



Planning Policy Team
Medway Council
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By email only: futuremedway@medway.gov.uk [REDACTED]

26 May 2017

Dear Ms Smith,

Re: Medway Council Local Plan 2012 -2035 Development Options Consultation

The RSPB is grateful for the opportunity to contribute to the Development Options Consultation as part of the process of preparing the Medway Council Local Plan 2012-2035 ("the Consultation").

Please note that some of our comments concern several points and therefore do not fit within the specific Consultation questions. In addition we do not have comments on all the issues in the Consultation. Therefore we are responding by letter rather than by using the online form. However we have sought to structure our response in a format that is consistent with the way the Consultation is set out in order to make it clear to which parts of the document we are responding. Please note that our consultation response should be read in conjunction with letters sent to Medway Council throughout the consultation period namely letters dated 19 December 2016, 2 February 2017, 16 March 2017 and 5 April 2017. A summary of our response is below, followed by a more detailed analysis in the Annex and an Advice Note by Freeths LLP commissioned by the RSPB.

Summary of RSPB's Response

1. The RSPB notes that each of the development options set out in the Consultation includes development at the Chattenden Woods and Lodge Hill Site of Special Scientific Interest (SSSI), which would constitute one of the largest losses of a nationally protected wildlife site in UK history.

2. The SLAA process claims to screen out all sites of National or International Environmental Designation and as such Lodge Hill as a SSSI should not be considered any further in the Local Plan Process. The Council's own screening process for sites clearly states that SSSIs are excluded from further consideration as development options at Stage 3 of the screening process, but not only allows the Lodge Hill site to proceed beyond this stage but provides no understandable justification for doing so. The allocation of Lodge Hill appears to have been tied up in a process which has been inconsistent and flawed and which has led to an unjustifiable conclusion with regards to the availability of land within Medway. The RSPB considers that as a result of this, the draft Local Plan is

fundamentally flawed because it fails to follow the “avoid-mitigate-compensate” hierarchy that national planning guidance requires for development on nationally protected sites. This is in spite of the Council’s own housing potential figures suggesting that there is already sufficient capacity elsewhere to achieve their allocation figures.

In taking this approach, it wholly disregards the specific advice on this matter given by the previous Local Plan Inspector about the Council’s approach, and replicates the flawed approach that led to her conclusions on the previous SLAA being unsound and ultimately the withdrawal of the previous draft Core Strategy. We consider there to be a serious risk, if the Council continues its current approach, that the Plan will be found unsound again. Fundamentally, the RSPB considers that the scenario of allocating Lodge Hill on the strength of benefits outweighing impacts – socio economic benefits or otherwise – should not arise in the Local Plan Process and certainly not when the Council’s own figures suggest there is sufficient capacity.

3. As Lodge Hill is notified as a SSSI, a Nationally Important Wildlife Site, it should therefore should be granted a higher level of protection. The Strategic Land Availability Process has dismissed potential sites for allocation for development with less environmental or amenity value than Lodge Hill. This has resulted in a flawed assessment which has skewed the results and need for development of the Lodge Hill site.

4. The consultation does not explain to consultees that Lodge Hill is part of a SSSI or the planning legal protection and policy implications of this designation, despite the RSPB requesting that this be addressed prior to the Consultation being launched. This we maintain should have been essential for a fair and proper consultation. We note that (including the Christmas period) 25 days elapsed between our initial request to the Council, based on the draft Plan approved by Cabinet on 20 December 2016 and the start of the Consultation period in which this clarification to the final documentation could have been made. We also note that a number of more significant changes were made (such as the removal of the housing figures from the four consultation options) and therefore time was available for such required changes to be made.

5. The Council’s assertion that the Lodge Hill site can be developed because it is Previously Developed Land (PDL) is of grave concern for two key reasons. Firstly, the site only contains a small proportion of PDL, as confirmed by the previous Local Plan Inspector; indeed, the site is not on Medway Council’s Pilot Brownfield Site Register. To continue to categorise the site as “brownfield” clearly contradicts the evidence. Secondly, even if the site were brownfield, to seek to develop it would again be in direct contravention of the National Planning Policy Framework (NPPF) which clearly outlines that brownfield sites can have high biodiversity value and this point is particularly important for a site that is a SSSI, as was clearly stated by the previous Local Plan Inspector. It appears that this advice is being totally disregarded. Crucially it fails to recognise that the SSSI designation is more important than a brownfield designation.

6. In consequence, we strongly recommend that the Council reconsiders its approach to Lodge Hill, for the sake of achieving a workable Local Plan. We urge the Council to view these comments in the constructive manner that they are intended. We want Medway to have a signed off Local Plan that is in line with national planning guidance, so that work can begin to deliver *“a leading waterfront University city of 330,200 people, noted for its revitalised urban centres, its stunning natural and historic assets and countryside”*.

7. The Local Plan is the place to set out the possibilities for the future. The Chattenden Woods and Lodge Hill SSSI is a stunning natural asset for Medway. We strongly recommend therefore that the Council consider options for its Local Plan that recognise this.

8. We hope that the views of the more than 10,000 people who submitted responses to the Consultation asking for Chattenden Woods and Lodge Hill SSSI not to be developed will be added to the many other concerns set out in this response.

9. We are also deeply concerned by the way in which the Consultation process has been conducted, with vital supporting documentation not being released until many consultees had submitted their responses. It is unacceptable that the consultation process involved piecemeal publication of documents, sometimes months apart with extensions to the consultation process announced on the final day of the original consultation period, and with several contradictory dates being announced. It was fraught with inconsistencies throughout the consultation period. These problems may unfortunately have resulted in consultees not having all the documentation available when reviewing and submitting responses.

Conclusions

In order to address the issues that the RSPB has highlighted, we consider that it is essential for the Council to remove Lodge Hill from its Plan. It should produce a Plan that does not rely on housing development partly destroying a SSSI. The RSPB welcomes the Council's suggestion made at a Consultation Workshop (25 April 2017) that a further revised consultation should take place in 2017 to refine the alternatives available and examine the issues highlighted above by the RSPB and other stakeholders. The RSPB does not want to cause any delay to the Council's plan-making process; however, we believe that many of the points we have identified are so substantial with regard to national planning guidance as to seriously jeopardise the soundness of the Plan as currently presented.

We continue to be keen to meet and work with the Council on all these issues recognising the need to secure a Plan that delivers the development Medway needs whilst securing the effective protection of its important wildlife sites. We look forward to further opportunities to participate in the subsequent stages of the preparation of the plan including the suggestions for a new revised consultation on alternatives. We request that if at all possible you contact us directly once those further stages become available.

Yours sincerely

Steve Gilbert

Conservation Programme Manager,
RSPB SE England Region, [REDACTED]

Annex

The RSPB's detailed comments on the Medway Council Local Plan 2012 -2035 Development options consultation

Contents:

1. The RSPB's Interest in Medway	1
2. Vision and Strategic Objectives	1
3. Delivering Sustainable Development Options	2
3.1 Flawed approach to assessment of land which has resulted in Lodge Hill being included within the Development Options	2
3.2 Residential Development Pipeline/Lack of clarity about housing numbers	4
3.3 Lack of transparency about sites being considered	4
3.4 Failure to consider alternatives	5
3.5 Failure to justify departure from the National Planning Policy Framework (NPPF) with regard to avoiding damage to a SSSI and with regard to Previously Developed Land (PDL)	7
3.6 An opaque presentation in the Consultation of the legal and planning status of the proposed development site at Lodge Hill	9
4. Housing	9
5. Employment	9
6. Retail and Town Centres	10
7. Natural Environment and Green Belt	10
8. Built Environment, Health and Communities, Infrastructure	10
9. Sustainable Transport	10
10. Sustainability Appraisal	11
11. Evidence Base for the Soundness of the Plan	12
12. The Consultation Process	13
13. The Habitats Regulation Assessment (HRA) of the Spatial Development Plans	14
Appendix 1 – Letter 19 December 2016	
Appendix 2 – Letter 1 February 2017	
Appendix 3 – Letter 16 March 2017	
Appendix 4 – Letter 5 April 2017	
Appendix 5 – Freeths LLP Advice Note	

1. The RSPB's interests in Medway

The RSPB is a significant landowner and land manager in Medway Council's area. We have nature reserves at Cliffe Pools, Northward Hill, Nor Marsh and Motney Hill (857 ha in total). The northern part of the Council's area is within the boundary of the RSPB's Greater Thames Futurescape, one of our four highest priority places in the UK for the promotion of conservation at a landscape-scale, adopting the principles advocated by the Lawton Report *Making Space for Nature* (2010), which recommended (in simple terms) more, bigger, better, and better joined up protected areas. The Futurescape is working towards delivering these requirements. In addition to direct management of our nature reserves we have an extensive programme of advice provision to farmers and landowners in the area and are engaged in a number of partnership initiatives.

A substantial part of the Council's area is subject to statutory nature conservation designations: the Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar site and the Medway Estuary and Marshes SPA and Ramsar site, the North Downs Woodland Special Area of Conservation, the Medway Estuary Marine Conservation Zone and a number of Sites of Special Scientific Interest, including the large (351 ha) Chattenden Woods and Lodge Hill SSSI, which is notified for supporting a nationally important population of the red-listed nightingale, along with rare grasslands (discussed in more detail below). The RSPB regards our work on securing protection for and enhancement of the Thames Estuary and Marshes SPA and Medway Estuary and Marshes SPA and their underpinning SSSIs, along with the protection of the Chattenden Woods and Lodge Hill SSSI, as being among the highest priorities for our work nationally.

2. Vision and Strategic Objectives

The RSPB welcomes and supports the Vision set out on page 15 of the Consultation: *By 2035 Medway will be a leading waterfront University city of 330,200 people, noted for its revitalised urban centres, its stunning natural and historic assets and countryside.* We are delighted to see the Council's recognition of its stunning natural assets; we believe that Medway is enhanced by them, and that there is much to be gained for the people of Medway and beyond by further celebrating and enhancing them.

We support this commitment to integrate the future development of Medway with respect for its character, functions and quality of the natural and historic environments (Box, page 15). However, we consider the Council's clear determination in the Consultation to support development on the Chattenden Woods and Lodge Hill SSSI fundamentally undermines and is wholly incompatible with this Vision. If Lodge Hill was developed it would be one of the largest single losses of a SSSI in UK history.

We broadly support the Strategic Objectives set out in para. 2.39 (page 17).

3. Delivering Sustainable Development Options

This section references research into the need over the Plan period for the provision of homes, office space, industrial and warehousing space and retail space. There is a lack of clarity and there are inconsistencies in the Development Options Document and the SLAA which have resulted in a presentation of Development Options which all include Lodge Hill. It goes on to review the Residential Development Pipeline and to present four possible scenarios for future development. The RSPB has major concerns about the way in which this has been approached, which we believe is wholly incompatible with the NPPF, with the guidance from the previous Local Plan Inspector, and with the principle of sustainable development with regard to development on nationally protected SSSIs.

These concerns fall into several related categories:

3.1 Flawed approach to assessment of land which has resulted in Lodge Hill being included within the Development Options

3.2 The Residential Development Pipeline's Lack of clarity about housing numbers

3.3 Lack of transparency about sites being considered

3.4 Failure to consider alternatives

3.5 Failure to justify departure from the National Planning Policy Framework (NPPF) with regard to avoiding damage to a SSSI and with regard to Previously Developed Land (PDL)

3.6 And added to the point above, an opaque presentation in the Consultation of the legal and planning status of the proposed development site at Lodge Hill

We will deal with each of these concerns sequentially.

