# High Halstow Draft Neighbourhood Plan – Medway Council comments at Regulation 16

## **Overview**

Medway Council broadly supports the Neighbourhood Plan for High Halstow. The council acknowledges the community’s ambitions for sustainable growth in the parish and the considerable work and commitment that has informed the draft Plan and the supporting documents.

However, Medway Council has some concerns about aspects of the Plan and the supporting Design Code, in advance of the publication of the draft Medway Local Plan, and greater certainty on the wider spatial strategy. These are set out in our detailed comments below.

## **Regulation 16 Consultation**

The council published the draft plan for representations at Regulation 16 from 17 March to 30 April 2023. It publicised the Regulation 16 through a public notice in the local press, and direct mailings to statutory consultees and a broad range of stakeholders who have notified the council that they wish to be informed on planning policy consultations. The Planning Service also arranged for the Neighbourhood Planning group to present the draft plan to Medway Council members. Eight responses were received to the consultation. This low number of responses may reflect the consultation carried out at earlier stages by the neighbourhood planning group.

The Planning Service has provided some planning and development context below for the Examiner. In the absence of an up-to-date local plan, the council has sought to signpost the Examiner to relevant evidence base documents and workstreams. The council’s comments on the draft Plan are also attached. The comments have been collated by the Planning Service, but also reflect input from wider services, such as Housing, Environmental Protection, Greenspaces and Transport.

Copies of the external representations received at Regulation 16, and a summary of the issues raised are provided separately.

## **Medway Local Plan**

The current Medway Local Plan was adopted in 2003. The council has experienced a number of challenges in preparing a new local plan, which have led to significant delays in updating the plan. The council is working to a Regulation 18 consultation this autumn, focusing on the vision and strategic objectives and broad options to deliver growth, in advance of publishing the draft plan in early 2024.

Due to the age of the current Local Plan, and the lack of a five-year land supply for housing, the council does not rely on the allocations and development boundaries. However, the majority of the policies are compliant with the NPPF. The current local plan does not specify strategic policies, but a number of policies, such as for the environment and economy continue to provide strategic direction.

The council has carried out three rounds of consultation at Regulation 18 to support the preparation of the new local plan. A range of evidence base documents have been published. The council carried out a Call for Sites which closed at the end of February 2023. The Planning Service is producing a Land Availability Assessment that includes information gathered through the Call for Sites, as well as wider sources. This will be used in the preparation of the Regulation 18 consultation planned for this autumn, before identifying the council’s preferred development strategy in the draft plan next year. It is anticipated that the new local plan will be adopted in 2025.

The current Local Housing Need using the government’s standard methodology is for 1667 homes a year in Medway. The housing need over the new plan period is for c 28,500 homes (without buffer). The scale of housing needed requires consideration of significant large allocations in the new plan. The council published a Local Housing Needs Assessment (LHNA) and supporting demographics report in 2021. The LHNA includes a section for the neighbourhood plan area for High Halstow.

It is noted that the 2014 household projections base used in the government’s standard method is considerably higher than rates of growth recorded in Medway since 2014 and more recent demographic projections.

## **Housing Infrastructure Fund (HIF)**

The council secured government backing through the HIF programme in 2019 to support the delivery of strategic transport and environmental infrastructure to address constraints to development in Medway. The £170m Homes England programme has been focused on providing a passenger rail service to the Hoo Peninsula, major highways interventions to address capacity constraints, and strategic environmental measures to mitigate the impact of potential growth and strengthen nature networks.

The Future Hoo HIF interventions have been considered as part of wider infrastructure planning to inform assessments of options for Medway’s spatial strategy in the emerging Local Plan.

In Spring 2023, the council announced that it was pausing the rail element in the HIF programme, due to escalating costs in the construction sector and needing to deliver a programme within the funding envelopment set by Homes England. The work carried out to date provides the council with the opportunity to safeguard land for a new station and supporting infrastructure in the new Local Plan, and continue to seek alternative funding options.

In July 2023, the council was informed that the Secretary of State had decided to withdraw the 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.

The High Halstow Neighbourhood Plan was prepared before changes were announced to the HIF programme. There are some sections in the plan that need to be reviewed to reflect the current position.

