

Land South of Lower Rainham Road

Medway Local Plan Examination

Matter 1 Legal and Procedural Requirements

Date of report: 27 August 2026

PREPARED FOR

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1. Introduction

- 1.1 This Hearing Statement has been prepared by Savills on behalf of Catesby Strategic Land Ltd (Catesby). Catesby is the promoter of Land South of Lower Rainham Road (herein referred to as 'the Site' or the Land Availability Assessment reference 'RN5'), which lies to the east of Gillingham between the areas known locally as Grange, Lower Rainham and Lower Twydall. The Site has been promoted through all stages of the emerging Medway Local Plan.
- 1.2 Catesby is also promoting the Land at Stokes Road in Allhallows (Site references AS18 and AS22). Separate Hearing Statements have been prepared in relation to this Site and Catesby's views regarding the Local Plan's overall soundness. This Hearing Statement focuses on site-specific matters only and should be read alongside the Hearing Statements submitted for the Land at Stokes Road.
- 1.3 The Site was submitted to Medway Council as part of the Call for Sites exercise between November 2022 and February 2023. The Site was subsequently identified under reference RN5 by Medway Council (MC) as set out in the Land Availability Assessment (LAA). Catesby submitted representations to the Regulation 18a consultation in October 2023, the Regulation 18b in September 2024, the Regulation 19 in August 2025, and the Medway Evidence Base in July 2026.
- 1.4 This Hearing Statement responds to Matter 2 of the Inspector's Matters, Issues and Questions (MIQs) that will be discussed at the upcoming hearing sessions, commencing on 15th September 2026.
- 1.5 The emerging Medway Local Plan has been prepared under the 2024 version of the National Planning Policy Framework (NPPF) and thus, comments within this statement refer to paragraphs within this iteration of the NPPF.
- 1.6 At examination, a Plan will be found 'sound' if it is considered to be positively prepared, justified, effective and consistent with national policy, as set out within Paragraph 36 of the NPPF (2024). As such, ensuring that the Local Plan meets the tests of soundness is important throughout the Local Plan process. This hearing statement raises concerns regarding the soundness of MC's approach with the preparation of the plan.
- 1.7 The Site comprises four interconnected, irregularly shaped parcels of greenfield land covering approximately 30.21 hectares to the east of Gillingham. Adjacent, to the south east of the Site, is the location of the Rainham Parkside Village allocation (LAA reference RN9 and draft policy SA10). Reference is also made within this statement to site RN8 which forms part of the wider RN9 but assessed separately. Together, these areas are located within the 'North of Rainham' Spatial Development Option considered within the Sustainability Appraisal. Catesby consider a wider allocation should have been included covering both the Site and RN9 allowing for a more holistic, landscape-led scheme to come forward that increases housing delivery and ensures that the proposed infrastructure required to support the growth is delivered.

2. Response to the Inspector's Questions

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.

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

- 2.1 The Planning and Compulsory Purchase Act 2004 requires a Sustainability Appraisal (SA) to be undertaken through the plan making process with the 'objective of contributing to the achievement of sustainable development'. The SA should assess the likely effects of the Local Plan when considered against alternatives. Further to this, the SA is an important document in demonstrating whether a Plan is justified taking into account the reasonable alternatives.
- 2.2 MC has prepared and consulted upon a Sustainability Appraisal (SA) at each stage of the emerging Local Plan process to satisfy the relevant legal requirements. Catesby has consistently provided detailed representations on these appraisals; however, these concerns have still not been properly addressed. Specifically, MC has failed to undertake adequate and proportionate testing of reasonable alternatives, particularly regarding the assessment of greater growth options in North Rainham and the amount of land incorporated within the proposed Rainham Parkside Village allocation.

Assessment of the Spatial Delivery Options and the Spatial Growth Options

- 2.3 The SA sets out Spatial Delivery Options (SDO) identified by MC. The Site, falls into the 'North of Rainham' area. In this area, the SA explains that the range of homes that could theoretically be delivered is between 2,560 and 3,275 new homes. When these scenarios were tested against the sustainability objectives, the SDO for the North of Rainham area performed better against the SA Objectives than many of the other SDOs. Despite this, MC only allocated approximately 863 new homes in this area which is significantly below these thresholds. Whilst it is appreciated that a combination of the SDOs will be required, it seems clear that MC should be allocating greater growth within the North of Rainham Area. In Catesby's opinion, insufficient testing against the number of homes that could be accommodated in this area was undertaken and appears to be missing from the assessment of Spatial Growth Options (SGOs).
- 2.4 In considering the SGOs the Council concluded that a blended approach (Option 3) represented the most appropriate strategy, combining urban regeneration with suburban and rural development to meet housing and employment needs across Medway. Notably, Option 3 did not contemplate growth within Lower Rainham. However, following consultation on the Regulation 18 Local Plan and receipt of representations promoting the allocation of additional land at Lower Rainham (RN9), the Council subsequently identified land within the North Rainham area for allocation, as acknowledged in the Council's commentary on page 33 of the Sustainability Appraisal (SA) Volume 2. Whilst Catesby supports the inclusion of land within the North Rainham area, it is concerned that the decision appears to have been driven primarily by reference to "compelling representations". The SA does not undertake

