

EXAMINATION OF THE MEDWAY LOCAL PLAN 2041

EXAMINATION STATEMENT ON BEHALF OF CATESBY STRATEGIC LAND LIMITED

Matter 1 – Legal and Procedural Requirements

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18 August 2026

1. Introduction

- 1.1 This Examination Statement provides a response on behalf of Catesby Strategic Land Limited ("Catesby"), to those Questions raised by the Inspectors (dated 30 July 2026), relating to the Phase 1 Hearings of the Medway Local Plan 2041 ("the Plan") and its supporting evidence base.
- 1.2 This Statement has been prepared by Neame Sutton Limited on behalf of Catesby and specifically looks at the questions and issues raised by the Inspectors in relation to Matter 1: Legal and Procedural Requirements.
- 1.3 Catesby has a number of land interests in Medway. This Statement and earlier Representations submitted by Neame Sutton Limited on behalf of Catesby relate to its promotion site on Land at Stoke Road, Allhallows (Refs: AS18 and AS22). It is also relevant to note that there is a live Outline Planning Application on the site (Application Ref: MC/26/0001). A Separate Matter Statement and Representations have been made on behalf of Catesby in relation to its land interest at Land South of Lower Rainham Road (Ref: RN5) by Savills. The points made in this Statement therefore take account of the submissions made by Savills.

2. Matter 1- Questions

Legal and Procedural Compliance

1.1 How does the Council explain the steps it took to comply with the statutory requirements of Regulation 18 and Regulation 19 consultation?

- 2.1 Whilst this is a question primarily for the Council, it is important to note that the Regulation 19 consultation in particular was undertaken at a time when a number of key evidence base documents were absent. This is a matter the Inspectors have already noted, which has led to a further Regulation 19 consultation on the missing evidence base documents.
- 2.2 Consultation has therefore taken place on the missing documents, but it must be the case that the Regulation 19 version of the Plan was prepared without the benefit of that evidence. It is therefore hard to see how the Council has met the necessary procedural compliance where evidence has been produced after the event.
- 2.3 It is noted that the Inspectors have not asked any specific questions regarding the Duty to Cooperate ("DtC") and in particular the matter of unmet need. This is covered in detail in Catesby's Regulation 19 Representations and the matter of unmet need is addressed in the Matter 3 Statement.

Sustainability Appraisal (SA)

1.6 How has the Plan been based on a sound process of SA and how has the SA, as set out in the supporting evidence, provided an adequate and appropriate consideration and testing of reasonable alternatives to the development strategy approach presented in the Submitted Plan?

1.7 How does the SA adequately and appropriately assess all sites identified within the Plan, particularly in relation to flooding and how is such an assessment considered sufficiently robust, justified and sound?

- 2.4 As we have set out in our Regulation 19 Representations¹ there are two headline issues with the Council's SA process:

Issue 1 – The lack of reasonable alternative growth options in the SA

¹ See Section 2 of our Regulation 19 Representations.

Issue 2 – The lack of reasonable alternative spatial delivery options in the SA

- 2.5 The absence of these two matters from the SA is of concern. The PPG is clear that the assessment of reasonable alternatives is a necessary part of the SA for the plan making process². The failure to assess reasonable alternatives renders the SA process itself to be flawed because the Council cannot demonstrate that the growth option and spatial delivery option it has progressed in the Plan is the most suitable and sustainable option.

Issue 1 – Lack of Reasonable Alternative Growth Options in the SA

- 2.6 As we have identified in our Regulation 19 Representations the SA does identify a total of 4 no. growth options (2 options from the Regulation 18 stage and 2 further options introduced at Regulation 19 stage)³. Whilst these options all appear to comprise reasonable alternatives the Council has not produced any of the impact matrices for Options 3 and 4 despite this being identified in our Regulation 19 Representations⁴.
- 2.7 It is therefore impossible to determine whether the Council preferred growth option (Option 3) is actually the best performing option or whether one of the alternative options should have in fact been progressed.
- 2.8 This is particularly important bearing in mind the fact the Council has identified unmet arising from Gravesham, which Option 4 was intended to help address. In other words the Council has decided not to help addressed identified unmet need from one of its neighbours and has failed to present the necessary evidence within the SA to determine why assisting its neighbour would not be the most sustainable option.
- 2.9 Of further concern is the fact that the Council has not considered any additional options that address wider unmet need. This appears to be simply due to the fact that discussions with other authorities have been unsuccessful. The fact that the Council has not pursued these discussions with its neighbours does not mean that unmet need doesn't exist.