3.1. Flawed approach to assessment of land which has resulted in Lodge Hill being included within the Development Options

3.1.1 The methodology for assessment of potential sites for housing and other developments is set out on page 9 of the SLAA. The Council has used a sequential approach, screening potential sites against a series of criteria to eliminate those which are inappropriate for development. At Stage 3 of the screening sites are removed for the following reasons (emphasis added):

"Environmental Designations (**SSSI**, SACs, SPAs, Ramsars, AONB & Ancient Woodland), Flood Risk Unresolvable sites, Heritage designations".

This is consistent with NPPF.

3.1.2 Appendix 4, page 45 of the SLAA lists those sites with environmental designations screened out at Stage 3. However, despite forming part of the Chattenden Woods and Lodge Hill SSSI, the Lodge Hill site was not screened out at this stage but was allowed to proceed to Stage 4. No explanation is given for this failure to adhere to the stated screening process, or the clear divergence

from NPPF policy. The RSPB considers that this is a wholly inconsistent and inappropriate application of the screening criteria.

Under the NPPF, Medway is obliged to consider alternative land allocation strategies, and there is a hierarchy of categories of land, as Medway is aware, that should be considered before nationally protected sites. This has not happened. It may also require considering the cumulative approach of allocating several sites to overcome issues of poor access to services, facilities and transport. However these alternatives would enable the protection of a nationally important habitat site.

The RSPB has instructed Freeths LLP, an independent planning consultant, to undertake work to review potential alternative sites, and the detail of that advice is appended to this letter (Appendix 5).

We believe that these sites identify potentially alternative land allocation strategies. However, if after consideration of these sites it is still not possible to meet objectively assessed need than the potential for shortfall to be met elsewhere in the housing market area should be considered.

As a last resort, once alternative sites are reviewed and housing need can still not be satisfied then it is open to Medway to take forward a Local Plan that does not meet objectively assessed need, providing it is well justified with reference to the constraints on land allocation within its administrative area.

The RSPB does not consider that there is any scenario whereby the allocation of Lodge Hill, as a SSSI, is justifiable in the context of delivering the Objectively Assessed Needs (OAN) for Medway.

For clarity, the RSPB is not saying that Medway could not deliver the housing within their boundary, as Freeths LLP have clearly identified scenarios as to how this is possible (Appendix 5). But even if this were not the situation we also recognise there is not a situation whereby the allocation of Lodge Hill is necessary or acceptable. The key points which substantiate this approach are provided in advice note by Freeths LLP.

3.1.3 At no point is it acknowledged in either the Development Options Report or the SLAA that Lodge Hill is part of a SSSI, notified, *inter alia*, for its nationally important population of breeding nightingales, except insofar as it is shown as a SSSI on a map in Appendix 1A of the former document, although even here it is not labelled as Chattenden Woods and Lodge Hill SSSI. The SSSI designation is noted just twice in the Interim Sustainability Appraisal Report (March 2017), and this was released eight weeks after the beginning of the Consultation. Furthermore, the SLAA fails to acknowledge anywhere in the text that Lodge Hill is a SSSI. On the Environmental and Green Belt Designations in Medway map (page 71, Section 7 Natural Environment and Green Belt) the SSSI is included but is presented in the same grey tone as urban areas, with the result that Lodge Hill's status as part of a statutorily notified site runs a serious risk of appearing to be concealed from consultees. This is despite the RSPB, having seen a draft of the Consultation in December 2016, sending a letter to the Council on 19 December 2016 requesting that the SSSI status of Lodge Hill be made clear in the final Consultation document.

3.1.4 At Stage 4 (Suitability, Availability & Development Potential and Capacity) the site (described as *Lodge Hill (Chattenden) Ministry of Defence Estate*) is rated as red for Suitability, subject to a footnote stating "Lodge Hill not included as suitable pending the outcome of the Public Inquiry

scheduled for 2018". The RSPB considers that this approach is inappropriate in a plan-making context and predicates the suitability or otherwise of the site for development upon incorrect criteria, whereas the criteria for Stage 3 screening should have removed the site from further consideration at that stage as other SSSI sites were.

The SLAA does not provide a consistent approach and in our view is not in compliance with the requirements of the NPPF and therefore as a robust basis for the emerging Local Plan its soundness should be questioned. We strongly urge Medway Council to revise its approach to its development strategy to ensure it complies with those NPPF requirements

3.2 The Residential Development Pipeline's Lack of clarity about housing numbers

3.2.1 It is noted that, as a result of the research undertaken for the North Kent Strategic Housing and Economic Needs Assessment (jointly commissioned by Medway Council and Gravesham Borough Council) a need for 29,463 dwellings has been identified over the plan period (2012-2035) (Section 3 para.3.1). The policy approach for housing set out in page 29 of the Development Options Consultation is to meet the need identified in the North Kent Strategic Housing and Economic Needs Assessment (SHENA) with the delivery of 29,463 homes over the plan period.

3.2.2 However, it is vital, given that almost 20% of the Plan period (2012-2035) has already elapsed, that consultees are clear how many dwellings have already been delivered and how many still need to be allocated to meet this target. Further, it is not made clear in the Development Options Report whether the dwellings attributable to sites with planning permission (6,251), Medway Local Plan 2003 allocations (356) and windfalls in years 3-5 (606), a total of 7,213, are already accounted for. We asked for clarification of this by letter on 1 February 2017 and again by email on 22 March, but as yet have only received a confirmation informally from one of the Council's Planning Officers (Catherine Smith pers comm. 8 March 2017) that this is indeed the case. On that basis the remaining need is of the order of **20,070** dwellings, 68% of the overall total (meaning that about 32% of the target is already accounted for). This difference significantly influences the present Consultation and people's response to where they think that should be - are consultees to understand that the Council is looking to allocate enough land for almost 30,000 houses or much nearer 20,000? We believe this lack of clarity has compromised the ability for people to respond with any surety.

3.2.3 From the information currently provided it is not possible to relate the delivery and pipeline figures to one another. The details provided should be clearly referenced and the source of dwellings easily identifiable. We welcome suggestions at a recent Workshop hosted by Medway Council (25 April 2017) that a revised consultation would take place where more detail would be provided on housing numbers and we look forward to taking part in that consultation later this year.

3.3 Lack of transparency about sites being considered

3.3.1 The RSPB recognises that the development options paper is not at such a significant stage of advancement that specific sites are being assessed for development. However in identifying the broad areas for development the Development Options document is extremely vague about land

which is being considered. For clarity and certainty we strongly recommend that a clearer picture of potential major housing allocation is required at this stage.

3.3.2 The Appendices to the Cabinet paper *Medway Local Plan* dated 20 December 2016 included a narrative description for each of the four development scenarios, giving an indication of the number of dwellings that might be delivered at several distinct locations. For reasons that are unclear the narrative sections of the Appendices were not included in the Regulation 18 consultation report, although this information is contained in the Interim Sustainability Appraisal Report, which was released eight weeks after the beginning of the consultation period, and one week after the original consultation deadline.

3.3.3 By identifying in more detail the areas which are being considered for growth and the quantity of dwellings which are being proposed, future consultation on the development options will be more meaningful and allow parties to fully consider the impacts of each development strategy and alternatives.

3.4. Failure to consider alternatives

3.4.1 The Consultation sets out, in paragraphs 3.21 – 3.43 and in Appendices 1B – 1E, four different scenarios for delivering housing and other built infrastructure during the plan period. All of these scenarios include housing and other development at Lodge Hill, which means that the delivery of housing at Lodge Hill is presented as integral to the whole plan. There is no consideration by the Council of an option that does not involve the development of Lodge Hill. The RSPB regards this as indicative of how determined the Council is to see Lodge Hill developed, irrespective of National Policy and the actual need for development at this location. The four scenarios are presented in the document (and the public invited to vote) on the basis that they are “alternative” scenarios, the implication clearly being that all four – independently – could meet the identified housing need. We sought clarification of this, as it is critical (in the absence of absolute housing numbers) for consultees, who were asked to vote for their favourite scenario, to be sure that these were mutually exclusive plans. However, we did not gain formal confirmation that this was the case.

3.4.2 The interim Sustainability Appraisal report gives a narrative description of the four development scenarios giving an indication of the number of dwellings that might be delivered at several distinct locations. Reference to these figures gives some indication of the potential new housing capacities of different areas of Medway for delivering the necessary housing without recourse to development at sites carrying environmental designations. Given that the public have been invited to vote on these as realistic options, our comments are on the basis that they are achievable.

The locations, and the number of dwellings Medway Council suggests they could accommodate, are as follows:

Table 1.

Redevelopment of Medway City Estate and Chatham Docks (identified in Scenario 1)	Up to 5,000 homes (note that the SA suggests that even higher densities could
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	allow for 8,000 homes)
Development at higher density in central and waterfront sites in Chatham and Strood, land assembly to achieve further development land in centres, mixed use scheme at Mill Hill, and estate renewal (identified in Scenario 1)	5,500 homes
Suburban development around Rainham, Capstone and Strood (identified in Scenario 2)	10,700 homes
Rural town based around Hoo St Werburgh (identified in Scenario 3)	6,500 homes
Medway valley (identified in Scenario 3)	180 homes
Expanded villages – Cliffe, Cliffe Woods, High Halstow, Lower Stoke, Allhalows, Grain (identified in Scenario 4)	2,600 homes
Total <u>excluding</u> Lodge Hill	30,480 – 33,480

3.4.3 Notwithstanding the lack of absolute clarity about the actual number of new dwellings required during the remainder of the plan period (2017 - 2035) (see Section 3.2 above), nor to oversimplify the balance of sites required to achieve sustainable development, and given that we believe the number of dwellings required to be in the order of 20,070, it appears from the Council's own figures that there are easily sufficient potential sites to deliver the required level of housing provision without the allocation of housing at the Chattenden Woods and Lodge Hill SSSI. In any event, the totals proposed by the scenarios exceed the total required for the entire plan period, take no account of potential windfall development during that period nor housing already constructed, received permission etc.

3.4.4 Fundamentally, as identified, in Section 3.1 above, we do not consider that Lodge Hill should be allocated at all, regardless of the status of the planning application on this land. If this site does get planning permission at the Public Inquiry there is likely to be a considerable amount of mitigation and compensation which means that it is unlikely to be delivered in this plan period. Even if any housing were to be delivered, it could be considered as windfall.

3.4.5 There is an imperative on Medway Council, under the NPPF, to establish if there is an alternative to allocating a SSSI for development (the "avoid-mitigate-compensate" hierarchy). As it stands, the Local Plan sets out a commitment to develop it without even attempting to establish if there is an alternative. There is a lack of clarity with regards to dwellings required across the plan period, the lack of transparency with regards to sites being considered and the flawed approach to assessment of land results in the presentation of four development options all of which include Lodge Hill. This leads consultees into considering that there are no alternatives for delivery except for allocating Lodge Hill.

3.4.6 As mentioned above the RSPB instructed Freeths LLP to consider alternative land development options, and their advice is set out in Appendix 5 (attached below). This work shows development areas which are available to meet housing requirements and identifies that there is not a need for Lodge Hill to be part of every scenario.