## **Hoo Development Framework**

Through its work on the new Local Plan, the council has identified the potential for large scale growth on the Hoo Peninsula, as part of the wider development strategy for Medway. Consultations at Regulation 18 stages have included options for growth on the Hoo Peninsula. The 2019 Medway Strategic Land Availability Assessment identified a number of sites on the Hoo Peninsula as suitable, available and achievable, noting the transport and environmental mitigations that would be delivered through the government funded HIF programme.

The scale of potential growth on the Hoo Peninsula under consideration in the new Local Plan would involve significant change. In line with the provisions in the NPPF for larger scale developments, such as significant extensions to existing villages and towns, the council commissioned work on a Hoo Development Framework to provide a longer term vision for potential growth on the Hoo Peninsula. The Hoo Development Framework considered the opportunities presented by investment in infrastructure, the area’s economic potential, access to services, and provided principles to deliver landscape led growth, quality design and place making.

The council consulted on a high level document ‘Planning for Growth on the Hoo Peninsula’ in Spring 2020, and on a more detailed Hoo Development Framework in late 2022. The masterplan included potential growth to the east of High Halstow. The 2022 consultation document reflected the proposed HIF investments, including a new rail station, highways and strategic environmental schemes. The council will review the Hoo Development Framework following the Regulation 18 consultation in late 2023, and provide an updated framework to support the publication of the draft Medway Local Plan in 2024.

## **Development on land to the East of High Halstow**

The Plan makes reference to an anticipated planning application on land to the east of High Halstow. This application (MC/23/0855) has now been submitted to Medway Council. Details of the proposals are provided in the supporting information. The parish council has engaged in consultation with the developers, and Medway Council has organised two Design Review panels through Design South East in 2021 and 2023 to consider the proposals.

