

Matter 1 – Legal and Procedural Requirements

Issue

Whether the relevant legal and procedural requirements have been met in the preparation of the Plan and whether the Plan is legally compliant

Questions

1.4 How have the likely environmental, social and economic effects of the Plan been adequately and appropriately assessed through the work of the SA and HRA?

CPRE Kent's overriding objection is that Medway Council has selected a spatial strategy that prioritises the allocation of greenfield sites, rather than taking a true brownfield first strategy.

The Council has not undertaken a targeted call for brownfield sites. Many other Councils in Kent have. This has resulted in a strategy which is overly reliant on greenfield sites (which are not sustainably located). In addition, density is not optimised, resulting in low site yields and the need for additional greenfield release.

We have previously commented that 30dph has been used as the preferred multiplier for calculating site yields (as set out in the Council's Land Availability Assessment). This is akin to outer suburban densities and is not in accordance with the density aspirations set out in the National Design Code ranges of 60-120dph for urban neighbourhoods.

The Council's spatial strategy appears to be pre-determined rather than one entirely informed by the evidence base, which includes the Sustainability Appraisal (SA). We note that the interim SA concluded that the blended option offered the best balance of sustainability considerations to meet Medway's development needs. However, the urban regeneration focus option, with limited greenfield development also scores well (see Table N.5.6 of Examination Library document A3.1).

Reference is made in the SA to there being limited scope to increasing densities (and therefore reducing the pressure to release greenfield sites for development). No detail has been given with regard to this "limited scope". Instead, more land has been allocated to the east of Ropers Lane, Hoo St Werburgh (HHH22 & HHH31), and on Green Belt sites west of Strood (SNF1, SNF2 and SR5).

It is not clear why these sites were subsequently deemed suitable, available and achievable. The evidence provided by the SA is that development in these greenfield locations will result in significant adverse impacts (Appendix K, A3.2).

For instance, the SA confirms potential adverse impacts in relation to the loss of high-quality agricultural land, for allocations SA6 (Strood), SA7 (Capstone Valley), SA8 (Hoo

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and Chattenden) and SA9 (High Halstow) (SA Objective 6); and minor negative effects in relation to transport and access (SA Objective 10) – as set out at paragraph N73 of A3.1.

In addition, the SA confirms that uncertainty remains with regard to climate change mitigation (SA Objective 1) – including access to sustainable transport - and on biodiversity (SA Objective 3).

The decision to continue with a spatial strategy that focuses upon unsustainable greenfield locations, which will clearly be baking in car-dependency, against reasonable alternatives (urban regeneration focus) is clearly at odds with the requirement under NPPF paragraph 11(a) for local plans to promote sustainable patterns of development.

This goes beyond just a procedural flaw as it goes to the principle of whether the SA properly informed the selection of the strategy in accordance with the Council's legal duty under section 19(5) Planning and Compulsory Purchase Act, 2004.

1.18 Is the geographical illustration of all relevant policies and proposals within the Plan adequately and correctly shown on the submission policies map?

In response to our comments on the policy maps not being user friendly, we welcome the Council's acknowledgement in its consultation statement that greater clarity is needed to make the maps more easily readable.