



**Representations by Barratt Strategic**

**Medway Council ref 04**

**Medway Council's Core Strategy – Examination in Public – response to the Matters and issues raised by the Inspector for debate at the reconvened Hearing on 22 May - Lodge Hill**

**Matter 1 - Policy context:**

- a) South East Plan (SEP) revocation.
  - i) What are the implications of the revocation of the South East Plan (in particular paragraph 19.5) for the Lodge Hill allocation?
- b) The National Planning Policy Framework (the Framework).
  - i) Does the proposed allocation comply with paragraph 118 which indicates that proposed development on a SSSI<sup>1</sup> should not normally be permitted.....an exception should only be made where the benefits of the development.....clearly outweigh both the impacts it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs?
- c) Core Strategy
  - i) Is there an internal conflict between Policies CS6 and CS33?

Barratt Strategic's response

Question 1a

- 1.1 Whilst the spatial strategy and housing requirements advocated in the SEP may still be seen as a material consideration, the revocation of the SEP means that both have limited weight.
- 1.2 Just because the housing numbers proposed in the CS reflect the SEP does not make them right – the housing numbers should, as per paragraphs 47 and 159 of the NPPF, reflect the objectively assessed needs of the area. At present the plan proposes 815 dwellings per annum – the same as the SEP. The North Kent SHMA (2010) suggests that the annual housing requirement for Medway 2008 – 2026 is 878.
- 1.3 The “Choice of Assumptions in Forecasting Housing Requirements” available via <http://www.howmanyhomes.org> advises that LPAs should use official projections. Its assessment of the housing requirement for Medway (2006 – 2028 (as per the CS)) is 899dpa.
- 1.4 The SHMA is however based on KCC's household projections (2008) so does not reflect the latest national statistics (April 2013) on the projected number of households in England and its local authority districts to 2021. Unfortunately the same is true of the 'how many homes' calculation at present as the 2013 projections are only just being incorporated.
- 1.5 What is clear from the above is that the objectively assessed need is greater than that proposed in the CS and that there is nothing in the CS or the SA that demonstrates why this need can not be met in full. In our opinion a new call for sites and a review of sites previously discounted from the SHLAA should be undertaken to see whether there is in fact sufficient available, suitable and deliverable land to meet the objectively assessed needs of the council without the need to release Chattenden/ allowing for a lower and potentially slower rate of development at Chattenden.

1.6 Given the revocation of the SEP, there is in our opinion no longer anything that ties Medway Council to having to allocate land at Chattenden if the evidence demonstrates this is no longer an appropriate development site. Again there should be an objective assessment of the spatial strategy to establish if Chattenden is still the right location for growth. The SA, as per our reps of the Feb 2013, should consider other reasonable alternatives – such as a smaller development at Chattenden and additional development in an extended Hoo site for example.

1.7 In addition to the above there is the issue of the duty to cooperate. If Chattenden is no longer an appropriate location for development/ can not take the scale of development envisaged in the plan and it is demonstrated that there are not enough other alternatives to bridge the gap, Medway need to demonstrate that they have discussed the implications of this with their neighbours and that they and their neighbours have a strategy for dealing with the implications on the objectively assessed needs of the area as a whole. As set out in the table below, the adjoining boroughs' of Gravesham, Maidstone and Swale are all promoting plans that fall below their objectively assessed needs. The implications of Medway's CS following suit on how the future housing requirements of the wider area are to be met, the associated economic performance of the area and migration rates are in our opinion severe and need to have been taken into consideration. If they are not we do not believe the CS can be said to have been 'positively prepared' – ala Para 182 of the NPPF. To date nothing has been produced to demonstrate that Medway and their neighbours have discussed this issue and resolved how best to deal with it.

