

19 February 2024

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### **HOO ST WERBURGH AND CHATTENDEN NEIGHBOURHOOD PLAN REGULATION 16 CONSULTATION REPRESENTATIONS ON BEHALF OF HOO CONSORTIUM**

These representations are submitted on behalf of “the Hoo Consortium<sup>1</sup>” in response to Medway Council’s Reg 16 consultation on the draft Hoo St Werburgh and Chattenden Neighbourhood Plan (Version V4.8 dated December 2023) (hereafter referred to as the Neighbourhood Plan).

For the present purposes of these representations, the Hoo Consortium therefore comprises:

- Church Commissioners for England
- Dean Lewis Estates
- Gladman
- Taylor Wimpey

Representations have previously been submitted by the Consortium at the Hoo NP Reg 14 stage. A copy of these are included in Appendix A and referred to where applicable.

As well as the Neighbourhood Plan, the consultation includes the following documents which are referenced and responded to where relevant:

- Consultation Statement
- Basic Conditions Statement
- Design Code
- Local Green Space Assessment.

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<sup>1</sup> The Hoo Consortium also includes land under the control of Redrow Homes Limited which falls outside of the Neighbourhood Plan Area.

The Neighbourhood Plan Area covers the entirety of the Parish of Hoo St Werburgh. The Consortium has significant land interests within the Neighbourhood Plan Area, alongside other land outside of it. A Plan showing the land interests within the Neighbourhood Plan Area is included as an appendix to Appendix A.

Notwithstanding specific land interests, these representations have been prepared in objective terms and assessed against the prevailing planning policy framework – in particular, the Government's guidance set out in the NPPF (Dec 2023) and Planning Practice Guidance (NPPG) (March 2014 and as updated).

The Consortium is working closely with Medway Council to achieve the Council's vision for the Hoo Peninsula over the next 30 years, seeking to secure the major growth opportunities around Hoo, High Halstow and Chattenden. The Consortium controls land in excess of ,500 acres, able to accommodate 8,000-10,000 new homes and new employment opportunities, alongside the accompanying schools, retail, community health, sports and leisure facilities, strategic highway and sustainable transport infrastructure. This is to be complemented by major areas of strategic green space including community parkland, strategic environmental mitigation and biodiversity net gain.

These representations reflect this ongoing process, wanting to ensure a successful Neighbourhood Plan is delivered which not only provides a positive strategy for growth now but does not frustrate or undermine the strategic planning process which can address growth needs across the short, medium and long-term.

### **Basic Conditions**

In order to satisfy legal requirements, the Neighbourhood Plan needs to meet the 'basic conditions' as defined in the Localism Act 2011 and Schedule 4B to the Town and Country Planning Act 1990 (as amended). These are for it to be:

- Appropriate having regard to national policy;
- Contributing to the achievement of sustainable development;
- In general conformity with the strategic policies in the Development Plan;
- Compatible with EU obligations; and
- Meet requirements of human rights law.

As set out in these Representations we consider the Neighbourhood Plan does not yet meet the basic conditions test. This is on account of:

- **Policy HOO1** not contributing to the achievement of sustainable development through overly restrictive locational polices for employment development;
- **Policy HOO3** not contributing to the achievement of sustainable development through overly restrictive locational polices for employment development;
- **Policy HOO4** not having regard to national policy and not contributing to the achievement of sustainable development through restricting sustainable development opportunities outside of existing settlement boundaries;
- **Policy HOO6** not contributing to the achievement of sustainable development due to an overly restrictive approach to considering design in new developments; and
- **Policy HOO8** not having regard to national policy and not contributing to the achievement of sustainable development through multiple overly restrictive requirements which go beyond how these are considered in the NPPF.

In all instances we provide suggested amendments to the policy which will ensure they achieve the Basic Conditions and the legal requirements be satisfied. This would enable a Neighbourhood Plan to be made which shapes, directs and helps deliver sustainable development, whilst not undermining the achievement of housing and other needs across the Neighbourhood Plan area and wider Development Plan area.

### **The Neighbourhood Plan**

The Basic Conditions Statement (BCS, Sept 2023) states that the Neighbourhood Plan seeks to achieve sustainable development and growth (one of the basis conditions) including through policies HOO1 – HOO3 supporting employment and community facilities and policies HOO4 – HOO5 supporting housing growth. Para 3.3 of the BCS identifies the combination of policies of the Neighbourhood Plan would help to achieve sustainable development taking account of the needs of current and future generations.

We raised concerns with a number of these policies at Reg 14 stage (as detailed in Appendix A) and continue to believe the policies as drafted would not contribute to the achievement of sustainable development, as set out below.

- **Policy HOO1 Village Centres and Employment**

We continue to support the intentions of Policy HOO1, alongside HOO2 and HOO3, to assist the delivery of employment, community and industrial / distribution development with the Neighbourhood Plan area.

However, the policy as drafted is overly restrictive and could result in sustainable local employment opportunities not being pursued either as a stand-alone development or as part of a wider mixed-use scheme where this is not within the prescribed locations (i.e. within village centres, brownfield sites or redevelopment or improvement of existing employment sites).

The Council's Consultation Statement (September 2023) rejects our proposed amendments on the basis these would "create less clarity and more ambiguity and could potentially be interpreted as supporting harmful development in unsustainable locations" and would "fail to meet the Basis Conditions relating to achieving sustainable development and also having regard to national policy and guidance".

We strongly disagree. The intentions of our suggestion were to align HOO1 with HOO2 which does not seek to prescribe the 'locations' where community facilities would be acceptable but instead directs them to sustainable locations. It would be illogical to consider our proposed amendments to HOO1 fail to meet the Basis Conditions when the same wording is proposed in the Neighbourhood Plan for HOO2.