3.4.7 Even if there were no alternatives it is incumbent on Medway Council to fully pursue a housing requirement that is less than the objectively assessed need figure. A number of local authorities nationwide have done this successfully where there are significant constraints on land allocation within their administrative area and in so doing the duty to cooperate must also be fully explored, ie the potential for any shortfall against objectively assessed need in Medway to be provided within another local authority area within the housing market area.

3.4.8 The RSPB welcomes Medway's suggestion for a revised alternatives consultation that aims to address these issues as discussed at the Workshop hosted by Medway Council on 25 April 2017.

3.5 Failure to justify departure from the NPPF with regard to avoiding damage to a SSSI and with regard to Previously Developed Land (PDL)

3.5.1 The NPPF states, at paragraph 118:

"Proposed development on land within or outside a SSSI likely to have an adverse effect on a SSSI (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that makes it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest"

This was confirmed by the Inspector of the Medway submission Draft Core Strategy (2006-2028) who advised the Council in her letter dated 21 June 2013 that:

"Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued"

She continued:

"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."

3.5.2 It is beyond doubt that a major housing development at Lodge Hill would have a profoundly negative impact on the integrity of the Chattenden Woods and Lodge Hill SSSI and the population of breeding nightingales for which it is, *inter alia*, notified. As the Inspector said:

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

Given that it can be demonstrated that Medway's housing needs are capable of being met without recourse to development at Lodge Hill, it is not possible to justify a conclusion that such development would "*clearly outweigh [both] the impacts that it is likely to have on the features of the site...*" as set out by the Inspector. The Consultation report fails to justify, or indeed to make any attempt to justify, an allocation that would lead to a substantive departure from the terms of the NPPF.

The Inspector, in her comment on the previous draft Plan, concluded:

"The Council's conviction that its aspirations for Medway can only be met through the promotion of a large scale development in a single location means that it has paid little attention to what are referred to as "lesser options"."

The RSPB is concerned that this conviction is still evident in the Council's latest consultation document.

3.5.3 The Council's assertion that the Lodge Hill site can be developed because it is Previously Developed Land is of grave concern for two key reasons. Firstly, the site contains only a small proportion of Previously Developed Land, as confirmed by the previous Local Plan Inspector; indeed it is not on Medway Council's Pilot Brownfield Site Register (July 2016). To continue to categorise the site as "brownfield" clearly contradicts the evidence.

Secondly, even if the site were brownfield, to seek to develop it would again be in direct contravention of national planning guidance for a site that is a SSSI, as was clearly stated by the previous Local Plan Inspector. To quote:

*"One of the main reasons why the Lodge Hill proposal is supported by the Council relates to its view that a significant proportion of the Site can be classed as previously developed land. Various estimates of the amount of the site that can be classified as previously developed land were put to me in evidence, ranging from 15% (RSPB) to 53% (verbal evidence of CBRE for Land Securities). On my site visit I saw that there is a scatter of permanent structures on the site and some fixed surface infrastructure such as metalled roads and the hard surfacing associated with the former barracks. I am, of course, aware that much of the site has been used for military training purposes, and has yet to be cleared of unexploded ordnance but those factors, by themselves, do not meet the Framework's definition of previously developed land. From what I saw, I formed the view that the proportion of the site that could be described as previously developed land is more likely to be towards the lower end of the range set out above. In any event, paragraph 111 of the Framework encourages the reuse of previously developed land provided it is not of high environmental value. **Whatever the proportion of the site that is previously developed, the fact that it has been designated as a SSSI and is therefore of high environmental value means that its development does not benefit from any particular support from the Framework in this respect.**"* (Emphasis added).

It appears that this advice is being totally disregarded. The NPPF clearly states that brownfield sites can have high biodiversity value which should be taken into account. Crucially the draft Plan, including the SA, fails to recognise that the SSSI designation is more important than a brownfield designation.

3.6 An opaque presentation in the Consultation of the legal and planning status of the proposed development site at Lodge Hill

3.6.1 The Development Options Consultation, in each of the four scenarios for development, proposes major development on a site notified at national level for its biodiversity interest. It is therefore remarkable that the Consultation fails almost entirely to draw attention to the legal status of the site and the need, in accordance with national planning guidance, to justify with great rigour the purported need to allocate damaging development there as mentioned in Section 3.1.3. There is not a single written acknowledgment in the Development Options Consultation document or the SLAA that Lodge Hill is part of a SSSI, apart from the area of land being shown as such (although not named) in a single map in Appendix 1A. The closest the document comes to alluding to this status is in para. 3.39 where it is stated:

“However the planning status of land at Lodge Hill is uncertain, and dependent upon the outcome of a Public Inquiry scheduled for Spring 2018.”

3.6.2 We note that the statutory designation is mentioned just twice in the Interim Sustainability Report, in paragraphs 4.16 and 4.25.

3.6.3 We feel that this is deeply and worryingly misleading for the public and other stakeholders taking part in the Consultation, and fails to support them in understanding the implications of national policy that needs to underpin their comments and the final Plan. The piecemeal distribution of documents across the consultation period and extensions as outlined in Section 12 below also contributes to this problem.

4. Section 4 Housing

The RSPB does not wish to make any comments on this section.

5. Section 5 Employment

The RSPB does not have a strong view on the allocation of new employment development within the areas identified in the scenarios set out in the Consultation, subject to any such developments respecting environmental sensitivities, in particular the network of nature conservation designations within the Council’s boundaries.

Redevelopment of industrial sites at Kingsnorth and Grain should have regard to the potential to have impacts on coastal areas of national, European and international importance to wildlife, issues that will normally need to be addressed in environmental assessments supporting planning applications. We note and welcome the reference in para. 5.31 to the RSPB reserves on the Hoo Peninsula at High Halstow and Cliffe and recommend the retention of a policy to avoid development that would prejudice the wildlife and amenity value of the area identified in the 2003 Local Plan as the Cliffe Conservation Park (please see our further comments below in Section 7 Natural Environment and Green Belt).

In view of the uncertainty surrounding the status of Lodge Hill, as set out above under Section 2 Delivering Sustainable Development, we strongly advise against any reliance on this site to deliver significant employment provision.

6. Section 6 Retail and Town Centres

The RSPB does not wish to make any comments on this section.

7. Section 7 Natural Environment and Green Belt

7.1 The RSPB supports the overall approach taken in this section to the protection of the natural heritage of Medway. In particular we welcome the recognition in Paragraph 7.2 of the national and international wildlife designations that apply to about one third of the land area of Medway, and the reference to the protection of their special characteristics set out in paragraph 7.4.

However, as highlighted in our responses to Sections 2 and 3 above, we believe that this commitment is seriously prejudiced by the approach advocated elsewhere in the Consultation to development at Lodge Hill.

7.2 The RSPB is actively engaged in the development and implementation of the Strategic Access Management and Monitoring Strategy (SAMMS) for the Thames, Medway and Swale (being a member of both the Steering Group and the Project Board), and we strongly support the Council's intention, set out in paragraph 7.9, to include in the new Local Plan a policy relating to SAMMS seeking to *avoid damage to the protected characteristics of the Thames, Medway and Swale SPA and Ramsar sites*. The delayed publication of a Habitats Regulation Assessment (HRA) to accompany the Consultation will have inhibited the ability of consultees to reach an informed understanding of the implications of the draft Plan's proposals for those sites.

7.3 We support the approach to Medway's green infrastructure network, set out in paragraphs 7.11 – 7.15 and in the box *Policy Approach: Securing strong Green Infrastructure* and look forward to continuing to work closely with the Council on delivering the benefits deriving from a robust and extensive network of "green" spaces, including the RSPB's own landholdings at and adjoining Northward Hill and Cliffe Pools.

8. Section 8 Built Environment, Section 9 Health and Communities, Section 10 Infrastructure

The RSPB does not wish to make any comments on these sections.

9. Section 11 Sustainable Transport

The RSPB recognises the economic importance of the Thames and Medway rivers as constituent parts of the transport infrastructure of the South East, including the capital city. Linked to this we

support the statement in the box *Policy Approach: Transport and the River Medway* to the effect that *Measures to protect the river as a valuable resource for wildlife and biodiversity*, including wildlife corridors and habitat enhancement, will be supported. We welcome the recognition in paragraph 11.14 of the international importance of the extensive intertidal habitats (mud and sand flats, as well as saltmarsh) and the need for opportunities for new habitat creation to be identified.

10. Sustainability Appraisal

10. 1. The Sustainability Appraisal (SA) was released by the Council on 14 March 2017, eight weeks after the Consultation opened.

10.2 The RSPB had expected that the SA might contain an explanation of the way in which the avoid-mitigate-compensate hierarchy had been applied in relation to the Chattenden Woods and Lodge Hill SSSI. However, the document instead appears to justify the anomalous treatment of this site purely on the basis that it claims that it is Previously Developed Land (section 4.15 and 4.16).

The SA states, in section 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. This is consistent with national planning policy that seeks to make the best use of previously developed land. The council reviewed potential sites in its Brownfield Land Register, development briefs, planning records and sites submitted through the SLAA process. The review of previously developed land provided an indication of potential development capacity and mix.”*

Section 4.16 states: *“The council has considered the inclusion of land designated as a SSSI at Lodge Hill in this context”.*

We refer to the comments made by the Inspector at the examination into the earlier version of the Local Plan, quoted above in section 3.

10.3 The RSPB is also very concerned by the arguments in Section 4.29 concerning alternatives to development at Lodge Hill. Reference is made to a number of potentially negative outcomes in the absence of development at Lodge Hill (namely “unacceptable pressures on the environment, local infrastructure and services”, “decrease in the number of homes and employment land in Medway over the Plan period” and “following the Duty to Cooperate [a need to] make requests to neighbouring areas to meet unmet housing need outside of the borough boundary”). However no explanation is put forward as to why development at locations other than Lodge Hill (ie the application of “avoid” in the avoid-mitigate-compensate hierarchy) would make such outcomes more likely.

10.4. As set out in our response to Section 3 of the Consultation (above) the Council’s own housing figures indicate that the required number of dwellings can be provided during the Plan period without recourse to development in a SSSI. The determination in due course by the Secretary of State of a particular planning application should not be a reason for seeking to abandon required consideration within the Local Plan process.

11. Evidence Base to support the Soundness of the Plan

11.1. Paragraph 182 of the NPPF covers the examination of Local Plans. For ease of reference we set it out below:

182. The Local Plan will be examined by an independent inspector whose role is to assess whether the Plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “sound” – namely that it is:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure; requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

The RSPB is concerned that the current draft Plan fails to comply with a number of these requirements. While the following points reiterate some of those made earlier in the document, we repeat them here in the context of the soundness tests.

11.2. Procedural requirements: As set out above we are profoundly concerned that there have been and are significant deficiencies in the draft Plan’s procedural requirements especially concerning the availability of information and the consultation process. As you are aware any Inspector at the future examination of the Plan could decide that the preparation of the Plan has been procedurally deficient and such deficiencies cannot be rectified at that stage, and as with a failure to comply with the Duty to Cooperate, the Inspector would have no option but to reject the Plan. We are keen to ensure that the Council avoids this outcome.

11.3. Positively prepared: The RSPB notes the continued reliance on the Lodge Hill site to deliver housing, despite the clear statements from the Inspector of the Core Strategy that it should not be relied upon.

We also note that the Consultation has failed to highlight the environmental value of Lodge Hill for the benefit of the public, whilst stating that it has excluded sites from consideration for development due to their environmental sensitivity. We question how a document which takes such an approach can be considered to be positively prepared.