² See Strategic Environmental Assessment and Sustainability Appraisal section of PPG - Paragraph: 018 Reference ID: 11-018-20140306 Revision date: 06 03 2014

³ See Document A3.3. SA Appendix D.2 (Assessment of Growth Options)

⁴ Paragraphs 2.12 – 2.13 on Page 3 of our Regulation 19 Representations

- 2.10 Given that the planning system has been going through a period of significant change resulting in a substantial increase in the Local Housing Need ("LHN") calculation for each authority in the area it is highly likely that unmet need will continue to rise.
- 2.11 Set within this context an alternative option of additional growth beyond Option 4 should have been included and tested as a reasonable alternative.
- 2.12 The detailed rationale behind this point is set out in our Regulation 19 Representations and Housing Supply Statement appended to those Representations and is not therefore repeated here.

Issue 2 – Lack of Reasonable Alternative Spatial Delivery Options in the SA

- 2.13 The Council has made a number of significant changes to the Plan between the Regulation 18 and Regulation 19 consultation stages that are not reflected through the SA process. In particular the blended strategy for spatial growth continues to be applied despite the changes made to the overall levels of growth without consideration of alternative spatial delivery options.
- 2.14 A prime example is the fact that at the Regulation 18 consultation stage the Council included a number of additional allocations on the Hoo Peninsula including Catesby's promotion site (Site Refs: AS18 and AS22).
- 2.15 These allocations were removed as part of the changes made at the Regulation 19 stage despite the fact that the Council's preferred growth option (Option 3) results in a larger number of dwellings than that proposed at the Regulation 18.
- 2.16 The SA does not address this point nor does it reconcile the removal of allocations previously considered to be acceptable in seeking to pursue Option 3 and therefore not assist its neighbour Gravesham with meeting some of its unmet need.
- 2.17 It is clear that suitable, available and, achievable sites exist on the Hoo Peninsula that the Council could and indeed should have included in a reasonable alternative spatial delivery strategy option as a means to help meet the wider development needs of its neighbouring authorities.
- 2.18 This represents a fundamental failure of the SA process undertaken to date.

Flaws in SA Approach to Reasonable Alternative Sites

- 2.19 The Regulation 18 consultation document identified a number of sites as being suitable for allocation that were not progressed to the Regulation 19 stage. The SA sets out in Appendix H and J the analysis of the reasonable alternative sites.
- 2.20 Taking Catesby's promotion Site Refs: AS18 and AS22 as examples the analysis contained in Table J.1.1 of Appendix J confirms that the reasons for rejection were:
- Loss of BMV
 - Walking distances to public transport services
 - Incompatibility with the spatial strategy
 - Emerging Neighbourhood Plan
- 2.21 Setting aside the matter of public transport that is readily resolvable via the Development Management process, the reason of incompatibility with the spatial strategy is yet another example of the SA process not reflecting the actual approach taken by the Council. The blended spatial delivery option has not changed from the Regulation 18 stage when the allocation of the Site (and others in the Hoo Peninsula) was considered to be compatible by the Council.
- 2.22 The potential of an emerging Neighbourhood Plan is also not a reason to reject a reasonable alternative site.
- 2.23 Finally, loss of BMV is also not a sound reason for rejecting a site, particularly where the Plan is reliant upon the release of greenfield land on a strategic scale to meet the minimum LHN.
- 2.24 It is therefore clear that the SA has not appropriately assessed the sites identified nor the reasonable alternative site options and has rejected sites for unsound and unsubstantiated reasons.
- 2.25 For the Inspectors' information Catesby is currently at an advanced stage with a live Outline Application⁵ on its promotion site that has addressed the matter BMV and is in the process of reaching agreement on the matter of public transport. This further demonstrates that these reasons have no place in the rejection of reasonable alternative sites through the SA process.

⁵ Application Reference: MC/26/0001

- 2.26 It is relevant to note that Savills has also submitted a Statement on this matter setting out further examples of where the SA process fails to appropriately assess reasonable alternatives having regard to the available evidence and the preferred spatial delivery option progressed in the Plan.

1.12 Overall, how is the IIA adequate in its expression of why the Plan's preferred strategy and policies were selected, as opposed to other alternatives?

