

Medway Local Plan Examination

Matter 1 Hearing Statement on behalf of Richborough

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

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?

1.1 Richborough has raised significant questions about how sites have been assessed and selected through the course of the Plan-making process.

1.2 Paragraph 72 of the NPPF 2024 states that:

“Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability.”

1.3 Medway undertook consultation on the Regulation 18 Stage 2 consultation in summer 2024, which included the identification of preferred site allocations shown on the supporting policies map. However, it was clear that at that stage of plan-making that the Land Availability Assessment (LAA) which formed part of the consultation only comprised a collection of promoter and landowner responses to the call for sites consultation - an Interim LAA. There was no assessment or interrogation of the deliverability of any of the sites within the LAA, and Richborough made representations to this effect. The second page of the Final LAA Report (Examination Doc Ref B1) shows that the Interim Report was dated 16 October 2023 whilst the Final Report was dated 30 May 2025, finalised only ahead of the Regulation 19 consultation in summer 2025. It is clear therefore that draft allocations were identified ahead of the preparation of a LAA that complies with Paragraph 72 of the NPPF.

1.4 The Regulation 18 Stage 2 consultation document was wholly reliant on the Interim Sustainability Appraisal for the assessment of suitability of sites, as this wasn't done through the LAA.

1.5 This is confirmed at Paragraph 2.3.4 of the Site Selection Paper (Examination Doc Ref: B22.1) which states:

“To prevent duplication of assessment criteria, the Interim SA site assessments, i.e. pre- and post-mitigation scoring against 12 objectives, were also considered in the assessment of suitability.”

1.6 The Sustainability Appraisal, prepared by Lepus Consulting, includes an element of assessment work in regard to sites. However, this focuses on the environmental implications of development without the wider economic and social dimensions factored in. Richborough is not of the view that an assessment of suitability within the LAA would not have represented duplication.

1.7 The LAA therefore, should already have been completed by Medway Council at the Reg 18b stage, and the use of the Interim SA for the identification of sites is not justified or effective. Even the

individual site assessments in the Final version of the LAA simply use the conclusions of the Interim SA in regard to suitability.

- 1.8 Richborough would also question how the conclusions of the SA site assessment were used in the selection of sites.
- 1.9 Site HHH12 is a large residential allocation between Hoo St Werburgh and Chattenden and scores major negative in a post mitigation scenario against 4 of the 12 Objectives; Biodiversity and Geodiversity, Landscape and Townscape, Pollution and Waste and Natural Resources. There is insufficient justification from Medway Council as to why this site is identified as an emerging allocation when it scores so poorly against the environmental objectives.
- 1.10 On this basis, there is limited evidence of how the Sustainability Appraisal has influenced the identification of the proposed residential allocations. Paragraph 32 of the NPPF is clear that Local Plans should be informed throughout the preparation by a Sustainability Appraisal that meets the relevant legal requirements, and this should demonstrate how the plan has addressed relevant economic, social and environmental objectives including opportunities for net gains.
- 1.11 Medway Council have not prepared the required evidence base to demonstrate why and how the allocated sites have been chosen.

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?

- 1.12 The Development Strategy is set out within a blue box across pages 25-27 of the Regulation 22 version of the Local Plan (Examination Doc Ref: A1). Similarly, the Vision for Medway in 2041, which is clearly not a policy, is also set out in a blue box.
- 1.13 Alternatively, the “policies” of the Local Plan are all set out in grey boxes and titled with a Policy Number. It is clear therefore that the Spatial Development Strategy was not written in the form of a policy.
- 1.14 Section 1B of the Planning and Compulsory Purchase Act requires LPA’s to identify the strategic priorities for the development and use of land in the authority’s area; and Section 1C requires policies to address those priorities to be set out in the local planning authority’s development plan documents.
- 1.15 As set out in Section 1D, only in London Boroughs or Mayoral Development Corporations can those priorities be set out in the spatial development strategy.
- 1.16 It is clear therefore that the Medway Local Plan does not include Strategic Policies to address the priorities of the Plan area.

Contact

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