

# **Medway Core Strategy Plan Public Examination 2012**

## **Matter 2: Spatial Vision**

**Hearing Session: 12<sup>th</sup> June 2012 (PM)**

**STATEMENT BY  
MEDWAY COUNCIL**





## **Matter 2: Spatial Vision**

**Matter 2a: Does the Core Strategy present a clear spatial vision for the Borough? Has it been positively prepared and will it deliver sustainable development in accordance with national and regional policy or identified needs?**

1. In addition to the Matters and Issues set by the Inspector, she has also drawn attention in subsequent correspondence to the presumption in favour of sustainable development in the National Planning Policy Framework (NPPF) and an associated model policy prepared by the Department of Communities and Local Government (see correspondence on website). This matter is addressed in this paper under 2a (v).

### **Matter 2a**

#### **(i) Does the Core Strategy present a clear vision for the Borough?**

2. The Vision is set out at the end of paragraph 3.21 in the Core Strategy (pages 21-22).
3. Paragraph 3.21 explains that it is a 'spatial' vision that takes account of an overall vision for Medway set out in the Sustainable Community Strategy (SCS) and the contextual issues identified in chapter 2. The SCS vision is reproduced at paragraphs 3.7-3.10 and the issues in chapter 2 include those underpinning the Community Strategy.
4. It follows that there is the closest possible alignment between the Community Strategy and the Core Strategy Vision.
5. The spatial Vision is locally distinctive, with regular references to key locations and local issues. It also reflects the three pillars of sustainable development (social, economic and environmental).
6. The Vision was subject to two rounds of public consultation:
  - Pre-Publication (R.25) Stage – At this initial stage there was strong support for the Vision but some amendments/additions were made to the associated Strategic Objectives as a direct result of representations received (see paragraphs 3.11 – 3.23 of the Regulation 30 (d) Statement – Ref: MC11)
  - Publication (R.27) Stage – No representations objected to the Vision but a small number sought additional detail – generally reflecting specific representations on the Core Strategy. Summary details can be found in Section 4 of the Regulation 30 (e) Statement (MC10).
7. The Council has not proposed any changes to the Vision in the light of the R.27 responses. This is because it considers that the Vision should

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not be over-long, or deal with some matters in more detail than others. It should be balanced.

8. On this basis it is the Council's opinion that the Vision does present a clear vision for the Borough. Moreover it relates directly to the extensive evidence base and it has broad community support.

**(ii) Has it [the Core Strategy] been positively prepared?**

9. The Council sees plan making as a positive process and its approach to preparing the Core Strategy is well illustrated by the "How to get involved" leaflet that accompanied the launch of the plan preparation process in December 2008 (see Appendix 1). This includes:
- An express wish to involve as many people as possible throughout the process
  - A commitment to be open and transparent
  - Providing regular updates
  - Making continuous engagement real.
10. Further details of the plan preparation process are contained in a background paper LD05.
11. The Core Strategy is very much about facilitating appropriate development and is positively worded throughout. Specifically:
- The housing target is assessed as "challenging" (paragraph 3.15) and the employment target as "ambitious" (paragraph 3.19)
  - No phasing restrictions are proposed that might otherwise suppress development activity
  - No ceilings are placed on the development targets and indeed surpluses of both housing and employment land are recognised, which provides a degree of flexibility and contingency over the plan period.
12. As such the strategy is about guiding as opposed to restricting development.
13. The Vision, strategic objectives and policies in the Core Strategy are positively worded and a number of the policies require the Council to take a proactive or enabling role in their implementation.
14. Accordingly the Council considers that the Core Strategy has been positively prepared.

**(iii) Will it [the Core Strategy] deliver sustainable development in accordance with national and regional policy or identified needs?**

15. At each key stage of its preparation the Core Strategy was subject to sustainability appraisal. The final (independent) report (MC07) includes the following conclusions:

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- 11.2 *The SA has found that the Medway Core Strategy will make a significant contribution to sustainability in Medway, with a particularly strong focus on meeting housing, community and economic needs and on enhancing and preserving Medway's unique environment.*
- 11.3 *...Throughout the process the SA has made recommendations that have been incorporated within the plan to mitigate the(se) negative effects and enhance the positive effects.*
16. It follows from this that the overall scale and pattern of development proposed is sustainable, although the large quantum of development proposed does present challenges.
17. Deliverability is specifically addressed in a background paper (LD03). This readily accepts the challenge posed by the current economic climate but shows that development is being maintained despite the economic downturn.
18. Conformity with both national (pre NPPF) and regional policy is also considered in a background paper - LD01. This shows a very high degree of conformity in each case. Conformity with the NPPF is considered below. Conformity with the National Planning Policy for Traveller Sites (March 2012) is considered in Matter 3 (d).
19. Identified needs are a product of the very extensive evidence base and are also considered in the background paper LD04 'the Basis for Housing and Employment Growth Targets'.
20. Accordingly the Council considers that the evidence shows that the Core Strategy will deliver sustainable development in accordance with national and regional policy and, at the same time, catering for identified local needs.
- (iv) General Conformity with the NPPF**
21. The Government published the final version of the National Planning Policy Framework (NPPF) on 27 March 2012 and it came into force on the same day. The Medway Core Strategy was submitted for independent examination on 7 February 2012.
22. Notwithstanding that the Core Strategy was compiled prior to the release of the NPPF it is understood that the plan must be in conformity with it and this is considered below.
23. After reference to paragraph 213 in the NPPF, and careful consideration the Council does not consider that the Core Strategy needs to be radically changed and so any necessary changes can be dealt with through the examination process.
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24. On the same date the Framework was published the Planning Inspectorate issued advice for use by inspectors. See: [http://www.planningportal.gov.uk/uploads/pins/advice\\_for\\_inspectors/nppf.pdf](http://www.planningportal.gov.uk/uploads/pins/advice_for_inspectors/nppf.pdf)
25. In Annex B it advises that inspectors should seek to minimise delays, while giving parties an opportunity to make representations in the interests of fairness. This approach is fully supported by the Council in relation to the current examination.

Paragraph 3 of the advice states:

*“The Framework largely carries forward existing planning policies and protections in a significantly more streamlined and accessible form. It also introduces the presumption in favour of sustainable development, and makes adjustments to some specific policies.”*

26. In Annex D it then lists changes from previous national policy set out in the NPPF Impact Assessment. As part of its assessment of conformity the Council has used this list to assess the Core Strategy. The results are summarised in a table attached in Appendix 2, which uses a deliberately short style in the interests of brevity.
27. It follows that the Council considers there is a high degree of conformity with the summary changes in national policy. Where changes are required to ensure full conformity they are considered to be minor in nature.

#### **(v) The Presumption in Favour of Sustainable Development**

28. The NPPF sets out the presumption in favour of sustainable development.

Paragraph 15 of the NPPF states:

*“Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.”*

Paragraph 6 states:

*“The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system.”*

29. Subsequent paragraphs explain that there are economic, social and environmental dimensions to sustainable development and that these do not necessarily apply in isolation.

30. Paragraph 14 summarises what the presumption in favour of sustainable development means for plan making:
- *Local planning authorities should positively seek opportunities to meet development needs in their area;*
  - *Local plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:*
    - *Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
    - *Specific policies in this Framework indicate development should be restricted.*
31. Shortly after the NPPF was published the Planning Inspectorate published the following on its website relating to the presumption in favour of sustainable development:
- The Planning Inspectorate considers that this [model wording](#) will, if incorporated into a draft Local Plan submitted for examination, be an appropriate way of meeting this expectation.*
- Planning authorities will of course also need to consider what other aspects of their plans may need to be revised in order to reflect the approach of the presumption, to meet the development needs of the area.*
32. For ease of reference the model wording is reproduced in Appendix 3.
33. It is noted that this guidance takes a new approach to policy making:
- It requires local plans/LDFs to effectively repeat national policy
  - It further requires that this repetition should be in the form of a policy as opposed to explanatory text
  - No supporting text to justify the policy has been provided
  - It was not the subject of a parliamentary or other announcement.
34. However the Council has understood that all local planning authorities are being required to introduce the policy. Consequently a proposed change to the Core Strategy is suggested as follows.
35. It is proposed that the policy and supporting text are inserted at the beginning of chapter 4 Cross Cutting Themes, after a slightly amended paragraph 4.1 and with subsequent text and policies being renumbered accordingly.
36. The wording of the policy is changed slightly from the model published on the Planning Inspectorate website but has the same scope and effect. The changes are intended to give the policy some local distinctiveness and to simplify the wording without lessening its effect.