Whilst the policies are now more aligned in the Neighbourhood Plan, HOO1 retains the negative locational restrictions which we consider should be amended to be consistent with Policy HOO2 as below (deleted text in red and struck through, proposed new text in blue):

#### **HOO1: Village Centres and Employment**

1. **New employment development (Use Class E) will be supported in the existing built settlements or in other sustainable and accessible locations near to housing, subject to**

meeting the later requirements of this policy. In addition, strategic sites allocated in the adopted or emerging local plan will be supported.

~~Employment development (Use Class E) will be supported in the following locations, subject to meeting the later requirements of this policy:~~

- ~~a. Within the village centres;~~
  - ~~b. Brownfield sites;~~
  - ~~c. Redevelopment or improvement of existing employment sites.~~
2. Support for employment development is subject to the site having adequate and safe access to a highway with sufficient capacity; and
  3. Support for employment development is subject to there being no significant adverse impact on:
    - a. the amenities of residential properties by reason of visual intrusion, noise, dust, disturbance, vibration, vehicle movements or other impacts;
    - b. the historic environment, meeting the requirements of HOO7;
    - c. the rural character, landscape and natural environment, meeting the requirements of Policy HOO8.
  4. Within the village centres, Use Class E and F1 activities will be supported, including recreational, cultural and other community facilities.
  5. Within the village centres, shop fronts must be retained on ground floor frontage units.

Subject to the above, we consider the Policy HOO1 would meet the Basic Conditions test.

- Policy HOO3 Industry and Distribution

In addition to the above, as drafted, we consider **Policy HOO3** would be too restrictive to where local employment opportunities could come forward in the Neighbourhood Plan Area. The policy should be amended to ensure any conflict with the emerging Local Plan is avoided.

1. **In addition to strategic sites allocated in the adopted or emerging Local Plan, industrial (B2) and distribution (B8) development will be supported in the following industrial estates:**
  - a. Kingsnorth Employment Area;
  - b. Hoo Marina Industrial Estate.
2. **Support for industrial and distribution development is subject to:**
  - a. The site having adequate and safe access to a highway with sufficient capacity; and



We continue to believe the Neighbourhood Plan should reflect this position, taking a positive approach to the need to meet housing needs and support sustainable growth opportunities in the Plan area.

Conversely, **Policy HOO4** has instead now been amended to be more negatively worded than at Regulation 14 stage, with residential development no longer being supported on brownfield sites outside of existing built settlements. This is clearly contrary to national policy which supports maximising use of as brownfield land.

In addition, the policy restricts opportunities for sustainable development to come forward outside of existing settlement boundaries. Whilst the Neighbourhood Plan should “shape and direct development” (NPPF para 13), it should not undermine the achievement of housing and other needs. This is even more important in Medway due to the failure of the Council to adopt a strategic plan since 2003 and the persistent issues with affordability perpetuated by significant shortfalls in housing and affordable housing delivery.

The consultation statement identifies the intention of the policy is to “enable sustainable housing development in sustainable locations” and the Parish “would welcome the opportunity to work constructively towards growth proportionate to the scale and character of the existing settlements”. Further the Basic Conditions Statement identifies that **Policy HOO4** “supports growth in sustainable locations”. **Policy HOO4** as drafted does not reflect these statements for the reasons set out above.

We consider the first part of **Policy HOO4** should be amended to meet the Basic Conditions, and suggest the below wording which brings the policy more in line with the adopted housing policies of the Cliffe and Cliffe Woods Neighbourhood Plan (deleted text in red and struck through, proposed new text in blue):

#### **HOO4: Housing Growth and Mix**

1. **In addition to strategic sites allocated in the adopted or emerging Local Plan, residential development will be supported in the following locations:**
  - a. **in existing built settlements including brownfield sites and infill development within existing built frontages;**
  - b. **upper floors in commercial properties, providing there is no resulting conflict with existing commercial uses and the scheme can provide satisfactory residential standards;**
  - c. **conversion of agricultural buildings, providing there is no significant loss of the best and most versatile agricultural land; and**
  - d. **on other greenfield and brownfield sites which are or can be made sustainable;**

The remaining HOO4 policy text ensures development coming forward in accordance with the above is acceptable in accordance with the wider policies of the Neighbourhood Plan.

We consider this amended policy approach would ensure the NP does not prevent opportunities for sustainable development to come forward. This would be consistent with the approach of the recently adopted (May 2023) Cliffe and Cliffe Woods Neighbourhood Plan which sets a positive vision for its neighbourhood plan area but enables development which is in accordance with other Development Plan policies. One such example of this being the allowed appeal at Land to the East and West of Church Street, Cliffe (ref. APP/A2280/W/22/3313673) for 250 homes alongside community uses and public open spaces which was considered in accordance with the Neighbourhood Plan (which was adopted during the Inquiry) despite the proposals resulting in a circa. 25% increase in the size of the village.

- Policy HOO6 Design

In response to our previous comments (as set out in Appendix A) the Consultation Statement identifies Policy HOO6 does not seek to be prescriptive, but “does recognise predominant townscape characteristics and other aspects of character” and the “whole point” of the policy is to avoid “generic anywhere development and to promote good urban design”.

We consider our suggested amendments to the policy support this approach, but in a way which reflects potential for large-scale / strategic-scale development may come forward in the Plan area which will have its own distinctiveness to aide placemaking and good design. This could include variations from the prevailing character, scale and massing where considered appropriate.