11.4. Justified: The RSPB has highlighted, as we did at the previous Core Strategy examination, that based on the Council’s own figures Lodge Hill is not required to meet the Council’s housing needs. The Council has presented four alternative approaches to development within Medway which are capable of meeting Medway’s housing need without Lodge Hill if they are amalgamated. Please see the attached Advice Note from Freeths LLP for a more detailed outline of this issue (Appendix 5).

The Council provides no evidence that the sites it has presented within the options are not available or suitable. Consequently, a strategy that will lead to the destruction of a significant proportion of a SSSI when other options are available cannot be considered to be the most appropriate.

11.5. Effective: At present the delivery of housing at the Lodge Hill site is not certain and therefore for the Council to rely upon the inclusion of Lodge Hill within the Plan in order to reach its objectively assessed need would seem unwise as a significant housing shortfall could result and would require an urgent review of an almost new Plan in order to address this problem. By including alternative scenarios without Lodge Hill the Council could ensure its Plan is effective and deliverable over its period.

11.6. Consistent with national policy: Paragraph 111 of the NPPF states that development on brownfield land should be encouraged “provided that it is not of high environmental value”. Lodge Hill is notified as a SSSI, a clear public statement of its high environmental value. This acknowledgment of high environmental value should be enough to exclude Lodge Hill, without needing to move on to consider national policy on development on SSSIs, set out in paragraph 118.

Paragraph 117 requires authorities to “identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity”. The RSPB considers that implicit in the requirement in paragraph 117 is the clear expectation that the sites are capable of being clearly identified by readers of the documents and that maps clearly show the various designated sites. As highlighted above, and in our letter to the Council of 19 December 2016, we do not consider that the Council has achieved this in relation to the Chattenden Woods and Lodge Hill SSSI.

12. The Consultation Process

We are deeply concerned by the way in which the consultation process has been conducted to date, with vital supporting documentation being released in a piecemeal fashion. Best practice would have involved the simultaneous release at the start of the consultation period of the Development Options Report, the Strategic Land Availability Assessment (SLAA), the Sustainability Appraisal (SA), and the Habitats Regulations Assessment (HRA). This did not occur, with the result that consultees have been submitted responses in the absence of the full evidence base. However we welcome suggestions made at the SA Workshop hosted by Medway Council (25 April 2017) to address some of these issues with a focused revised consultation to take place this year.

We have set out below a summary of the manner in which the consultation has occurred with, where appropriate, the RSPB’s response at each stage.

Table 2

Date	Consultation Event
17 December 2016	Having seen in advance the Medway Cabinet paper (in effect the draft Plan) on 17 December 2016, the RSPB wrote to Medway on 19 December 2016 to request that the SSSI status of Lodge Hill be properly highlighted.
6 January 2017	Consultation opened, with the publication of the Development options

	report, and a consultation closing date of 6 March 2017 . No SLAA, SA or HRA were released.
32 January 2017	SLAA published, briefly withdrawn and republished on 27 January 2017
1 February 2017	Letter sent to Medway requesting clarification on a number of points, principally interpretation of housing numbers
8 February 2017	Environmental Stakeholders Workshop attended by RSPB. Questions for clarification were raised verbally with Medway Planning Officer Catherine Smith after the workshop
20 February 2017	SLAA briefly withdrawn and republished (one potential allocation removed)
6 March 2017	Consultation deadline extended until 27 March 2017 . A different and incorrect closing date, 17 March 2017, was posted in a video on Medway's consultation web site.
14 March 2017	Interim SA report published. Deadline extended to 18 April 2017
16 March 2017	Letter from the RSPB sent to Medway seeking clarification on lack of HRA and date of publication of the HRA and other matters
21 March 2017	The RSPB met with Medway Planning Officer Catherine Smith and she gave verbal replies to the questions posed in the RSPB's letter of 2 February
22 March 2017	Email sent to Medway requesting written response to the RSPB's letter of 1 February
5 April 2017	Letter sent to Medway setting out legal requirements for the Plan consultation, requesting clarification on publication of HRA and further extension of consultation period. Acknowledged receipt by email on the same day.
18 April 2017	Publication of the HRA on Medway Council website and extension of the Consultation deadline until 30 May 2017
25 April 2017	SA Workshop where issues were raised and suggestions of a Revised Consultation to focus on alternatives was agreed in order to address some of the issues raised in this consultation response.

As of 23 May 2017 there has been no written response to the RSPB's letters of 1 February and 5 April 2017.

The RSPB's letters dated 19 December 2016, 1 February 2017, 16 March 2017 and 5 April 2017 are appended to this response.

13 . The Habitats Regulation Assessment (HRA) of the Spatial Development Plans

13.1. The RSPB is concerned that the HRA does not go beyond the screening stage, although it does identify further work is needed in assessing potential sites. To identify the preferred development strategy that ensures that adverse impacts on the integrity of the European sites are avoided and mitigation measures put in place, there should be a clearer statement of the implications and risks for the delivery of the Plan of this further work.

13.2 The RSPB would expect an assessment at this stage to be able to give an indication whether any of the various options would have greater challenges to overcome. It would be helpful for consultation purposes to demonstrate which option might be more difficult to deliver or have greater risks associated with it. The HRA states that the potential impact of development on supporting habitats is not fully understood at this stage and further work will be required in assessing potential development locations but we would like to see greater clarity by this stage, even if it is only to quantify the proportion of sites and houses that might be affected by this uncertainty.

13.3 Section 3.9 outlines a 200m buffer distance from protected areas but gives no reason for this choice of buffer which seems arbitrary and does not follow a precautionary approach. We would recommend that the choice of buffer clearly reflects the ecological sensitivities of the site – and that buffers might vary according to the type of development and possible pressure that is being considered.

13.3 Section 3.10 outlines the lack of European Designated Species at Lodge Hill SSSI; for avoidance of doubt this should not be the basis for considering a SSSI for development.

13.4 It is stated that a likely significant effect cannot be ruled out from residential developments within six kilometres of the coastal designated sites and from larger residential developments further away. It would be helpful to see this buffer mapped out within the HRA. It would also be helpful for the Council to consider whether this is likely to have any implications for the delivery of the various plan options. This six kilometres is again referred to when discussing Natural England's advice that large developments beyond the 6km zone could also cause impacts and that these will be considered on a case-by-case basis. Clarity about whether this includes Lodge Hill or not would be useful. Fundamentally the case-by-case approach necessitates an appraisal of the feasibility of the Plan. Given the scale of various proposed large developments within we would expect the Council to map this six kilometres and provide insight into whether this affects the different options, their risks and deliverability.

13.5 While the HRA is not giving clear evidence on the suitability of individual sites for development it is also clearly not ruling any sites out at this stage, this implies that we must consider not just the 4 options but others too. This should form part of the suggested new revised consultation outlined at the Medway Workshop 25 April 2017 and we welcome more detail about these options and others that may also exist.

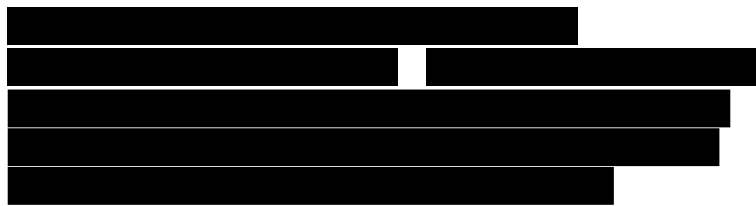
13.6 We are concerned that some of the risks outlined within the HRA regarding water supply and sensitivity may risk impacting designated sites and also affecting the delivery of the housing and therefore the soundness of the Plan. While the Swale draft Local Plan concluded that the plans would not have a likely adverse impact on the SPAs through reduced water levels and quality, Medway Council should check the assumptions made within that assessment before relying on it, particularly in case there are any which relate to Medway's levels of water usage.

Appendix 1

Letter from RSPB to Medway Council dated 19 December 2016



Planning Policy
Regeneration Community @ Culture
Medway Council
Civic Headquarters
Gun Dock Wharf
Dock Road
Chatham ME4 4TR



Dear Sirs and Madams

19 December 2016

Medway Local Plan and Chattenden Woods and Lodge Hill Site of Special Scientific Interest (SSSI)

The RSPB welcomes the forthcoming consultation on the Development Options, the next stage of the formal process of preparing a new Local Plan for Medway. The RSPB took part in the first stage of the preparation of Medway's new Local Plan for the period 2012-2035, the Issues and Options Consultation ("the Consultation"). Whilst we appreciate that at this stage in the plan making process there are no fully formulated proposals we are concerned about the treatment of Chattenden Woods and Lodge Hill SSSI within the draft Medway Local Plan 'Development Options' documentation that you are being asked to approve at Cabinet tomorrow for public consultation starting in January 2017.

The RSPB has read the draft document that you will consider and is concerned that there is a lack of reference to the Lodge Hill SSSI designation or the reasons for the public inquiry for the housing application on this site, which is due in March 2018. We consider that these facts should not be omitted as they help the public in understanding this document and being able to respond effectively. In addition, the map of Medway's protected areas on page 61 of the document shows

the SSSIs in Medway in *grey*, which makes them particularly hard to spot. We urge that this colour is changed before the document goes out to consultation to make it easier to identify them in the map.

As you are aware the principal objective of the RSPB is the conservation of wild birds and their habitats. The RSPB therefore attaches great importance to all international, EU and national law, policy and guidance that assist in the attainment of this objective and plays an active role in the domestic processes by which development plans and proposals are scrutinised and considered. Prior to public consultation beginning in January 2017 Medway Council will have the opportunity to include information on the SSSI and reasons behind the public inquiry for this site and we urge the Council to do so. Should they not, the RSPB reserves the right to draw attention to these omissions in any future response to the consultation and in our correspondence with the Planning Inspectorate.

We hope that it is useful to the Council to raise this matter in this way now.

Kind regards

Steve Gilbert

Conservation Programme Manager

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Appendix 2

Letter from RSPB to Medway Council dated 1 February 2017



Planning Policy
Regeneration Community @ Culture
Medway Council
Civic Headquarters
Gun Dock Wharf
Dock Road
Chatham ME4 4TR



Dear Ms Smith

01 Feb 2016

Request for information from Medway Council with respect to Medway Local Plan Development Options consultation

The RSPB welcomes the consultation on the Local Plan Development Options, the next stage of the formal process of preparing a new Local Plan for Medway. The RSPB took part in the first stage of the preparation of Medway's new Local Plan for the period 2012-2035, the Issues and Options Consultation ("the Consultation"). Whilst we appreciate that at this stage in the plan making process there are no fully formulated proposals we are concerned about the lack of clarity within the consultation documentation surrounding the housing figures.

In order to inform our response to the Local Plan Development Options consultation, the RSPB would welcome Medway Council's written confirmation regarding certain information that is unclear within the Council's documentation.

