

Town and Parish Council Planning Service

30th May 2024

Mr Andrew Matheson
Independent Examiner
c/o Medway Council

Dear Mr Matherson

**Town and Country Planning Act 1990
Planning and Compulsory Purchase Act 2004
The Neighbourhood Planning (General) Regulations 2012
Hoo St Werburgh and Chattenden Neighbourhood Plan**

Dear Mr Matheson

Thank you for the helpful meeting and for your subsequent enquiries and observations document, which gives the opportunity to respond on a range of issues, including those raised through the Regulation 16 representations. We have been asked to respond on behalf of Hoo St Werburgh and Chattenden Parish Council (the Qualifying Body).

The following response is structured mainly around the headings and questions in your paper.

The Emerging Local Plan

For background information, The Parish Council objected to the Regulation 18 Local Plan consultation (October 2023) and a copy of the letter of objection is attached for information.

We note developer comments relating to HOO1 and HOO2, though they appear to be more relevant to HOO4.

The representations from developers and their representatives claim that the Neighbourhood Plan does not meet the Basic Conditions, but their reasoning is not clear. Indeed, many of the suggested changes to the wording of policies would bring them into clear conflict with national policies and guidance, by supporting development in unsustainable locations (including greenfield sites). In general, the developer comments appear to relate more to strategic site allocations, which are a matter for the Local Plan.

We are concerned over the lack of awareness in the developer representations of national policy and guidance on design, including the National Design Guide 2021. This illustrates the need for robust policies in the Neighbourhood Plan.

The Homes England representation suggests two site allocations. This is not feasible at this stage as it would invalidate the screening and also the Regulation 14 and Regulation 16 consultations. However, the Parish Council recognises that the sites in question are brownfield sites, at least in part, so suitable housing development could comply with national policy. The Rationale to HOO4 was amended at the Regulation 14 stage to mention the Homes England land at Lodge Hill Camp and Chattenden Barracks.

Homes England's suggestions to amend employment policies could lead to Use Class B2 and B8 development in inappropriate locations.

Allocations of land for housing

Text could be added to the rationale in Chapter 5, along the following lines:

'The emerging Medway Local Plan proposes strategic housing site allocations, including several sites within the Parish. The Neighbourhood Plan does not allocate sites, but does accommodate growth in various ways. Any sites allocated in a new adopted local plan would be subject to the aims and policies in this Neighbourhood Plan, for example relating to design and infrastructure'.

Villages and hamlets

The Parish Council is keen to retain the reference to Hoo Village and hamlet of Chattenden. However, some of the wording in specific policies will need to be amended for clarity (see later comments on HOO1).

Format

We note the suggestion for numbering of paragraphs. The policies already have a numbering system. A useful approach may be to number sub-headings (for example 5.1, 5.2, etc.).

We agree that referencing maps within the text would be useful.

Front Cover: Plan Period

The plan period is stated in 1.2 and the cover could also state the plan period. The date could be amended to 2041, if necessary.

1. Introduction

Regarding 'additional site allocations', this was written some time ago and it was envisaged that the Local Plan would have been at a later stage by now. See also comments below on housing growth (Background Information).

The title of the map on Page 7 could be amended to a more accurate terminology, for example 'Designated Neighbourhood Area'.

2. Background Information

Feedback from community engagement has indicated that expansion of the population has not been matched by the necessary expansion or improvement of transport and community infrastructure, including health and educational provision. The wording could be amended accordingly.

The accommodation of housing growth within the parish is contentious. Medway Council has suggested a disproportionate amount of growth for the Parish, despite the environmental impact and lack of clear planning rationale, and the Parish Council objected strongly to the Regulation 18 consultation. A copy of the letter of objection is attached for information.

This does create a context of uncertainty for the Neighbourhood Plan, but will ultimately be decided through the Local Plan process. This is the key reason why the Neighbourhood Plan does not make housing site allocations.

3. Vision & Aims

The way in which the plan could "create more sustainable work/life patterns" refers to creating mixed-use and walkable neighbourhoods and would include enabling local

community facilities and local economic opportunity (HOO1, HOO2, HOO3) and ensuring that development supports active travel and sustainable forms of transport (HOO6, HOO11).

