIP GENERATION

- 5.5.1 The policy as currently worded requires allocated sites to "demonstrate how vehicle trip generation would be materially lower than the vehicle trip credit in the IDP".
- 5.5.2 There is no definition of what "materially lower" is. For the policy and the Plan to satisfy the requirements of the NPPF (para 16 d) to ensure it is deliverable and policies are clearly written, what is expected in terms of trips being "materially lower" must be defined, otherwise decision makers and those bringing forward sites do not know how to act, causing delay and inconsistency in approach.
- 5.5.3 In addition, the Policy cross refers to the Infrastructure Delivery Plan (IDP) which makes no reference to this policy under the Policy references. Furthermore, it provides no further information on what the vehicle trip credit is (as is suggested by the Policy), making it impossible to determine in any event how a development might go about demonstrating it is "materially lower".
- 5.5.4 The credit system simply seems to be a method of pooling contributions to pay for highways infrastructure. There therefore seems to be considerable confusion around this policy, what it is seeking to achieve and how it is to be applied. Therefore the policy does not meet the requirements of para 16 d of the NPPF which sets out that planning policies must be "*clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*".
- 5.5.5 Overall, the current wording of the policy fails to demonstrate that it is deliverable and is therefore contrary to the NPPF (paragraph 16b). As such, its failure to meet paragraphs 16b and 16d of the Framework means this draft policy is not "Consistent with National Policy" or "Justified."

- 5.5.6 The wording of the policy must therefore be re-visited with further evidence provided as to how the vehicle trip credit system is expected to operate to ensure it is deliverable and does not frustrate the delivery of the Local Plan.

5.6 POLICY T2: HOUSING MIX

- 5.6.1 This policy is supported in principle, however reference to the need for self-build plots is dealt with as its own policy at Policy T9, therefore should be removed.
- 5.6.2 The policy should be re-worded as follows:

The Council seeks to ensure that a sufficient range of sustainable housing options are provided to adequately meet the needs of a growing and changing population. Residential development will only be permitted if it encourages a sustainable mix of housing that includes an appropriate range of house types, including bungalows, and sizes to address local requirements, as evidenced through the Medway Local Housing Needs Assessment, or updated reports and studies.

The mix must be appropriate to the size, location and characteristics of the site as well as to the established character and density of the neighbourhood.

Accommodation requirement as detailed in the latest Local Housing Need Assessment will be used to help inform which house sizes and mix should be delivered in key locations in urban and rural areas to meet the objectively assessed needs of Medway as detailed in the latest evidence.

In relation to affordable housing, the Council will require developers to provide details of how this evidence has been used to justify the proposed mix.

Where affordable housing is to be provided, developers should also take into consideration the needs of households on the Council's housing register and discuss affordable housing requirements with the Council's Housing Strategy team at the pre-application stage of the planning process.

Development schemes must demonstrate that as part of the housing mix, sufficient consideration has been given to:

older persons housing need, (particularly for downsizing);

~~*custom and self-build plots.*~~

The criteria outlined in policy T4 and T9 needs to be observed

5.7 POLICY T3: AFFORDABLE HOUSING

- 5.7.1 This policy is supported in principle with the ability that all sites affordable housing can be negotiated with the Council on viability grounds. However, we have concerns over its current wording.
- 5.7.2 Policy T3 establishes different affordable housing thresholds depending on where a site is located in Medway. The different locations are identified in the accompanying Viability Assessment. However, there is no plan or any other tool in

the Viability Appraisal which is easily discernible, that determines where the cut off area is for higher or lower value areas. Without the extent of these areas being physically identified on a Plan, the Policy is clearly ambiguous, meaning it is likely to be applied inconsistently and does not provide a positive framework for meeting housing needs contrary to the NPPF (para 15).

- 5.7.3 The second to last paragraph in the policy needs to be amended as follows to take account of significant abnormal costs associated with developing brownfield sites, as this will be a common issue in the delivery allocated sites given that some 40% of all Plan-led housing is proposed using a brownfield first approach.

The Council acknowledge that brownfield sites have higher abnormal costs. Where there are high abnormal cost a viability assessment in line with national policy and guidance should be submitted to the Council to be independently verified if the affordable housing proposed does not meet that which is required.

- 5.7.4 Paragraph 3 bullet point 5 of the policy requires affordable provision to “reflect the need for affordable accommodation for older persons and those with specialist needs, in line with the tenure and size split requirements as detailed in the latest Local Housing Need Assessment”. Depending on the size of the site and the nature of the need this may not be practicable/viable i.e a minimum number of properties might be needed to make the provision viable for an RP given their specialist nature. The bullet point should therefore be amended as set out below to ensure the policy is “Effective”.

“Where practicable to do so, reflect the need for affordable accommodation for older persons and those with specialist needs, in line with the tenure and size split requirements as detailed in the latest Local Housing Need Assessment.”

5.8 POLICY S10: ECONOMIC STRATEGY

- 5.8.1 The principle of this policy and its supporting text is supported. However, we are still of the opinion that the policy needs to be reworded in line with our Regulation 18b submission as the sites at Kingsnorth and The Isle of Grain provide opportunities for the relocation of Industrial (E (g)(ii), E (g)(iii) (formerly B1b and B1c)) and warehouse (B8) uses to these locations to facilitate the regeneration of the Medway City Estate into a destination for residential led mixed-use development. Therefore, it is considered that bullet point 2 of Policy S10 should be rewritten as follows:

Industrial (E (g)(ii), E (g)(iii) (formerly B1b and B1c)) and warehouse (B8) uses will be located on the periphery of Medway close to the existing strategic road network on allocated sites at Kingsnorth and the Isle of Grain on the Hoo peninsular or any other allocated sites.

5.9 POLICY S11: EXISTING EMPLOYMENT PROVISION

- 5.9.1 It is proposed that this policy should be reworded as it is felt that a 12 month marketing period is considered excessive, given that under the General Permitted

Development Order, the conversion of existing employment provision (offices) to residential development does not need a marketing period. It has been common practice for Local Plans to consider a reasonable marketing period to be 6 months.

- 5.9.2 A 6 month period allows a site to be marketed with sufficient time to demonstrate a need for the existing use.
- 5.9.3 The policy is not clear if allocated sites and identified opportunity need to comply with this policy. If a site is allocated the Council have already considered it suitable, available and deliverable and therefore the policy 'should not bite' for site identified in the Plan. As such our client considers that the wording of Policy S 11 should be rewritten as follows:

*Where planning permission is required, proposals for the redevelopment or change of use of employment land and buildings to non-employment uses will be supported where **the site is not proposed as an allocation in the Local Plan if:***

- *The existing use is proven to be no longer appropriate or viable.*
- *There is no market interest in the in the site, and it has been market for a reasonable period (of ~~12~~ 6 months).*

Once this has been proven then the site will be considered for loss or redevelopment if one or more of the following criteria apply:

- *the site is no longer appropriate due to detrimental impact on residential amenity;*
- *proposals should demonstrate how employment opportunities have been maximised and incorporated into a scheme, where possible; and*
- *any redevelopment conforms to the Council's regeneration agenda.*

6 CONCLUSION

- 6.1.1 These representations have been prepared on behalf of Mr Kevin Rice in response to Medway Council's (MC) Local Plan 2041.
- 6.1.2 These representations raise no objections to the overall spatial strategy and supports the allocation of the Opportunity Area under Policy SA13. However, the Plan in its current form has been demonstrated to be "Unsound" with reference to the NPPF (para 36).
- 6.1.3 The Council needs to identify additional housing sites, including reviewing the capacity of existing sites allocated within the Plan as the Plan currently fails to deliver sufficient housing to meet its identified requirement, especially if the plan period is extended a further year as suggested. It is also suggested that the housing supply buffer be increased to align with best practice providing a 5-8% non-implementation buffer.
- 6.1.4 The reliance on a high-level schematic Concept Plan (Figure 16 of the Plan) and a Planning Framework to be delivered in 2030/31, without a detailed timetable for its production or clarity on landowner alignment, further demonstrates that the Plan is not "Positively Prepared." Therefore, amendments have been proposed to Policy SA13 to make the policy, and consequently the Local Plan, "Sound," by providing certainty over the delivery of the initial phase of the Opportunity Area within this Plan period.
- 6.1.5 The Council needs to further consider if any of the sites identified within the Frindsbury Opportunity Area could be delivered as independent allocations to enable additional homes to be brought forward in the plan period or if the number of units on sites can be increased to make the most effective use of the land.
- 6.1.1 This representation considers that several policies require amendment to ensure the Plan is "Sound" and satisfies its legal requirements. Where possible these changes have been suggested. fundamentally, the Plan needs to identify additional housing sites, including increasing the capacity of existing sites allocated within the plan and new additional site in the Plan to ensure the Council's housing requirement is met in full.
- 6.1.2 Notwithstanding this, Mr Kevin Rice remains fully committed to collaborating and helping to deliver the vision set out in Policy SA13 for the MCE.

APPENDIX 1

SR40 WATERSIDE COURT REGULATION 18 B REPRESENTATION

planning
transport
design
environment
infrastructure
land

Medway Council Regulation 18 Consultation Response

Waterside Court, Medway City Estate

LAA SITE REF: SR40
CALL FOR SITES FORM SUBMISSION ID: 256
CALL FOR SITES RESPONDENT ID: 414

REGULATION 18a CONSULTATION ID: 1364
REGULATION 18b CONSULTATION ID: 2800

CLIENT: KEVIN RICE

September 2024
DHA/32341



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1 INTRODUCTION

1.1 OVERVIEW

- 1.1.1 These representations have been prepared on behalf of Mr Kevin Rice in response to Medway Council's (MC) Local Plan 2041 Regulation 18 consultation document (July 2024). The consultation is a statement of MC's commitment to getting a new Local Plan in place for the plan period 2026-2041 (15 yrs.) and seeks to provide certainty on the direction of Medway's growth.
- 1.1.2 Waterside Court (site ref SR40) (hereafter referred to as the site) has previously been promoted by our client at various consultation exercises run by MC, including the previous Regulation 18 consultation in October 2023 and previous consultations and Call for Sites exercises.
- 1.1.3 The below responses to the latest Regulation 18 consultation (hereafter referred to as the Regulation 18b consultation) respond to the policies of the draft Local Plan and the key questions asked in the consultation document relevant to Waterside Court (site ref SR40).



FIGURE 1: INDICATIVE SITE LOCATION.

1.1.4 The response is set out in the following structure:

- Chapter 1 – Overview and introduction
- Chapter 2 – Sets out our client's response to the consultation (structured by relevant objectives/policies);
- Chapter 3 – Provides site specific comments.