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**Supporting Text**

37. The National Planning Policy Framework contains a presumption in favour of sustainable development and which is seen as a golden thread running through both plan making and decision taking.
38. Development planning documents must reflect this presumption and show how it is to be applied locally. Policy CS1 does this and also advises how applications will be considered where the development plan is silent or out of date.

**New Policy CS1: Presumption in Favour of Sustainable Development**

**When considering development proposals Medway Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.**

**It will work proactively with applicants so that proposals that secure developments, which improve economic, social and environmental conditions in the area, can be approved.**

**Planning applications that accord with the policies in this Core Strategy (and, where relevant, with policies in other Medway development plan documents and neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.**

**Where there are no policies relevant to an application or relevant policies are out of date at the time of making the decision then the Council will, in accordance with the National Planning Policy Framework, grant permission unless material considerations indicate otherwise. In doing so it will take into account whether:**

- **Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or**
- **Specific policies in that Framework indicate that development should be restricted.**

**Matter 2b****(i) Is the Plan founded on a robust and credible evidence base?**

39. The council considers that the Core Strategy has been prepared following a robust analysis of a comprehensive evidence base, in line with the requirements of the NPPF paragraph 158. In compiling the Core Strategy the Council has had regard to all available advice, set

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out in PPS12 and other technical guidance notes, and has produced a very extensive evidence base that it considers is fully fit for purpose. In this regard the following considerations should be borne in mind:

- As indicated, all studies for which guidance had been issued were prepared in full conformity with that guidance
  - Where it was practical to do so the evidence base was aligned with that of the Sustainable Community Strategy
  - Relevant agencies were involved as appropriate, two examples being the SATURN transport model that was agreed with the Highways Agency and the Strategic Flood Defence Strategy that was commissioned jointly with the Environment Agency
  - Evidence was used that was compiled independently from the preparation of the Core Strategy – for example the Joint Needs Assessment. Being an all purpose authority there was ready access to a large number of separate plans, strategies and research reports relating to the area
  - The long established and comprehensive land use monitoring systems in place within the authority which provide a sound evidence source
  - The publication, at the beginning of the plan preparation process, of a comprehensive set of State of Medway reports. These provided a factual baseline for subsequent work but they also afforded interested parties an opportunity to challenge the evidence. In fact no challenges were made and instead the Council has received a number of compliments on the approach taken.
40. At the same time the Council recognises that some elements of an evidence base can date quite quickly and this issue was, to a degree, compounded by national policy changes that disrupted the preparation timetable. However, to offset this, the SLAA for example has been refreshed annually and the efficacy of all material carefully and regularly reassessed.
41. For these reasons the Council is confident that the Core Strategy is founded on a robust and credible evidence base.

**(ii) Is it [the Core Strategy] flexible and able to be monitored?**

42. In the Council's view the Core Strategy is not unduly prescriptive, such that it might be regarded as inflexible. Flexibility in this context is taken to be the ability of the Core Strategy to remain relevant in the face of changing circumstances and it is considered that it has already demonstrated that that is the case.

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43. At the time plan preparation commenced (December 2008) the economic downturn was in its very early stages and the Core Strategy had to conform with a South East Plan that had been prepared in a very buoyant economic climate.
  44. That conformity challenge remains but at the same time the Core Strategy needs to be responsive to current and much more challenging economic circumstances. This has been achieved – and without having to make significant changes during the process – indicating that there is sufficient inherent flexibility in the Core Strategy.
  45. The ability to effectively monitor the Core Strategy has been specifically considered throughout the plan preparation process and has culminated in Table 11-1 being included in it. The table lists all policies and, in each case, considers both the mechanisms by which it is to be implemented and suitable indicators to assess progress annually.
  46. The Localism Act and new development plan regulations have resulted in some changes to the Annual Monitoring Report (AMR) process. In particular local planning authorities are no longer required to report on a strict annual basis. However it is Medway Council's intention to continue to report annually. This is so that the importance of the monitoring process is clearly recognised and there will be no delay should remedial action be required in implementing or reviewing any given policy.
  47. The monitoring framework implied by Table 11-1 is considered to be more comprehensive than many and work is already in hand to report fully against it in December 2012.