4. Employment and Community Facilities

HOO1: Village Centres and Employment

In response to the questions:

1.
 - i) Regarding the village centres, the wording could be amended to reflect that in HOO2 (which refers to the built settlements). Given the dispersed nature of the village centres, this would be a more practical approach. The settlement boundaries map on Page 24 defines the built settlements.
 - ii) The policy wording could be amended to refer to brownfield sites within or adjacent to the built settlement. However, employment use of more remote brownfield sites may be preferable to residential development in terms of sustainable land-use patterns.
 - iii) Business Use (Class E) would be appropriate for industrial estates, but it is the case that other Class E uses could detract from the vitality of village centres. See comments below on HOO3.
 - iv) The land use is already established for existing employment sites. The policy seeks to support improvement and diversification.
2. Clauses 2 and 3 of the policy could be merged, reducing unnecessary repetition. It is envisaged that all parts of the policy would be applied.
3. Infrastructure requirements are dealt with in HOO11. The Local Plan would deal with parking standards. It is not the intention that HOO1 or HOO11 to modify local authority parking requirements.
4. Given that employment and community facilities would be supported in the settlement boundaries, and some modification of Clause 1 is suggested, it should be possible to merge Clauses 1 and 4 (see below).
5. The shopfronts policy may be unnecessary, given the dispersed nature of the village centre.

Based on the above, the policy could be modified as follows:

- 1. Employment development and recreational, cultural and other community facilities (Use Classes E and F1) will be supported in the following locations:**
 - a. Brownfield sites or redevelopment within or adjacent to the built settlements;**
 - b. Redevelopment or improvement of existing facilities within these use classes.**

2. **Support for employment development is subject to the site having adequate and safe access to a highway with sufficient capacity and 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;**
 - c. **the rural character, landscape and natural environment.**

HOO2: Community Facilities

The settlement boundary map was provided by Medway Council, which should be able to clarify the source/status.

The policy rationale for the chapter could be amended by adding a paragraph on the shortfall in community facilities. The text could include mention of the adequacy of schools and medical facilities. The Parish Council could work with the LPA to provide this text.

The map of community facilities could be moved to the end of the rationale, as it illustrates the range of local community facilities, their dispersed nature and their concentration in the built settlement of Hoo. This would help to create a clearer rationale for Policy HOO2. Given the vague nature of the villager centre, the title could be amended to refer to 'walkable neighbourhood'. This would also help to avoid the risk of deliberate misinterpretation of '15-minute neighbourhoods'.

In response to the questions:

1. The criteria in clause 2 relates to locational/site factors, so would not apply to existing facilities, where the use is already established. The criteria in clause 3 relate to possible adverse impacts, so would relate to both new facilities and improvement and diversification of existing facilities. This could be clarified in the interpretation, perhaps?
2. It would make sense to amend Clause 4 of the policy to apply to similar criteria to those relating to new facilities.
3. In addition to viability, reference to 'need' could be added.

HOO3: Industry and Distribution

In response to the questions:

1. The access requirement would relate to other sites, outside of Kingsnorth or Hoo Marina (see suggested rewording below).
2. There is some capacity for expansion within the Kingsnorth site. Capacity within the Hoo Marina site would mainly involve the improvement of existing facilities or redevelopment.

3. Use Class E would include business use, which would be appropriate for the industrial estates. However, retail and other high street uses could be harmful, as stated previously. This contradiction is now built into Use Class E. Use of planning conditions could be a way of allowing business use, without the risk of change of use to retail or other harmful uses. However, it may be safer to exclude business use from the industrial estates, in recognition of the scope of Use Class E, especially considering national policy on town centres. The LPA may have views on this.