1.2 DRAFT NPPF CONSULTATION AND WRITTEN MINISTERIAL STATEMENT

- 1.2.1 The Government's proposed reforms to the NPPF (amongst other changes to the Planning System) were unveiled on 30th July 2024 with the publishing of the draft NPPF which will be consulted upon until 24th September 2024. In light of this, given the Labour Government's manifesto and the Housing Secretary's recent WMS, it seems likely that most of the proposed changes will be published in an updated version of the NPPF shortly after the closure of the consultation.
- 1.2.2 The draft NPPF was accompanied by a WMS titled 'Building the homes we need', which sets out how the Government is seeking to encourage housebuilding. The WMS sits alongside the draft NPPF and provides specific planning mechanisms to encourage housebuilding and removes exceptions to the application of the presumption, including the removal of Paragraph 226 (i.e., the 4 Year Housing Land Supply exception). Under the revised NPPF, the threshold for the application of the presumption will return to the 5 Year HLS requirement (as well as the Housing Delivery Test requirement).
- 1.2.3 Within the WMS, the Housing Secretary is clear that the 'Standard Method' currently utilised is "insufficient to deliver on our scale of ambition" and is "not up to the job", therefore the Government have proposed a 'Revised Method' which requires Local Authorities to plan for numbers of homes that are proportionate to the size of existing housing stock. In this regard, MC under the Standard Method are required to deliver 1,658 dwellings per annum, whereas under the Revised Method, they are required to deliver 1,644 dwellings per annum, which stands as a decrease in the requirement by 14 dwellings, which is not considered to be significant reduction considering the overall total number of dwelling MC require to deliver per annum.

2 RESPONSE TO THE CONSULTATION

2.1 SECTION 2.1: VISION FOR MEDWAY 2041

- 2.1.1 The vision is contrary to the requirements of the NPPF (para 15). The “Vision” fails to identify housing provision as an essential component of the Plan as set out in the vision under paragraph 2.1.1 of the consultation document. The vision focuses on employment needs, directing employment opportunities to Kingsnorth and the Isle of Grain on the Hoo peninsular. This is a central part of Medway's vision, but it does not excuse the lack of reference to housing. Delivering an authority's housing needs is a central component of any local plan and a determinative matter for the spatial strategy/ proposed spatial growth options (SGOs) to consider. In not expressing the amount of housing development being delivered, the draft Local Plan fails to be positively prepared to provide a suitable framework for addressing housing and employment needs.
- 2.1.2 The “Vision” should be amended to reference housing and employment provisions. The Interim Sustainability Appraisal sets out in Table 5.1 the proposed SGOs for Medway. SGO3, the Blended Strategy, is the Council's preferred approach. This sets out to deliver up to 23,733 homes across the plan period. This is approximately 4,000 homes short of MC housing need. MC has said it can deliver 4,000 homes from windfall and sites with existing planning permission, taking their housing supply across the plan period to circa 27,700 homes – roughly 4% more than homes needed across the proposed plan period but nearly 500 homes short of housing need across a policy compliant plan period before taking into account the approximate unmet need from GBC and any unmet need from TMBC.

2.2 STRATEGIC OBJECTIVES

Prepared for a sustainable and green future

- 2.2.1 Notably, no strategic objective expressly deals with the amount of housing that needs to be delivered. In the absence of setting out what the housing need requirement is and whether the Plan is looking to meet Medway's needs (which the draft Local Plan should), the draft Local Plan is therefore considered not to be “Positively Prepared” or “Justified,” contrary to the NPPF (para 35).

Supporting people to lead healthy lives and strengthening our communities

- 2.2.2 Whilst it is acknowledged that, in general terms, the objective of “Supporting People to Lead Healthy Lives and Strengthening Our Communities” mentions housing generally, it does not set out how much housing will be provided. This is a determining factor in deciding the most appropriate SGO for Medway and should inform the basis of draft planning policies set out in the Local Plan as required by

the NPPF (para 20 and 23). Whilst we acknowledge MC is trying to meet its housing needs in full, we consider that it should be set out clearly in an additional strategic objective. This would make the draft Local Plan positively prepared and justified in accordance with paragraph 35 of the NPPF.

Securing jobs and developing skills for a competitive economy

- 2.2.3 The principles of this strategic objective are supported. However, the lack of clarity on how MC are meeting its housing and employment growth need needs to be addressed as part of a standalone strategic objective since many of the other objectives are dependent on the delivery of housing, including the ambitions for improved employment floorspace and higher-value employment opportunities, which are also reliant on providing enough housing.

Boost pride in Medway through quality and resilient development.

- 2.2.4 This objective refers to the development of brownfield land as part of the ongoing benefits of Medway's regeneration to deliver housing and employment growth. This is supported by NPPF (para 123), which states that it is "a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land". Whilst this is supported, it is also understood that the objectives do not directly address the need to release brownfield land for urban regeneration as part of a combined strategy for meeting Medway's housing needs, including suburban expansion, rural development and Green Belt release.
- 2.2.5 We are, therefore, still of the opinion, as with our previous representations, that this objective is misleading, appearing to read that urban regeneration is the priority objective rather than part of a broader objective for Medway to meet housing needs through the emerging Local Plan.

2.3 SECTION 2.3: SPATIAL DEVELOPMENT STRATEGY

- 2.3.1 Site SR40 Waterside Court is within the Medway City Estate and a brownfield site in a waterfront location within Medway's urban area. Given the site's location, our client supports the Council's spatial development strategy, adopting a brownfield land first approach. However, given the nature of the housing need, it is considered that a blended SGO, as per MC's preferred option, will need to include additional sites other than those indicatively allocated as 'suburban expansion' and 'greenfield sites' to meet their objectively assessed need in full as set out in the NPPF.
- 2.3.2 It is noted that 'suburban expansion' and 'greenfield sites' will be available and deliverable in the earlier years of the plan period, with brownfield sites such as Waterside Court typically coming forward in the latter years of the Plan Period as

they can have additional constraints affecting deliverability, such as existing uses and remediation.

- 2.3.3 The growing need for both market and affordable housing emphasises the need for MC to plan to meet its full objectively assessed need, as required by the NPPF (para 11b and para 23), supporting the Government's objectives to significantly boost the supply of homes (NPPF, para 60).
- 2.3.4 The Council should also work with Gravesham Borough Council to determine if it needs to accommodate any of its needs (up to 2,000 homes) to ensure the Plan is "Positively Prepared" (NPPF, para 35). This can be done by writing an up-to-date statement of common ground between both parties.

2.4 SECTION 3 SPATIAL GROWTH OPTIONS

- 2.4.1 Our client supports SGO 3 (Blended Strategy) as MC's preferred growth option. It seeks to deliver all the submitted allocated sites on the Medway City Estate (1,041 dwellings).
- 2.4.2 However, this growth option needs to deliver the c.28,000 homes required to fully meet the district's housing needs. The Council needs to allocate additional sites across the district to deliver the additional dwellings across the plan period to fully meet their needs and the unmet needs identified in GBC and TMBC, in accordance with paragraph 23 of the NPPF.
- 2.4.3 To help with the additional unmet need, MC should allocate the Medway City Estate as an opportunity area for further residential/mixed-use development over the next two plan periods. This would enable the whole of the peninsula to be redeveloped and allow time for the industrial use to be relocated to Kingsnorth and the Isle of Grain on the Hoo Peninsula, where "*indicative*" employment allocations are shown on the draft Policies Maps.

2.5 POLICY S1: PLANNING FOR CLIMATE CHANGE

- 2.5.1 The Council's draft viability study has policy S1 labelled as a 'Vision for Medway in 2037'. Policy S1 in the Regulation 18b consultation document is titled "*Planning for Climate Change*". The current Policy S1 sets out measures to mitigate the impacts of climate change. There are apparent discrepancies between the draft Viability Report and the current consultation document. The Viability Report does not consider the implications for planning for Climate Change and the measures set out above in the consultation document under policy S1.
- 2.5.2 Our client supports MC in mitigating and addressing the impacts of climate change. The viability study, however, does not appear to consider the proposed climate change considerations set out in policy S1 above, this should be addressed.

Question 1: The Council could consider setting local standards for development that go beyond national policy/regulations in addressing climate change. What evidence would justify this approach, and what standards would be appropriate?

- 2.5.3 Our client believes the Council should not go beyond national policy/regulations in addressing climate change. This is because national policy and building regulations continually change, adapting to new and different concerns. For example, the Future Homes Standard (FHS) is anticipated to launch in 2025. The technical consultation on the proposed specification of the FHS took place in Spring 2023; further consultation will occur throughout 2024. From 2025, compliance with the FHS will become mandatory and ensure that new homes built from 2025 will produce 75-80% less carbon emissions than those constructed under current Building Regulations. The FHS seeks to decarbonise new homes by improving heating and hot water systems and reducing heat waste.
- 2.5.4 Therefore, MC does not need a policy in its Local Plan that mimics current building regulations, which development will have to comply with anyway.
- 2.5.5 Notwithstanding the above, it is noted that the FHS has yet to be adopted. Significant concerns and risks were raised in the technical consultation relating to the impact of the increased costs of implementing the FHS on house prices and building costs. In turn, the full impact of achieving net zero could filter through into the viability and subsequent delivery of new schemes. It is prudent for the viability assessment to be re-run, including the scenario within which the FHS is implemented and considering any government funding to ensure that new development can achieve net carbon zero and remain viable.
- 2.5.6 Given the reasons set out above and the example of the FHS, we consider that the Council should reword policy S1 in a way that is flexible and adaptable enough to meet the ever-evolving requirements of national policy regarding climate change. The Council does not want to be over-reliant on a policy that is out of date with the current national policy at any particular time in the future.

2.6 POLICY S2: CONSERVATION AND ENHANCEMENT OF THE NATURAL ENVIRONMENT

- 2.6.1 Policy S2 should remain as is, with proposals only having to demonstrate a 10% net gain under the Environment Act, as required by law.

Question 2: Do you consider that the Council should seek to go beyond the statutory minimum of a 10% increase in BNG? What evidence can you provide to support your view?