## **Medway Council Comments on Draft Neighbourhood Plan**

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| **Page Number/**  **Reference** | **Medway Council comments** |
| P1 | Suggest that the plan period for the NP aligns with the emerging Medway Local Plan – 2022 to 2040. |
| P5 | Note that language needs to be updated in some sections, eg paragraph 1 – Referendum will not be held in 2022.  Council considers that the language in the Foreword is subjective at times, and has a markedly different tone to the wider document, eg:   * paragraph 2 – ‘record of poor quality development’; * paragragh 4 – ‘some of which are meant to be protected’; * paragraph 6 – ‘whenever Medway Council finally adopts its Local Plan’; * paragraph 8 – ‘Too often… their quality of life’. |
| P6 | Query how the benefits of the NP are to ‘minimise the loss of greenfield sites and agricultural land’, if not limiting development. |
| P8 – Para 1.1 | 2037 – needs to be updated to 2040 to align with new Medway Local Plan |
| P8 – Para 1.2 | Typo second line – add ‘in’ after work |
| P9 – Fig 1 | Note that there has been a minor boundary change in May 2023 – MC can provide an updated boundary map and legend for the plan at Figure 1 |
| P10 – Fig 2 | The NP timeline needs to be updated. Submission was December 2022. Subsequent timing to adoption to be reviewed following Examination. |
| P13 – para 2.4 | Typo – remove comma before Cliffe |
| P13 – para 2.5 | For information only – the Medway Landscape Character Assessment is currently being updated and should be published late 2023. |
| P14 – para 2.7 and 2.8 | Note that some more updated information is available from the 2021 Census.  The Medway Local Housing Needs Assessment, 2021 sets out information relating to housing in the parish. |
| P15 – para 2.9 | For information:  Note points in context provided by MC that LHN is based off the 2014 projections and there is substantial variation with more recent demographic projections. |
| P15 – para 2.11 | For information:  Note that the council published an update to the Employment Land Needs Assessment in 2021 |
| P16 – para 2.13 | Note that updated population data is from 2011 |
| P16 – para 2.16 | See information provided by MC in context section – this paragraph will need to be re-drafted to reflect updated position. |
| P16 – para 2.17 | See information provided by MC in context section – outline planning application was validated April 2023. |
| P19 – para 2.23 | Note that in the lack of a five year land supply for housing, the development boundaries in the Medway Local Plan, 2003, have ‘fallen away’ for decision making. |
| P19 – para 2.24 | Note text to be updated to reflect current Local Development Scheme and information provided by MC in context section |
| P19 – para 2.25 | Note updated position re planning application |
| P19 – para 2.26 | Note that the current built envelope provides very limited opportunities for infill or redevelopment. MC seeks clarification that the reference to ‘sustainable locations identified in the Local Plan’ refers to the new Medway Local Plan |
| P19 – para 2.27 | The council has concerns over the policy approach to the Land East of High Halstow. The NP promotes a site policy in advance of the allocations and development strategy in the Medway Local Plan, but only allows development after the adoption of the Local Plan, and when strategic infrastructure (not defined) is in place.  The council considers that this policy is premature to the Local Plan, and that the Neighbourhood Plan should be modified to remove, or significantly review this policy and the wider references to the development to the East of High Halstow. |
| P20 – para 2.28 | Note that this needs updating to reflect information provided by MC in the context section. |
| P21 – para 2.30 | Minor wording amends needed in final sentence. |
| P26 – para 3.3 | For noting – the council notes that there is limited reference to the economy in the Neighbourhood Plan objectives, but there are various references to an employment hub in the wider plan. There is no reference to evidence collected to inform the need for the employment hub. |
| P32 Pol HHC1 | Note 2d) requirement on marketing may not be appropriate for all the services listed at 1, but is understood to be relevant to commercial facilities, such as the pub and shop. |
| P35 Pol HH C2 | Note that the council as LEA is in discussions on the outline planning application for development to the east of High Halstow to secure a primary school as part of a first phase of development. This is the council’s preferred position. The existing primary school would close and the new school would cater for the expanded village population. |
| P36 | The council notes the issue with poorer broadband and mobile phone reception in the parish, but the references could be updated. |
| P43 – para 5.12 | Note that the council’s emerging Local Plan policy is seeking a 20% Biodiversity Net Gain. The council recognises that there are some opportunities for off-site BNG to contribute to local nature recovery networks, and this could be referenced in the Neighbourhood Plan. |
| P44 – para 5.13 | Could clarify the ‘precautionary approach’. |
| P44 – Pol HH E1 | 1. does the policy seek to cover minor householder development, ie require consultation with NE?  Note – see information on Birdwise and SAMMS policy and processes in links provided in context section by MC  2. again question if the policy is to apply to all development, including minor householder and advertisement consent.  3. clarify definition of natural environmental features – would this include all greenfield sites?  5. Note that non-native species may be appropriate in cases where they can provide resilience to climate change and disease. |
| P45 – Pol HH E2 | 1. The Neighbourhood Plan does not provide evidence to justify the statement that the open countryside around the built up area of High Halstow is of high landscape value and should be treated as a Valued Landscape’.  The council considers that the quality of the landscape in the undeveloped parts of High Halstow parish varies across the area, and a ‘blanket’ designation that considers areas of farmland in the same category as the marshes is not justified. A finer analysis of the landscape character is required.  5. The sequential testing for the development of higher grade agricultural land is a matter for the Medway Local Plan. Medway has a large proportion of land that is of international and national environmental importance, as well as a higher proportion of the best and most versatile agricultural land. To meet defined levels of local housing needs, the council will need to consider options to development, but much greenfield land adjacent to existing settlements is of higher agricultural value.  The council considers that this policy is premature to the Medway Local Plan and should be modified. |
| P46 – para 5.15 | Note could clarify statement of ‘where there is a risk of settlement coalescence’ |
| P67 – para 6.17 | Note some changes to commuter bus services impacted by changes in travel patterns in recent years. |
| P68 - para 6.18 | Current Arriva timetable shows hourly bus service throughout much of the day, and more frequent in morning and evening peak. The information in the document does not appear to be accurate. |
| P69 – para 6.22 | Text to be updated in line with information provided by MC in relation to HIF programme. |
| P70 – para 6.25 | Typo – Outstanding missing in AONB |
| P70 – Pol HH M4 | 3. The Green Bridge over the A228 is more appropriately considered a project aspiration and not a policy requirement – this would be subject to further feasibility testing.  The council suggests that this part of the policy be modified. |
| P71 – para 6.27 | Note A2 leads from Strood to Rochester. A228 continues south of Strood. |
| P 73 – Pol HH M5 | 2. delete ‘forthcoming’  4. Note if width and vegetation to be retained on Christmas Lane and Britannia Road, new provision for cyclists and pedestrians would need to be along the land to the East of High Halstow, given existing development closer to the village centre. |
| P 76 – para 6.41 | Note - are super-fast EV charging points required for residential where people can charge overnight? This reference is not specified in Policy HH M6, point 4. |
| P83 – Pol HH PQ1 | The council seeks clarification on the status of the Design Code. The policy wording indicates some flexibility, but the wording of the Design Code is more specific and binding. |
| P88-90 – Pol HH PQ4 | This is a key matter for the council. The neighbourhood plan promotes a policy in advance of the local plan, but clearly seeks to delay any development until after the adoption of the local and infrastructure implementation.  The council is concerned on this approach to the policy and would seek further consideration of this policy through the Examination. |
| P91 – HH PQb | Note – could be useful to define major development in the glossary to clarify expectations. Medway Council continues to use Design South East for design review panels. |
| P92 – para 7.26 | Note Local Housing Needs Assessment 2021 provides an updated evidence base, including a specific section for High Halstow to support the preparation of the Neighbourhood Plan. |
| P95 – para 7.33 | Note updated position provided by MC |
| P98 – para 8.1 | Note that MC is not pursuing a CIL regime |
| P103 | High Halstow is not generally considered to be on the eastern escarpment of the North Kent Downs.  Some minor typos in table. |

