

Planning Policy

Regeneration Community &
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17 April 2017

Medway Council Local Plan – Development Options 2012-2035

Response from Friends of the North Kent Marshes

Friends of the North Kent Marshes is a voluntary group, formed in 2004 out of the No Airport at Cliffe Campaign Liaison Group, following the successful fight against the proposals for an airport at Cliffe. The North Kent Marshes stretch from Dartford in the west to Whitstable in the east and include the Hoo Peninsula, the River Thames, the River Medway, the Swale and Isle of Sheppey. They are some of the most unspoilt landscapes in Kent and are very rich in wildlife. Our aim is to promote the Marshes and the ways in which everyone can enjoy them. We work both with the local communities that live on and around the Marshes, and with groups such as the RSPB as they develop flagship visitor sites here. The area faces many threats as pressure for land and development in the southeast continues. We welcome the opportunity to respond to the Medway Council Local Plan – Development Options 2012-2035 consultation.

1. The Vision

- We are very pleased that the headline Vision includes for Medway to be noted for its *"stunning natural and historic assets and countryside."*
- We also wholeheartedly support the commitment that *"The distinct towns and villages that make up Medway will be connected through ... green infrastructure links supporting nature and healthy communities."*
- We also offer our support to the statement, *"Medway will be defined by development that respects the character, functions and qualities of the natural and historic environments."*
- But, we have grave concerns about the blanket commitment by the Council to want to develop Lodge Hill SSSI in *section 3.39: "The council supports the development of Lodge Hill as a planned new settlement, delivering a balance of homes, infrastructure, jobs, services and open spaces on a redundant military site on the Hoo Peninsula"*). It appears as the consistent element in *all* four alternative scenarios presented.

This is wholly irreconcilable with the Vision. To seek the destruction of a nationally protected site is totally at odds with the Vision and could be seen as misleading for people taking part in this consultation process. National planning guidance is clear - SSSIs are a last resort for development. We worked with Medway Council to fight the No Airport at Cliffe and No Estuary Airport campaigns on the basis that it would destroy sites of national and international importance. It would actually be an own goal, for if it sets this precedent and weakens the protection afforded to protected sites, we will all have less chance to prevent unsustainable development of other protected places in future. And we all lose something that makes Medway special.

The new Medway Council Local Plan must ensure that there is no adverse effect on designated European and domestic sites of nature conservation. A substantial part of the northern area of the Medway Plan contains the Thames and Medway estuaries that are designated under EU law as Special Protection Areas (SPA). There are other important designated habitats such as Special Areas of Conservation (SAC), Marine Conservation Zones (MCZ), Sites of Special Scientific Interest (SSSI) and National Nature Reserves (NNR) in and around Medway.

There are many natural and cultural heritage sites within Medway both designated and undesignated that are of great importance to local people and any inference that these may not be important or protected is very misleading. Indeed Medway's regeneration cannot take place at the expense of our rich and diverse natural and cultural heritage, it would destroy Medway's greatest assets and our very sense of place.

2. Achieving a sound Local Plan

We believe that the absolute priority must be to create a Local Plan which will be seen as 'sound' and signed off by the Plan Inspector as these kind of processes and consultations are very expensive for local taxpayers.

In order to achieve a sound Local Plan and not repeat the mistakes of the previous unsuccessful Plan, the advice from the previous Local Plan Inspector must be understood and acted upon.

We have grave concerns that the Inspector's advice in her letter to the Council on 21 June 2014, regarding how the Council should apply the National Planning Policy Framework appears not to have been acted upon.

"2.2.3. Read as a whole, the policies in the Framework do not impose an absolute prohibition on development on a SSSI, but it is generally accepted by all parties at the hearing that the Framework requires an avoid - mitigate - compensate approach.

4.3. In my view this scale of impact constitutes a significant adverse impact. It is therefore necessary, as the first step, to consider whether this can be avoided.

7.1. Paragraph 152 of the Framework advises that significant adverse impacts on any of the dimensions of sustainable development should be avoided by, wherever possible, pursuing alternative options.

Development at Lodge Hill would have a significant adverse impact on the SSSI and the Framework's objective of halting the overall decline in biodiversity. For the reasons given above, I am not convinced that there are no reasonable alternatives to the proposed development at Lodge Hill. The Framework only requires mitigation and compensation measures to be considered where adverse impacts are unavoidable. However, in considering the balance to be struck between all the dimensions of sustainable development I am not persuaded that the social and economic benefits that would flow from development on this site would outweigh the harm to a site of national importance for biodiversity."

We think that Plan Inspectors advice is clear: Medway must seek alternatives to development of Lodge Hill SSSI. Sadly we can find nothing in Medway's consultation to suggest that this has been done - in fact in section 3.39: *"The council supports the development of Lodge Hill as a planned new settlement, delivering a balance of homes, infrastructure, jobs, services and open spaces on a redundant military site on the Hoo Peninsula"* and Lodge Hill SSSI appears as the consistent element in all four alternative scenarios presented.