We therefore re-iterate our previous comments that Policy HOO6 (Design) as drafted would currently not meet the requirements of the Basic Conditions in that it would not assist in setting a positive framework for the achievement of sustainable development. In reflection of the comments in the Consultation Statement we consider the below amendments to bullet 1 and 2 would be appropriate:

#### **HOO6: Design**

**1. Development must be well designed to create sustainable and locally distinctive places whilst not leading to significant impacts on Hoo’s historic or rural character, ~~to complement Hoo’s historic and rural character.~~**

**2. To achieve this, new-build development must:**

**~~a. Complement the predominantly 2-3 storey character of the area~~**

**~~b. Complement the surrounding townscape in terms of scale, massing and degree of set-back of building frontages from the road;~~**

**a. Respond positively to, and where possible, enhance the local character of the area, including having regard to scale and massing;**

**c. Provide active frontages (containing windows) facing public roads and spaces, to provide natural surveillance;**

**d. Provide boundary treatments to road frontages to complement traditional boundary treatments, including low flint or brick walls and hedges.**

This would thereafter provide a meaningful policy which achieves the aims of the Council, including retention of the locally specific elements of the policy without overly restricting development.

In respect of the Design Code, the Consultation Statement notes this has informed policies, key principles from it have been drafted into the policies itself and the design code may be helpful in securing compliance with the policy. As set out below, we consider the status of the Design Code remains unclear, it has not been subject to its own consultation and is out-of-date. Further, the context of the Design Code, that being “the emerging neighbourhood plan envisage a very high level of growth for Hoo St Werburgh”, has not been reflected in the current NP.

- Policy HOO8 Landscape and Environment

We welcome the changes to Policy HOO8 which ensure Policy HOO8 is more in line with the NPPF with bullet 1 now seeking development to avoid causing significant harm to landscape character. However, we still believe the policy does not meet the Basic Conditions as it does not have regard to national policy and would not contribute to the achievement of sustainable development.

Bullet 3 (previously bullet 2) as drafted states that development “should not harm” designated sites, woodlands, etc.. Whilst this has been amended from “must not harm” in the Reg 14 NP, it nevertheless retains the same meaning and strays far beyond how harm is assessed in the NPPF especially in respect of non-habitats sites (i.e. woodland). This needs to be amended, but we consider should be deleted to avoid unnecessary repetition of the protections afforded by the NPPF.

Bullet 7 (previously 6) is clearly overly restrictive and goes significantly beyond the NPPF which seeks to ensure landscape is sympathetically considered and valued landscapes are protected and enhanced. There is no justification for a policy requirement of “no harm” to landscape character and separation. This would elevate the landscape between Hoo and Chattenden above that of National Parks, the Broads and AONBs which the NPPF establishes have the “highest status of protection” in relation to landscape and scenic beauty (para 182). This bullet should be deleted.

Bullet 11 (previously 10) seeks to go beyond the level of protection given to agricultural land within the NPPF which requires policies and decision to consider economic and other benefits of best and most versatile (BMV) agricultural land, with a preference for poorer quality land to be used for development where needed (para 180 and footnote 62). There is no restriction on BMV being uses where it is justified. In the case of the Plan Area, DEFRA provisional mapping alongside on-site soil sampling (where relevant) shows a mix of BMV and non-BMV agricultural land. There may be justification, given the level of needs across the District, for BMV land to be used for development, in line with the requirements of the NPPF. The recent Land to the East and West of Church Street, Cliffe Appeal Decision<sup>3</sup> confirmed this is the correct approach, with the Inspector concluding the acute housing shortage in Medway is likely to result in the need to use BMV land to provide housing with lack of availability of lower quality land in the District. We therefore consider this bullet should be deleted.

To meet the Basic Conditions, Policy HOO8 should be amended as below (inc. minor tweaks to other policies for clarity purposes):

#### **HOO8: Landscape and Environment**

- 1. Development should take opportunities to enhance and avoid causing significant harm to the area’s landscape character, flora and fauna, and habitats, and seek to achieve overall biodiversity net gain.**
- 2. Development should avoid causing loss or harm to biodiversity, or:**
  - a. where habitat loss or damage cannot be avoided, it should be minimised;**
  - b. opportunities should be taken to restore damaged or lost habitat; or**

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<sup>3</sup> Para 45 – 47 of APP/A2280/W/22/3313673



c. as a last resort, habitat loss or damage should be compensated

~~3. Development should take opportunities to enhance and should not harm:~~

~~a. Designated sites, including Ramsar, SSSI and Special Protection Area;~~

~~b. local woodlands, including ancient woodland;~~

~~c. lakes, chalk streams and other water features.~~

4. Development adjacent to the Ramsar, Special Protection Area, SSSI and other designated and protected landscapes should include landscape buffer zones, where supported by evidence, to provide visual separation and avoid disturbance of habitats or adverse impacts on biodiversity.

5. Trees and other natural features of value should be retained and be incorporated into the design and layout of development, **where practicable**.

6. Development that creates a new urban edge to the open landscape areas of Hoo should include landscape transition zones to avoid the creation of **ff** hard edges.

~~7. Development should cause no harm to the open character of the landscape separation between Hoo and Chattenden.~~

8. Landscape design and planting in development should use local native species or other species of high environmental value.

9. Development should take opportunities to enhance wildlife and nature conservation.

10. Development **should not lead to a loss of** ~~must have no adverse impact on~~ allotments, orchards and other facilities for local food growing, and new facilities for local food growing will be supported.

~~11. Development should not lead to the loss of the best and most versatile agricultural land.~~

- Policy HOO11 Sustainable Transport and Active Travel

We continue to support the Neighbourhood Plan aspirations promoting sustainable modes of transport and desire to enable a modal shift away from private car usage. This could undoubtedly be supported through development which delivers new transport choices and priorities walking and cycling. This is a key tenet of the Consortium's proposals which seek to enable more sustainable live-work patterns.