- 2.6.2 Our client objects to MC seeking to go beyond the statutory minimum 10% increase in BNG. Brownfield sites such as Waterside Court have higher abnormal costs, and delivering BNG above the statutory minimum requirement would be considered to add to these additional costs. This has the potential to cause viability issues, particularly for brownfield sites, albeit it impacts all sites.
- 2.6.3 Additionally, the imposition of a BNG requirement over 10% will restrict the number of units that can be delivered on some sites where further land is required to be set aside for BNG improvements. Given Medway's preferred strategic option is already some 4,267 dwellings short, additional BNG will reduce dwellings further.
- 2.6.4 If MC wishes to exceed the Environment Act's requirement for 10% BNG, the Council would need to test this further as part of the Viability Assessment of the Local Plan. Any requirement should be proportionate to the proposed scale of development to ensure that development can be viable and fundamentally delivered.

2.7 POLICY S4: LANDSCAPE PROTECTION AND ENHANCEMENT

- 2.7.1 It is noted that waterfront locations on the River Medway are an important area for the natural environment, particular in relation to landscape, heritage and conservation considerations.
- 2.7.2 If the site SR40 is allocated in the Regulation 19 draft local plan, it should be allocated as part of a development framework or opportunity area. In this case, all the Medway City Estate will be brought forward for residential mixed-use development over multiple plan periods. This framework could consider the considerations relevant to its waterfront location.

2.8 POLICY DM2: CONTAMINATED LAND

- 2.8.1 At this stage, the policy sets out high-level principles of how developments should understand and mitigate land contamination on a site and the potential risks to human health and the environment.
- 2.8.2 Brownfield and previously developed sites, such as our client site, are more prone to contamination. Whilst our client does not object to the policy's principles, MC must set out what reports will be required from any potential planning application to ensure any proposal is assessing the site appropriately.

2.9 POLICY T1: PROMOTING HIGH QUALITY DESIGN

- 2.9.1 The Policy, as currently drafted, provides a checklist for designing high-quality developments that reflect the NPPF.
- 2.9.2 The policy also sets out that all developments should demonstrate sustainability criteria, such as:
- (1) Meeting the BREEAM standard of 'Very Good' for both energy and water efficiency; and
 - (2) Biodiversity 2020 and Building with Nature Standards (these requirements define "what good looks like" and cover the themes of well-being, water, and wildlife, among other references).
- 2.9.3 We raise concerns about MC ensuring all developments meet the BREEAM 'Very Good' energy and water efficiency standard. Such requirements are set out in Building Regulations and, therefore, must be met by developers. Therefore, we question the need for this part of the policy if a development must meet it as part of building regulation.

2.10 POLICY DM 5: HOUSING DESIGN

- 2.10.1 Our client is concerned by bullet point 3 of this draft policy. This policy requirement would be better suited to Policy T4. The M4 building standards for dwellings can be incorporated into Policy T2: Housing Mix, which could set out the mix of M4 (2) and M4 (3) homes, all designed to adapt to various living situations.
- 2.10.2 Moreover, we raise concerns about why MC set out that up to 5% of north-facing single-aspect homes within any one development will be considered on a proposal. Whilst the premise of this bullet point is in accordance with paragraph 135 (f) of the NPPF, seeking to create places that are of a high standard of amenity for existing and future users, we question how the Council has concluded that no more than 5% of north-facing single-aspect homes will be considered. MC should provide detailed evidence to support this approach in any future Regulation 19 Local Plan policy.
- 2.10.3 The last bullet point of the policy sets out "*a design for flexible living: successful places that are robust and support long life and loose fit neighbourhoods*" that are flexible and adaptable to rapidly changing circumstances.
- 2.10.4 Our client has concerns regarding the deliverability of this part of the policy. What standards does the Council intend to apply to help determine whether something is flexible living, and what are the critical design criteria for long-life and loose-fit neighbourhoods? The Council should consider the production of the Supplementary Planning Document (SPD) or details within a Design Code to set out how they wish housing standards to meet such fluid design criteria to help

applicants understand what is required of a planning application, which may help facilitate the long life and loose fit neighbourhoods set out in the policy.

- 2.10.5 Ultimately, the last part of this policy currently appears to be intangible. The Council needs to provide further guidance about how long-life and loose-fit neighbourhoods will manifest in Medway Towns.

2.11 POLICY DM6: SUSTAINABLE DESIGN AND CONSTRUCTION

- 2.11.1 The policy states in its last bullet point, "*All residential proposals shall detail how they are seeking to facilitate working from home within the design, including access to high-speed broadband/internet.*" This part of the policy is broad brush. MC need to consider how this policy will manifest itself in practice. The applicant should provide robust evidence to demonstrate whether this is feasible depending on the type of homes provided, their location and the site size.
- 2.11.2 Evidence from NOMIS for employment by occupation between April 23 and March 2024 for Medway shows that just over half of Medway's workforce (54.1%) work in professional occupations, considered white-collar working. 45.9% of the workforce is in other professions where working from home is less frequent/inappropriate. Therefore, given the split workforce in the Medway Towns, we consider it inappropriate for all new residential dwellings to make provisions for bespoke working-from-home facilities. I

2.12 POLICY T2: HOUSING MIX

- 2.12.1 Policy T2 is a strategic policy ensuring the Council delivers a sustainable and suitable mix of housing to meet local housing needs as set out in the three Local Housing Need Assessments (LHNA).
- 2.12.2 The LHNA (2021) states that 1no. and 3no.bed dwellings are currently the lowest housing stock in the district. The assessment states a need for 30 to 35% of dwellings to be flats within the overall housing mix. Given that our client site is a brownfield site of only 0.87 ha in size, it is considered that the majority of the 200 dwellings proposed as part of the site allocation Ref SR40 will be flats, which will positively contribute to the overall range set out in the Housing needs assessment at table 7.1.

Question 10: Do you think this policy provides effective guidance on the required housing mix in Medway?

- 2.12.3 Given the strategic nature of this policy, it is considered to provide effective guidance, pointing developers and applicants towards the LHNA to understand the required site location characteristics.

2.13 POLICY T3: AFFORDABLE HOUSING

- 2.13.1 It is noted that MC has an annual net shortfall of 870 affordable dwellings per annum and that this policy seeks to reduce this overall shortfall.
- 2.13.2 Our client welcomes the differentiation policy when delivering affordable housing on greenfield (30%) and brownfield sites (10%). Whilst our client welcomes this position, on all sites affordable housing should also be able to be negotiated with the Council on viability grounds if there are significant abnormal costs associated with developing the site.

Question 11: Do you agree with having a 10% requirement for affordable housing on urban brownfield sites and 30% requirement for affordable housing on greenfield sites and higher value urban locations? What do you consider would represent an effective alternative approach? Do you agree with a varied approach for affordable housing requirements based on the different value areas across Medway?

- 2.13.3 Please refer to the comments set out in the submission of the policy T3 affordable housing. The client welcomes that brownfield sites will deliver a lesser percentage of affordable homes. However, given the increased number of abnormal cross-resistances associated with developing brownfield sites, which could impact the viability of a feature scheme, this should still be able to be negotiated with the council through the course of an application. Viability grounds should be available on all sites as required, otherwise some sites may be prevented from coming forward, including greenfield.
- 2.13.4 It is important to highlight that given Medway Council's reliance on large scale greenfield sites to deliver some of their required housing numbers, in particularly for the earlier years of the planning period, it is important that this affordable level is not set at such a high level to discourage developers coming forward.

Question 12: What do you consider would represent an effective split of tenures between social/affordable rent and intermediate/low-cost home ownership housing in delivering affordable housing?

- 2.13.5 Our client does not object to having a percentage split relating to social/affordable rent and intermediate low-cost home ownership. The policy should, therefore, use the percentages led by the need requirement set out in Table 7.1 of the LHNA to inform the percentages to accompany Policy T3.

Question 13: What do you consider would represent an effective split of tenures between social/affordable rent and intermediate/low-cost home ownership housing in delivering affordable housing?

- 2.13.6 Paragraph 6.3.13 of the Local Plan consultation document sets out the cascade principle, which is preference for on-site delivery of affordable housing then off-site provision on an alternative site where appropriate. Common sense needs to be applied to ensure units are attractive to providers.

2.14 POLICY T9: SELF-BUILD AND CUSTOM HOUSEBUILDING

- 2.14.1 It is agreed that no self- and custom-built housing should be required in flatted development, as set out in this policy's wording.

2.15 POLICY S10: ECONOMIC STRATEGY

- 2.15.1 Paragraph 7.2.5 of the draft Local Plan states that there is significant potential for the regeneration and development of employment sites on the Hoo Peninsula, particularly at the Isle of Grain and Kingsnorth. The Waterside Court site should form part of the wider regeneration of Medway City Estate through a development framework/masterplan or an opportunity area for regeneration across multiple plan periods.
- 2.15.2 The opportunities set out in paragraph 7.2.5 of the draft Local Plan at Kingsnorth and the Isle of Grain provide opportunities for the relocation of Industrial (E (g)(ii), E (g)(iii) (formerly B1b and B1c)) and warehouse (B8) uses to these locations and can help facilitate the moving of such industries off the Medway City Estate into a to allow this peninsula to come forward as a destination for residential lead mixed-use development. Therefore, it is considered that bullet point 2 of Policy S10 should be rewritten as follows:

*Industrial (E (g)(ii), E (g)(iii) (formerly B1b and B1c)) and warehouse (B8) uses will be located on the periphery of Medway close to the existing strategic road network on **allocated sites at Kingsnorth and the Isle of Grain on the Hoo peninsular or any other allocated sites**.*

2.16 POLICY S11: EXISTING EMPLOYMENT PROVISION

- 2.16.1 A 12-month marketing period is considered excessive, given that under the General Permitted Development Order, the conversion of existing employment provision (offices) to residential development can be done without a marketing period. It has been common practice for Local Plans to consider a reasonable marketing period to be 6-months. A 6-month period allows a site to be marketed with sufficient time to demonstrate a need for the existing use. It is

counterproductive for MC to prolong brownfield sites, which want to come forward for residential-led development through this proposed 12-month marketing period.

- 2.16.2 Waterside Court (Ref SR40) is an “indicative” allocated site shown on the policy maps. Given the nature of the proposed allocation, Policy S 11 should not ‘bite’ as MC has already considered it suitable, available and deliverable for 200 residential units. As such, our client considers that the wording of Policy S11 should be rewritten as follows:

*Where planning permission is required, proposals for the redevelopment or change of use of employment land and buildings to non-employment uses will be supported where **the site is not proposed as an allocation in the Local Plan if:***

- *The existing use is proven to be no longer appropriate or viable.*
- *There is no market interest in the in the site, and it has been market for a reasonable period (of 12 months).*

Once this has been proven, then the site will be considered for loss or redevelopment if one or more of the following criteria apply:

- *the site is no longer appropriate due to detrimental impact on residential amenity;*
- *proposals should demonstrate how employment opportunities have been maximised and incorporated into a scheme, where possible; and*
- *any redevelopment conforms to the Council's regeneration agenda.*

- 2.16.3 Our client's site (Ref SR40) is situated on the Medway City Estate in a waterfront location. As such, it is considered to conform with the Council's regeneration agenda, which supports a brownfield land first approach for development across the Plan Period and the regeneration of the River Medway's waterfront.