**(iii) What are the trigger points/actions to be taken if monitoring indicates that targets are not being met?**

48. Given the considerable scope of the Core Strategy it is not considered appropriate to set out specific trigger points for each policy, in the event that implementation is an issue.
49. To use a boating analogy, an early gentle hand on the tiller will ensure a smoother course and better progress than more radical movements necessary if there is a significant departure from the chosen course - and this is what the monitoring framework is for.
50. If, for example, housing completions fall behind the target, looking at specific measures to bring forward individual sites will often be more effective than reviewing the policy – with the implication that the target should be reduced. It is also important not to over react to short term conditions, as discussed in the Deliverability background paper (LD03).
51. Paragraph 11.17 of the Core Strategy indicates that if monitoring indicates “significant issues or changes in circumstances” a full or partial review of the Core Strategy would then be considered.

52. By taking this approach up to date evidence can be looked at 'in the round' and an assessment made as to whether there is simply a short term blip or a longer term trend. This should ensure that the response to any particular situation is proportionate.
53. It might be suggested that this approach could let the Council 'off the hook' but it is not considered that this would be the case. The AMR will continue to be published and if a problem or shortfall was indicated but the Council was not considering remedial action then a developer, landowner or other party could challenge the response.
54. This is considered to be much more effective than having what could be easily considered rather arbitrary triggers such as a shortfall of housing completions of more than 20% over 5 years causing a partial or full review.

## APPENDIX 1

Initial Consultation Leaflet: December 2008



**Medway Core Strategy**

What it is and how to get involved

[www.medway.gov.uk](http://www.medway.gov.uk)

Local Development Framework  
Medway

**Medway**  
COUNCIL  
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# Medway Core Strategy

## What it is and how to get involved

### What is it?

It is a key part of the Local Development Framework or LDF that will shape development in Medway to 2026 and beyond. It will set out a 'spatial vision' for the area and strategic policies relating to housing, jobs, the environment and more. It will also allocate strategic sites for development.

It will cover the whole of Medway and will affect everyone to some degree or another, so we want to actively involve as many people as possible in its preparation. It needs to reflect local needs and the views of the community.



This leaflet briefly describes the process that will be followed in preparing the Core Strategy and explains how you can get involved and stay up to date with progress.

### The process

We will be preparing the Core Strategy in a very open and transparent way with regular updates on progress and forthcoming events being published on our website: [www.medway.gov.uk/ldf](http://www.medway.gov.uk/ldf)

Alongside the preparation of the Core Strategy itself, a number of studies are being undertaken and these will inform work at key stages. The studies will form a significant part of what is called the 'Evidence Base' that must be produced to underpin the policies and proposals in the Core Strategy. These too will be published on the website.

In parallel we must also undertake a Strategic Environmental Assessment and Sustainability Appraisal of the baseline situation and the options and policies as they evolve. Reports detailing the process will be published at key stages.

In addition an Infrastructure Plan will be prepared, informing and responding to emerging proposals and policies in the Core Strategy.

We will first be generating and testing Issues and Options and actively involving key stakeholders and the wider community in that process. An Issues and Options Report will then be published and this will be subject to formal public consultation.



After we have fully assessed all responses we will start to scope the Core Strategy itself, again involving key stakeholders and the community throughout. We will then publish the Core Strategy and have a further formal period of public consultation.