If Lodge Hill is not already pre-determined then where is Scenario 5? The Scenario that doesn't contain Lodge Hill SSSI as a site where *"The council supports the development of Lodge Hill as a planned new settlement, delivering a balance of homes, infrastructure, jobs, services and open spaces on a redundant military site on the Hoo Peninsula"*

We are gravely concerned that this seemingly pre-determined conclusion appears in the consultation.

We understand why Medway Council has been so determined to develop Lodge Hill. It invested time and money in drawing up a development brief in 2009 (although it is not clear why that should have fallen to a Council to do; it is as if the Council is an 'interested party' at Lodge Hill). However, a Council knows better than anyone what can happen in seeking to develop a large and little-known site - all sorts of things can turn up. It could have been any matter of things that would have made development difficult or impossible; it turned out to be nationally important wildlife.

3. The Consultation

There are various aspects of the consultation which give cause for concern.

a) Housing allocation numbers

The third page of the online consultation questionnaire says "By 2035, Medway will need 29,463 homes." This may be correct in the context of a plan from 2012-2035, but this is not made clear. Indeed, the press has been allowed to report the need as '30,000'. We asked Medway Council on 17th January for how many are actually needed between 2017 - 2035, given that some are already built or have planning permission, but have not received a reply. We estimate that it is probably 20,000-22,000. This radically affects the breakdown of how many houses might be allocated to different areas of Medway, and affect the assessment of alternatives to Lodge Hill. We are concerned that this has been hidden because it would prove that there are alternatives to Lodge Hill.

b) Lack of transparency that Lodge Hill is a SSSI

We have grave concern that Lodge Hill's SSSI status, and the implications of it, are not mentioned at all in the Development Options paper (there is one map in an appendix which marks SSSIs but does not indicate where Lodge Hill is). This is a key fact which should have been made available to all consultees but has been excluded from the consultation and has not been made available to the public.

c) Brownfield

We have grave concerns that in the Council's Interim Sustainability Assessment, the Council says that *"4.15 In considering further land that may be suitable to allocate for development in the new Local Plan, priority has been given to the use of brownfield land...4.16 The council has considered the inclusion of land designated as a SSSI at Lodge Hill in this context. This is based on the extent of Previously Developed Land on the potential development site."* This perpetuates a myth that the Council has repeated many times before. It is vital, if a Consultation is to be seen as valid, for the facts to be given. The facts are as follows, and should have been set out by the Council:

i) Lodge Hill is not on the Council's brownfield register

ii) the amount of land that could be regarded as Previously Developed Land was estimated by the previous Plan Inspector as towards the lower end of a range estimated as 15%-54%

and iii) even if the site was on the brownfield register (which it isn't), the fact that it is SSSI makes that irrelevant under NPPF.

d) Screening

We have grave concerns about the Plans screening process. The Council's own screening process for determining possible sites for allocation says that SSSIs are excluded. It is therefore extremely concerning that Lodge Hill SSSI was not screened out at this stage.

4. Conclusions

We understand that the human population of Medway is growing, and there is great pressure to find space for housing, especially affordable housing. We also realise that it is very inconvenient that Lodge Hill has proven to be an unsuitable place for development under national planning guidance.

However, all the evidence in the consultation indicates that Medway Council do not appear to have followed the Planning Inspectorate advice on the NPPF and appears determined to allocate Lodge Hill SSSI for development. This potentially sets the Council on a path that puts the Medway Local Plan in jeopardy with the Planning Inspectorate.

We ask that the Council seriously reconsiders its position, and addresses some of the major flaws in its consultation as follows

- a) We ask that the Council create **Scenario 5** - The Scenario that **doesn't** contain Lodge Hill SSSI as a site where *"The council supports the development of Lodge Hill as a planned new settlement, delivering a balance of homes, infrastructure, jobs, services and open spaces on a redundant military site on the Hoo Peninsula"*
- b) We ask that the Council finds a different course of action with regard to Lodge Hill SSSI that preserves the SSSI status and brings different benefits to the people of Medway other than housing. With creative thinking by Medway and the site owner (the government), surely there is a Plan B for Lodge Hill that would add to Medway's reputation, not damage it.
- c) We ask that the Council publicly sets out the actual and accurate housing need for 2017-2035.
- d) We ask that all Medway Councillors are fully and transparently briefed about the NPPF and how it relates to SSSIs, especially the requirement for an 'avoid-mitigate-compensate' hierarchy.
- e) We ask that Medway Council seeks transparent, independent and impartial advice to investigate our view that the draft Plan as it stands, with Lodge Hill SSSI included, is at complete odds with the previous Inspector's advice and is at high risk of being found unsound, to the detriment of the people of Medway.
- f) In view of the fact that there is so little actual detail in the Development Options as they stand, it feels that the public have so far only been consulted on what are very vague and not well defined options; they are not even Preferred Options. We ask that Medway Council should make it very clear, as soon as possible after this consultation closes on 18 April 2017, just what level of public consultation will be offered when the full draft Local Plan is released.
- g) We ask that the Draft Local Plan consultation is a full public consultation, open to all.

We thank you for the opportunity to make our submission, we ask that you please keep us informed about the Local Plan and we trust that our grave concerns for our natural and cultural heritage and our communities will be taken into account.

Kindest regards

Gill Moore Joan Darwell George Crozer

Friends of the North Kent Marshes