It is clear that the housing allocation Medway Council is endeavouring to fulfil for 2012-2035 is 29,463 extra housing units. The untitled table 3.7 in the Development Options consultation shows the following figures, with text that says this provides an *"overview of the current supply of development land, and the need to identify further sites to meet Medway's growth needs over the plan period"*

- Completions 2012-2016 2180
- Sites with planning permission 6251
- Medway Local Plan 2003 Allocations 356

• SLAA* Pipeline sites	8813
• Windfalls (Years 3-5 only)	606
• Total	18,206

Questions arising from table 3.7 Development Options

- 1) Does the total of sites completed (2,180) mean that the number of new housing units required in 2017-2035 is actually 29,463 minus 2,180, ie 28,283?
- 2) Are the figures shown for Sites with Planning Permission, Local Plan 2003 Allocations and Windfalls (Years 3-5) already accounted for, so that the Council needs to find extra land in its Local Plan to accommodate 20,070 units (ie 29,463 minus 2,180 minus 6,251 minus 356 minus 606)?
- 3) It is possible that you also intend to allocate a windfall total for Years 6 to plan end, which will also form part of the total. Is this correct, and if so do you have an idea of the number?
- 4) The RSPB notes that the SLAA Pipeline figure shown in this table does not correspond with the total identified in the January 2017 SLAA, ie 6,139, not 8,813, a difference of 2,674 (9% of the total number of housing units required by 2035) . Which is the correct figure?
- 5) We have been unable to identify the source of the 8,813 figure, as it does not correspond to either the current (2017) or previous version of the SLAA. Could the Council explain the origin of that figure?
- 6) The Council has clearly presented the four scenarios for development as 'alternatives' (section 3.19). Can the Council confirm that it has calculated that the housing target can be met in each of those scenarios in their own right?
- 7) In order to make sense of the four scenarios being presented, it is imperative to have some sense of the housing numbers per 'geographical area' that are being proposed in each scenario. The draft Development Options paper, signed off by Medway's Cabinet before Christmas, gave clear indications of the numbers of housing units across broad geographical areas that the Council would be seeking to allocate, but these numbers have not been included in the final consultation paper. Therefore, at the foot of this letter, we have inserted screengrabs of the four scenario maps into which we have appended those figures. Were those figures the anticipated new allocations (ie excluding existing allocations, existing sites with planning permission & completions)? Are those figures still broadly accurate? If not, where can we get an idea of the level of housing being proposed for each geographical area in each of the four scenarios?
- 8) The Development Options consultation map, Appendix 1a, shows "Potential areas for consideration for development - residential, employment, retail and community services". We are clear from section 3.18 that "The map should not be interpreted as site allocations for the new Local Plan". However, we assume that the areas shown in blue have been assessed or screened in some way already in order to be shown as 'potential areas for consideration'. However, we cannot see what process has been used to identify those sites. Are you able to clarify the basis for their selection?

Appendix 3

Letter from RSPB to Medway Council dated 16 March 2017



Planning Policy
Regeneration Community & Culture
Medway Council
Civic Headquarters
Gun Dock Wharf
Dock Road
Chatham ME4 4TR



Dear Ms Smith

16 March 2017

Request for clarification regarding questions previously submitted (1 Feb), clarification on publication of the Habitats Regulation Assessment (HRA) and an extension to the consultation period from Medway Council with respect to Medway Local Plan Development Options consultation

The RSPB welcomes the extended consultation and new documents published this week on the Local Plan Development Options. As you know the RSPB took part in the first stage of the preparation of Medway's new Local Plan for the period 2012-2035, the Issues and Options Consultation ("the Consultation") and whilst we appreciate that at this stage in the plan making process there are no finalised or fully formulated proposals we have several concerns:

- the lack of clarity within the consultation documentation surrounding the housing figures, our previous questions submitted by letter dated 1 Feb 2017 have not been addressed
- the lack of Habitats Regulation Assessment (HRA) and not including time for consultation on this document within the extended consultation period
- piecemeal publication of documents and contradictory extension of time dates given for this consultation period creating confusion

The RSPB welcomes publication of the Sustainability Assessment and the extension for an additional five weeks to the 18 April 2017 to allow for comment on the Sustainability Appraisal Scoping and Interim Appraisal reports. However we are concerned to note no HRA has been published yet by

Medway Council. As this HRA has not been published we are concerned that the extended consultation period is not enough time. At a recent consultation event hosted by Medway Council the Planning Officer noted that any documents published late would receive an extended original 6 weeks consultation.

The Medway Council website has created some confusion, with several different closing dates published on the Medway website and the RSPB is concerned that this has caused unnecessary confusion. As the Sustainability Appraisal and associated documents were also not published during the original consultation period and the HRA has not been published yet during the new extended period, we believe this may have resulted in consultation responses being returned to Medway Council during the original consultation period (closed on 6 March) by parties that were not aware of the delay, and that these responses would not have factored in these documents.

Therefore the RSPB is continuing to seek clarification on the questions in our letter dated 1 Feb. The RSPB is also seeking clarification on the publication of the HRA and an extension of time to accommodate these new documents and also to counteract the confusion that may have been created due to piecemeal publication of consultation documents and errors in the dates on the Medway Council website.

We hope that it is useful to the Council to raise these matters now. Please do not hesitate to contact me if anything set out above is unclear and we look forward to receiving the Council's answers.

Kind regards

Steve Gilbert

Conservation Programme Manager

A solid black rectangular box used to redact the signature of Steve Gilbert.

Appendix 4

Letter from RSPB to Medway Council dated 5 April 2017



Planning Policy
Regeneration Community @ Culture
Medway Council
Civic Headquarters
Gun Dock Wharf
Dock Road
Chatham ME4 4TR



Dear Ms Velayutham-Smith

05 April 2017

Request for clarification on the publication of the Habitats Regulation Assessment (HRA) and an extension to the consultation period from Medway Council with respect to Medway Local Plan Development Options consultation

Further to your recent email exchange with the RSPB concerning the above consultation and due to the Habitats Regulations Assessment for the draft Medway Local Plan still not having been published despite this consultation starting on Monday 16 January 2017 we are increasingly concerned about the remaining time available to take account of this assessment and thereby provide the Council with a full consultation response. The Habitats Regulations Assessment (HRA) is used to identify whether any aspects of the Local Plan proposed policies either individually or in combination would have a negative effect on specific, designated sites. Without the HRA we cannot effectively respond to the Sustainability Appraisal (SA) and comment on the environmental effects of the plans and policies and the assessment carried out.

As you are aware all public consultations must comply with the following overarching obligations (as set out in *R v North and East Devon Health Authority, ex p. Coughlan* [2001] QB 213 and confirmed by *R (Greenpeace Ltd) v Secretary of State for Trade and Industry* [2007] EWHC 311 (Admin) and *Evans v Lord Chancellor* [2011] EWHC 1146):

- Consultation must be at a time when proposals are at a formative stage;

- The Council must provide sufficient reasons for its proposals to allow consultees to understand them and respond to them properly;
- The Council must give sufficient time for responses to be made and considered before decisions are made;
- Responses must be conscientiously taken into account in finalising the decision; and
- The consultation process must be substantively fair.

As part of these obligations (as confirmed in *R (Greenpeace Ltd) v Secretary of State for Trade and Industry* [2007] EWHC 311 mentioned above) there is a requirement to provide information to consultees in a form which allows consultees properly to understand and make “meaningful and informed representations” on what is being consulted upon including an explanation of the factors or criteria which the Council considers important to its decision-making. Where the Council has access to important documents which are material to the determination of this local plan such as the HRA, these should be disclosed as part of the consultation process; although information can of course be supplemented during the consultation process, it is clearly unfair to provide such substantial information later in the process.

Therefore it is wholly unacceptable to have had just part of the consultation documentation published in January, with the all important SLAA not being published in its final version until Monday 20 February 2017, a month later than the start date of the consultation, and with still no HRA available another month later and two months after the consultation began. Furthermore, the Interim Sustainability Appraisal Report (SA) was not published until 14 March 2017.

Whilst we appreciate that the deadline for responding has been extended to 18 April due to the late publication of the SLAA and SA, currently there appears to be no proposal to do the same for the late publication of the HRA. Instead, the Council has suggested that the RSPB submits a consultation response on the documents currently available by 18 April but then follow that consultation response with a separate consultation response on the HRA alone. In addition it is suggested that any amendments to the RSPB consultation response submitted on 18 April required to take into account our review of the HRA should then be submitted as a third response.

The reason we have been given for this split consultation is to enable the Council to start reviewing comments and prepare for the SA workshop. However, whilst the SA workshop is welcomed, the split consultation is not. In light of the overarching consultation principles set out above, a split consultation will not enable us to provide a meaningful and informed response. Secondly it is not, in our view, fair to require consultees to consider documentation in a piecemeal manner and in addition to have to reconsider their consultation responses in light of later documentation. Thirdly we would be extremely concerned by the Council taking into account partial responses prepared in the absence of important documentation and shaping its proposed workshop on the basis of those partial responses. And finally the RSPB would be extremely concerned about providing such a partial response as its position may be misunderstood and misconstrued accordingly.

Therefore the consultation period needs to be extended again to allow sufficient time for all necessary consultation documentation to be considered in detail and together. The Council needs to

make this clear and not require partial responses to be submitted on the current deadline as otherwise it will not be in compliance with the consultation principles and objectives set out above.

We look forward to confirmation by return that the deadline will be extended.

Kind regards

Steve Gilbert

Conservation Programme Manager



Appendix 5

Freeths LLP Advice Note:

FREETHS

MEDWAY SLAA 2017: TECHNICAL ANALYSIS

METHODOLOGY

The methodology in the 2017 SLAA has been amended from that previously used, and the methodology is set out below.

Stage 1, sites removed if:

- smaller than 0.15ha or cannot develop at least 5 units
- completed/under construction
- school site

Stage 2, sites removed if

- have planning permission at 31/12/2016

Stage 3 sites removed if

- Environmental Designations (SSSI, SACs, SPAs, RAMSARS, AONB and Ancient Woodland)
- Flood Risk Unresolvable sites
- Heritage designations

Stage 3a, sites removed if

- Identified for specific uses (employment and open space)

Stage 4, site suitability – criteria reviewed

- Centres, education facilities, open spaces, transport, site access, landscape & environment, heritage, flood risk, air quality, contamination & agricultural land

Stage 5, site availability

- Sites where there is confidence that there are no legal ownership issues such as ransom strips or unresolved multiple ownership.

Stage 6, development potential and achievability

- Capacity phased in the following categories (0-5yrs, 6-10yrs, 11-15yrs and 16+yrs)

In respect of stage 4 sites that were found to be potentially suitable, but only as part of a wider area rather than in isolation will be subject to the outcomes of the Development Options consultation and subsequent work in determining a preferred development strategy for the draft Local Plan.

Suitable and available sites

Development Potential	No. of Sites	Capacity
Residential	54	6,139

FREETHS

Stages of Sites Removed in SLAA 2017

Stage	No. of Sites	No. of Sites Removed	No. of Remaining Sites
All sites	740	-	
Stage 1	740	227	513
Stage 2	513	58	455
Stage 3 & 3a	455	193	262
Stage 4	262	133	129
Stage 5	129	68	61*

* of those, 54 were identified for residential use. The remaining 7 were identified as suitable for commercial use and will be assessed in the next SLAA iteration.

STAGE 1 SCREENING: 227 SITES REMOVED

Of the 227 sites removed in this stage of screening, only 9 had previously been assessed in the 2015 SLAA

158: Sports Ground, Featherby Road

Identified as a suitable and available SLAA site in 2015. Not clear why this has been discounted in stage 1 screening.

443: Lower Upnor, RSME Land

Identified in 2015 SLAA as having extant residential planning permission – assume this has been implemented and is under construction.

484: Car Par The Terrace, Rochester

Identified in 2015 SLAA as having extant residential planning permission – assume this has been implemented and is under construction.

524: Southern Water Site, Capstone Road, Chatham

Identified in 2015 SLAA as having extant residential planning permission – assume this has been implemented and is under construction.

