# Hoo St Werburgh and Chattenden Neighbourhood Plan (Submission Plan)

As you are aware, I have been appointed to conduct the Examination of the Hoo St Werburgh & Chattenden Neighbourhood Plan. I can see that considerable community effort has gone into developing the Plan; in order that I may progress the Examination I would be grateful for the Qualifying Body’s response to the initial enquiries or observations below; the local authority may also have comments and observations. The responses will all contribute to the progressing of the Examination.

I still have work to undertake in fully assessing the submitted Plan but my purpose here is to better understand the authors’ intentions behind some of the policy content. Where representations have raised issues, I will aim to pick up below the most significant of these so that you may provide comments that may assist me.

In order to ensure transparency with the conduct of the Examination a copy of these queries is being sent to the Local Planning Authority in order that the exchange of emails can be published on the webpage relating to the Neighbourhood Plan alongside the representations received during the Regulation 16 public consultation.

## **A general comment about the wording of Policies**

The context for Policies is generally well presented. Paragraph 16 of the NPPF says (inter alia) that:

“Plans should:

b) be prepared positively, in a way that is aspirational but deliverable; ….

d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals; ……

and f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).”

I will raise issues in relation to these expectations below.

## **The emerging Local Plan**

Although it is evident that the Neighbourhood Plan has been prepared during a period of fast change with the preparation of the replacement Local Plan, the local planning authority’s comment that “The draft NP is largely silent on the potential for significant change in the parish, that may follow from the Medway Local Plan” does deserve some response.

I note that a representation on behalf of major developers is concerned that Policies HOO1 & HOO2 should include the phrase “In addition, strategic sites allocated in the

adopted or emerging local plan will be supported”. This is entirely unnecessary because strategic matters are exclusively for the Local Plan to determine. However, for reader clarity, since the Neighbourhood Plan is being prepared in advance of the new Local Plan, I can see that the sentence may be helpful.

A separate representation notes that the inclusion of the following wording was included in another local Neighbourhood Plan; some variant of this may be helpful in assuring an understanding of the current local circumstances and your comments are invited:

“Our approach to development of housing in the Neighbourhood Plan area is to

accept that although Medway Council has not currently allocated sites in the

Neighbourhood Plan area for housing, the future development of the Local Plan may

result in some allocations prior to its final adoption proposed for [2025]. In addition, applications are likely to be received and may be approved before the Local Plan is

adopted. This means that Cliffe and Cliffe Woods will play its part in meeting the

number of homes Medway Council needs. Whilst the need for new homes is

recognised, any development within the Neighbourhood Plan area should be

sustainable and achieve the Neighbourhood Plan Vision.”

Page 19, Cliffe and Cliffe Woods Neighbourhood Plan (May 2023)

The representation from Homes England suggests that such a statement should go further:
“it is maintained that the Neighbourhood Plan should support, in principle, the allocation of appropriate previously developed sites within the former MoD site (now Homes England’s Landholdings), i.e. the land at Lodge Hill Camp and Chattenden Barracks.” They note correctly that Previously Developed Land is, in principle, acceptable for development.

## **Allocations of land for housing**

Not unexpectedly, representations from developers express disappointment that the Neighbourhood Plan has not taken the opportunity to allocate land for housing. As the national Planning Policy Guidance confirms (Paragraph: 040 Reference ID: 41-040-20160211), “Neighbourhood plans are not obliged to contain policies addressing all types of development”. However, it is a Basic Condition that Neighbourhood Plans must support sustainable development and representations have expressed a concern that Policies should not unreasonably constrain strategic housing delivery. National Planning Policy Guidance notes: “Neighbourhood plans may also contain policies on the contributions expected from development, but these and *any other requirements placed on development* [*my emphasis*] should accord with relevant strategic policies and not undermine the deliverability of the neighbourhood plan, local plan or spatial development strategy” (Paragraph: 005 Reference ID: 41-005-20190509). Where appropriate, I will address this issue below.

## **Villages and hamlets**

I note that some issue has been taken with the use of these terms in a local context. There is no national approach to defining settlement hierarchies. It is possible that the new Local Plan will define a hierarchy using terms consistently across Medway – but this will not stop local people using the term they prefer. I note that Moseley is a suburb in Birmingham but has preferred to retain its name as Moseley Village.

# THE PLAN

## **Format**

Many Neighbourhood Plans have found it helpful, both in their preparation and their implementation, to use paragraph numbers across the whole text, usually separately between sections eg 2.10. This allows for content to be readily referenced in Committee Reports and Decision Notices, as required, which in turn helps with the implementation of Plan Policies. Referencing maps within the text would also be helpful to readability.