A possible revised wording for the policy, combining clauses 2 and 3, could be:

- 1. In addition to strategic sites allocated by the 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 in other locations is subject to:**
 - a. the site having adequate and safe access to a highway with sufficient capacity;
 - b. there being no significant adverse impact on the amenities of residential properties by reason of visual intrusion, noise, dust, disturbance, vibration, vehicle movements or other impacts;
 - c. the scheme taking opportunities to enhance and having no significant adverse impacts on the historic environment, natural environment, rural character and landscape.
 - d. The scheme including planting and/or other measures to limit visual and other environmental impacts;
- 3. For distribution uses, development must include adequate supporting facilities, including lorry parking and toilets for drivers.**

HOO4: Housing Growth and Mix

In response to the questions:

- i) The contentious text on Policy S14 could be amended to refer to the current situation with the Local Plan, including the expectation that it will make strategic housing site allocations.
- ii) The requirement for agricultural buildings was intended to make clear that the policy would not enable residential development of agricultural land associated with the buildings. Some rewording could be undertaken to help clarify this perhaps?
- iii) The addition of a 'd' clause, as suggested could lead to development in unsustainable locations, so could raise issues in terms of the Basic Conditions relating to 'general

conformity', and also potentially 'national policy and guidance' and 'achieving sustainable development'.

H005: Housing Standards

In response to the questions:

1. A standard domestic socket would be adequate, but only if located in the cycle storage space, which is the purpose of it being referred to. The requirement in 3.c. has now been superseded by changes to the Building Regulations.
2. The wording in clause 4 could replace 'must' with 'should'.

The wording suggested by the LPA for Clause 5 is poor. It is vague, lacking in clarity and reliant on external guidance (which is likely to change). In addition, it seeks to apply national policy (which already applies) and fails to deal with garden space and balconies. However, reference to the Fields in Trust guidance could be added into the interpretation.

H006: Place and Heritage

The AECOM Design Code has informed the content of most of the policies, but in particular H001, H005, H006, H007, H008, H009, H0011 and H0012. The AECOM Design Code is written as an evidence and analysis document, so identifies both good and bad characteristics, with examples.

The design and placemaking content of the Neighbourhood Plan has also been informed by the National Design Guide, Building for a Healthy Life and other guidance. There are no conservation areas in the Parish and the AECOM document makes clear how diverse the character is.

The policies do address locally specific characteristics, such as predominant height, sensitive landscapes, valued green spaces and local heritage, but also address more generic design factors highlighted in the AECOM report, such as the need to give careful consideration to pedestrian permeability and connectivity.

The word 'demonstrably' could be added to 2(a & b). The requirement for building materials to have a high standard of finish and be durable reflects the National Design Guide (Paragraphs 30 and 57 refer to materials being practical, durable, affordable and attractive).

In response to the questions raised by the LPA:

- i) Water use and numerous other positive design features are listed in the interpretation to the policy. Water use could also be mentioned in Clause 4.

- ii) The suggested amendment to wording could be interpreted to exclude other external surfaces, such as driveways. This would reduce the effectiveness of the policy.
- iii) Clause 7 is an enabling statement, to make clear that the NP supports and does not seek to suppress creative and green design.
- iv) The suggested wording is useful.
- v) The guidance on water infrastructure reflects comments made by Southern Water at the Regulation 14 stage. It is mainly outside of the scope of the Neighbourhood Plan, so has been added as a note after the policy and interpretation, rather than being included in policy itself. If other external guidance is to be referenced, it could be done in the interpretation to the policy (the AECOM document is already referenced). Reference could be added to 'Building for a Healthy Life' and the National Design Guide 2021.

Reference to the AECOM Design Code document is made in the interpretation to Policy H006. There is no policy requirement to comply with the AECOM document, as it would be incapable of being implemented and would not meet the requirements in NPPF Paragraph 16. The document is written as evidence and analysis, with some guidance, rather than policy. However, key principles from the document are reflected in various policies, not just in H006.

H007: Local Heritage

The policy deals with designated and non-designated heritage. For example, the Hoo Stop Line includes both designated and non-designated structures and landscape features and the policy recognises their collective value. The wording could be amended to reflect national policy more closely. Rather than 'no harm', the policy could refer to 'taking opportunities to enhance and avoiding harm'.

The intention of the farmsteads clause was to enable refurbishment, but also proportionate extension. It is important that the wording should not be misinterpreted as enabling redevelopment.

The policy could be amended to:

- 1. Development should take opportunities to enhance and avoid significant harm to the character and significance of Hoo's industrial, military and war heritage, including the Hoo Stop Line and its historic structures, features and landscape.**
- 2. Development should take opportunities to enhance and avoid significant harm to non-designated heritage assets and their settings.**
- 3. The refurbishment and sensitive and proportionate extension of historic farmsteads will be supported where the scheme preserves or enhances their character and significance.**

H008: Landscape and Environment

The suggestion of a map showing Chattenden Valley is welcomed.