652: Wilds Yard, Clipper Close, Medway City Estate

Site size of 0.2 hectares but assessed in the 2015 SLAA as only being capable of providing two dwellings.

746: Former Earl Community Centre, Albatross Avenue

Identified in 2015 SLAA as having extant residential planning permission – assume this has been implemented and is under construction.

819: Pump House 7, Laviathan Way, Chatham Maritime

Identified in 2015 SLAA as 'unsuitable' because site has poor access to services and facilities. Site is 0.54 hectares in size and capable of delivering 23 residential units. No apparent planning permission for development. Not clear why this has been discounted in stage 1 screening.

896: 15, 17, 19 New Road Chatham

Identified as a suitable and available SLAA site in 2015. Not clear why this has been discounted in stage 1 screening..

FREETHS

1050:116-118 Twydall Lane, Twydall.

Identified in 2015 SLAA as 'unsuitable' because it was expected that the development of the site would impact upon amenity of nearby residential properties. Site is 0.16ha in size and capable of delivering 7 dwellings. Not clear why this has been discounted in stage 1 screening

As such it is identified that there are four sites, the reason for them being discounted at Stage 1 screening is not clear and in conflict with the assessment in the 2015 SLAA.

It is assumed that the remaining 218 'new' sites have been discounted fairly in line with the methodology, but there is data against which to check this.

STAGE 2 SCREENING: 58 SITES REMOVED

No reason to challenge any of these sites

STAGE 3A SCREENING: 17 SITES REMOVED

Site	2015 SLAA Site?	Previously screened stage 1 restrictive designations?	Previous reason for discounting	Why discounted in 2017 SLAA?
375	Yes	No	Poor access to services and facilities Designated Ancient Woodland Development poses a potential risk to SSSI	Unknown
648	Yes	No	Site has poor access to services and facilities Site has poor access to public transport opportunities	Unknown
737	Yes	Yes	National and International Nature Designation – thought to be Tower Hill to Cockham Wood SSSI	As 2015
762	Yes	Yes	Flood Risk	As 2015
763	Yes	Yes	Flood Risk	As 2015
787	Yes	Yes	National and International Nature Designation – thought to be Medway Estuary and Marshes SSSI	As 2015
788	Yes	Yes	AONB	As 2015
792	Yes	Yes	Flood Risk	As 2015
799	Yes	Yes	AONB	As 2015
801	Yes	Yes	AONB	As 2015
807	Yes	Yes	Flood Risk	As 2015

FREETHS

1060	Yes	No	Poor access to services and facilities Poor access to public transport opportunities Locally valued landscape 'Matts Hill Farmland'	Unknown
1091	Yes	No	Unknown – no site assessment in 2015 SLAA	Unknown
UB1b	No	-	-	Unknown Not on SLAA maps
UB1d	No	-	-	Unknown Not on SLAA maps
UB1e	No	-	-	Unknown Not on SLAA maps
UB12d	No	-	-	Unknown Not on SLAA maps

It is identified that 4 additional sites, not previously discounted in the stage 1 screening of the 2015 SLAA (sites unsuitable as a consequence of 'restrictive' designations as set out in paragraph 14 of the NPPF) are now discounted on the basis of Environmental Designations, unresolvable flood risk issues or heritage designations. There is however no summary or detail as to the specific reason each site has been discounted.

4 further 'urban boundary review' areas have been screened out. As above there is no specific reason for the discounting of each site and no map which identifies the location of the areas.

STAGE 3A SCREENING: 176 SITES REMOVED

Of those sites:

- 125 have been screened out because they are designated as open space, and this is consistent with their assessment in the 2015 SLAA.
- 8 have been screened out because they are designated as either employment land, containing employment uses or as an established employment area. This is consistent with their assessment in the 2015 SLAA.

The following sites (10. no) are not designated as open space, but instead identified as performing a recreational purpose/function:

68: Allotments, Clarendon Drive, Strood (0.53ha, 6 dwellings) – site not designated as open space but being used as allotments.

121: Bligh Way Strood (0.19ha, 8 dwellings) – site not designated as open space but performs a recreational and amenity function.

124: Strood Sports Centre (2.33ha, 126 dwellings) – site not designated as open space but is used for recreational purposes as a sports centre. Part of the site is also designated open space as allotments.

214: Golf Course, Woodlands Road, Gillingham (31.70 ha, 761 dwellings) – site not designated open space but is used for recreational purposes as a private golf course.

FREETHS

255: Jackson Recreation Ground, Rochester (18.89ha, 462 dwellings) – part of the site designated as open space, much of the site not designated open space but used for recreational purposes as a school playing field.

300: Adj 89 Kenilworth Drive, Rainham (0.16ha, 7 dwellings) – site not designated open space but performs a recreational and amenity function.

327: Adj 52 Mierscourt Road, Rainham (0.80 ha, 30 dwellings) – small portion of the site that is designated as open space, the remainder of the site, although not designated, performs a recreational/amenity function.

368: Tobruk Way, Chatham (0.33ha, 14 dwellings) – site not designated open space but performs an open space/amenity function.

387: North Dane Wood, Lordswood (3.82 ha, 2016 dwellings) - site not wholly designated open space but performs an open space/amenity function.

1062: Shamley Road, Lordswood (0.25ha, 10 dwellings) – site is not designated open space but it performs a recreational and amenity function.

The following sites (30. no) have also been discounted as stage 3A screening. None of these sites are formally designated as open space or employment land, albeit that their descriptions of development do often describe the land as open space.

Site No.	Site Address	Reason for discounting in 2015 SLAA	Comments
24	Davenport Avenue, Gillingham (0.47ha, 20 dwellings)	Site has steep gradients that would make the site difficult to develop	Not clear what allocation this land has
69	Broom Hill Strood (11.51 ha, 139 dwellings (portion of site that falls outside of designated open space)	Site has poor access to public transport opportunities (the assessment identified that the land which fell outside of that designated as open space could deliver 139 dwellings, therefore it recognised that part of the land was open space but not all)	Not clear why the whole site has been discounted
106	Inner Lines, Brompton (2.08ha, 112 dwellings)	Development is likely to have a significant impact upon designated heritage assets	Not clear what allocation this land has
111	Darnley Road, Strood (0.16ha, 7 dwellings)	Development of the site would impact upon the amenity of nearby residential properties	Not clear what allocation this land has
113	Darnley Road, Strood (0.15ha, 6 dwellings)	Development of the site would impact upon the amenity of nearby residential properties	Not clear what allocation this land has
118	Darnley Road, Strood (0.16ha, 8	Development of the site would impact upon the amenity of nearby residential properties	Not clear what allocation this

FREETHS

	dwellings)		land has
120	Darnley Road, Strood (0.19ha, 8 dwellings)	Development of the site would impact upon the amenity of nearby residential properties	Not clear what allocation this land has
194	Beechings Green, Twydall (0.24ha, 10 dwellings)	Development of the site would impact upon the amenity of nearby residential properties	Not clear what allocation this land has
224	Rowland Avenue (0.56ha, 24 dwellings)	Development of the site would impact upon the amenity of nearby residential properties	Not clear what allocation this land has
238	Carlton Crescent, Luton (0.33 ha, 14 dwellings)	Considered unlikely that a suitable access could be created and development of the site would impact upon the amenity of nearby residential properties	Not clear what allocation this land has
246	Mount Road, Chatham (0.31 ha, 13 dwellings)	Development of the site would impact upon the amenity of nearby residential properties	Not clear what allocation this land has
288	Maidstone Road, Rochester (0.66 ha, 28 dwellings)	Site has steep gradients that would make the site difficult to development, development of the site would impact upon the amenity of nearby residential properties	Not clear what allocation this land has
309	Silverspot Wood, Mierscourt Road, Parkwood (0.56ha, 24 dwellings)	Site has poor access to services and facilities	Not clear what allocation this land has
322	Moor Park Close, Rainham (0.24ha, 10 dwellings)	Area of locally valued landscape	Not clear what allocation this land has
356	Weybridge Close, Lordswood (0.15ha, 2 dwellings)	Poor access to services and facilities, poor access to public transport opportunities	Not clear what allocation this land has
361	Rudge Close, Lordswood (0.27ha, 11 dwellings)	Development of the site would impact upon the amenity of nearby residential properties	Not clear what allocation this land has

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362	Abermarle Road, Lordswood (0.2ha, 8 dwellings)	Development of the site would impact upon the amenity of nearby residential properties	Not clear what allocation this land has
365	Maidstone Road, Rochester (0.34ha, 14 dwellings)	Site has poor access to services and facilities, development of the site would impact upon nearby residential properties	Not clear what allocation this land has
392	Adj to Lordswood Shopping Centre (1.09 ha, 59 dwellings)	Site has poor access to services and facilities, considered unlikely that a suitable access could be created and development of the site would impact upon amenity of nearby residential properties	Not clear what allocation this land has
401	401: Opal Green (0.29ha, 12 dwellings)	Development of the site would impact upon the amenity of nearby residential properties	Not clear what allocation this land has
403	Somerset Close, Princes Park (0.16ha, 7 dwellings)	Site has poor access to services and facilities	Not clear what allocation this land has
419	Kingston Crescent (0.34ha, 14 dwellings)	Site has poor access to services and facilities, development would impact upon the amenity of nearby residential properties	Not clear what allocation this land has
420	Walderslade Road, Chatham (0.35ha, 15 dwellings)	Development of the site would impact upon the amenity of nearby residential properties	Not clear what allocation this land has
422	Burma Way, Chatham (0.25ha, 11 dwellings)	Development of the site would impact upon the amenity of nearby residential properties	Not clear what allocation this land has
425	Walderslade Road, Chatham (0.26ha, 11 dwellings)	Development of the site would impact upon the amenity of nearby residential properties	Not clear what allocation this land has
428	Walderslade Road, Chatham (0.32ha, 14 dwellings)	Development of the site would impact upon the amenity of nearby residential properties	Not clear what allocation this land has
434	Allotments, Formby Road,	Site has poor access to services and facilities, site has poor access to public	Half of the land is used for

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	Halling (0.90 ha, 4 dwellings)	transport opportunities	allotments, the other half is undeveloped land given over to pasture
732	Land at Listmas Road, Chatham (0.11ha, 5 dwellings)	Development of the site would impact upon the amenity of nearby residential properties	Not clear what allocation this land has
777	Trechmanns Wharf, Rochester Road, North Halling (3.57ha, 103 dwellings)	Site has poor access to services and facilities, development is likely to have a detrimental impact upon locally valued local landscapes.	Description identifies this as an over grown site with protected trees
784	Site A, west of Chapel Lane, Hempstead (14.54ha, 349 dwellings)	Development is likely to have a detrimental impact upon locally valued local landscapes.	North part of site in use for allotments, south part is open agricultural land. 2015 SLAA recognises that not the entire area is covered by the open space designation and so part of the site may be developable

There are also three new sites, which have been identified as designated open space or employment land:

1161: Stoke Road, opposite Ropers Lane, Hoo

CL05: Urban Boundary Review

ST1d: Urban Boundary Review

However, no further information is given on these sites

STAGE 4 SCREENING: 133 SITES REMOVED

The methodology for screening for 'suitability' has changed. The sites below are those whose suitability has changed as part of the revised methodology. The table below also identifies those sites whose availability has changed. Please note that there is no detailed assessment shown for suitability, so it is not known the grounds on which a site has either been deemed suitable or unsuitable in the 2017 SLAA. If a site has been considered as unsuitable the 2017 SLAA does not assess its availability