We therefore support Policy HOO11, albeit consider bullet 2 needs to be amended to remove a requirement for "electric charging points" to be provided as part of cycle parking / storage. Electric bicycles are not charged in the same way electric cars are. In the case of electric bicycles, batteries are removed and (usually) charged inside the user's property. It is not therefore necessary (or appropriate) to provide any charging facilities for electric bicycles as part of cycle parking / storage.



### **Hoo St Werburgh Neighbourhood Plan Design Codes**

It still remains unclear what status the Design Code (November 2021) will have once the Neighbourhood Plan is made. Whilst it is referenced, for context, within the draft Neighbourhood Plan, the Design Code itself is out-of-date and prepared on the basis of the former emerging Medway Local Plan strategy for growth (inc. allocations and policies). Whilst being part of the Neighbourhood Plan consultation, the Design Code itself has not been subject to consultation. Whilst the intentions of it are supported, if it is to be relied upon as a material consideration for applications it should be updated to reflect the context now and subject to its own consultation.

Further, we consider there are elements of the Design Code which should be updated to ensure it does not unduly restrict sustainable development, including new housing, across the Neighbourhood Plan area. For instance, the 'Vision' at Section 4.1.1. emphasises an aspiration for the character of the area to remain much the same as opposed to the role the Peninsula is likely to play in meeting local and wider housing needs across the Plan period. This is further emphasised by the Landscape Character Section of 2.6 which only provides a brief overview of the non-urban elements of the Medway Landscape Character Assessment (2011) for the area, ignoring the references within the to existing urban / industrial influences and the detail on relevant characteristics, condition and sensitivities.

Whilst we consider it may be appropriate for a Design Code to be applied for the Neighbourhood Plan area, this needs to reflect on Medway's long-term growth aspirations for the Peninsula over the next 30 years.

### **Conclusion**

As set out in these representations, we consider policy changes are required to achieve compliance with the Basic Conditions. Whilst some of the comments made at Regulation 14 stage (see Appendix A) have been addressed, others have not been and/or changed for the worse.

Whilst the policies as drafted would not appropriately have regard to national policy and/or contributing to the achievement of sustainable development, we have suggested amendments to the policy to ensure these shortcomings are addressed.

Subject to the proposed amendments we support the Neighbourhood Plan and believe it could assist in shaping, directing and delivering sustainable development across the Neighbourhood Plan area, without undermining the achievement of housing and other needs.

Yours sincerely

***Joshua Mellor***

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**Appendix A**  
**Reg 14 Neighbourhood Plan Representations**



28 July 2023

Ref No: 35433/A5/JM

By Email to [clerk@hoopc.org](mailto:clerk@hoopc.org)

Sherrie Babington  
Parish Clerk  
Hoo St Werburgh and Chattenden Parish Council  
4 Birkhall Close  
Walderslade  
Kent, ME5 7QD

Dear Ms Babington

**HOO ST WERBURGH AND CHATTENDEN NEIGHBOURHOOD PLAN  
REPRESENTATIONS ON BEHALF OF HOO CONSORTIUM  
JULY 2023**

These representations are submitted on behalf of Taylor Wimpey, Dean Lewis Estates, The Church Commissioners for England and Gladman (hereafter referred to as the Consortium<sup>1</sup>) in response to Hoo St Werburgh and Chattenden Parish Council's Regulation 14 consultation on the emerging Neighbourhood Plan for Hoo St Werburgh and Chattenden (hereafter referred to as the Neighbourhood Plan).

The Neighbourhood Plan Area covers the entirety of the Parish of Hoo St Werburgh, designated as such by Medway Council in December 2018. The Consortium has significant land interests within the Neighbourhood Plan Area, alongside other land outside of it. A Plan showing the land interests within the Neighbourhood Plan Area is included in Appendix A.

The Consortium is working closely with Medway Council to achieve the Council's vision for the Hoo Peninsula over the next 30 years, seeking to secure the major growth opportunities around Hoo, High Halstow and Chattenden. The Consortium controls land, including land outside of the Neighbourhood Plan Area, extending to over 1,500 acres and able to accommodate 8,000-10,000 new homes and new employment opportunities, alongside the accompanying schools, retail, community health, sports and leisure facilities, strategic highway and sustainable transport infrastructure. This would be complemented by major areas of strategic green space including community parkland, strategic environmental mitigation and biodiversity net gain.

Notwithstanding specific land interests, these representations have been prepared in objective terms and assessed against the prevailing planning policy framework – in particular, the Government's guidance set out in the National Planning Policy Framework (NPPF) (July 2021) and Planning Practice Guidance (NPPG) (March 2014 and as updated).

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<sup>1</sup> The Hoo Consortium also includes land under the control of Redrow Homes Limited which falls outside of the Neighbourhood Plan Area.



In order to satisfy legal requirements, the Neighbourhood Plan as drafted needs to meet the 'basic conditions' as defined in the Localism Act 2011 and Schedule 4B to the Town and Country Planning Act 1990 (as amended). A summary of the 'basic conditions' is included in Appendix B.

In the main, the Neighbourhood Plan has been positively prepared, however there are policy changes required in order to achieve compliance with the basic conditions.

Whilst it is recognised (at section 2.3) that the Neighbourhood Plan has been drafted "during a period of great uncertainty" in respect of Medway Council's Local Plan preparation, there will be a need for general conformity with the emerging Local Plan. The Neighbourhood Plan should not undermine the strategic policies of the emerging Local Plan, which will identify how housing, employment and other needs are to be addressed across the whole of Medway, including within the Neighbourhood Plan Area.

We welcome the confirmation at Section 2.3 that the Parish Council and steering group "... have taken a flexible and positive approach to the development of the Medway Local Plan's emerging policies and their supporting evidence as the Neighbourhood Plan has developed and discussed its policies with Medway as part of the process."