2.17 SECTION 9.1: VISION FOR ACCESS AND MOVEMENT IN MEDWAY

- 2.17.1 It is concerning that opening points on the vision for access and movement in Medway relate to working from home. Our client's comments remain the same as they set out under Policy DM6. It is not appropriate for all new residential dwellings to make provision for bespoke working-from-home facilities in residential dwellings.
- 2.17.2 It is noted that the Council, as part of their allocation employment sites, is seeking to relocate employment uses from the Medway City Estate to the Hoo Peninsula at Kingsnorth and The Isle of Grain. Therefore, our client supports the Council's seeking a positive movement strategy to facilitate the proposed employment

locations on the Hoo Peninsula. This will enable the Medway City Estate to be allocated as an opportunity area for a residential lead mixed-use development of the whole peninsular.

2.18 POLICY DM15: MONITORING AND MANAGING DEVELOPMENT

- 2.18.1 Waterside Court (site ref SR40) is on the Medway City Estate and is in an urban location close to several district centres, including Strood and Rochester. It is considered that the redevelopment of the site for residential development has the potential to demonstrate how the vehicle trips proposed from the redevelopment would be 10% lower than proposed in the Strategic Transport Assessment.
- 2.18.2 Given that this assessment has not been fully drafted as part of the evidence base, the overall requirement is not yet fully known, so no detailed commentary can be made on this policy. However, given that the proposal is in the urban centre of Medway and is an "indicative" site allocation, it is considered exempt from this policy's requirements due to the site's accessible location.

2.19 POLICY T26: ACCESSIBILITY STANDARDS

- 2.19.1 Given that our client's sites are indicatively allocated, in the event that the site was allocated in the submitted local plan it is considered that the site would have been considered against the accessibility standards and found to be sustainably located.
- 2.19.2 We therefore propose the following wording:

*"Strategic and major development proposals for new homes, **where they are not allocated within the local plan**, will describe how they meet the following accessibility standards within 15 minutes for local destinations..."*
- 2.19.3 Flexibility should also be built into the policy to enable, and allow a case-by-case judgement to be made by an Officer where there is general accordance with the standards.

3 CONCLUSION

3.1 OVERALL SUMMARY

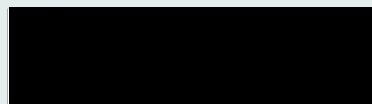
- 3.1.1 Waterside Court (Ref. SR40) is capable of delivering circa 200 residential units to help meet the housing needs of Medway Council in a sustainable and suitable location where it can be a catalyst for the further regeneration of the wider Medway City Estate into the creation of a new sustainable mixed-used community in the heart of the Medway Towns, capable of helping to meet the shortfalls in housing delivery identified in this representation.
- 3.1.2 The Medway City Estate has the ability to deliver housing and mixed used development on individual sites in the mid to later stages of the plan period, with the ability to continue to deliver mixed use development into a further plan period through the Wider vision for the Medway City Estate which would include resolving land ownership issues through the creation of a new peninsula master plan and development framework.
- 3.1.3 Our client supports SGO 3 (Blended Strategy) as it seeks to deliver all the submitted allocated sites on the Medway City Estate.
- 3.1.4 Medway Council should allocate the Medway City Estate as an opportunity area for further residential/mixed-use development over the next two plan periods. This would enable the whole of the peninsula to be redeveloped and allow the time for the industrial use to be relocated to Kingsnorth and the Isle of Grain on the Hoo Peninsula, where “*indicative*” allocations are shown on the Policies Maps.
- 3.1.5 The Council’s preferred approach, the Blended Strategy, sets out that Medway can deliver up to 23,733 homes across the plan period. This is 4,267 homes under the need of around 28,000 homes set out in the executive summary of the regulation 18b consultation document and 4,579 dwellings below the previously anticipated in the previous Regulation 18a consultation document.
- 3.1.6 This growth option does not fully deliver the homes required to meet the Council’s housing needs, and therefore the Council needs to allocate additional sites across the district to deliver the additional dwellings across the plan period to fully meet their needs in accordance with para 23 of the NPPF.



Medway Council Local Plan 2041

Regulation 19 Consultation

August 2025



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1 INTRODUCTION

1.1 Context

- 1.1.1 I am writing on behalf of Gladman Developments to provide our comments on the Medway Local Plan Regulation 19 consultation.
- 1.1.2 Gladman specialise in the promotion of strategic land for residential development and associated community infrastructure and have considerable experience in contributing to the Local Plan preparation process, having made representations on numerous planning documents throughout the UK, alongside participating in many Local Plan and Neighbourhood Plan examinations. It is based on this experience that this representation is made.
- 1.1.3 Gladman has been involved throughout the plan preparation process of the emerging Local Plan 2041 having submitted representations at each previous stage.
- 1.1.4 Gladman have a single land interest in Medway which is actively being promoted through the emerging Medway Local Plan process. Land off Ratcliffe Highway, Hoo St Werburgh is currently subject to a 'live' outline planning application¹ which is currently under determination by Medway Council (MC). The site is available, suitable and deliverable for housing.
- 1.1.5 The following sections respond to some key issues for the Local Plan that Gladman consider should be addressed to ensure that the policies are robust, and the plan is sound.
- 1.1.6 Gladman also respectfully request that we are afforded the opportunity to participate at the upcoming hearing sessions at the Examination in Public (EiP).

¹ Medway Council planning application ref: MC/23/1934

2 MEDWAY LOCAL PLAN REGULATION 19 (2025)

2.1 Plan Period

- 2.1.1 Gladman are concerned that the Plan period starts in 2026/27, one year post the point at which housing needs are assessed. As the Council will be aware, Planning Practice Guidance states that the baseline for the housing stock and the affordability ratio is the most up to date data at the time the assessment is undertaken. For the Medway Local Plan this is 2025. This would appear to be recognised by the Council in paragraph 6.1.2 states that the latest assessment of housing needs was based on data available in May 2025. The Council expects to submit the plan in November 2025. PPG notes in paragraph 2a-008 that the local housing needs assessment can be relied on for two years at the point of submission and therefore Gladman considers the plan period must start from 2025/26 and not from the proposed year of adoption in 2026/27.
- 2.1.2 Gladman would also reiterate the point made at previous consultation stages that the plan period should be extended from 2040/41 to 2041/42. Paragraph 22 of the NPPF states that strategic policies in local plans should look ahead for at least 15 years from the point of adoption. This is then reiterated in PPG which states in paragraph 2a-012 the NPPF “requires strategic policies to look ahead over a minimum period of 15 years”. With submission scheduled for November 2026 this leaves only 12 months for the plan to be examined, for a main modifications consultation to take place and the Council reporting for the plan to be adopted to take place. This is overly ambitious even without any delays in submission.
- 2.1.3 Should the plan be adopted in 2027/28 it would result in a plan period of less than 15 years. Therefore, at present the plan period is not consistent with national policy and should be amended to 2025/26 to 2041/42 if it is to be found sound.

2.2 The Spatial Strategy

Meeting housing needs

2.2.1 The plan is unsound as the level of supply proposed by the Council is not fully justified and the Council will not meet housing needs over a policy compliant plan period.

2.2.2 As mentioned above the spatial strategy states that the development needs of the borough will be met in full. On the basis of the proposed plan period the Council's estimates of supply does show that needs are met in full. However, Gladman are concerned that over a policy compliant plan period supply will fall short of meeting housing needs; that windfall supply is overestimated and that the strategy will limit the amount of affordable housing that will be delivered.

Shortfall in housing supply

2.2.3 As set out above Gladman considers the plan period to be unsound. It appears that the Council are ignoring housing needs from the point at which housing needs are assessed and the shortfall of 625 homes in that year. Rather than seek to address this shortfall the Council have instead chosen to ignore this year and start the plan period from the year they expect to adopt the local plan. Gladman consider this to be inconsistent with the approach to assessing housing needs and as such unsound. In order to meet the test of soundness the plan period must be extended and additional sites found to meet those needs.

Windfall

- 2.2.4 Gladman consider the windfall figure to be unjustified. The windfall assessment is based on the average annual past delivery rates for small sites, large sites from conversions and large sites from prior notifications. Our main concern relates to the figure for prior notifications which includes a figure of 308 units in 2023/24 which inflates the average from 16.7 for the previous 9 years to 45.9 over 10 years. This is clearly an outlier in terms of what has been delivered in the past and cannot be relied on to justify the level of windfall being proposed. Gladman would recommend that this outlier is removed and the average delivery rate for the period 2014/15 to 2023/24 of 16.7 is used. This results in a total windfall of 103 dpa. This reduces supply over the proposed plan period by 384 homes leaving a shortfall of 125 homes. Over the extended plan period Gladman considers to be sound the shortfall increases to 786 homes.

Affordable housing delivery and infrastructure costs.

- 2.2.5 The viability assessment shows that many of the allocated sites in this local plan will struggle to deliver any affordable housing. This is principally down to the level of infrastructure contributions that the Council is expecting development to deliver. As can be seen in table 12.7a and 12.7b of the Viability Assessment sites on previously develop land will struggle to deliver any affordable housing as well as pay fund the infrastructure that the council considers necessary to ensure the development is sustainable. This raises a concern that the proposed strategy will provide far fewer affordable homes than Council expects. Firstly, the development of the allocated PDL sites will not be able to make any contribution towards affordable housing alongside the infrastructure costs proposed unless other funding sources for either infrastructure or affordable homes is identified. Secondly, there is a risk that should development on PDL sites not be able to support the necessary infrastructure costs these will be passed on to other development which will in turn compromise their ability to deliver affordable housing.

2.2.6 This is not to say that the Council should not be looking to allocate a range of PDL sites just that in allocating these sites the Council must recognise that more development may be needed to ensure that infrastructure delivery and affordable housing delivery is not compromised. The obvious answer is for the Council to allocate more greenfield sites. As highlighted earlier there is already a shortfall in supply over a policy compliant plan period. Given that more homes are required it would seem logical that the Council look to plan beyond the minimum amount required. This would provide a buffer in supply to ensure that the plan meets needs in full and provide more development to support the delivery of both affordable housing and infrastructure, offsetting the fact that PDL sites will contribute little to both of these.