FREETHS

Site no	Site Address	2015 SLAA Suitability	Reason discounting for	2017 SLAA Suitability	2015 Availability	2017 Availability
20	Rear of 1-21 Dial Road, Gillingham (0.25ha, 10 dwellings)	No	Site access, site developability	Yes	No	No
50	Lodge Hill (Chattenden) Ministry of Defence Estate (317.39ha, 5,000 dwellings)	Yes	-	No	Yes	Not assessed
102	1-35 High Street, Chatham (former Medway Hyundai) 0.59 ha, 25 dwellings	Yes	-	Yes	Yes	No
144	St Bartholomew's Hospital, New Road, Rochester (0.98ha, 108 dwellings (2015) 86 dwellings (2017))	Yes	-	Yes	No	Yes
249	Sorting Office, The Paddock,	Yes	-	Yes	Yes	No

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FREETHS

	Chatham (0.39ha, 25 dwellings)					
282	Sir Evelyn Road, Rochester (1.54ha, 83 dwellings (2015) 54 dwellings (2017))	No	Development would impact upon amenity of nearby residential properties	Yes	Yes	Yes
286	Sir Evelyn Road, Rochester (0.66ha, 28 dwellings)	No	Site has poor access to services and facilities	Yes	No	No
287	Sir Evelyn Road, Rochester (0.36ha, 15 dwellings)	No	Site has poor access to services and facilities	Yes	No	No
292	Reservoir, Maidstone Road, Rochester (1.33ha, 72 dwellings)	No	Site is understood to be in use as a reservoir the existing use would make it unsuitable for development	Yes	No	No
296	Hill Road, Borstal (1.47ha, 43 dwellings)	No	Site has poor access to public transport opportunities	Yes	No	No
303	The Platters, Rainham (0.55ha, 6 dwellings)	No	Site has poor access to public transport opportunities	Yes	No	No

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FREETHS

346	Wigmore Reservoir & Pumping Station, Wigmore (1.348ha, 73 dwellings)	No	Site has poor access to services and facilities	Yes	No	No
351	Rear of Wigmore Reservoir, Wigmore Road, Wigmore (0.4875ha, 20 dwellings)	No	Site has poor access to services and facilities	Yes	No	No
404	Heron Way, Princes Park (0.51ha, 22 dwellings)	No	Larger part of the site is designated open space as Natural Greenspace and Amenity Greenspace. Whilst the remainder of the site is not designated open space it is used for recreational purposes as a school playing field	Yes	No	No
410	Vixen Close, Lordswood (0.43ha, 15 dwellings)	No	Site has poor access to services and facilities	Yes	No	No
415	Land at 44-46 McKenzie Road, Lordswood (0.2ha, 12 dwellings)	No	Site developability – steep gradients and heavy tree coverage	Yes	No	No
448	Garages off Tobruk	No	Development would impact on amenity of	Yes	No	No

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FREETHS

	Way/Burma Way, Chatham (0.35ha, 19 dwellings)		nearby residential properties			
571	47-48 Second Avenue Industrial Estate (0.17ha, 7 dwellings)	No	Designated employment land and occupies extant employment uses	Yes	No	No
598	R/O 329 - 377 (Featherstones) High Street, Rochester (1.23ha, 66 dwellings)	Yes	-	Yes	Yes	No
603	Strood Service Station, 3 London Road, Strood (0.25ha, 11 dwellings)	No	Site is not designated employment land but in active use as petrol station and therefore unsuitable for residential	Yes	No	No
669	39-41 Mills Terrace, Chatham (0.25ha, 10 dwellings)	No	Development would impact on amenity of nearby residential properties	Yes	No	No
676	Cuxton Station, Station Road, Cuxton (0.24ha, 3 dwellings)	No	Site has poor access to services and facilities, site has poor access to public transport opportunities	Yes	No	No

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686	Diggerland, Roman Way, Strood (8.44ha, 203 dwellings)	No	Site has poor access to public transport opportunities	Yes – employment uses	Yes	Yes
687	National Grid Property, Pier Road, Gillingham (2.12ha, 203 dwellings)	No	Site is designated employment land	Yes	No	No
700	Ex Service Stn, adj 86 Corporation Street, Rochester (0.20ha, 9 dwellings)	Yes	-	Yes	Yes	No
703	31-39 Duncan Road, Gillingham (0.17ha, 7 dwellings)	No	Identified as unsuitable in summary tables but no reason given in detailed assessment	Yes	No	No
705	Pit 2, Roman Way, Strood (3.65ha, 106 dwellings)	No	Site has poor access to public transport opportunities	Yes-employment uses	Yes	Yes
707	LIFT site, 551-555 Canterbury Street, Gillingham (0.28ha, 12 dwellings (2015) 10 dwellings)	No	Site in D2 use as temporary health centre and not considered suitable for redevelopment for other uses	Yes	No	Yes

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FREETHS

	(2017))					
711	North side of Commissioners Road (3.75ha, 110 dwellings (2015) 105 (2017))	No	Site has poor access to services and facilities, site is designated employment land	Yes	Yes	Yes
712	HMP Rochester, Sir Evelyn Road (0.67ha, 28 dwellings(2015) 23 dwellings (2017))	No	Site has poor access to services and facilities	Yes	No	Yes
724	BAE Systems, Rochester (3.50ha, 189 dwellings)	No	Site is designated employment land	Yes	No	No
738	Hoo Common, Chattenden (0.56ha, 6 dwellings)	No	Site has poor access to services and facilities, site has poor access to public transport opportunities	Yes	No	No
743	Fenced area Lordswood Lane (0.38ha, 16 dwellings)	No	Site would impact on amenity of nearby residential properties	Yes	No	No
749	Wooleys Orchard, land south of Lower Rainham Road	No	Site has poor access to services and facilities, area of locally valued landscape, best and most versatile	Yes	Yes	Yes

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FREETHS

	(9.22ha, 221 dwellings(2015) 232 dwellings (2017))		agricultural land			
754	Land at Burneys Farm, Lower Stoke (0.59ha, 6 dwellings (2015) 12 dwellings (2017))	No	Site has poor access to services and facilities, site has poor access to public transport opportunities, best and most versatile agricultural land	Yes	Yes	Yes
755	Former Police Station, Chatham (0.23ha, 10 dwellings)	Yes	-	Yes	Summary tables says available – detailed assessment says site not being actively promoted for development, landowner and intentions unknown	No
759	Whiffens Avenue Car Park, Chatham (1.51ha, 82 dwellings (2015) 70 dwellings (2017))	Yes	-	Yes	No	Yes
760	Tesco, The Brook, Chatham (1.34ha, 60 dwellings)	Yes	-	Yes	Yes	No

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FREETHS

781	218 Main Road, Hoo (0.51ha, 6 dwellings)	No	Site has poor access to services and facilities, site has poor access to public transport opportunities, area of locally valued landscape	Yes	No	No
782	Cuxton Gate, Station Road, Cuxton (2.7ha, 78 dwellings)	No	Area of locally valued landscape	Yes	No	No
783	Land at Capstone Valley, Darland Farm a- Spekes Bottom b – Darland Farm c- East Hill d- Capstone Road (120.89ha, 2902 dwellings)	No	Area of locally valued landscape, likely to have a significant impact upon designated heritage assets	Site not split into 4 (a-d) sites a-c unsuitable but d suitable (84 dwellings)	Yes	Yes
794	Middle Street Farm, Grain Road, Middle Stoke (0.78ha, 9 dwellings (2015) 16 dwellings (2017))	No	Site has poor access to services and facilities, site has poor access to public transport opportunities	Yes	Yes	Yes
800	Land west of Lower Station Road, Rainham	No	Site has poor access to services and facilities, area of locally valued landscape, best and	Yes	No	Yes

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FREETHS

	(1.9ha, 56 dwellings (2015) 47 dwellings (2017))		most versatile agricultural land			
804	Former Officers Mess, Maidstone Road, Chatham (1.08ha, 58 dwellings)	No	Site has poor access to services and facilities	Yes – employment	Yes	Yes
817	Berengrave Nursery, Rainham (6.03ha, 145 dwellings (2015) 151 dwellings (2017))	No	Best and most versatile agricultural land	Yes	Yes	Yes
818	J7, Chatham Maritime (0.51ha, 75 dwellings)	Yes	-	Yes – employment	Summary table says unavailable, detailed assessment says owner actively promoting the site for development	Yes
820a	Interface Land, Chatham Maritime (2.8ha, 285 dwellings)	No	Site has poor access to services and facilities	Yes – employment	Yes	Yes
820b	Interface Land, Chatham Maritime	Yes – although not in summary tables	-	Yes	Yes	Yes

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	(2.23ha, 240 dwellings (2015) 195 (2017))					
829	Medway Bridge Marina, Manor Lane, Rochester (1.78ha, 52 dwellings (2015) 30 dwellings (2017))	No	Site has poor access to services and facilities, site has poor access to public transport opportunities	Yes	Yes	Yes
832	Land to the West of North Dane Wood, Lordswood (0.77ha, 32 dwellings (2015) 27 (2017))	No	Site has poor access to services and facilities	Yes	Yes	Yes
833	Medtha Bungalow, Port Victoria Road, Grain	No	Site has poor access to services and facilities, site has poor access to public transport opportunities	Yes	Yes	Yes
835	Walnut Tree Farm, r/o Longfield Ave, High Halstow (2.83ha, 82 dwellings (2015) 57 (2017))	No	Site has poor access to services and facilities, site has poor access to public transport opportunities	Yes	Yes	Yes
837	Land to the West of Church Street	No	Site has poor access to services and facilities, site has poor access to	Yes	Yes	Yes

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FREETHS

	(7.93ha, 190 dwellings (2015) 159 (2017))		public transport, best and most versatile agricultural land			
845	Woolmans Wood Caravan Site (1.76ha, 95 dwellings)	No	Site has poor access to services and facilities	Yes – employment	No	Yes
846	Garage Court at Sundridge Drive, Chatham (0.15ha, 6 dwellings)	No	Development would impact upon amenity of nearby residential properties	Yes	No	No
848	Land south of View Road, Cliffe Woods (1.08ha, 31 dwellings (2015) 22 (2017))	No	Site has poor access to services and facilities, site has poor access to public transport opportunities	Yes	Yes	Yes
849	Bennetts Orchard, Lower Rainham (4.17ha, 123 dwellings (2015), 104 (2017))	No	Site has poor access to services and facilities, locally valued landscape, best and most versatile agricultural land	Yes	No	Yes
862	296-310 High Street, Chatham (0.17ha, 7 dwellings)	No	Development would impact upon amenity of nearby residential properties	Yes	No	No
868	19 New Road Avenue and	Yes	-	Yes	No	Yes

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	3 New Cut, Chatham (0.23ha, 10 dwellings (2015) 20 (2017))					
876	BT Switch Centre, Green Street, Gillingham (0.41ha, 17 dwellings)	Yes	-	Yes	Yes	No
910	Former School Playing Field Halling (0.44ha, 5 dwellings)	No	Site has poor access to services and facilities	Yes	No	No
976	Petrol Filling Station, Railway Street, Gillingham (0.21ha, 9 dwellings)	No	Designated employment land	Yes	Yes	No
993	Bridgewood Manor Hotel, Walderslade Woods, Chatham (0.5ha, 21 dwellings)	No	Site has poor access to services and facilities	Yes	Rated green but intentions unknown – lapsed application for hotel extension	No
1012	Off Power Station Road, Grain (0.95ha, 10 dwellings)	No	Site has poor access to services and facilities, site has poor access to public transport opportunities	Yes	No	No
1057	North side,	Yes –	-	Yes	Yes	Yes