- 2.27 The short answer to this question is no. The Council's IIA, which in this case is made up from a number of separate assessments rather than a single consolidated assessment, has failed to adequately justify the preferred strategy set out in the Plan and in particular has failed to properly identify and evaluate the other reasonable alternatives in terms of the growth strategy, the spatial delivery strategy and alternative site options.

- 2.28 Firstly, it is clear that the requirements of Government policy and legislation have not been satisfied by the Council for the following key reasons as also explained earlier in this Statement:

Reason 1 - The failure to properly explore the need arising from neighbouring authorities as required via the DtC has resulted in a flawed approach to reasonable alternative growth options.

Reason 2 – The fact the Council has simply continued with the same blended spatial delivery strategy set out at the Regulation 18 consultation stage has resulted in findings that are incompatible with the evidence, particularly in relation to reasonable alternative sites.

Reason 3 – Reasonable alternative sites have been rejected for reasons that are simply not reflected by the evidence leading to the Council ignoring suitable and sustainable site options that could help meet unmet need from its neighbours.

- 2.29 Secondly, the IIA process undertaken by the Council is opaque due to the fact that the individual components of the IIA have been carried out separately from one another and entirely independently. This has led to inconsistent analysis and contradictory conclusions between the various assessments that together comprise the IIA.

- 2.30 The process must be revisited to address the shortcomings we have identified in this Statement and also set out in our Regulation 19 Representations. If the Council was to revisit the process it would be clear that the minimum housing requirement should be increased to help meet the needs arising from neighbouring authorities and that the blended spatial delivery strategy can in fact deliver more housing on sites already considered, by the Council to be suitable, available and achievable. This approach would lead to a more sustainable Plan that is fit for purpose and in compliance with Government policy.

Other Legal Requirements:

1.13 Taken as a whole, does the Plan include strategic policies – or a spatial development strategy which contains policies – to address the identified strategic priorities of the Plan area, in accordance with Section 19(1C) and (1D) of the Planning and Compulsory Purchase Act (PCPA)? If not, why?

- 2.31 The short answer to this question is no.
- 2.32 Alongside the legislative requirements set out by the Inspectors in this question the Framework 2024 confirms that the development plan must include strategic policies to address each local planning authority's priorities for the development and use of land in its area⁶.
- 2.33 Strategic policies should set out an overall strategy for the pattern, scale and design quality of places and make sufficient provision for, inter-alia, homes (including affordable homes)⁷.
- 2.34 Plans should also make explicit which policies are strategic policies⁸.
- 2.35 Strategic policies should look ahead over a minimum 15 year period from adoption⁹.

⁶ Paragraph 17 of the Framework 2024

⁷ Paragraph 20 of the Framework 2024

⁸ Paragraph 21 of the Framework 2024.

⁹ Paragraph 22 of the Framework 2024.

- 2.36 In specific relation to the housing requirement and supply the Framework 2024 confirms that strategic policies should set out the minimum housing requirement and identify sufficient supply and mix of sites to identify a supply of specific deliverable sites for the first 5-years following the intended date of adoption and specific developable sites for the subsequent years 6-10 and 11-15 of the remaining plan period¹⁰.
- 2.37 The Plan as submitted for examination contains two chapters entitled Vision and Strategic Objectives (Chapter 2) and Spatial Development Strategy (Chapter 3). Neither chapter includes any policies (strategic or otherwise). Furthermore, the Housing chapter (Chapter 6) and the Site Allocations chapter (Chapter 14) contain no policies of a strategic nature that address the minimum housing requirement, housing land supply or spatial delivery strategy.
- 2.38 The Plan therefore fails to meet all of these minimum legislative and policy requirements and is incomplete. Given the importance placed on the delivery of new homes by Government the failure of the Council to properly articulate its spatial development strategy, housing delivery strategy, minimum housing requirement and housing land supply is a fundamental failure.
- 2.39 No reason has been presented by the Council for the absence of these policies in the Plan.
- 2.40 It is strange that the Council has taken this approach given that it clearly understands the requirements of the Framework 2024 and the relevant legislative framework. This is conveyed by the fact that elsewhere in the Plan policies are prefixed with a 'S' where they are considered to be strategic in nature, a 'DM' where they perform a primarily Development Management function and a 'T' where they comprise a Thematic policy¹¹.
- 2.41 It would therefore appear to be a conscious decision on the part of the Council to ignore the legislative and national policy requirements.

Total number of words: 2444

¹⁰ Paragraphs 69 and 72 of the Framework 2024.

¹¹ Page viii of Regulation 19 Plan as submitted.