We urge that this approach continues as the emerging Medway Local Plan progresses, to ensure the Neighbourhood Plan remains 'current' and in general conformity with it.

Our response hereafter follows the topic-based structure of the Neighbourhood Plan, including identifying how the comprehensive development proposed by the Consortium can support the aims and vision of the Neighbourhood Plan.

#### Vision and Aims

We support the vision and aims as set out in the Neighbourhood Plan, notably the recognition that sustainable growth which meets local needs will be supported, including enhancing facilities available to the local community.

The Consortium is keen to work alongside the Parish Council, and in accordance with the visions and aims of the Neighbourhood Plan, to deliver its aspirations for its landholdings including addressing housing needs, delivering new employment and community facilities and promoting sustainable travel, whilst respecting the natural and historic environment of Hoo St Werburgh and the Chattenden Parish.

#### Employment and Community Facilities

The Neighbourhood Plan recognises that employment opportunities within the Neighbourhood Plan Area are currently limited with most travelling outside the Parish for work and a large proportion of residents travelling further afield to London. We support the proposals to maintain local employment opportunities and community facilities, and to expand these where opportunities exist. This approach aligns with the Consortium's own proposals which seek to provide new employment opportunities and community facilities for existing and future residents to make the most of.

In this respect, the intentions of Policies HOO1 – HOO3 to support employment, community facility and industrial / distribution development are broadly welcomed.

However, to avoid the employment policies of the Neighbourhood Plan being rendered immediately out-of-date on adoption of a new Local Plan, we recommend that the wording across these policies is flexibly drafted to accommodate the emerging Local Plan by acknowledging that new employment allocations included within the emerging Local Plan will be supported where they accord with employment allocation and other relevant policies of the Plan.

To this extent, the Neighbourhood Plan should support the principle of providing new employment opportunities and community facilities within reasonable walking and cycling distance of existing residents and future residents. This will assist in creating more sustainable live-work patterns, including reducing reliance on facilities outside of the Neighbourhood Plan area. Policy HOO2 broadly reflects this, supporting community facilities in the village centre and “in other locations”, including on “open land”.

Policy HOO1 should be consistent with the approach of Policy HOO2 to not unduly constrain suitable employment opportunities outside of the village centre. As drafted Policy HOO1 would not meet the requirements of the Basic Conditions in that it would not contribute to the achievement of sustainable development. We suggest Policy HOO1 should be amended as below (deleted text in red and struck through, proposed new text in blue):

#### **HOO1: Village Centres and Employment**

##### **1. Employment development (Use Class E) will be supported in **where:****

- a. The site has access to a highway with sufficient capacity;**
- b. There is no significant harm to the amenities of residential properties by reason of visual intrusion, noise, dust, disturbance, vibration, vehicle movements or other impacts; and**
- c. The type and scale of the new employment facilities complements any existing provision of similar facilities nearby.**

##### **~~the following locations:~~**

- ~~a. Within the village centres;~~**
- ~~b. Brownfield sites;~~**
- ~~c. Redevelopment or improvement of existing employment sites.~~**

##### **2. Support for employment development is subject to there being no significant adverse impact on:**

- ~~a. the amenities of residential properties;~~**
- b. the historic environment, meeting the requirements of HOO7;**
- c. the landscape and natural environment, meeting the requirements of Policy HOO8.**

##### **3. Within the village centres, Use Class E and F1 activities will be supported, including recreational, cultural and other community facilities.**

##### **4. Within the village centres, shop fronts must be retained on ground floor frontage units.**

The Consortium are keen to work with the Parish Council and alongside the Neighbourhood Plan to maximise the significant opportunity its proposals present. This would include enhancing existing employment provision as well as providing new opportunities and delivering on the Neighbourhood Plan's 15-minute neighbourhood aspirations.

### Housing

Policy HOO4(1) provides general support for development additional to those strategic sites to be allocated by the Local Plan on infill plots, brownfield sites, etc.. This alone will not deliver the housing or affordable housing needs of the area, and it will therefore be vital wider strategic opportunities are supported to address this.

The Neighbourhood Plan notes that:

Sporadic house building has occurred over the past 60 years. More recently, housing development has produced separate communities within the village, due to very poor connectivity. This is clearly unsustainable. Future development needs to have cohesion and connectivity to ensure there is a sense of place throughout the village, with the village centre at the heart of our community.

This again supports the identification and delivery of strategic opportunities for housing and other needs through a comprehensive and cohesive strategy for growth across the Neighbourhood Plan Area (and wider) as is being promoted by the Consortium. Such a strategy can create a framework against which the members of the Consortium can successfully bring forward (either together or individually within that framework) much-needed development within their landholdings.

The Neighbourhood Plan does not seek to make housing allocations, instead reflecting the emerging Medway Local Plan which will address 'strategic' matters including housing. Nevertheless, the Consortium are keen to work with the Parish Council and alongside the Neighbourhood Plan to maximise the significant opportunities on offer for existing and future residents available within their landholdings.

We consider the Neighbourhood Plan should include a stronger recognition of the role the Neighbourhood Plan Area (and wider Hoo Peninsula) will play in meeting local and wider housing needs across the Plan period. In this respect, the neighbouring Cliffe and Cliffe Woods Neighbourhood Plan (adopted 2022) state the following:

**Our approach to development of housing in the Neighbourhood Plan area is to accept that although Medway Council has not currently allocated sites in the Neighbourhood Plan area for housing, the future development of the Local Plan may result in some allocations prior to its final adoption proposed for 2025<sup>2</sup>. In addition, applications are likely to be received and may be approved before the Local Plan is adopted. This means that Cliffe and Cliffe Woods will play its part in meeting the number of homes Medway Council needs. Whilst the need for new homes is recognised, any development within the Neighbourhood Plan area should be sustainable and achieve the Neighbourhood Plan Vision**

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<sup>2</sup> Medway Local Development Scheme October 2022

The Cliffe and Cliffe Woods Neighbourhood Plan thereafter sets an objective for housing in Cliffe and Cliffe Woods to meet “Local and Wider needs” and sets a Policy framework (Policy H1) which requires major housing developments on greenfield sites to contribute to “sustainable development by including uses other than housing that are appropriate to the size and location of sites and where they do not conflict with other policies in this plan”.