## **Front Cover: Plan Period**

A Neighbourhood Plan must state the period that is to be covered. It would be appropriate for the period to be stated on the front cover: 2024 – 2040. However, I note that it is intended that the Local Plan should now run to 2041, but this may yet change again perhaps.

## **1. Introduction**

I note that it is stated here that “This plan does not make additional site allocations” which rather begs the question, “additional” to what? Perhaps a re-editing of the Plan has left this important declaration stranded from the explanatory detail?

Strictly speaking the map on page 7 shows the Designated Neighbourhood Area (for which Area the Neighbourhood Plan has been prepared).

## **2. Background Information**

I note that the population has nearly doubled since 2001 but without similar evidence the assertion that “Expansion of the population has not been matched by the necessary expansion or improvement of transport and community infrastructure, including health and educational provision” may be purely anecdotal. Would it be fairer to say that this is what many in the community feel?

I note the comment (in section 2.3) that “Medway’s Local Housing Needs Assessment identifies a need for 1667 homes a year (March 2023)” but there is no indication as to how much of this increase might be sought within the Parish?

## **3. Vision & Aims**

It seems to me improbable that a land-use plan might “create more sustainable work/life patterns” – more likely it might ‘acknowledge changing patterns of work’?

## **4. Employment and Community Facilities**

**HOO1: Village Centres and Employment**

I have the following queries:

1. i) Where is the location/extent of the village centres defined?
2. Some remote brownfield sites may be poorly located in relation to the expectation of walkability?
3. Retail (Class E) uses on industrial estates may detract from the vitality of village centres?
4. Are all “existing employment sites” well located to justify retention?
5. The “and” at the end of element 2 implies that 2 & 3 should be read together, but couldn’t the two simply be merged? Despite the absence of “and” at the end of other elements, it is presumably expected that the elements of the Policy will be applied together?
6. Is off-street parking an expectation where there is no access to public car parking?
7. Village centres have already been identified at element 1 as locations for Use Class E. It is unclear why Use Class F2 is excluded from support here?
8. It is unclear whether the expectation with element 5 is that existing shop front designs should be retained or would replacement designs be acceptable? Even if a property is converted to residential use (through permitted development) it is considered appropriate to retain a shop front?

**HOO2: Community Facilities**

It is also unclear whether the settlement boundaries have been defined specifically for the Neighbourhood Plan – in which case what was the methodology? – or is the map taken from a Medway plan – in which case what is the source reference?

The map showing 15 minute walking distances is not referenced within the policy or within the supporting text. In what way is it therefore intended to be material to the implementation of the Policy? The distances seem to assume that facilities can/should always be located at or near the centre of the circle? From my reading of comments, it is remarked that the centre for Hoo is more distinct than the centre for Chattenden.

It is unfortunate that no attempt has been made to quantify the degree of shortfall with community facilities – this would have helped to identify priorities. Resident representations seem to concentrate on shortfalls. Similarly, some assessment of capacity within the present built up area could have helped with locational decisions. If the Policy is aimed more at future expansion, then some authoritative indication of priorities could be crucial?

The absence of any Policy mention of schools might be read to indicate that these are not a current priority?

In relation to the wording of the Policy:

1. It is unclear why the criteria of element 2 are not apparently to be applied to the “improvement and diversification of existing facilities”?
2. Element 4 requires that “a similar or better facility is being provided within reasonable walking distance” but if the existing facility is poorly located then that issue could be perpetuated. Are the proper locational requirements not set out at element 1 (subject to the clarification regarding 15 minute walking distances).
3. In relation to the supporting text, it must be doubtful that there is open market for all community facilities eg the library. There are probably other data that might be used in providing a convincing case of non-viability?

**HOO3: Industry and Distribution**

My queries are:

If the location criterion is that existing commercial areas should be further developed:

1. Surely the access etc requirements at elements 2 & 3 are already met?
2. Is there any evidence of additional capacity at the identified locations?
3. Policy HOO1 has already indicated that Class E uses would also be acceptable (but see also comment at HOO1)?

Representations suggest that this Policy is unnecessarily restrictive but, in the absence of supporting data on demand, the Neighbourhood Plan is not in a position to allocate additional sites.

## **5. Housing**

**HOO4: Housing Growth and Mix**

The sentence “Policy S14 is contentious due to environmental impacts, so it is unclear whether this will survive to adoption” has itself proved to be contentious. There also seems to be confusion between the content of the current and the in-preparation Local Plan? Since the Neighbourhood Plan does not seek to interfere with the strategic housing allocations the sentence quoted would certainly be best omitted?

