

Our ref: GP/2025/Re  
Contact: Cllrs Anang, Perfect and Spring  
Date: Thursday 3 July 2025



**Councillor George Perfect**  
Leader of the Opposition  
Member for Rainham North

**Councillor Phil Filmer**  
Shadow Cabinet Member for Planning and Development  
Member for Cuxton, Halling and Riverside

Gun Wharf, Dock Road,  
Chatham, Kent, ME4 4TR

Councillor Simon Curry  
Portfolio Holder for Strategic Regeneration and Climate Change  
Medway Council  
Via email

Dear Councillor Curry,

We are writing on behalf of the Conservative Group to set out our concerns with the Regulation 19 as laid out in the Special Meeting of the Council, held last Thursday.

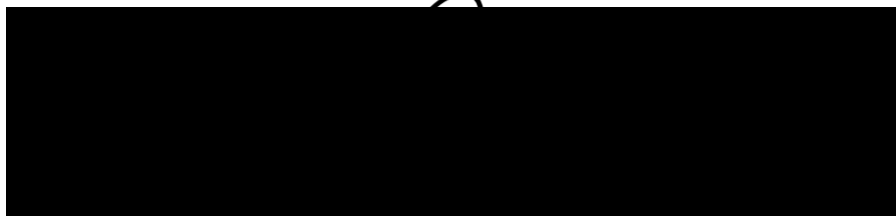
Local plans are a foundational policy document for every local planning authority, and we are clear, it is right that your administration is going ahead with a local plan that can deliver sustainable house building, create new employment opportunities and protect our green spaces. However, this local plan does not achieve these goals. It is a bad plan that will destroy many acres of green spaces, over develop land and does not provide the necessary infrastructure to meet the needs of Medway today or tomorrow. As laid out last week, our current concerns are around four key areas:

- **Health:** Medway is not starting on a level playing field. There are significant challenges that our local healthcare services face. A GP crisis, a hospital with aging infrastructure in desperate need of a long-term plan, and a lack of community services for our people. Adding potentially more than a further 50,000 residents to this, without a clear plan or any investment from the government, will put our critical medical infrastructure in an even more precarious state.
- **Pressure on our already overwhelmed utilities services:** the plan is not built on infrastructure that will deliver for the long term.
- **Transport services:** this local plan fails to deliver a long transport plan, without plans for key critical junctions, roads that are already over capacity, and a railway network creaking and in urgent need of investment. There are currently no plans for any significant infrastructure investment from the new Government.
- **Impact on Medway the place:** this plan will significantly change the face of our five towns and the Peninsula. It will see massive change to all areas of Medway, and we worry it is not considering the change of communities in the whole.

As we also highlighted, we have significant concern with your failure to protect the Chatham Docks, which you promised to protect in opposition, along with the significant amounts of development across Capstone and the Hoo Peninsula.

We remain committed to positive engagement on this plan and other matters moving forward. We are copying this letter to the Chief Planning Officer, Leader of the Council, Chief Executive, Director of Place, and our own Shadow Secretary of State for Housing, Communities and Local Government, Kevin Hollinrake MP.

Yours sincerely,



Cllr George Perfect  
Leader of the Opposition

Cllr Phil Filmer  
Shadow Cabinet Member for Planning and Development

cc: Dave Harris, Head of Planning  
Cllr Vince Maple, Leader Medway Council  
Richard Hicks, Chief Executive  
Adam Bryan, Director of Place  
Kevn Hollinrake MP, Shadow Secretary of State for Housing, Communities and Local Government



Friday 1<sup>st</sup> August 2025.

**Local Planning Authority**  
Medway Council  
Gun Wharf, Dock Road  
Chatham, Kent  
ME4 4TR

CC: Dave Harris (Chief Planning Officer), Catherine Smith (Head of Planning Policy), Hoo Peninsula Parish Councils, Medway Councillors, Natural England, RSPB, Kent Wildlife Trust, Buglife and CPRE Kent.

Dear Local Planning Authority (LPA),

**Re: Medway Council's Regulation 19 pre-submission draft Local Plan consultation – NPPF para 11b.**

We write to you as The Independent Group (TIG) on Medway Council, representing the communities of Cliffe, Cliffe Woods, Cooling, Wainscott, Frindsbury, Upnor, Chattenden, Hoo and High Halstow on the Hoo Peninsula.

This representation concerns Medway Council's Regulation 19 pre-submission draft Local Plan consultation, specifically the objectively assessed housing need figure (based on the standard method housing target) and paragraph 11b of the National Planning Policy Framework (NPPF). We believe the Local Plan is not legally compliant or "sound" and it does not comply with the Duty to Cooperate. Because these matters and issues can't be rectified with main modifications, we therefore oppose the plan and recommend its immediate withdrawal. Please pass this representation to the Independent Inspector for the Examination of the plan (Regulation 20).