an assessment of the inclusion of this area within any SGO and thus, the strategy taken forward through to the examination has not been tested through the SA and consequently cannot be considered justified.

- 2.5 In Catesby's view, reliance on representations alone does not provide sufficient justification for a material change in spatial strategy and any such change that resulted in a different SA outcome should have been fully explored and explained. Further evidence should have been provided prior to the submission of the Plan for examination to explain the basis for this change, including how the inclusion of only part of this area was considered to be a reasonable alternative to the entirety of the area which was assessed to perform comparatively well, if not significantly better, than many of the SDOs.
- 2.6 Catesby considers that, had this option been subject to further assessment and testing through the Sustainability Appraisal process, it would have demonstrated that a coordinated allocation of both RN5 and RN9 would perform more favourably against a number of the SA objectives. At no stage has MC considered the combined allocation. Bringing the sites forward together would facilitate a more comprehensive, viable and deliverable development, enabling the provision of shared infrastructure and the creation of a more cohesive and sustainable extension to North Rainham. However, no such assessment of a combined RN5 and RN9 option appears to have been undertaken. Consequently, reasonable alternatives have not been robustly tested, and therefore the Plan has not been appropriately justified and is therefore considered to be unsound.

Assessment of the Land South of Lower Rainham Road

- 2.7 Detailed commentary on the SA assessment of the Site are included within the Representations to the Regulation 19 consultation. In which, Catesby's representations confirmed that the assessment of reasonable alternative strategic sites was provided at SA Volume 3. Appendix J of this confirmed that RN5 had been rejected as a potential allocation.
- 2.8 Whilst Catesby's representations identified a number of inaccuracies within the assessment of RN5, a principal concern relates to the inconsistent approach taken in the appraisal of Sites RN5, RN8 and RN9, which are located in close proximity and are subject to comparable planning circumstances. It is important to note that site RN8 forms part of the wider RN9 site and lies immediately adjacent to RN5. The SA identifies broadly the same constraints in respect of RN5 and RN8 and relies upon these considerations to justify their rejection. However, notwithstanding that RN9 is subject to the same overarching planning and environmental constraints, the SA concludes that the site should be taken forward on the basis that:

"Following Regulation 18b consultation, site promoter has demonstrated how concerns and constraints could be addressed"

- 2.9 This explanation is insufficient to justify the materially different assessment outcome. The SA provides no clear evidence as to which concerns were addressed, how they were addressed, why those matters could not similarly be overcome in respect of RN5, or how the comparative merits of the sites were assessed. It is notable that Catesby also provided strong evidence to support the allocation of RN5 but this has been overlooked and instead it appears that a completely inconsistent approach has been taken for the two sites. Thus, the SA fails to demonstrate why RN9 represents a preferred option without the inclusion of RN5 or both RN5 and RN9.
- 2.10 There are significant concerns as to whether the Plan is justified by proportionate evidence and whether the SA has fulfilled its role in supporting a robust assessment of reasonable alternatives. Accordingly, the Plan cannot be considered sound in this respect.

3. Conclusion

- 3.1 In conclusion, Catesby considers that the Sustainability Appraisal has not adequately assessed or tested reasonable alternatives and therefore does not provide a robust justification for the strategy taken forward in the submitted Plan. Particular concerns relate to the level of growth proposed in North Rainham, the inclusion of land within this area without further assessment through the SA process, and the failure to assess a wider coordinated allocation, to include RN5 and RN9, as a reasonable alternative.
- 3.2 Catesby also considers that the assessment of RN5 is inconsistent when compared with the treatment of RN8 and RN9, with insufficient evidence provided to explain why constraints identified on RN5 could be addressed in relation to RN9 but not RN5.
- 3.3 Accordingly, Catesby concludes that reasonable alternatives have not been robustly tested and that the SA has not fulfilled its role in providing a transparent and evidence-based justification for the strategy taken forward. On this basis, it is considered that the Plan is not justified and cannot be found sound in respect of this matter.

END

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