In relation to the Policy wording note the following:

i) It is helpful that the expectation of land allocations from the Local Plan is made clear.

ii) It is unclear why the conversion of agricultural buildings – already encouraged at a national level where buildings are redundant – could lead to any “significant loss of the best and most versatile agricultural land”?

iii) A representation has suggested the addition of “d. on other greenfield and brownfield sites which are or can be made sustainable”. However, it would not be possible for the Neighbourhood Plan to adopt such an open position whilst maintaining the required general conformity with the adopted Local Plan.

**HOO5: Housing Standards**

I have the following queries:

1. A representation queries the need to specify an “electric charging point” for bicycles since this would be a domestic socket.

2. Given the caveat in the supporting text, it would seem appropriate to use ‘should’ rather than “must” in element 4?

The local planning authority has suggested a rewrite of element 5 as follows: “New housing schemes should include on site open space facilities within easy walking distance to address the needs of new residents such as play, allotments, outdoor sports. These should follow the recommended NPPF and Fields in Trust guidance.” However I should point out that a local policy is not necessary to make NPPF requirements effective.

## **6. Place and Heritage**

**HOO6: Design**

I note that it is said that “The Neighbourhood Plan sets more specific design requirements” but it is not clear that this is the case. However, it would appear from representations that developers are resistant to even modest degrees of local influence. But the NPPF (para 132) is absolutely clear that community influence is vital: “Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.” This expectation supports my view that Policy HOO6 probably doesn’t go far enough in identifying local characteristics. I cannot see that the different wordings proposed within representations are any improvement on the Plan wordings, but it could be appropriate for the words ‘demonstrably’ to be added Policy elements 2(a) & 2(b) which then requires a dialogue within the design process based on evidence rather than mere assertion.

It is unclear why it is felt necessary to state: “Building materials must have a high standard of finish and be durable to weathering”.

I note that the local planning authority and other representations have commented:

i) In element 4 add “water re-use” as a positive design feature.

ii) In element 6 replace “Hard surface ground materials” with ‘hard landscape materials’ and in the supporting text provide examples.

 iii) Query whether element 7 has the clarity required to achieve good design.

iv) Amend element 8 to: ‘A variety of Sustainable Drainage Systems (SuDS) should be sensitively designed to form an integral part of new open spaces and green infrastructure, wherever possible’.

v) Other guidance could be added to that for Water Infrastructure – but I would add that referencing existing, external guidance is more effective since it helps the readability of the Plan and will probably be updated during the lifetime of the Plan.

Whilst some representations appear to have assumed that the Design Codes document produced by AECOM is part of the Policy, this is not explicitly stated. Was there a reason for that? Representations suggest that certain design guidance might be regarded as over-restrictive in the absence of adequate supporting evidence and developers are saying that they regard referenced constraints as unreasonable. A representation also notes that some of the contextual information in the Code document is now dated – inferring that this may compromise the value of the document.

**HOO7: Local Heritage**

As representations have pointed out, the wording of this Policy cannot go further than national Policy provides for eg “no harm” goes too far. To avoid confusion this Policy might restrict itself to identifying the non-designated heritage assets – but detail sufficient to justify their inclusion, and to provide an understanding of what is being protected, is required. The element referencing farmsteads is presumably meant to say ‘refurbishment/improvement’ rather than “development”?

## **7. Landscape and Natural Environment**

The local planning authority has noted that the supporting text includes: “Chattenden Valley is an important green corridor between Hoo St Werburgh and Chattenden. It forms a corridor for wildlife and maintains the distinctive identify of the two settlements.” It is suggested that a map locating the valley – perhaps with indicative boundary edges – would be helpful to the understanding of this reference.

The local authority has also noted that “no reference is made to the Medway Landscape Character Assessment (either current or updated), including relevant character area qualities and guidelines”. The local authority has also noted other subject matter that this policy area might cover – but I would add that Neighbourhood Plans are not required to address the full range of planning subjects and may rely on existing policies in many topic areas.

**HOO8: Landscape and Environment**

Element 1 of this policy says that development should “avoid causing significant harm” whereas element 3 says that “no harm” should be caused to woodland and water features. Whilst it is reasonable for the Neighbourhood Plan to note the existence of areas of special protection, it is for the relevant designation to define the basis for protection. The local planning authority has queried the threshold for “significant harm”, but I would add that the planning system would expect that this be assessed in context; a representation suggests using “unacceptable”. Another representation has suggested that the minimum biodiversity net gain should be defined but this is already stated in national planning policy.

A representation suggests in relation to Element 3 that “This needs to be amended, but we consider [it] should be deleted to avoid unnecessary repetition of the protections afforded by the NPPF”. However, the Plan mapping has identified the features listed and so, whilst the Policy cannot say “no harm”, it can say that ‘Development proposals must demonstrate appropriate regard for the local landscape features as illustrated on Map 7’.