The Neighbourhood Plan should replicate this approach, recognising the established housing and other needs of the Borough thus creating a framework which strategic growth opportunities, such as those brought forward by the Consortium, can work alongside to deliver sustainable growth.

### Place and Heritage

Whilst we support the requirement for new development to be well designed to create sustainable and locally distinctive places, Policy HOO6 (Design) is overly prescriptive and does not reflect that major developments, especially those of the strategic-scale, could have their own distinctiveness to aid placemaking and good design. This could include variations from the prevailing character, scale and massing where considered appropriate.

We consider Policy HOO6 (Design) would currently not meet the requirements of the Basic Conditions in that it would not assist in setting a positive framework for the achievement of sustainable development, and as such, recommend bullets 1 and 2 are amended as set out below:

#### **HOO6: Design**

**1. Development must be well designed to create sustainable and locally distinctive places, ~~to complement Hoo’s historic and rural character.~~**

**2. To achieve this, new-build development must:**

~~**a. Complement the predominantly 2-3 storey character of the area**~~

~~**b. Complement the surrounding townscape in terms of scale, massing and degree of set-back of building frontages from the road;**~~

**a. Respond positively to, and where possible, enhance the local character of the area, including having regard to scale and massing;**

**c. Provide active frontages (containing windows) facing public roads and spaces, to provide natural surveillance;**

**d. Provide boundary treatments to road frontages to complement traditional boundary treatments, including low flint or brick walls and hedges.**

The relationship between the Neighbourhood Plan and the Hoo St Werburgh Design Codes document (AECOM, November 2021) is currently unclear. The latter is referenced in the supporting text for Policy HOO6, which notes it has “informed the design policy and its interrelation” and the document, alongside the National Model Design Code, “may be useful in securing compliance with the policy”. If any material weight is to be given to the Hoo St Werburgh Design Codes document this should be subject to its own consultation, informed by responses and remaining a ‘live’ document which in turn reflects the Neighbourhood Plan and emerging Medway Local Plan.

### Landscape and Natural Environment



Policy HOO8 (Landscape and Environment) is cross referenced in other policies of the Neighbourhood Plan, requiring compliance with the policy to allow support for types of growth (e.g. employment, community facilities, housing, etc.), it is therefore an important policy.

Whilst the intention of the policy is supported, the policy as drafted is too prescriptive and / or restrictive in places. It conflicts with the NPPF in several areas, most notably NPPF paragraphs 180 - 181 which protect areas designated as SSSI, SPA and Ramsar sites and irreplaceable habitats (such as Ancient Woodland). Further, a conflict with the NPPF and national guidance relating to Best and Most Versatile (BMV) Agricultural Land, which must be considered against the strategic context against which this policy will sit (i.e. the balance of loss in the context of prevalence of BMV across Medway against the significant public benefits).

We therefore consider Policy HOO8 (Landscape and Environment) would currently not meet the requirements of the Basic Conditions in that it would not have regard to national policies and guidance and would not contribute to the achievement of sustainable development. It should not seek to repeat (or as currently drafted go beyond) national policy and guidance but instead focus on local considerations and concerns. Our proposed amendment is as below:

#### **HOO8: Landscape and Environment**

**1. Development should take opportunities to enhance, and avoid causing unacceptable harm to the area's landscape character, flora and fauna, and habitats, to achieve overall biodiversity net gain.**

~~**2. Development should take opportunities to enhance and must not harm:**~~

~~**a. Designated sites, including Ramsar, SSSI and Special Protection Area;**~~

~~**b. local woodlands, including ancient woodland;**~~

~~**c. lakes, chalk streams and other water features.**~~

~~**3. Development adjacent to the Ramsar, Special Protection Area, SSSI and other designated and protected landscapes should include landscape buffer zones to provide visual separation and avoid disturbance of habitats or adverse impacts on biodiversity.**~~

**4. Trees and other natural features of value should be retained and be incorporated into the design and layout of development, where practicable.**

**5. Development that creates a new urban edge to the open landscape areas of Hoo should include landscape transition zones to avoid the creation of hard edges.**

~~**6. Development should cause no harm to the open character of the landscape separation between Hoo and Chattenden.**~~

**7. Landscape design and planting in development should use local native species or other species of high environmental value.**

**8. Development should take opportunities to enhance wildlife and nature conservation.**

9. Development **should not lead to a loss of** ~~must have no adverse impact on~~ allotments, orchards and other facilities for local food growing, and new facilities for local food growing will be supported.

~~10. Development should not lead to the loss of the best and most versatile agricultural land.~~

We support the principle of Policy HOO10 (Air Quality) which seeks to avoid the exacerbation of existing air quality issues locally, subject to the minor tweak as set out below which seeks to align the policy with national policy (inc. NPPF paragraph 186) and guidance.

The Consortium's proposed delivery of strategic opportunities for housing, including co-ordinated employment provision and community facilities can have a beneficial effect on Air Quality through creating opportunities for 15 minute neighbourhoods (as being advocated by the Neighbourhood Plan) and supporting a modal shift away from private car usage. This internalisation of trips and provision of new employment provision and community facilities for existing residents (thus reducing the need for them to travel elsewhere) aligns with the policy aspirations of the Neighbourhood Plan in this respect.

