

LOCAL DEVELOPMENT FRAMEWORK EXAMINATION MEDWAY COUNCIL

27 September 2013

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

Dear Mr McCutcheon,

Thank you for your response, dated 29 August, to my letter of 7 August. I have given careful consideration to your request that I suspend the Examination until 29 November 2013.

As you will be aware the Planning Inspectorate's Procedure Guidance advises that "as a general principle, suspension goes against the wider policy objective of speeding up the plan process" and indicates that "up to 6 months suspension might be acceptable but a period greater than this would not." As the Examination has already been suspended on one occasion and has taken a period approaching two years to reach this stage, I would not normally consider a further suspension to be an appropriate course of action. However, bearing in mind that the delays to the examination process have arisen largely from factors outside the Council's control, including the revocation of the South East Plan and the SSSI notification, I am suspending the Examination until 29 November 2013, subject to the following caveats.

The first is that if the Board of Natural England confirms the notification of the Chattenden Woods and Lodge Hill SSSI, it would not be appropriate to continue with the Examination. To do so would simply entail revisiting matters that have already been considered. I provided my initial conclusions in my letter of 21 June 2013 to provide you with an opportunity to consider withdrawing the Plan so as to avoid spending further time and money on a Plan that was likely to be found unsound. My letter was not an invitation to the Council to produce further evidence on matters that had already been considered in detail both in written evidence and at the hearings, because it disagreed with my conclusions. Consequently, if the SSSI notification is confirmed, and you remain unwilling to withdraw the Plan, I will complete my report and advise you of the date you will receive the fact check version.

Secondly, I am concerned that the planned programme of work, attached to your letter may not allow adequate time for all necessary work to be completed. So far as the emerging DCLG Guidance is concerned, I understand that when this web-based resource goes fully live later this year, the Secretary of State is expected to specify that it will apply only to Local Plans which have not yet been submitted for examination. However, given that further work is being undertaken, it would be in

**Gun Wharf, Dock Road,
Chatham, Kent, ME4 4TR
Tel: 01634 333880 Fax: 01634 332862
Adam Waters, Programme Officer
ldfprogrammeofficer@medway.gov.uk**

LOCAL DEVELOPMENT FRAMEWORK EXAMINATION MEDWAY COUNCIL

your own interest to comply with the emerging guidance, as far as reasonably possible, to ensure that any plan produced does not become rapidly out of date.

You have allocated the weeks through to 19 November 2013 to review the evidence base. However, there is no detail given on the work to be undertaken. Bearing in mind that one focus of the additional work is to meet the National Planning Policy Framework (the Framework) requirements to independently assess housing needs and to seek to meet those needs, the Strategic Land Availability Assessment is likely to be a key part of the evidence base. This document was first published in 2010 and was partially updated in January 2012, to reflect planning permissions granted up to March 2011. It appears that the underlying information is derived primarily from a 'call for sites' undertaken in late 2008 to early 2009 and a review of sites included in the 2004 Urban Capacity Study. Given the importance of this document, it may be a reasonable assumption that your review of the evidence base would conclude that this information should be as up to date as possible. Bearing in mind that updating this (and potentially other documents) will require the involvement of stakeholders, it is not clear that your timetable would allow sufficient time for such work to be completed.

Your timetable also refers to 'complete drafting of main modification (if appropriate)' by 29 November 2013. As set out in my letter of 18 April 2013, whatever the outcome, in numerical terms, of your work to objectively assess needs for market and affordable housing, you will need to draft main modifications to reflect the change from a core strategy based on conformity with Regional Strategy, to a Local Plan Strategy based on consistency with national policy (the Framework). Your timetable does not include the time that would be necessary to undertake public consultation on such modifications and for the Council to consider the results of that consultation. On the basis of a six week consultation period, it would seem that a minimum period for this activity would be 2 months and quite possibly longer to allow for Council Committee cycles and the Christmas holiday period. My own experience, and that of other Inspectors, suggests that such modifications are likely to attract a significant number of representations which may lead to a need for further hearings. Furthermore, and as previously stated, if the additional work undertaken gives rise to the need for very substantial modifications to the submitted Plan, I could not reasonably and fairly consider them in the context of the current Examination.

In all the circumstances, I consider it unlikely that the Examination could be swiftly concluded after 29 November 2013. I am therefore asking you to provide a complete and detailed schedule of work to be undertaken, including consultation on main modifications, in the event that I consider it appropriate to continue the Examination when it resumes on 29 November 2013. It remains my view, as stated in previous correspondence, that the most appropriate course of action would be for you to withdraw the Core Strategy and prepare a Local Plan, as envisaged in paragraph 153 of the Framework. You should therefore be aware that you undertake further work at your own risk.

Laura Graham

Inspector

**Gun Wharf, Dock Road,
Chatham, Kent, ME4 4TR
Tel: 01634 333880 Fax: 01634 332862
Adam Waters, Programme Officer
ldfprogrammeofficer@medway.gov.uk**