	SEP requirement	CS requirement	SHMA	How Many Homes
Medway	815pa 2006 – 2026	815pa 2006 – 2028	878pa 2008 – 2026 2010 SHMA	899pa 2006 – 2028
Dartford	867pa 2006 – 2026	867pa 2006 – 2026	Market demand for 7666 units over the 3 year period 2006 – 2009 (2555pa – table 8.14) 356 net affordable units pa – table 13.5 2006 DCA HNS	595pa 2006 – 2026
Gravesham	465pa 2006 – 2026	230pa 2008 – 2028	492pa 2010 SHMA	436pa 2008 – 2028
Swale	540pa 2006 – 2026	540pa 2011 – 2031	857pa 2009 SHMA	704 pa 2011 – 2031
Maidstone	554pa 2006 – 2026	740pa 2011-2031	1,081 net affordable units pa only 2010 SHMA	751pa 2011-2031
TMBC	450pa 2006 – 2026	425pa 2006 – 2025 But with provision to increase if required to match the SEP	467 net affordable units pa only 2005 DCA HNS	639pa 2006-2026

NB Dartford CS adopted Dec 2011 and TMBC CS adopted Sept 2007. All other CS's (bar Medway) have yet to get to reach examination

## Question 1b

1.8 Given the social and economic impacts of their CS failing Medway Council will no doubt take the view that there is an exceptional case justifying the release of Chattenden Barracks. We however do not believe the need has been proven in the light of the sites allocation as a SSSI and the assessment of reasonable alternatives. Medway need to be able to demonstrate that there are no other reasonable alternatives that could accommodate the level of growth proposed at Chattenden, whether individually or cumulatively, in a sustainable way and with less harm to the natural environment. The SA does not demonstrate this so the CS can not be said to be 'justified' or 'consistent with national policy'

## Question 1c

1.9 There would appear to be an internal conflict in the CS between policies CS6 and CS33 if Chattenden is allocated – the last Para of policy CS6 clearly looks to avoid any negative impact on recognised wildlife habitats and the development of Chattenden clearly has the potential to adversely impact on a SSSI. Thus the 'effectiveness' of the CS must be called into question.

**Matter 2 - Mitigation/compensation measures**

- a) Is providing compensatory habitat, rather than preservation in situ, the right approach for a site with nature conservation value of national importance?
- b) If it is acceptable, I am minded to give significant weight to the conclusions of the BTO study that it is 'theoretically feasible to create habit that will be occupied by nightingales in lowland England' and that 'if the right conditions are satisfied', there is greater probability of achieving success in Kent than in most parts of the Country'. On that basis:
  - i. How much compensatory habitat is required and how likely is it that sufficient land of a suitable type will be made available and what potential adverse impacts may arise, such as loss of good quality agricultural land?
  - ii. What are the likely consequences of the time lag between loss of habitat at Lodge Hill and the provision of new habitat if development proceeds as currently proposed? Alternatively what are the implications for the Core Strategy if development at Lodge Hill is delayed to allow for new/restored/improved habitat to become available?
- c) To what extent can the loss of the area of MG5 Grassland be mitigated by changes to the Masterplan and if offsite provision is necessary what are the risks to delivery?

## Barratt Strategic's response

## Question 2a

2.1 Whilst we will leave others who are better qualified to deal with the technical aspects of any potential mitigation / compensatory strategy, to address this matter in detail we would question whether the offsetting mechanism envisaged in the BTO study is appropriate given the fact Chattenden has now been designated a SSSI. Our understanding was that the provision of compensatory habitat was not appropriate in SSSI's - in which case Medway have to review their strategy and the scale and pace of development that can be accommodated at Chattenden.

## Question 2b

2.2 In our email of the 30<sup>th</sup> November 2012 on the draft BTO study we highlighted the fact that the BTO report avoids the issue of whether the timing of development envisaged in the plan is still achievable. In our opinion Medway Council should be

required to demonstrate what the timescales for the bedding in of the replacement habitat is, if it is deemed to be a suitable strategy, so that we can all establish if the timing of development envisaged in the plan is still achievable.

2.3 Table 2 of the BTO report appears to indicate that it would take circa 4 years minimum to bed in any replacement habitat.

2.4 As table 10.23 of the Core Strategy suggests that Lodge Hill will be delivering 300 dwellings pa from 2014, it's clear, if table 2 of the BTO report is correct, that the timing of development envisaged in the plan is not achievable. Furthermore, it would appear that in order to address the issue of temporal lag one would need to deliver at least 1500 dwellings and circa 6500sqm of employment floorspace (B1, B2 and B8) elsewhere within Medway and to push development at Lodge Hill back to 2020 at the earliest to enable some form of replacement habitat to be bedded in prior to development commencing.