#### **HOO10: Air Quality**

1. Development should not significantly exacerbate pollution in areas with recognised air quality problems.

2. Development that is likely to **result in significant negative impacts on air quality** ~~generate additional vehicle movements~~ should include tree planting or other measures to mitigate impacts on air quality.

#### Travel Infrastructure

We strongly support the Neighbourhood Plan aspirations promoting sustainable modes of transport and the recognition that whilst there is provision for walking and cycling throughout the Parish this does not currently provide an attractive alternative to private car usage.

To address this, and "provide a balanced range of transport choices and more sustainable live-work patterns", the Neighbourhood Plan seeks improved connections to footpaths and open space, improved public transport, provision of cycleways and improved safety and condition of roads within the Parish.

These are key principles supported by the Consortium's proposals within the Neighbourhood Plan Area which will prioritise walking and cycling and support a modal shift away from private car usage as previously discussed in this response.

We consider the below amendment is necessary to Policy HOO11 (Sustainable Transport and Active Travel) bullet 3 to ensure it is consistent with the NPPF and planning legislation:

#### **HOO11: Sustainable Transport and Active Travel**



**3. Development must be supported by adequate road infrastructure and/or financial contribution where necessary to mitigate the impact of development and to safely support additional traffic movements where there are significant impacts on the transport network or highway safety, ~~with additional pedestrian crossings where necessary.~~**

Infrastructure

No specific policies are proposed under the 'infrastructure' section. However, we support the recognition of the need for additional community facilities within the Neighbourhood Plan area, especially for younger persons.

This can be addressed through improvements to existing facilities, e.g. through planning contributions as recognised by the Neighbourhood Plan, or embedded within development proposals, e.g. as part of the range of community facilities to be delivered within the Consortium proposals.

Notwithstanding the recent discussions regarding the Housing Infrastructure Fund (HIF), the Consortium remains committed to supporting the local community through provision of the social and physical infrastructure required to accompany the Consortium proposals.

Conclusion

As set out in these representations, we support the aims and aspirations of the Neighbourhood Plan but consider there are policy changes required to achieve compliance with the Basic Conditions.

We welcome that the Parish Council and steering group have taken a flexible and positive approach to the development of the Medway Local Plan's emerging policies and their supporting evidence as the Neighbourhood Plan has developed. We urge that this approach continues as the emerging Medway Local Plan progresses, to ensure the Neighbourhood Plan remains 'current' and in general conformity with it.

We will continue to engage with the Neighbourhood Plan as it moves through the necessary consultation and Examination stages, and hope to work closely with the Parish Council to ensure the Consortium's proposals accord with and complement the Neighbourhood Plan going forward.

Yours sincerely,

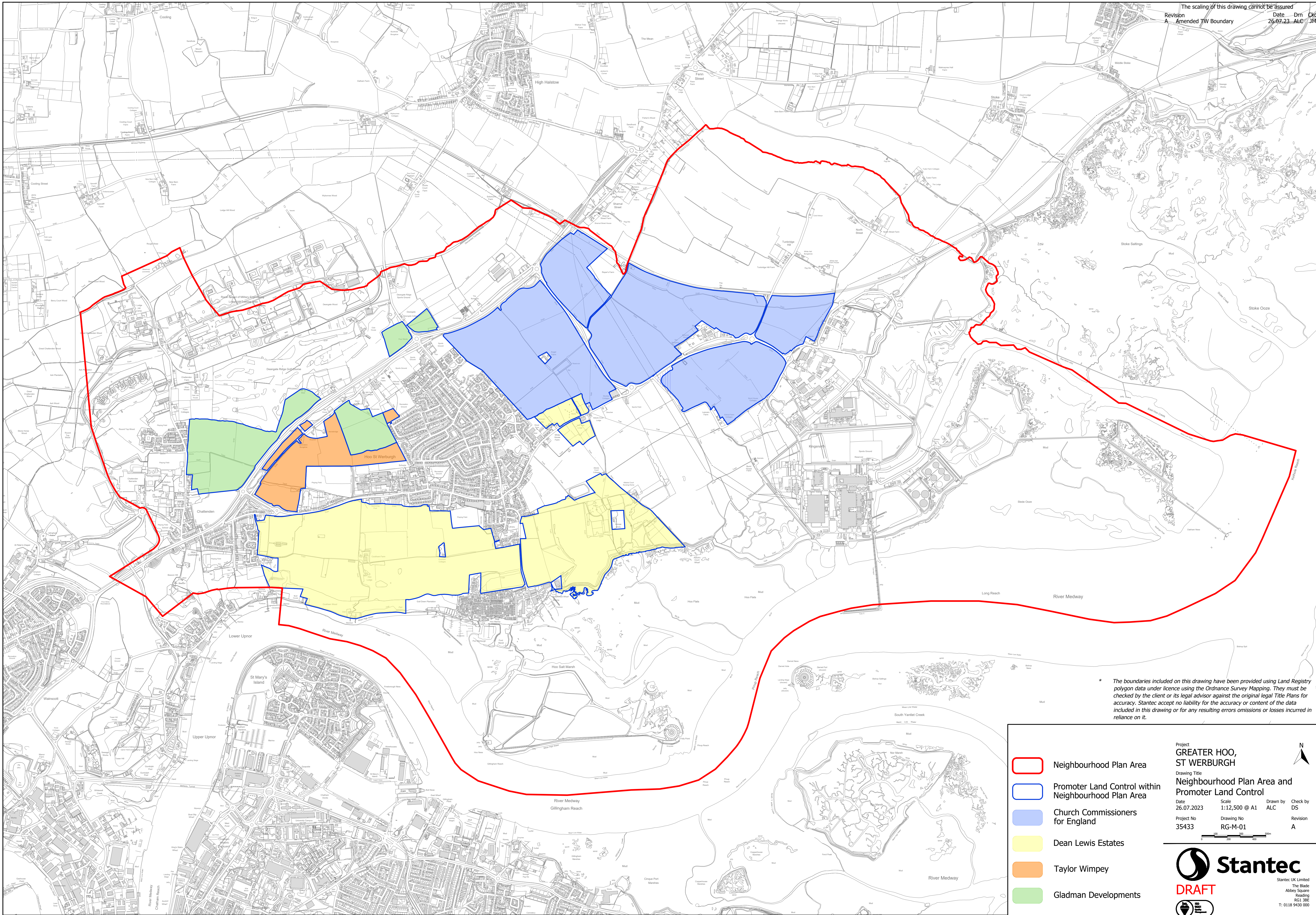
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## Appendix A – Consortium Plan





