**HIGH HALSTOW NEIGHBOURHOOD PLAN SUBMISSION VERSION**

**EXAMINATION**

**EXAMINER’S NOTE 1**

**Introduction**

1. I have been appointed by the local planning authority, Medway Council, with the support of the qualifying body, High Halstow Parish Council, to undertake the Examination of the above neighbourhood plan (“the NP”).
2. I have been supplied with all the relevant documentation, and have read all of the key documents. In particular, I have carefully studied the submission Plan, the relevant policies of the adopted Medway Local Plan 2003, the Basic Conditions Statement, the representations submitted at the Regulation 16 consultation, and the comments by Medway Council at that stage. I have also reviewed some of the documents submitted by Redrow Homes Limited in support of their planning application (MC/23/0855) for the development of some 760 homes and supporting facilities at the site known as Land East of High Halstow (LEHH).
3. I had hoped and intended, at this stage, to be issuing an examination note indicating how the examination would proceed (for example, whether an examination hearing would be required), and an outline timetable for the whole process. For reasons I will now set out, I am unable to do so.
4. One of the principal statutory tasks of a neighbourhood plan examiner is to assess whether the NP complies with the “basic conditions”. These include whether it is appropriate that the NP should be “made” (ie come into effect) having regard to national policies and advice; whether the NP contributes to the achievement of sustainable development; and whether it is in general conformity with the strategic policies of the local plan (ie the Medway Local Plan 2003).
5. The Local Plan contained, and still contains, policies for the period 1996-2006. I will wish to explore, at some stage, whether certain policies (which remain in force) are, strictly speaking, strategic policies, but they certainly provide what has been described as “strategic direction”. Policy S1, Development Strategy, provides that the outward expansion of built-up areas onto fresh land (ie open land) particularly to the north and east of Gillingham, “will be severely restricted”.
6. For reasons unnecessary to be detailed here, proposals by Medway Council for a new local plan (the emerging Local Plan, eLP) have suffered and continue to suffer significant delay. In draft proposals, there is a significant proposal to promote LEHH (as above). The proposal would double the size of High Halstow. There are proposals in related documents for a new rail station, to be funded by the Housing Infrastructure Fund (HIF), close to LEHH.
7. Regrettably, High Halstow has very poor public transport infrastructure. Paragraph 7.14 of the NP states that until the required infrastructure is provided, the site is unsuitable in principle for large scale development on account of poor transport links and the absence of essential infrastructure. The Redrow planning application, in its Transport Assessment, refers to the (then) proposed rail station as a funded/committed scheme; it would be part of the “future baseline”, whose delivery was said to be likely prior to the completion of the housing development.
8. It seems clear to me that, without the new station, and other public transport improvements, the realistic position is that journeys to/from LEHH would be overwhelmingly car-borne.
9. The latest prediction for the process of the eLP states that there will be a Regulation 18 consultation in Autumn 2023, a preferred development strategy some time in 2024, with possible adoption in 2025.
10. The NP promotes a site policy for the development of LEHH. Applications are to be considered premature ahead of adoption of the new Local Plan and when “strategic infrastructure” (not defined) is in place.
11. Since the preparation of the NP, there have been major changes in the government funding for the HIF Future Hoo programme. In Spring 2023, Medway Council announced that it was pausing the rail element in the HIF programme. In July 2023, the Council was informed that the Secretary of State had decided to withdraw government funding from the HIF Future Hoo programme. The Council is “now considering wider options to deliver strategic infrastructure investments that meet Medway’s ambitions for sustainable development”.
12. Against that background, I have—at this early stage of the examination—two significant concerns which I wish to explore before the examination proceeds further. They both relate to compliance with the basic conditions.
13. First, the matter of general conformity with the strategic policies of the Local Plan. The most relevant policy/strategic objective of the Local Plan is Policy S1, above. The NP proposes what is, in effect, a conditional allocation for the development of 760 homes etc outside the built up area, ie on “fresh land”, doubling the size of the settlement. The relevant allocation policy—HHPQ4—is interwoven with other important policies relating, for example, to design, place making, movement etc. Medway Council considers that the policy is premature to the eLP. At the moment, I see considerable force in this contention. The Council further contends that the NP should be modified to remove, or significantly review the policy and the wider references to the development to the East of High Halstow. My present view is that this suggestion, intended to be constructive, would require such major surgery to the NP as to be inappropriate. I would not be prepared to “re-write” large parts of the NP by way of recommended modifications.
14. Therefore the first question that I wish to explore is: does the NP comply with the “general conformity” basic condition?
15. My second significant concern relates to the apparent non-sustainability of LEHH, for the reasons very briefly set out above. In the present circumstances—mainly the recent lack of funding for the previously proposed rail station—I am concerned to explore how the major proposal of the NP could be said to contribute to the achievement of sustainable development. By the same token, it may be questioned whether it would be appropriate to make the NP having regard to national policy and advice.
16. I emphasise that I have not in any way reached a concluded position on any of the views canvassed above. I wish to explore whether I have fairly and properly set out the background matters above.

**Conclusions and next steps**

1. There are—at least—two possible ways forward at this stage. First, for me to determine that a hearing is necessary, on the grounds prescribed in statute. I am reluctant to take this step at the moment. The second—as advised in the NPIERS Guidance--is to hold an exploratory meeting, for me to explore the above issues, and receive the views of the main parties. These would include, at least, the Council, the Parish Council, and a representative(s) of the promoters of LEHH.
2. At this stage, I invite the Council and the Parish Council to make very brief responses to this Note. If, having considered those responses, an exploratory meeting appears to me to be the way forward, I would consider with the main parties the arrangements for such a meeting (not least the parties whom I should invite to attend, and whether it should be virtual or in person).

Christopher Lockhart-Mummery KC

Examiner

2 August 2023.