2.3 Hoo St Werburgh

2.3.1 Gladman support the allocation of 'HHH11 Land west of Hoo, adjacent to Vidgeon Avenue' for up to 240 units.

2.3.2 The site is subject to a live planning application for 240 residential dwellings including 25% affordable housing (Reference [MC/23/1934](#))

2.3.3 The site itself is a suitable and sustainable location for development. The site is not subject to any statutory national, or international designations for landscape or nature conservation. A wide range of services and facilities within close proximity to the site include, but are not limited to a primary school, secondary school, sports and leisure facilities, a library, post office, pharmacy, health centre and various eateries. The site is also served by public transport facilities, offering an alternative to the private car. A comprehensive Green Infrastructure framework, public open space and new areas for recreation and play can also be delivered by the site, alongside a sustainable drainage system to cater for the surface water drainage requirements of the development. These areas will also support ecological enhancement and be design features that benefit biodiversity on site.

-
- 2.3.4 The policy as written requires that in addition to site specific transport requirements, developers will contribute to the delivery of highways mitigations to provide capacity to accommodate growth at:
- a. Four Elms roundabout
 - b. Main Road, Hoo, junction with A228
 - c. Dux Court Road/Bells Lane junction with A228
 - d. Ropers Lane junction with A228
- 2.3.5 The Infrastructure Delivery Plan then sets out estimated costs for works to these junctions. Gladman has serious concerns with the methodology and estimates shown in the Infrastructure Delivery Plan. Gladman also believe that the policy should make it clear that contributions should be proportionate to the impact any site allocation has on those junctions.
- 2.3.6 In the context of site HHH11 being allocated within the Regulation 19 plan and the fact an application has been with the Council since August 2023, Gladman now urge Medway to determine the application to assist with their accepted and significant lack of housing land supply.

3 CONCLUSIONS

3.1 Summary

- 3.1.1 Gladman welcomes the opportunity to comment on the issues and options that are currently being explored by the Council. These representations have been drafted with reference to the revised National Planning Policy Framework (NPPF 2024) and the associated updates that were made to Planning Practice Guidance.
- 3.1.2 Gladman have provided comments on a number of the issues that have been identified in the Council's consultation material and recommend that the matters raised are carefully explored prior to submission.
- 3.1.3 We hope you have found these representations informative and useful towards the preparation of the Medway Local Plan. Gladman again respectfully request that we are afforded the opportunity to participate at the Examination in Public (EiP).
- 3.1.4 Gladman welcome any future engagement with the Council and if you would like to discuss this representations or other matters, please contact us at





Model Representation Form for Local Plans



Local Plan Publication Stage Representation Form

Ref:

(For official
use only)

Name of the Local Plan to which this representation relates:

Medway Local Plan

Please return to Medway Council Planning Service by 11th August 2025

Email: planning.policy@medway.gov.uk or post to:

Planning Policy, Medway Council, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

2. Agent's Details (if applicable)

Title

First Name

Last Name

Job Title

(where relevant)

Organisation

(where relevant)

DHA Planning Ltd (obo) Mr
Zammit and Mr Jhalli

Address Line

1

Eclipse House

Line 2

Eclipse Park

Line 3

Sittingbourne Road

Line 4

Detling

Post Code

ME14 3EN

Telephone
Number

E-mail
Address
(where relevant)

Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph	Duty to Cooperate Strategic Policies and Legal Tests Housing Supply and Delivery	Policy	SA1 -SA14	Policies Map	Regulation 19 Proposals Map – South East (RN9)
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4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

No

✓

4.(2) Sound

Yes

No

✓

4 (3) Complies with the Duty to co-operate

Yes

No

✓

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The Plan **is not legally compliant** there are issues with the Duty to Cooperate, Strategic Policies and Legal Tests and Housing Supply and Delivery.

Please see accompanying representation titled **DHA_17122 and 17124 – Lower Bloors Lane Reg 19 Reps**

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters

you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please accompanying representation titled **DHA_17122 and 17124 – Lower Bloors Lane Reg 19 Reps**

(Continue on a separate sheet /expand box if necessary)

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

☐

No, I do not wish to participate in hearing session(s)

☒

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To discuss the legal compliance and soundness of the plan with specific reference to

- The Duty to Cooperate;
- Strategic Policies and Legal Tests;
- Housing Supply and Delivery;
- Policies SA1-SA14
- Regulation 19 Proposals Map – South East (RN9)

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

For details of our data privacy policy please see:

<https://www.medway.gov.uk/info/200133/planning/714/planning-service-privacy-statement>



Medway Council
Gun Wharf,
Dock Road,
Chatham,
ME4 4TR

Our ref: DHA/JAC/CC/17122/17124

11th August 2025

Dear Sir/Madam,

MEDWAY COUNCIL REGULATION 19 CONSULTATION RESPONSE

LAND AT LOWER BLOORS LANE, GILLINGHAM, KENT

These representations have been prepared on behalf of Mr Zammit and Mr Jhalli in response to Medway Council's (MC) Local Plan 2041 Regulation 19 consultation document (July 2025).

These representations are submitted in objection to the Local Plan and explain why the currently prepared Draft Plan is "Unsound" with reference to the NPPF (para 36). Furthermore, it is demonstrated that the Plan fails to satisfy the legal tests as set out in the Planning and Compulsory Purchase Act 2004.

Where possible changes to the Plan are proposed which would assist in making the Plan "Sound" and satisfying the legal tests. It is clear that additional sites must be identified to ensure the Council's housing requirement is met in full. Site's such as "Land at Lower Bloors Lane, Gillingham" should be considered for inclusion in the Plan as housing allocations where they align with the Council's spatial strategy for growth.

The conclusion of these representations is that for the Plan to be deliverable and thus "Sound" a larger area, including additional unconstrained greenfield sites, such as "Land at Lower Bloors Lane, Gillingham" and other nearby land adjacent to the edge of settlement must be allocated for development.

Duty to Cooperate

Section 33A of the Planning & Compulsory Purchase Act requires Council's to engage constructively, actively and on an on-going basis with neighbouring authorities and certain statutory bodies regarding strategic matters during the Plan preparation.

We consider the Council's published "Duty to Cooperate Statement, Proposed Submission Document, June 2015" is incomplete. The reasons why we consider this to be incomplete are as follows:

- The statement advises that it still intends to provide a final composite statement with no less than four Local Planning Authorities, and five statutory consultees, including National Highways, which is pivotal to ensuring the Plan is deliverable.
- The Duty to Cooperate Statement (Section 2.6) states that the Council is still to conclude discussions with Gravesham Borough regarding its calculation on unmet need this summer. This matter therefore clearly remains unresolved and points to whether the total number of homes being planned for is sufficient and whether further land needs to be identified to meet the unmet needs of the neighbouring authority.
- The NPPF (para 28) is also clear that Council's "should prepare and maintain one or more statements of common ground, documenting cross boundary matters being addressed and their progress in cooperating to address these". Only one SoCG is available with Kent County Council in respect of Strategic Waste Management and Minerals Supply Matters such that housing has not been addressed at all.
- The evidence available fails to demonstrate that the Council has fulfilled its statutory duty under Section 33A of the Planning & Compulsory Purchase Act, or accord with the requirements of the NPPF (para 28) and in doing so is not "Consistent with National Policy" and it cannot be determined that it has been "Positively Prepared". The missing completed Duty to Cooperate Statement must be made available for consultation before proceeding to examination and additional sites identified to meet neighbouring authorities' unmet needs where necessary.

Site Overview

The Site that these representations relate to is approximately 1.90 ha in size and comprises a commercial orchard and grazing paddock. The Site is located outside the current settlement confines of Gillingham, to the east, and to the north west of the settlement confines of Rainham. The location of the site is shown below in Figure 1.

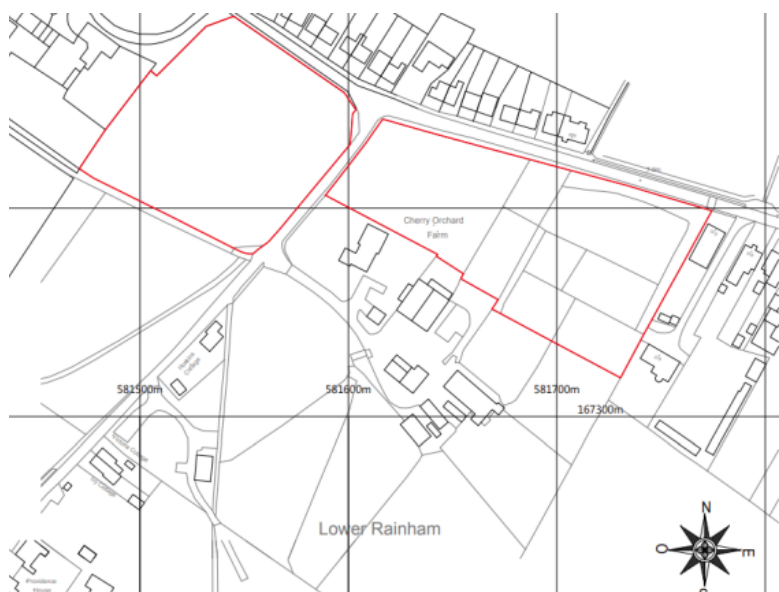


FIGURE 1 – SITE LOCATION PLAN



The site is located near to the edge of the settlement confines of Rainham, and is sustainably located with sufficient access to transport links and nearby services.

SA1-S14

We have a strong concern that MC seeks to over-rely on the development of PDL. The reality is that commercial sites are now a premium and there is inadequate evidence to demonstrate that there is a realistic likelihood that such developments will always, or even regularly, be viable to be re-developed for residential purposes. This again raises significant doubt as to whether the plan can be effective in delivering the necessary housing number based on Policy SA4.

Infrastructure Delivery Plan

We have a significant concern that a large number of units are sought on sites with very significant infrastructure costs which do not appear to have been fully costed. In the absence of certainty on viability and delivery, sites which lie in locations which have good accessibility to sustainable transport, or can be provided with such accessibility, and where there is no need for new significant road infrastructure should therefore be prioritised. This should include land between Yokasuka Way, Lower Rainham Road and Lower Twydall Lane.

Therefore, we consider that a large area to the east of the built confines of Gillingham which encompasses the Site should be included as an allocation for development. This area is a sustainable location in close proximity and with easy access to the existing built confines of Gillingham without viability issues or deliverability issues arising. It is therefore, our view that this large area of land to the east of Gillingham, should be allocated for development in order to accommodate housing that MC can have confidence can be delivered within a short timeframe and thus assist in meeting the identified housing needs.