For element 4 the local planning authority would prefer that the wording insist that buffer zones are required.

Element 5 of the Policy would need to be caveated with ‘wherever feasible’.

The local planning authority has suggested that the element 6 term “landscape transition zone” is not self-explanatory; I would add that the supporting text seems to suggest it is about disguising new development whereas avoiding a “hard” edge might be more about blending rural- and village-scape.

Element 7 again uses the term “no harm” which is an expectation even beyond Green Belt protection. Alternative wording might be: ‘The open character of the landscape separation between Hoo and Chattenden is of significant local value and this characteristic should be retained.’ The local planning authority has suggested that greater certainty would be provided by indicating the area of separation on a map, but the opportunity for that has now passed.

Does element 9 add anything that has not already been stated?

Whilst it may be reasonable for element 10 to address allotments, a general protection for all orchards and an undefined category of ‘land for local food production’ cannot be justified without significantly more evidence as to its impact in the locality. The support for new local food production facilities should be ‘in principle’ since the detail of some development in the countryside could be problematic.

Element 11 addresses a strategic planning matter in terms which go beyond the expectations of the NPPF and cannot be retained.

The local planning authority has noted that on Map 7 the Ancient Woodland is not easily legible.

**HOO9:** **Local Green Space**

Whilst I have yet to visit the area to assess the areas proposed for designation, the nature of the areas would seem appropriate in principle. The accompanying assessment document appears to be appropriate in its scope (although adjacent designations are not relevant to the intrinsic value of the Local Green Space sites proposed for designation). The local planning authority has commented: “Preference would be for the paddock at the southern end of Elm Avenue to come under Hoo Common ownership and long-term management.” Any extension to the boundary of the areas proposed for designation at this stage could require a re-run of the public consultations.

The NPPF says (para 107) that “Policies for managing development within a Local Green Space should be consistent with those for Green Belts”; it would seem that element 2 of the Policy goes beyond the scope of Green Belt policy

**HOO10: Air Quality**

The AQMA within the Neighbourhood Area has been designated locally rather than nationally and I cannot see that Policy HOO 10 adds anything supported by evidence to the local planning authority’s planning requirements.

## **8. Travel Infrastructure**

**HOO11: Sustainable Transport and Active Travel**

The local planning authority has commented: “The policy generally does not appear to prioritise active travel and public transport movements over private car use”, which perhaps begs the question whether anything of significance is being added to existing policy requirements (nation and local). As noted earlier, a representation queries the need to specify an “electric charging point” for bicycles since this would be no more than a standard socket.

Does element 3 add anything of significance to the more balanced element 1? A representation has suggested this alternative:

“3. Development must be supported by adequate road infrastructure and/or financial contribution where necessary to mitigate the impact of development and to safely support additional traffic movements where it is evidenced there would be an unacceptable highway safety impact, and/or the impact [on] the transport network would be severe.”

In relation to element 6, the local planning authority has commented: “New roads already have to ensure that they can accommodate service and emergency vehicles – this policy does not appear to offer much more apart from requiring ‘easy passage’, which has the potential to encourage building of wider roads than necessary, which will encourage speeding and thus potentially lead to more serious traffic incidents”. This again raises the question as to whether a Neighbourhood Plan can add anything to current planning policies on transport other than through site-specific proposals, of which there are none in the present Plan.

**HOO12: Paths**

The local planning authority has indicated that references to the “National Coastal Footpath” should be amended to the ‘King Charles III England Coast Path’. They have also noted a few typographical errors.

Given the density of protected footpaths etc. within the Neighbourhood Area it is improbable that development will not affect the “amenity” (however that might be defined) of the routes, and that is not a protected characteristic for public rights of way. There is a scheme for rights of way to be diverted and the Neighbourhood Plan can’t afford more protections than national legislation allows.

It is not immediately apparent, nor explained, what “development of the sea wall” might entail.

## **9. Infrastructure**

**9.1 Planning Infrastructure Priorities**

National Planning Policy Guidance confirms that Neighbourhood Plans may contain “policies on the contributions expected from development, but these and any other requirements placed on development should accord with relevant strategic policies and not undermine the deliverability of the neighbourhood plan, local plan or spatial development strategy” (Paragraph: 005 Reference ID: 41-005-20190509). I note that the statement here gives an indication of priority rather than a policy as such. The local planning authority has commented: “New major developments should also be providing new outdoor sport facilities (such as football and tennis) on-site so they are more accessible, rather than just all facilities focused at Deangate”; as the local authority also notes, that appears to be part of the purpose of Policy HOO5.

## **10. Contact and Acknowledgements**

No comment.