### **Matter 3 - SA Addendum**

- a) Does the addendum provide a robust assessment of alternative options? In particular:
- i. Are there other reasonable alternatives that should be evaluated in greater detail bearing in mind the changing circumstances in relation to Lodge Hill? For example, is it right to reject a more dispersed pattern of development without a more detailed evaluation of what that might mean in practice? Should neighbouring authorities be approached under the duty to cooperate in order to avoid development at Lodge Hill if there really is no reasonable alternative within Medway?
  - ii. Does the SA Addendum meet the requirement established in *Heard v Broadland* that alternatives must be appraised as thoroughly as the preferred option; and the implications of *Cogent Land LLP v Rochford DC* and *Bellway Homes Ltd* (as reported in JPEL issue 2 2013 (pages 170-192)) that an addendum report must be a genuine exercise rather than a mere justification for the decisions that have already been taken.

### **Barratt Strategic's response**

#### **Question 3a**

3.1 As per our reps of the Feb 2013 on the adendum SA we do not believe that the adendum SA does provide a robust assessment of alternative options. The adendum SA continues to look at 5 options only, including Chattenden. The rational behind this appears to be the need to concentrate development on PDL and the council's focus on regeneration. However the SA acknowledges that with the exception of the Capstone Valley urban extension the other alternative options are just as capable of meeting the council's sustainability objectives (Para 4.7 Dec 2011 SA refers). Why then has a more robust assessment of the alternatives not taken place since the November 2012 workshops? And why has the council not looked at a reduced level of development at Chattenden linked to growth elsewhere in the Hoo Peninsular – as we have suggested on numerous occasions. Such an approach would in our opinion enable the maximum use to be made of shared resources and infrastructure provision.

3.2 In our opinion Medway should review the SHLAA sites and in the light in the changed circumstances they now find themselves in reassess what could be achieved elsewhere if the scale of development proposed at Chattenden is reduced/ removed altogether.

## Question 3b

- 3.3 To date Medway appear to have used the SA process to justify their position, not test real alternatives and thus have not met the requirements established in *Heard v Broadland* or the implications of *Cogent Land LLP v Rochford DC* and *Bellway Homes Ltd*.

**Matter 4 - Is the 'very positive' score given to the Lodge Hill option in relation to previously developed land justified?**

- a. How much of the development area meets the definition of previously developed land set out in Annex 2 to the framework?
- b. Should the scoring be tempered by the Framework's core planning principle that reusing previously developed land should be encouraged, provided that it is not of high environmental value?

## Barratt Strategic's response

## Question 4a and 4b

- 4.1 The Habitat Map (fig 1) in the BTO study shows how the former MOD buildings and the associated areas of hardstanding are limited to a few areas of Chattenden Barracks and that the majority of the Chattenden Barracks site is in fact various forms of woodland, grassland and scrub. It is not, as the addendum SA Jan 2013 suggests primarily PDL (pA1-6 refers)
- 4.2 The NPPF is clear that not all the curtilage of PDL should be assumed to be developable land and that where the remains of permanent structures or fixed surface structures have blended into the landscape over the course of time they should be excluded from the definition of PDL.
- 4.3 Having regard to the above we would question the extent to which the Chattenden site can justifiably be called PDL. Furthermore we would question the extent to which, even where PDL does exist, it is suitable for development given the environmental consequences.
- 4.4 Clearly revising the sites description and removing the need for conformity with the SEP will have major implications on how Chattenden scores relative to other sites considered in the SA, and indeed other reasonable alternatives not yet assessed.
- 4.5 Unfortunately Medway have failed to undertake this work and demonstrate that the plan is a sound one. As such and having regard to the above we believe there are only now 2 options left available to the inspector:-
  - 1) Delay determining the plan and instruct Medway to undertake an up to date assessment of their objectively assessed needs, a detailed review of the reasonable alternatives to the development of Chattenden and update their CS and its associated SA accordingly  
or
  - 2) Find the plan unsound.

**Matter 5 - Delivery and Implementation**

- a) Further to my comments to the Council in my letter of 23 January 2013 I intend to have a brief discussion with the Council. I am not inviting any further written statements.