The previous Regulation 18 submissions, along with the recent application have demonstrated that the site is available for development. The Applicant has a willingness and ability to deliver the site for housing during the plan period, which would ultimately contribute to the housing need identified in the plan.

Previous Submissions (Application and Representations) and nearby allocations

The Site was previously put forward as part of Medway's Regulation 18a Consultation in 2023 and later given a response ID of 1564. The site was then submitted following this, as part of the subsequent Regulation 18b consultation. As part of this, the Council identified the Site as RN14 and given the response ID reference 2667.

In addition to this, planning permission was previously refused on the 17th of May 2024 under application reference no. MC/23/2668. The description of the proposed development was 'Outline application for the erection of up to 21no. dwellings with some matters reserved (Landscaping, Appearance, Layout and Scale) except for access'. This application was subsequently appealed, however, a decision is yet to be reached.



As shown on the Regulation 19 Proposals Map – South East, land to the west and south west of the site is allocated for residential led development (reference RN9). The fact that this land is allocated for development in the draft local plan, demonstrates that this location is sustainable. It is noted that this allocation does not include the site which these representations relate to despite its location, adjacent to Allocation RN9. We, therefore, consider that the site at Lower Bloors Lane is also a sustainable location and that this area of land adjoining the allocation, should also be included in Allocation RN9 and proposed for residential development. The inclusion of this land as part of this allocation would as a result, assist in meeting the identified housing needs. We also note that the site may well assist in ensuring the larger site can have safe pedestrian and cycle connections.

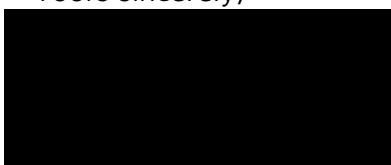
Conclusion

In respect of the above, we consider that the currently prepared Plan is “Unsound”. The failure to cooperate as demonstrated above raises concerns as to whether the total number of homes being planned for is sufficient and whether further land needs to be identified to meet the unmet needs of the neighbouring authority.

We have concerns that the Council’s strategy will fail to satisfactorily address housing delivery. The plan has failed to appropriately set out the Council’s housing requirement and failed to demonstrate how housing needs will be met. As a consequence, the plan fails to adequately meet the requirements of para 20 of the NPPF and accordingly fails to meet its legal requirements. The Plan must set out how its requirements are to be met.

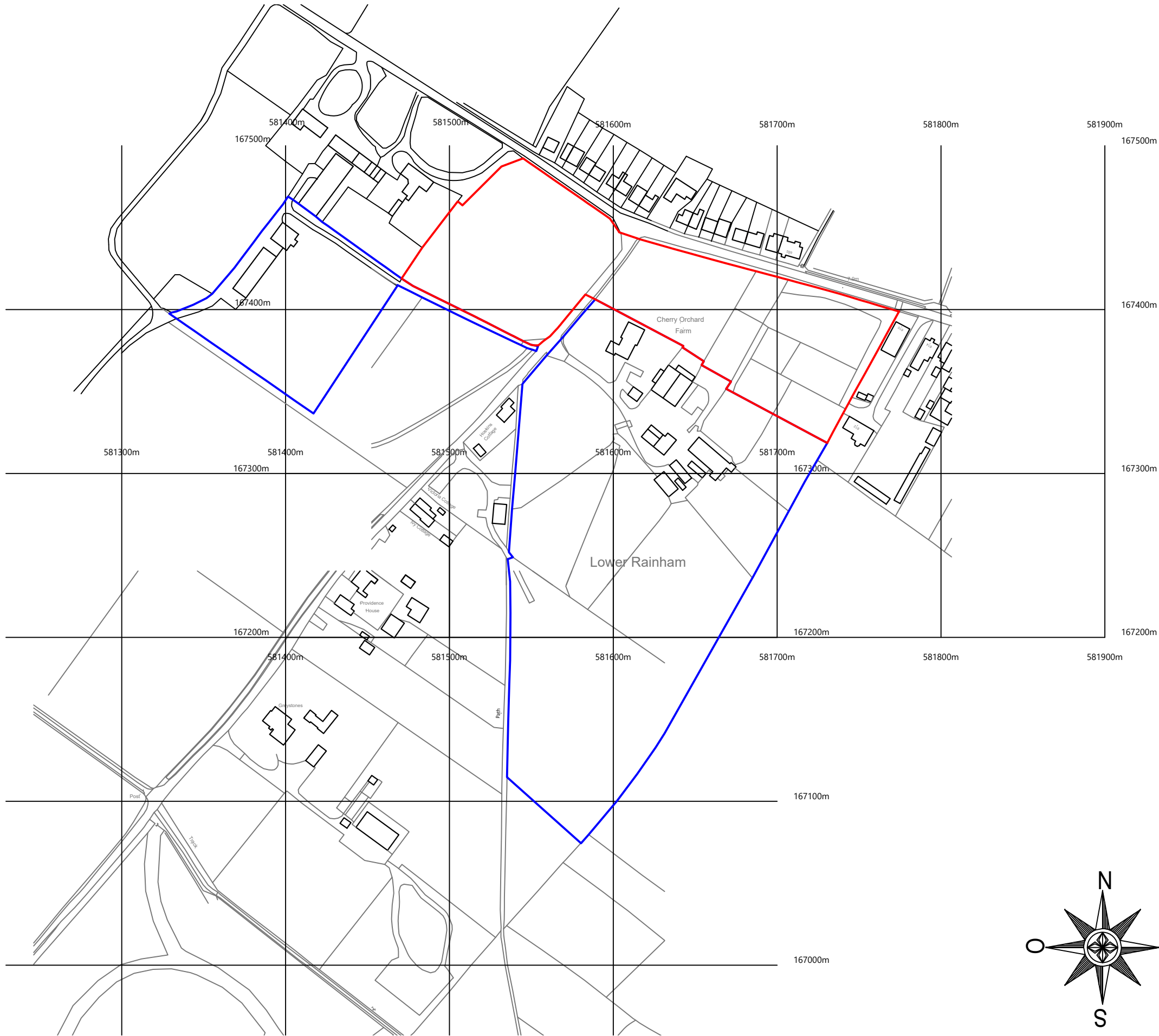
Furthermore, the previous Regulation 18 submissions, along with the recent application have demonstrated that the site is available for development. The Applicant has a willingness and ability to deliver the site for housing during the plan period, which would ultimately contribute to the housing need identified in the plan and could well assist in delivery of the nearby strategic allocation.

Yours sincerely,

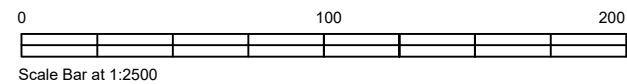


Planning Director
John Collins





LOCATION PLAN 1-2500



Revision	Date	Description

Status
PLANNING

Mark | Carter
ASSOCIATES

Architectural
Design

design studio priestfield stadium gillingham kent ME7 4DD [Redacted]
--

Client
MR J ZAMMIT

Drawing Title
LOCATION PLAN

Project Title
SITE AT LOWER BLOORS LANE

Scale	Date	Drawn
1:2500	OCT 22	MC

Drawing No	Rev
3186 - 010	B

Model Representation Form for Local Plans



Local Plan Publication Stage Representation Form

Ref:

(For official
use only)

Name of the Local Plan to which this representation relates:

Medway Local Plan

Please return to Medway Council Planning Service by 11th August 2025

Email: planning.policy@medway.gov.uk or post to:

Planning Policy, Medway Council, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

2. Agent's Details (if applicable)

Title

First Name

Last Name

Job Title

(where relevant)

Organisation

(where relevant)

DHA Planning Ltd (obo) HRF
Properties Limited

Address Line

1

Line 2

Line 3

Line 4

Post Code

Telephone
Number

E-mail
Address
(where relevant)

Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph	Duty to Cooperate	Policy	SA1 -SA14	Policies Map
	Strategic Policies and Legal Tests			
	Housing Supply and Delivery			

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

No

X

4.(2) Sound

Yes

No

X

4 (3) Complies with the Duty to co-operate

Yes

No

X

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The Plan **is not legally compliant** there are issues with the Duty to Cooperate, Strategic Policies and Legal Tests and Housing Supply and Delivery.

Please see accompanying representation titled **DHA_35508 - Lower Featherby Road (HRF Properties) Reg 19 Reps**

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters

you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please see accompanying representation titled **DHA_35508 - Lower Featherby Road (HRF Properties) Reg 19 Reps**

(Continue on a separate sheet /expand box if necessary)

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

☐

No, I do not wish to participate in hearing session(s)

☒

Yes, I wish to participate in hearing session(s)

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8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To discuss the legal compliance and soundness of the plan with specific reference to

- The Duty to Cooperate;
- Strategic Policies and Legal Tests;
- Housing Supply and Delivery;
- Policies SA1-SA14

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

For details of our data privacy policy please see:

<https://www.medway.gov.uk/info/200133/planning/714/planning-service-privacy-statement>



Medway Council
Gun Wharf,
Dock Road,
Chatham,
ME4 4TR

Our ref: DHA/JAC/CC/35508

11th August 2025

Dear Sir/Madam,

MEDWAY COUNCIL REGULATION 19 CONSULTATION RESPONSE

LAND WEST OF LOWER FEATHERBY ROAD, GILLINGHAM, KENT, ME7 2XS

These representations have been prepared on behalf of HRF Properties Limited in response to Medway Council's (MC) Local Plan 2041 Regulation 19 consultation document (July 2025).

These representations are submitted in objection to the Local Plan and explain why the currently prepared Draft Plan is "Unsound" with reference to the NPPF (para 36). Furthermore, it is demonstrated that the Plan fails to satisfy the legal tests as set out in the Planning and Compulsory Purchase Act 2004.

Where possible changes to the Plan are proposed which would assist in making the Plan "Sound" and satisfying the legal tests. It is clear that additional sites must be identified to ensure the Council's housing requirement is met in full. Site's such as "Land West of Lower Featherby Road, Gillingham" should be considered for inclusion in the Plan as housing allocations where they align with the Council's spatial strategy for growth.

The conclusion of these representations is that for the Plan to be deliverable and thus "Sound" a larger area, including additional unconstrained greenfield sites, such as "Land West of Lower Featherby Road, Gillingham" and other nearby land adjacent to the edge of settlement must be allocated for development.

Duty to Cooperate

Section 33A of the Planning & Compulsory Purchase Act requires Council's to engage constructively, actively and on an on-going basis with neighbouring authorities and certain statutory bodies regarding strategic matters during the Plan preparation.