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	Priory Road	although not in summary tables				
1072	R/O 250 Main Road, Hoo (0.67ha, 7 dwellings)	No	Site has poor access to services and facilities, site has poor access to public transport opportunities, locally valued landscape	Yes	Yes	Yes
1080	Delivery Office, Rochester High Street (0.16ha, 7 dwellings)	Yes	-	Yes	Yes	No
1086	Westmoor Farm, Moor Street, Rainham (0.41ha, 5 dwellings (2015) 6 (2017))	No	Site has poor access to services and facilities, site has poor access to public transport opportunities	Yes	Yes	Yes
1088	Manor Farm, Parsonage Lane (19.06ha, 457 dwellings (2015) 375 (2017))	No	Part of the site is situated on the best and most versatile agricultural land	Yes	Yes	Yes
1092	3 Broad Street Cottages, Main Road, Hoo (0.39, 4 dwellings (2015) 8 (2017))	No	Site has poor access to services and facilities, site has poor access to public transport opportunities, locally valued landscape	Yes	Yes	Yes
1105	Manor Farm,	No	Site has poor access	Yes	Yes	Yes

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	Marsh Road, Halling (1.11ha, 32 dwellings (2015) 22 (2017))		to services and facilities, locally valued landscape, part of the site high level flood risk			
1106	Miles Place, Delce Road, Rochester (0.31ha, 3 dwellings (2015) 11 (2017))	No	Site has poor access to public transport opportunities	Yes	No	Yes
1110	Land at the Alps (5.10ha, 122 dwelling (2015) 119 (2017))	No	Site has poor access to public transport opportunities	Yes	Yes	Yes

The following sites, as a result of the changes identified above, impact on the overall housing land supply position:

2017: Now Suitable (previously unsuitable)		2017: Not Suitable (previously suitable)		2017: Available (previously unavailable)		2017: Not Available (previously available)	
Site no	Dwellings	Site no	Dwellings	Site no	Dwellings	Site no	Dwellings
282	+54	50	-5,000	144	+86	102	-25
707	+10			759	+70	249	-25
711	+105					598	-66
712	+23					700	-29**
749	+232					755	-40***
754	+12					760	-60
783d	+84					876	-17
794	+16					1080	-7
800	+47						
817	+151						
820b	+195*						
829	+30						
832	+27						
833	+8						
835	+57						
837	+159						
848	+22						

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FREETHS

849	+104						
868	+20						
1057	+23****						
1072	+7						
1086	+6						
1088	+375						
1092	+8						
1105	+22						
1106	+11						
1110	+119						
Total	+1,832		-5000		+156		-269
	-3,281 dwellings						

*Site 820b – no change in assessment from 2015 but this site was not included in the summary table in the 2015 SLAA as suitable and available

** Site 700 – 2015 summary says 29 but detailed assessment says 9 dwellings

*** Site 755 – 2015 summary says 40 dwellings but detailed site assessment only identified 10

**** Site 1057 – no change in assessment from 2015 but this site was not included in the summary table in the 2015 SLAA as suitable and available

[It is noted that site 711 which is now being taken forward as suitable and available was identified as designated employment land in the 2015 SLAA and as such should have been screened out in section 3A. There are 5 other sites which were identified as suitable, despite being designated employment land (404, 571, 687, 724 and 976) but none were taken forward because of availability concerns]

The following sites have also had their density amended in the 2017 SLAA

Site no.	2015 density	2017 density	Difference
3	5	6	+1
11	6	23	+17
137	398	414	+16
164	8	12	+4
177	7	6	-1
182	5	6	+1
236	37	31	-6
663	6	11	+5
756	29	Allocated retail	-29
810	25	21	-4
820	525	195 + employment land	-330
822	84	50	-34
824	2000	2577	+577
853	9	7	-2
1048	10	47	+37
1052	17	15	-2
1056	15	25	+10
1089	150	78	-72

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1095	50	25	-25
1112	12	39	+27
1114	79	95	+16

This result in an increase of 206 dwellings over the 2015 SLAA assessment.

2 further sites (757 and 1081) both were considered to have extant residential permission in the 2015 SLAA but have been included in the 2017 SLAA as suitable and available (104 and 7 dwellings respectively).

The following sites have received planning permission since the 2015 SLAA and as such have been screened out in stage 2 of the SLAA assessment.

Site 657: 19 dwellings
Site 708: 12 dwellings
Site 731: 27 dwellings
Site 740: 5 dwellings
Site 816: 5 dwellings
Site 896: 8 dwellings

1 site which was identified as suitable in 2015 has been screened out in stage 1 of the 2017 SLAA (site 158)

Of the 56 new sites taken forwarded for assessment for suitability and availability only 8 sites were considered suitable, and of those only three were also available:

1126: 24 dwellings
1127: 32 dwellings
1156: 8 dwellings

The new sites only provide for an additional 64 dwellings. None of the urban boundary reviews or spatial options were considered suitable and available for development.

Summary

The 2017 SLAA has assessed 314 more sites. Of those sites only three have gone through to stage 4 assessment and been considered suitable and available.

The major change is the alteration of the Lodge Hill site for being suitable for development to unsuitable. No reason is given for this change in classification and so the justification behind this amendment is unclear. This is because the 2017 SLAA does not provide a summary for the reasons why a site has been classified as 'suitable' or unsuitable.

However, the change in the methodology has clearly re-classified a significant number of sites in addition to Lodge Hill, and those are identified in the sections above, including where there is concern about the justification for the changes that have taken place (specifically in relation to stage 1-3a screening).

There still also seems to be disparity in the suitability of rating for sites, albeit that it is harder to identify in the 2017 SLAA the reasons why red ratings have been given.

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For example the 2015 SLAA discounted 6 sites just on the basis that they were 'best and most versatile agricultural land' (sites 750, 817, 1058, 1084, 1088 and 1113). Of those sites 1058 has been granted planning permission, 817 and 1088 have been re-classified as suitable for development but 750, 1084 and 1113 are still classified as unsuitable for development.

There were 9 sites discounted in 2015 with only a red rating for 'public transport' (sites 69, 293, 296, 303, 705, 715, 1081, 1106, 1110) of those sites one has been granted planning permission (1081), 5 have been considered as suitable (296, 303, 705, 1106, 1110) but two are still considered unsuitable (293, 715) and one has been screened out in stage 3a (69) without explanation.

There were 16 sites discounted in 2015 with only a red rating for 'services and facilities' (sites 286, 287, 309, 346, 351, 403, 410, 712, 795, 804, 819, 820a, 845, 832, 910 and 993), of those 12 are now classified as suitable (286, 287, 346, 351, 410, 712, 804, 820a, 845, 832, 910 and 993) one site is classified as unsuitable (795), one has been completed or is under construction (819) and two have been screened out at stage 3a (309 and 403) without explanation.

There were 6 sites discounted in 2015 with a red rating for 'locally valued landscape' (322, 438, 714, 782, 784, 1067) of those sites two have been screened out at stage 3a (322 and 784) without explanation, three sites continue to be discounted as unsuitable (438, 714, 1067) but one has been re-classified as suitable (782).

Without the detailed assessment behind this sites it is impossible to draw any conclusions regarding the suitability and acceptability of these changes/

Furthermore the published SLAA document does not identify those sites that are potentially suitable but only as part of a wider area.

In the context of those sites which we identified as potentially suitable in 'Advice Note 2' there have been very little changes to the assessment of those sites:

Site No	Reason for 2015 discounting	2017 assessment
Land South of Lodge Hill		
713	Site has poor access to services and facilities and poor access to public transport opportunities.	Has an extant planning permission
714	Within an area of locally valued landscape	Assessed as unsuitable
780	Site has poor access to services and facilities and poor access to public transport opportunities. Within an area of locally valued landscape	Assessed as unsuitable
802	Site has poor access to services and facilities and poor access to public transport opportunities. Within an area of locally valued landscape	Assessed as unsuitable

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Land South of Peninsular Way		
753	Site has poor access to services and facilities and poor access to public transport opportunities. Within an area of locally valued landscape	Assessed as unsuitable
1065	Within an area of locally valued landscape Situated on best and most versatile agricultural land	Site split into two – both assessed as unsuitable.
1066	Site has poor access to services and facilities and poor access to public transport opportunities. Within an area of locally valued landscape	Assessed as unsuitable
795	Site has poor access to services and facilities	Assessed as unsuitable
1043	Site has poor access to services and facilities and poor access to public transport opportunities.	Assessed as unsuitable
1044	Site has poor access to services and facilities and poor access to public transport opportunities. Site is situated on best and most versatile agricultural land	Assessed as unsuitable
1084	Site is situated on best and most versatile agricultural land	Assessed as unsuitable
Capstone Valley Extended		
783	Within an area of locally valued landscape Development has the potential to impact upon designated heritage assets	Site split into 4 sites (a-d) Sites a-c considered unsuitable Site d now suitable for 84 dwellings
784	Within an area of locally valued landscape	Screened out in Stage 3a – not clear why
785	Site has poor access to services and facilities Within an area of locally valued landscape	Assessed as unsuitable
786	Site has poor access to services and	Assessed as unsuitable

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	facilities Within an area of locally valued landscape	
438	Within an area of locally valued landscape	Assessed as unsuitable
1067	Within an area of locally valued landscape	Assessed as unsuitable
East Rainham		
814	Site has poor access to services and facilities Within an area of locally valued landscape	Assessed as unsuitable
825	Site has poor access to services and facilities and poor access to public transport opportunities Site is situated on best and most versatile agricultural land	Planning permission granted
847	Within an area of locally valued landscape Site is situated on best and most versatile agricultural land	Assessed as unsuitable
1053	Site has poor access to services and facilities and poor access to public transport opportunities Within an area of locally valued landscape Within or in close proximity to the Moor Street Conservation Area	Assessed as unsuitable
1059	Within an area of locally valued landscape Site is situated on best and most versatile agricultural land	Assessed as unsuitable
1063	Within an area of locally valued landscape Site is situated on best and most versatile agricultural land	Assessed as unsuitable
North Rainham		
750	Site is situated on best and most versatile agricultural land	Assessed as unsuitable

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774	<p>Within an area of locally valued landscape</p> <p>Site is situated on best and most versatile agricultural land</p>	Assessed as unsuitable
778	<p>Site has poor access to services and facilities and poor access to public transport opportunities</p> <p>Within an area of locally valued landscape</p> <p>Site is situated on best and most versatile agricultural land</p>	Assessed as unsuitable
817	<p>Site is situated on best and most versatile agricultural land</p>	Site assessed as suitable for 151 dwellings
1061	<p>Within an area of locally valued landscape</p> <p>Site is situated on best and most versatile agricultural land</p>	Assessed as unsuitable
Land north of Rochester		
796	<p>Site has poor access to services and facilities and poor access to public transport opportunities</p> <p>Within an area of locally valued landscape</p> <p>Site is situated on best and most versatile agricultural land</p> <p>Site is situated within the Green Belt</p>	Assessed as unsuitable
729	<p>Within an area of locally valued landscape</p> <p>Site is situated on best and most versatile agricultural land</p> <p>Site is situated within the Green Belt</p>	Assessed as unsuitable