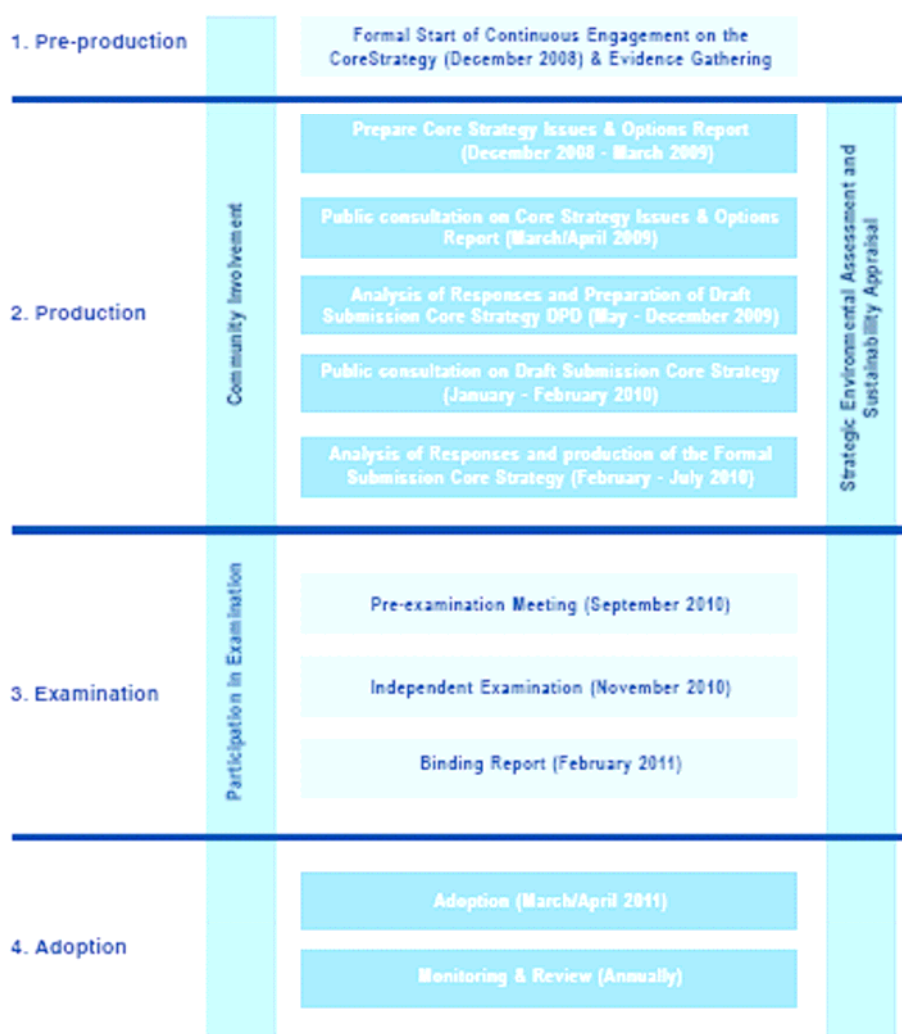
Subject to any final changes, the document will then be submitted to the Secretary of State for Communities and Local Government. There will then be a formal Examination into its 'soundness' by an independent Inspector.

Only after a satisfactory binding report has been received from the Inspector can the Core Strategy be adopted as part of the development plan for Medway.

### **Timetable**

The diagram opposite illustrates the process and the timetable being followed.

### An explanation of the LDF process (and indicative timetable):



### **'Continuous Engagement'**

A key principle that must underpin preparation of the Core Strategy is that of 'continuous engagement'. Although this is a formal requirement it is very strongly supported by the Council and we want to do all we can to make it real.

It means that anyone with an interest in the Core Strategy and associated documents can comment, make suggestions and put forward sites or proposals at appropriate stages. In addition we welcome an ongoing dialogue with all interested parties to ensure community and key stakeholder views are fully understood.



At the same time producing the Core Strategy will generate an enormous amount of work and it is important that the timetable is followed and necessary progress made.

To help achieve this, the ways in which you can most effectively become involved are described below.

### **Some Simple Rules**

The Core Strategy will evolve steadily over a number of months and so it is important to keep up to date with the stage that has been reached. We will try to take on board comments and suggestions at any time but letting us know your views early on will help enormously.

Do please try to be clear about what it is you would like to see included or exactly why you are objecting to any particular document or proposal.

Please use our Limehouse system (see below) if at all possible. This will ensure we do not mislay any representations and that all comments relating to a particular stage or document are properly grouped together and recorded. It will also allow you to see our response as soon as it is available.

If you are proposing a site or area for a particular use please illustrate it on a map. If you do not have access to such a map, let us know and we will try to help.

If you do not have access to the Internet it maybe that a friend or colleague might be able to help you. There is free access from all the Council's libraries.

We will willingly accept views by post or in person but you will help a great deal if you use email or the Internet.

We will try to give a formal response to any representations you make but sometimes this can take some time. This is because we may have a large volume of responses to make and some may require additional research or unplanned work to compile.

### Getting and Keeping in Touch

There are a number of ways in which you can contact us but regularly reviewing the website is the best way to keep up with progress and to access new publications.