We consider the Council's published "Duty to Cooperate Statement, Proposed Submission Document, June 2015" is incomplete. The reasons why we consider this to be incomplete are as follows:

- The statement advises that it still intends to provide a final composite statement with no less than four Local Planning Authorities, and five statutory consultees, including National Highways, which is pivotal to ensuring the Plan is deliverable.
- The Duty to Cooperate Statement (Section 2.6) states that the Council is still to conclude discussions with Gravesham Borough regarding its calculation on unmet need this summer. This matter therefore clearly remains unresolved and points to whether the total number of homes being planned for is sufficient and whether further land needs to be identified to meet the unmet needs of the neighbouring authority.
- The NPPF (para 28) is also clear that Council's "should prepare and maintain one or more statements of common ground, documenting cross boundary matters being addressed and their progress in cooperating to address these". Only one SoCG is available with Kent County Council in respect of Strategic Waste Management and Minerals Supply Matters such that housing has not been addressed at all.
- The evidence available fails to demonstrate that the Council has fulfilled its statutory duty under Section 33A of the Planning & Compulsory Purchase Act, or accord with the requirements of the NPPF (para 28) and in doing so is not "Consistent with National Policy" and it cannot be determined that it has been "Positively Prepared". The missing completed Duty to Cooperate Statement must be made available for consultation before proceeding to examination and additional sites identified to meet neighbouring authorities' unmet needs where necessary.

Site Overview

The Site that these representations relate to is approximately 1ha in size and comprises largely of horse paddocks that are used for grazing purposes. To the north-east of the Site internally, there is an area including a range of buildings, which includes a residential mobile home. Most of the buildings are used for storage purposes. The location of the site is shown below in Figure 1.

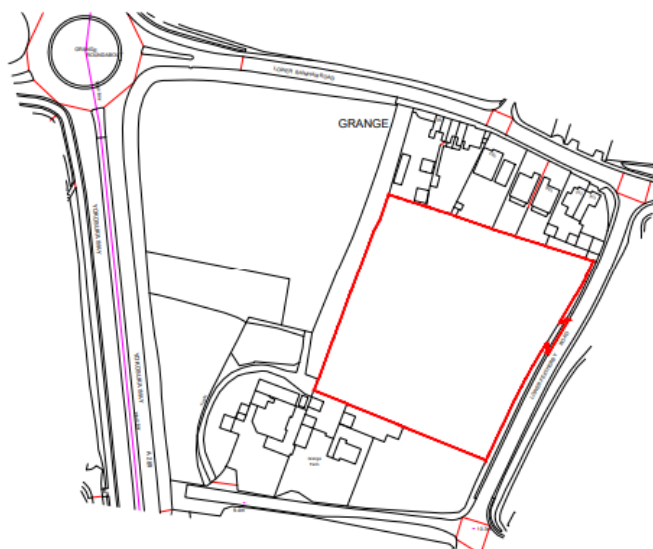


FIGURE 1 – SITE LOCATION PLAN

The Site is located outside the current settlement confines of Gillingham, to the east. The Site benefits from an existing paved footpath route that runs all the way from the Site into the Gillingham urban confines. There is land between the site and the eastern edge of Gillingham and we consider this land, and indeed other land in this general area to be sustainably located.

SA1-S14

We have a strong concern that MC seeks to over-rely on the development of PDL. The reality is that commercial sites are now a premium and there is inadequate evidence to demonstrate that there is a realistic likelihood that such developments will always, or even regularly, be viable to be re-developed for residential purposes. This again raises significant doubt as to whether the plan can be effective in delivering the necessary housing number based on Policy SA4.

Infrastructure Delivery Plan

We have a significant concern that a large number of units are sought on sites with very significant infrastructure costs which do not appear to have been fully costed. In the absence of certainty on viability and delivery, sites which lie in locations which have good accessibility to sustainable transport, or can be provided with such accessibility, and where there is no need for new significant road infrastructure should therefore be prioritised. This should include land between Yokasuka Way, Lower Rainham Road and Lower Twydall Lane.

Therefore, we consider that a large area to the east of the built confines of Gillingham which encompasses the Site should be included as an allocation for development. This area is a sustainable location in close proximity and with easy access to the existing built confines of Gillingham without viability issues or deliverability issues arising. It is therefore, our view that this large area of land to the east of Gillingham, should be allocated for development in order to accommodate housing that MC can have confidence can be delivered within a short timeframe and thus assist in meeting the identified housing needs.

The previous Regulation 18 submissions, along with the recent application have demonstrated that the site is available for development. The Applicant has a willingness and ability to deliver the site for housing during the plan period, which would ultimately contribute to the housing need identified in the plan.

Previous Submissions (Application and Representations)

The Site was previously put forward as part of Medway's Regulation 18a Consultation in 2023 and later given a response ID of 1547. The site was then submitted following this, as part of the subsequent Regulation 18b consultation. As part of this, the Council identified the Site as RN34 and given the response ID reference 2774.

In addition to this, planning permission was recently refused on the 21st of February 2025 via a delegated decision under application reference no. MC/24/1823. The description of the proposed development was 'Demolition of existing dwelling and buildings and



construction of 14 dwellings with associated access, parking, infrastructure, landscaping and ancillary works'. This decision is soon to be the subject of an appeal.

Conclusion

In respect of the above, we consider that the currently prepared Plan is "Unsound". The failure to cooperate as demonstrated above raises concerns as to whether the total number of homes being planned for is sufficient and whether further land needs to be identified to meet the unmet needs of the neighbouring authority.

We have concerns that the Council's strategy will fail to satisfactorily address housing delivery. The plan has failed to appropriately set out the Council's housing requirement and failed to demonstrate how housing needs will be met. As a consequence, the plan fails to adequately meet the requirements of para 20 of the NPPF and accordingly fails to meet its legal requirements. The Plan must set out how its requirements are to be met.

With the scale of under delivery in the past 10 years or so, it is also considered essential that a greater buffer is provided. This requires the identification of further sites.

In this respect we have a significant concern that some sites may have been double counted within the current draft. Further evidence from MC is required in this respect.