The Medway Landscape Character Assessment was omitted in error and should have been referenced in the rationale to the policy ('Other Documents').

The term 'significant harm' is more commonly used in landscape policies, and this could be used throughout the policy for consistency and compliance with national policy.

Biodiversity net gain is now dealt with by the Environment Act and changes to national policy and guidance.

Clause 3 localises protection afforded by national policy, subject to amendment to refer to 'significant harm'.

For Clause 4, stronger wording could be used, as suggested by the LPA.

Clause 5 could be amended as suggested, but perhaps also adding that tree replacement should be provided, where loss is unavoidable.

Clause 6 and the interpretation could be augmented for clarity, if necessary. The intention is to avoid hard edges to the rural edge, for example through use of landscaping, hedges, etc.

Clause 7 could be worded to refer to significant harm, or through the wording suggested.

Arguably, clause 9 is already covered in previous clauses.

To deal with this issue, clause 10 could remove the first reference to 'local food growing' and then add reference to 'impacts' in supporting new facilities for local food growing.

Clause 11 responds to Paragraph 180 of the NPPF. The wording could be amended to reflect Paragraph 180 more closely, perhaps?

Map 7 could be replaced by a clearer map.

H009: Local Green Space

Clause 2 of the Policy is problematic when applied specifically to Local Green Space, but does reflect national policy and guidance when applied to impacts on green spaces and infrastructure in general. The LPA has suggested some rewording. A solution may be to move the clause to the design policy (H006), whilst also replacing the words 'Local Green Space' with 'green spaces and green infrastructure'? This would remove the conflict with LGS policy, whilst also responding to national policy and guidance on design and green infrastructure.

HOO10: Air Quality

The Air Quality policy was included in response to the community's views. It complements the LPA's requirements and highlights the specific issues relating to the Parish. If necessary, rewording would be preferable to deletion.

HOO11: Travel Infrastructure

The policy does place emphasis on active travel and public transport. However, it may be helpful to adjust the wording to place greater emphasis on prioritisation of sustainable and active modes over car-based provision.

The electric charging point could be a standard socket, if located within the storage area. The policy is more about convenient location of plug sockets than the type.

The suggested wording for Clause 3 appears to repeat national policy.

Clause 6 was included due to actual problems that have been experienced in the area.

HOO12: Paths

The reference to National Coastal Footpath could be updated to the 'King Charles III England Coast Path. Typographical errors could be corrected. The wording of the policy could be amended to address the issues raised.

The development of the sea wall would involve the reconstruction or upgrading of flood defences, and could include improved footpath provision. The LPA may be able to provide more detailed clarification.

Planning Infrastructure Priorities

The following could be added to the text on infrastructure priorities:

'Improvement of local community, recreation and sports facilities'.

Regulation 16 Representations

Regarding the LPA's suggestions, some issues have been dealt above. We would make the following additional comments:

- The AECOM Design Code document is evidence, so has been used selectively to inform policies. There is no need or means to update the document at this stage.
- The interpretations often help to define terms used in the policies and the interpretation text could be expanded where necessary. For example, green design is dealt with in the design policy interpretation.
- Some of the LPA comments on individual policies are addressed in other policies.
- The design and landscape policies could usefully place greater emphasis on tree planting and use of hedges (and green corridors), in the policies and their interpretations, reflecting national policy and guidance.
- The size of parking spaces could be added into the interpretation of Policy HOO11. The LPA suggested dimensions (5m x 2.5m) don't really take account of larger modern vehicles.
- Typos and terminology can easily be corrected.

In considering the NHS comments, the community's views on the inadequacy of existing health facilities should be noted. The NHS principles for healthy development are interesting and are reflected already in various policies.

The Railfuture letter appears to relate to a different consultation.

I hope that the above comments are helpful.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D. Chetwyn', with a stylized flourish at the end.

Dave Chetwyn, MA, MRTPI, IHBC, FIoL, FRSA
Managing Director