**Telephone:** 01634 331629 Office hours are 9 am - 5 pm Monday to Thursday and 9 am - 4:30 pm Friday.

**Email:**

ldf@medway.gov.uk or localdevelopmentframework@medway.gov.uk

**Post:** Development Plans & Research Team, Regeneration, Community & Culture, Medway Council, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR.

**Website:** [www.medway.gov.uk/ldf](http://www.medway.gov.uk/ldf) This is our front page and you will find numerous links to published documents, Limehouse etc.,

**Limehouse:** This is an online consultation system and we would strongly encourage you to 'register' as a user. If you do you will receive email alerts when new consultations are underway, you can submit your views in a structured way and see our responses to all representations we receive. To register please go to: <http://medway-consult.limehouse.co.uk/portal>

### **Want More Information?**

For more detail contact the team or follow the following links:

<http://www.planningportal.gov.uk/england/genpub/en/1115311947782.html>

[http://www.planning-inspectorate.gov.uk/pins/appeals/local\\_dev/index.htm](http://www.planning-inspectorate.gov.uk/pins/appeals/local_dev/index.htm)

<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements/planningpolicystatements/pps12>

<http://www.medway.gov.uk/index/environment/developmentplan/ldf.htm>

Development Plans & Research Team  
December 2008

**APPENDIX 2****Assessment of conformity with NPPF**

<b>NPPF Change</b>	<b>Assessment</b>	<b>Core Strategy Change(s) required?</b>
Introduction of presumption in favour of sustainable development	In general conformity, but see section 2a (v) in statement	Yes – also see Matter 2a (v)
Removal of small scale rural office development from 'town centre first' policy	Fully reflected in policies CS17, CS 31 and CS 32	No
For major town centre schemes where full impact will not be realised within 5 years, impacts should also be assessed for a period of up to 10 years	Not considered to require a policy change but may need to be considered in subsequent allocations DPD	No
Removal of the maximum non-residential car parking standards for major developments	Not considered to require a policy change but should be reflected in subsequent DPD	No
Removal of national brownfield target for housing development	No reference to a specific target in the Core Strategy	No
Require local planning authorities to allocate and update annually a 5 year supply of housing sites with at least 5% buffer (moved forward from later in plan period) and 20% buffer (moved forward from later in plan period) where a record of persistent under delivery	No phasing restriction proposed in Core Strategy and overall supply in surplus of requirement. Recent delivery rates exceptional given national economic conditions so no record of persistent under delivery.	Yes – minor change to refer to the % buffer reference in the NPPF
Removal of national minimum site size threshold for requiring affordable housing to be delivered	Not considered to require a policy change	No
Increased flexibility for delivery of rural housing to reflect local needs	Considered covered by last paragraph of policy CS 14	No
Increased protection for community facilities	Consistent with policies CS 9 and CS 10	No
Minor technical changes to the detail of Green Belt policy	Paragraph 4.78 of Core Strategy refers to PPG2 and policy CS7 refers to	Yes – all references to replaced advice to

NPPF Change	Assessment	Core Strategy Change(s) required?
	PPG2, PPS4, PPS5 and PPS7 that are replaced by the NPPF	be altered to refer to NPPF
Provide more flexibility regarding manner in which local planning authorities meet local requirements for decentralised energy supply	Consistent with policy CS 4	No
Encouragement for local planning authorities to map areas for commercial scale renewable and low carbon energy development opportunity, and then to apply these criteria to other applications	Consistent with Policy CS4 and the Medway Renewable Energy Capacity Study referred to in the policy	No
Requirement on local planning authorities to take strategic approach in Local Plans to creation, protection, enhancement and management of networks of biodiversity and green infrastructure	Consistent with policies CS6, CS7 and CS8	No
Recognition of designation within Local Plans of locally designated sites of importance for wildlife, geodiversity or landscape character	Matter for forthcoming land allocations and development management DPD and consistent with policies CS6 CS7 and CS8	Yes – to note Government approval for a Nature Improvement Area that covers part of Medway (declared since submission)
Clarification of which wildlife sites should have same protection as European sites	Matter for subsequent Allocations DPD	No
Removal of requirement to set criteria and select sites for peat extraction	N/A to Medway	No

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## APPENDIX 3

### **National Planning Policy Framework - Presumption in favour of sustainable development – Model Policy**

*When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.*

*Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.*

*Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:*

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- Specific policies in that Framework indicate that development should be restricted.*