Yours sincerely,



Planning Director

John Collins



Kent

Gatwick

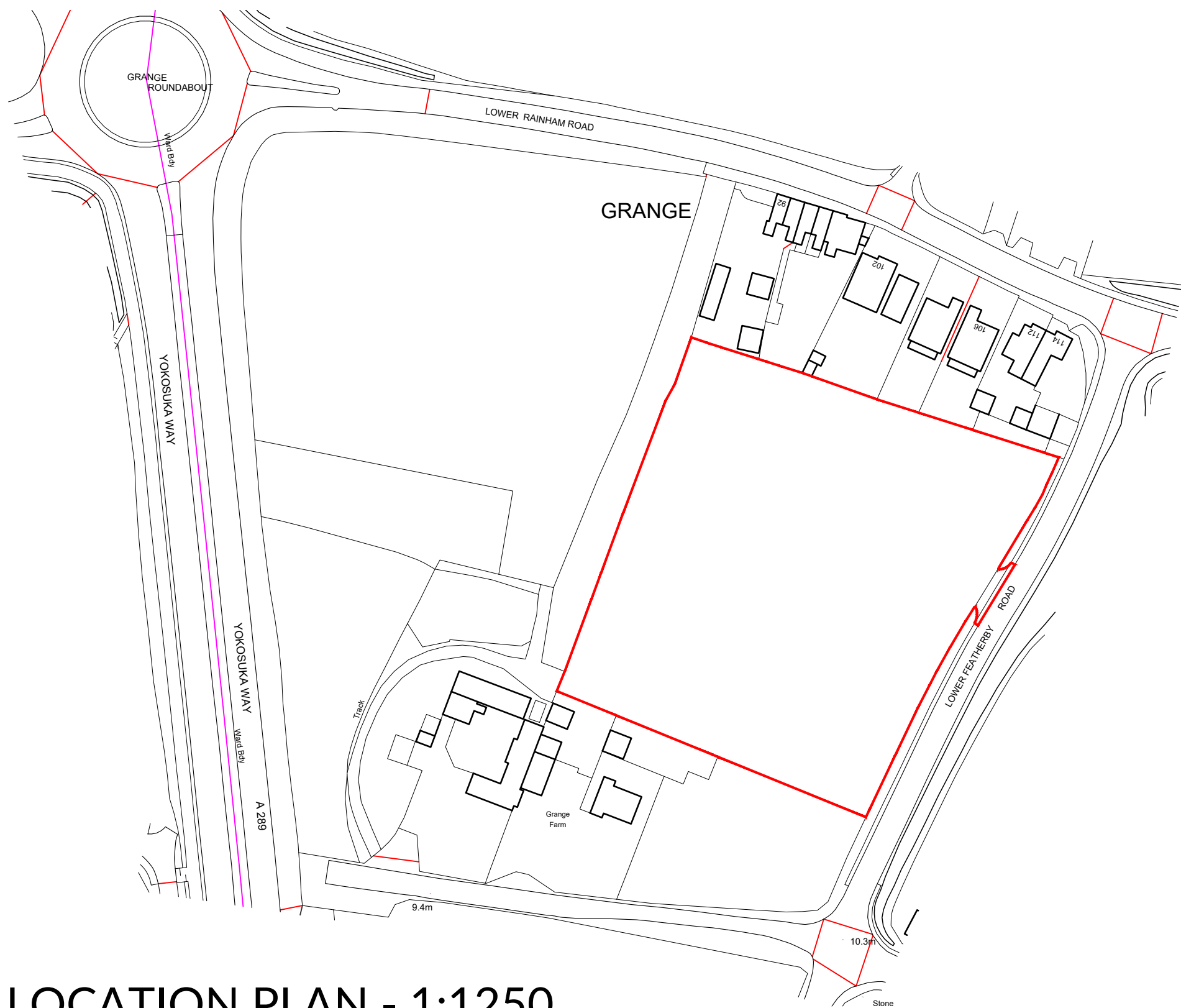
London

Web: www.dhaplanning.co.uk

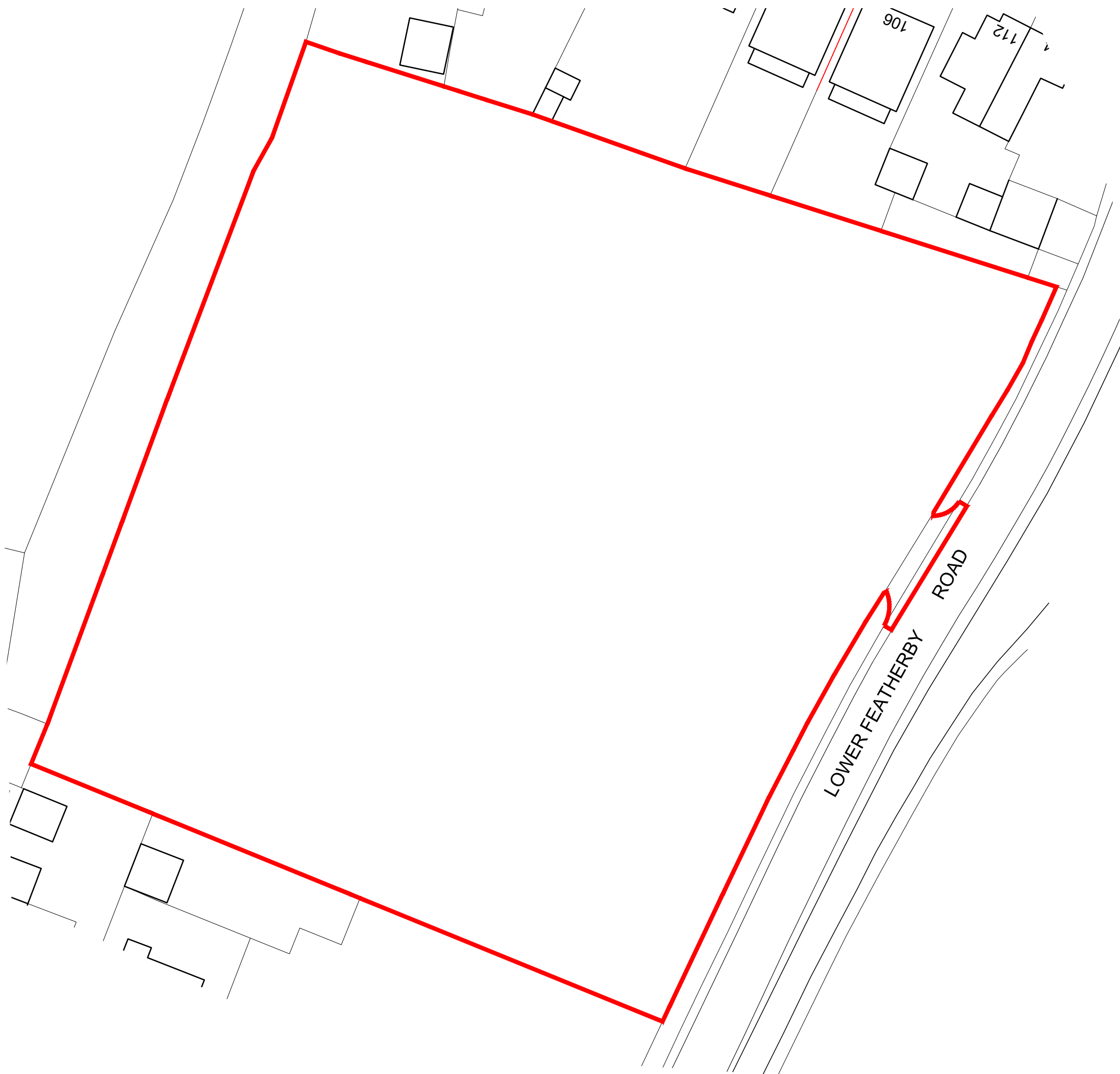
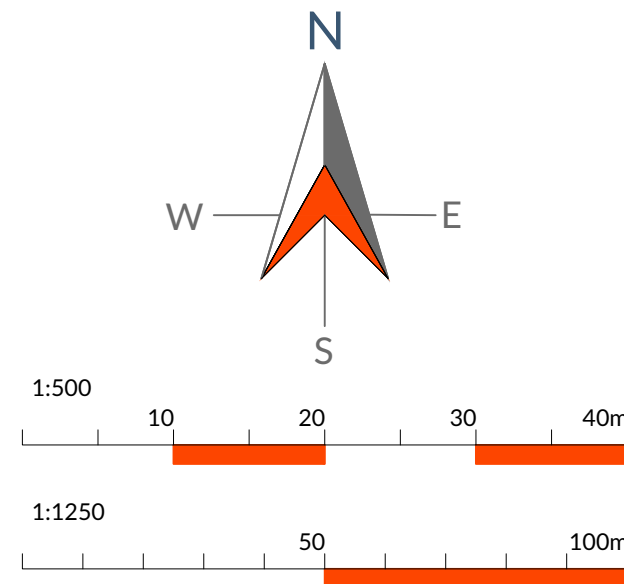
**Inspiring
Planning
Delivering**



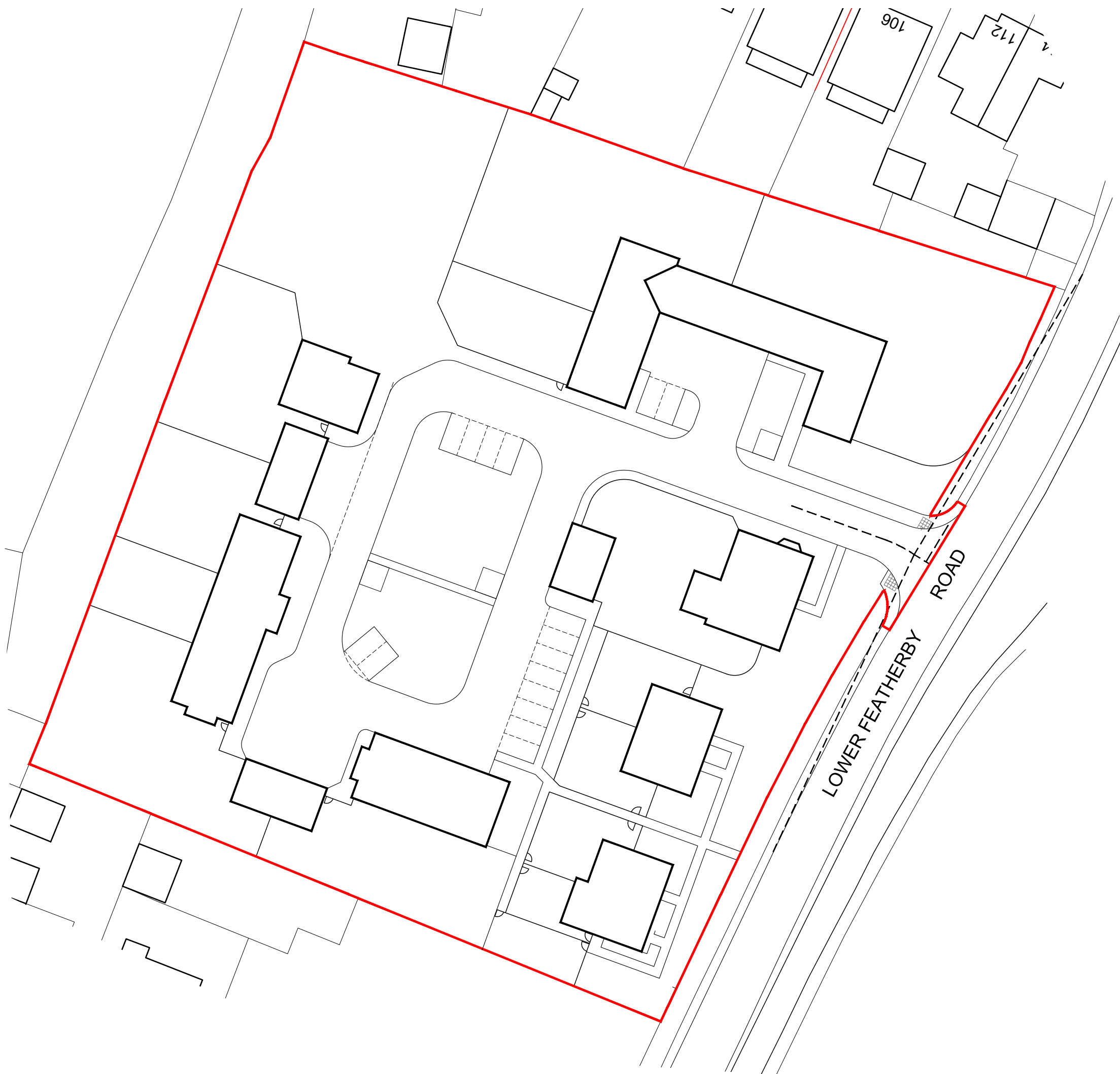
DHA Planning Ltd. Registered in England Registered Number: 2683290



SITE LOCATION PLAN - 1:1250



EXISTING BLOCK PLAN - 1:500



PROPOSED BLOCK PLAN - 1:500

Do not scale from this drawing unless for Planning Purposes.
ALL RELEVANT DIMENSIONS AND LEVELS TO BE ASCERTAINED OR CHECKED AND VERIFIED ON SITE BEFORE SPECIFIC AREAS OF WORK ARE COMMENCED.
All errors or discrepancies must be reported to the designer or contract administrator immediately on discovery. This drawing remains the sole copyright of REFINE ARCHITECTURE until such time as an assignable licence is granted. All materials, workmanship and components must comply with the relevant British Standards, Codes of Practice and any manufacturer Instructions. Contractors should make themselves aware of accredited details and use as appropriate to ensure continuity of insulation and air barrier. Any divergence from accredited details should be noted and continuity of insulation and air barrier maintained. Note:- (not all positions marked similar positions should use Accredited Detail. Check with Contract Administrator, Designer or Architect if in doubt!)
All work to be to the entire satisfaction of the NHBC or Local Authority not withstanding anything shown or indicated on these drawings. All workmanship and materials to be the best of their respective kind and at least equivalent of the appropriate British Standard Code of Practice. Damp proof courses and membranes to be built into new works in strict accordance with accepted building practice. All parties must check the drawings to ensure that the adequacy and suitability of weatherproofing details are satisfactory for the site conditions.

REFINE
ARCHITECTURE

Address : Unit 6, Grove Diary Farm, Bobbing Hill, Sittingbourne, Kent, ME9 8NY
Telephone : 01795 844162
E-mail : mail@refinearchitecture.co.uk

RESIDENTIAL DEVELOPMENT
LAND WEST OF LOWER FEATHERBY ROAD, GILLINGHAM, ME7 2UD
HRF PROPERTIES LTD.
SITE LOCATION AND BLOCK PLANS

Drawn By	Checked By	Date	Scale	Size	Revision
KS	JW	21/06/24	VARIOUS	A1	-

23.69.PL100

PLANNING