\* The boundaries included on this drawing have been provided using Land Registry polygon data under licence using the Ordnance Survey Mapping. They must be checked by the client or its legal advisor against the original legal Title Plans for accuracy. Stantec accept no liability for the accuracy or content of the data included in this drawing or for any resulting errors omissions or losses incurred in reliance on it.

<ul style="list-style-type: none"> <li><span style="border: 1px solid red; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Neighbourhood Plan Area</li> <li><span style="border: 1px solid blue; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Promoter Land Control within Neighbourhood Plan Area</li> <li><span style="background-color: lightblue; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Church Commissioners for England</li> <li><span style="background-color: yellow; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Dean Lewis Estates</li> <li><span style="background-color: orange; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Taylor Wimpey</li> <li><span style="background-color: green; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Gladman Developments</li> </ul>	<p>Project <b>GREATER HOO, ST WERBURGH</b></p> <p>Drawing Title <b>Neighbourhood Plan Area and Promoter Land Control</b></p> <p>Date 26.07.2023</p> <p>Project No 35433</p>	<p>Scale 1:12,500 @ A1</p> <p>Drawing No RG-M-01</p>	<p>Drawn by DS</p> <p>Check by ALC</p> <p>Revision A</p>
	<p>Project <b>GREATER HOO, ST WERBURGH</b></p>		
	<p>Drawing Title <b>Neighbourhood Plan Area and Promoter Land Control</b></p>		
	<p>Date 26.07.2023</p>		
	<p>Project No 35433</p>		

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## Appendix B – Basic Conditions Statement

To proceed to a referendum, a Neighbourhood Plan needs to meet the ‘basic conditions’ set out within Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended), and as summarised in the national Planning Practice Guidance (paragraph 065, Reference. ID41-065-20140306). These are set out below.

**a) Having regard to national policies and advice contained in guidance issued by the Secretary of State.**

The National Planning Policy Framework sets out the Governments planning policies for England and provides the national context within which local planning policies should be formulated and local determinations of individual planning applications should be made. A Neighbourhood Plan must not constrain the delivery of national policy objectives.

Paragraph 13 of the NPPF sets out that “Neighbourhood Plans should support the delivery of strategic policies contained in Local Plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies”. Qualifying bodies should plan positively to support local development, shaping and directing development in their area that is outside of the strategic policy framework.

More specifically, paragraph 29 of the NPPF states that “Neighbourhood Plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies”. Footnote 18 directs that “Neighbourhood Plans must be in general conformity with the strategic policies contained in any development plan that covers their area”. (NPPF & NPPG Paragraph 070 Reference ID: 41-070-20190509).

Furthermore, the NPPG confirms that “a qualifying body is advised to set out in its basic conditions statement how they have had regard to national policy and considered whether a particular policy is or is not relevant. A qualifying body is encouraged to set out the particular national policies that it has considered, and how the policies in a draft Neighbourhood Plan or the development proposals in an Order take account of national policy and advice.” (Paragraph: 070 Reference ID: 41-070-20190509).

Strategic policies are defined within the NPPF as policies and site allocations which address strategic priorities whilst non-strategic priorities are defined as policies contained in a Neighbourhood Plan, or those policies in a plan that are not strategic policies.

The NPPF, paragraph 20 notes that “strategic policies set out an overall strategy for the pattern, scale and quality of development and make sufficient provision for:

- (a) housing (including affordable housing), employment, retail, leisure and other commercial development;
- (b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- (c) community facilities (such as health, education and cultural infrastructure); and

(d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation”.

Paragraph 18 of the NPPF notes that policies to address non-strategic matters should be included in Local Plans that contain both strategic and non-strategic policies, and/or in Local or Neighbourhood Plans that contain just non-strategic policies.

Therefore, the framework for the types of policies and what they should address is clearly set out within the NPPF and NPPG.

**b) The making of the neighbourhood plan contributes to the achievement of sustainable development.**

The NPPF sets out three interdependent dimensions of sustainable development, which are economic (contributing to a strong and responsive economy by providing sufficient land of the right type in the right place); social (supporting vibrant communities and creating a high quality built environment); and environmental (enhancing the environment, using resources effectively and moving towards low carbon solutions).

**c) The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority.**

As confirmed in paragraph 13 of the NPPF, neighbourhood plans should reflect Local Plan policies and should plan positively to support them. Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies.

The emerging Medway Local Plan will provide the strategic policies by which the Neighbourhood Plan would need to be in general conformity with.

- d) The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and**  
**e) Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied in connection with the proposal for the neighbourhood plan.**

Both above items are intertwined, in-so-far-as the prescribed condition is that the “making” of the Neighbourhood Plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (Offshore Marine Conservation Regulations 2007) either alone or in combination with other plans or projects.

As the Neighbourhood Plan does not seek to allocate development, it is unlikely to fail these tests.