## **Medway Council Comments on High Halstow Design Code**

The council recognises that there is significant alignment with the National Model Design Code and many of the objectives and principles are central to successful development.

Similar to the draft Plan, there are sections of contextual information in the Design Code which need to be updated to reflect the position on the Medway Local Plan and HIF programme.

The council notes that the Design Code is more prescriptive than the policies in the draft Plan, and would question its status in relation to the main policies in the Plan. In some cases there appears to be inconsistency between the Plan policies and the Design Code.

As an example, public transport is considered at Policy HH M3: Bus services, routes and infrastructure. The policy text includes: ‘*Bus stops should be located so that all residents are within walking distance of a bus stop’*.

The Movement section in the Design Code, at MO4 states: *‘All new development must be within a 5-minute walk of a bus stop with a service of at least four buses an hour*’.

The Design Code goes much further than the main policy, and the council considers that the requirement **(must)** for access to a bus service of at least four buses an hour in a rural area, in the context of operational issues on the bus industry, is unlikely to be achieved in the short term, even with developer contributions to enhance bus services. This questions if the Code seeks to prevent development.

Section 2 of the Design Code states that it applies to new development proposals across the whole Parish area, which would then include minor householder and commercial development.

There are further examples in the Design Code where the requirements go beyond the main policies, such Policy HH E8: Towards zero-carbon development and the Resources objective RO1 – Zero Carbon. The Plan policy for ‘*non-residential development should meet the BREEAM building standard excellent’*, but RO4 in the Design Code states ‘*new non-residential buildings must achieve at least a BREEAM ‘Outstanding’ rating’*.

Clarity is required on the application of the Design Code to different scales and types of development, and to what extent the Code seeks to manage larger scale growth, specifically to the east of High Halstow. The council also queries the degree to which the Design Code would provide for flexibility in interpretation.

## **Links to background documents and evidence base**

The current Medway Local Plan can be viewed at: [Medway Local Plan 2003](https://www.medway.gov.uk/downloads/file/2400/medway_local_plan_2003)

The current Local Development Scheme can be viewed at: [Local Development Scheme 2022](https://www.medway.gov.uk/downloads/file/7852/local_development_scheme_2022)

Work on the emerging Local Plan can be viewed at: [Local Plan Evidence Base](https://www.medway.gov.uk/downloads/download/32/local_plan_evidence_base), [Strategic Land Availability Assessment](https://www.medway.gov.uk/downloads/download/21/medway_strategic_land_availability_assessment)

## **Evidence base documents**

Local Housing Needs Assessment, 2021: [Local Housing Needs Assessment](https://www.medway.gov.uk/downloads/file/6239/medway_local_housing_needs_assessment_2021)

Medway Housing Design Standards (Interim) 2011: [Medway Housing Design Standards](https://www.medway.gov.uk/downloads/file/61/medway_housing_design_standards)

Hoo Development Framework Consultation Draft, 2022: [Hoo Development Framework Consultation Draft](https://medway.oc2.uk/document/2)

Employment Land Needs Assessment 2020: [Employment Land Needs Assessment 2020](https://www.medway.gov.uk/downloads/file/6233/employment_land_needs_assessment_2020)

Hoo Peninsula Landscape Capacity Study: [Hoo Peninsula Landscape Capacity Study](https://www.medway.gov.uk/downloads/file/6238/hoo_landscape_capacity_and_sensitivity_study)

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