

LOCAL DEVELOPMENT FRAMEWORK EXAMINATION MEDWAY COUNCIL

Date: 14 September 2012

Mr Brian McCutcheon
Planning Policy & Design Manager
Medway Council
Gun Wharf
Dock Road
Chatham
Kent ME4 4TR

Dear Mr McCutcheon

Thank you for your letter of 28 August and subsequent email of 10 September. I am sorry that I have not been able to respond at an earlier date, but I was away from my desk for most of August and early September and the Programme Officer will have been able to advise you of my availability. I am pleased that the programme of work is taking shape, but I do have a few observations, which I hope will assist the overall process.

Involvement of stakeholders.

From your letter, it appears that you have directly approached participants at the hearing session dealing specifically with Lodge Hill. I have also received a letter from Dominic Woodfield of Bioscan (UK) Ltd, on behalf of Peter Court Associates following a letter from Mr Court on this topic dated 20th July. I do not know whether Mr Court approached the Council directly with a view to involvement in this process and I appreciate that he did not make representations in respect of Policy CS33 on behalf of his clients. However, it is evident that Mr Court wishes to be involved in the process through Mr Woodfield. The fall-back position would be for Mr Court/Mr Woodfield to submit comments on the draft report, but it seems to me that there may be advantages in involving Mr Woodfield in the process, to avoid unresolved disputes on technical matters at a later stage.

I have some concerns regarding the timetable, as stakeholders are given only one week to comment on the draft report and there appears to be no period identified for the Council to consider any comments made before the report is finalised. I am aware that you are trying to strike the right balance between avoiding undue delay in plan preparation and ensuring that stakeholders have appropriate opportunities to participate. In this context, it may assist you to know that I will be working on the Rother Core Strategy from mid October through to the Christmas/New Year holiday. During this period I will endeavour to deal with any straightforward and urgent items arising from the Medway Examination, but will not be able to deal with any substantive matters. Therefore, an additional week or two added to your current timetable will not have a significant impact on the overall progress of the Examination.

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The RSPB has also questioned whether there will be an adequate opportunity for stakeholders to compile and submit their own case studies. On the face of it there would seem to be no reason why stakeholders could not be carrying out this task at the same time that the Council's consultants are carrying out other work, but I agree with the RSPB that there may be merit in establishing a joint format for the presentation of such evidence. There would seem to be scope for investigating these matters further at the workshop arranged for 25 September. This meeting would also seem to be the appropriate place for the questions raised by stakeholders over the timing of habitat surveys to be addressed.

Sustainability Appraisal.

You will be aware of the importance of considering alternatives as part of the environmental report required under the SEA Directive, and that this issue has given rise to a number of legal challenges to the adoption of DPDs. The Council is the competent authority on adoption and will have to deal with any resulting s113 challenge.

In addition, the National Planning Policy Framework (paragraph 118) makes it clear that development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely an exception should only be made where the benefits of the development clearly outweigh its impacts. Paragraph 152 of the NPPF indicates that where adverse impacts on the various dimensions of sustainable development are identified, alternative options, which reduce or eliminate such impacts, should be pursued.

In the light of changed circumstances, the Council should consider whether the assessment of alternatives undertaken in the original SA/SEA remains valid. SA is intended to be an iterative process, and it may be that the SA needs to be reviewed again once the technical work has been completed.

Thank you keeping me informed of progress through the Programme Officer, and I am sure that Adam Waters is going to be a very capable replacement for Alison Rock. I am responding separately to recent correspondence from the RSPB and from Peter Court Associates. I am asking the Programme Officer to place a notice on the Examination page of the Council's website to indicate that the Examination is now suspended until January 14 2013. The Programme Officer will be able to advise you of my availability, should need any further input from me as this programme of work progresses. I will also write to you, as soon as possible, about other outstanding matters, including gypsy and traveller policy and monitoring and implementation.

Laura Graham

Inspector

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