## **1. Overview of the Hoo Peninsula.**

1.1 The Hoo Peninsula is a unique rural community consisting of the best and most versatile agricultural land (predominately Grade 1) and internationally and nationally protected habitats (RAMSAR, SPA, SAC, SSSI, NNR etc.). Notable species and habitats include the largest national heronry (the Grey Heron) at Northward Hill and the best national site for Nightingale at Lodge Hill. Over 300,000 migratory birds depend on the habitats of the Hoo Peninsula for their survival, and these wetlands and marshes form part of the East Coast Wetlands proposal for a Natural World Heritage Site (supported by the RSPB and Government).

## **2. Objectively assessed housing need:**

2.1 The LPA's Local Plan document states the following:

6.1.2. *"A primary purpose of the new Local Plan is to meet the needs of Medway's communities for housing. The Council is using the government's Standard Method for calculating Local Housing Need. As of May 2025, this is defined as 1,636 homes a year. There is a need for 24,540 homes over the plan period to 2041. The development strategy set out in this plan provides for meeting full housing needs in Medway."*

2.2 The Medway Council area is within the top 40% of most densely populated local authority areas in England (2021 census), and is also one of the most densely populated areas in the South East. The scale of development proposed in the Local Plan is significant - building 1,636 houses a year is equivalent to building a settlement the size of Rochester Riverside, or a settlement twice the size of High Halstow village on the Hoo Peninsula. The impact from this scale of development will have a significant adverse effect on designated habitats and wildlife.

### 3. Interim Habitats Regulations Assessment:

3.1 The LPA's Interim Habitats Regulation Assessment states the following:

*E11. "This HRA report has however **not been able to reach a conclusion regarding potential adverse air quality impacts upon the site integrity of the North Kent Marshes European sites or the North Downs Woodlands SAC, or recreational impacts upon the North Kent Marshes European sites.** Further air quality modelling work, to be commissioned by the Council, and the final Hoo Peninsula Strategic Environmental Programme, will be evaluated to further inform the appropriate assessment. Once the results of the air quality modelling and the Hoo Peninsula Strategic Environmental Programme and have been evaluated, this HRA report can be updated and finalised."*

*"8.3.8. **Other mitigation strategies across the UK have excluded development within a 400m zone where urbanisation effects are likely.** The bird disturbance research undertaken on behalf of the North Kent Environmental Planning Group looked at the possibility of including an exclusion zone within the SAMMS Bird Wise scheme (see Section 7.2 for more details on the Bird Wise scheme). This concluded that a 'sterile' zone of no development around the North Kent SPAs would encompass ports, town centres, very built-up residential areas and contaminated brownfield sites and therefore development would potentially be halted or pushed to greenfield sites and prevent the regeneration of urban centres<sup>159</sup>. As such, a coastwide 400m exclusion zone was not considered further as part of the SAMMS. As noted in paragraph 3.8.3, a 400m buffer zone may also not be appropriate given the nature of the Hoo Peninsula which is open and rural and also the qualifying avian species which are coastal rather than heathland / woodland birds."*

3.2 Concerningly, the Interim Habitats Regulations Assessment confirms there are potential adverse effects on habitats from the scale of development proposed in the plan area, particularly on the Hoo Peninsula. This is clearly unacceptable and does not constitute sustainable development. From the outset, the plan is not justified or consistent with national policy - therefore the plan is "unsafe" to proceed.

3.3 The LPA's opposition to a 400m no-development buffer zone (designed to protect habitats) is **based on outdated evidence** from a report produced in 2014 called "*Liley, D. & Underhill-Day, J. (2013). Thames, Medway and Swale Estuaries – Strategic Access Management and Monitoring Strategy. Unpublished report by Footprint Ecology.*" The nationwide mitigation strategies referred to, including the 400m+ buffer zones, **have been introduced post 2014 and post this report.** The LPA's position on this matter is **completely untenable and unjustified.** In fact, the LPA had previously proposed various sized buffer zones, including the 2013 Lodge Hill Core Strategy and the now withdrawn 2021 draft Local Plan (a minimum 150m buffer).

3.4 The LPA does not currently have a signed Duty to Cooperate statement with Natural England. This is not legally complaint and only compounds the significant risk of adverse harm to habitat sites from the proposed allocations and development in the Local Plan.

### 4. Sustainability Appraisal:

4.1 Volume 1 of 3 of the LPA's Sustainability Appraisal (Non-technical Summary) states the following:

*N35. "**At the time of writing, the HRA process has not been able to reach a conclusion regarding air quality and recreational impacts on the SPA and Ramsar sites.** Further air quality modelling work and a*



final Hoo Peninsula Strategic Environmental Programme will be evaluated to inform the final HRA. **The effect of the MLP on European sites is currently uncertain.**

N46. **“The worst performing SDO is the Hoo Peninsula, ranking the lowest against a number of SA Objectives, with *potential adverse effects* associated with the introduction of a *large quantum of growth in small settlements and in proximity to sensitive ecological receptors.*”**

4.2 Similar to the Interim Habitats Regulations Assessment, the Sustainability Appraisal also confirms there are potential adverse effects on the Hoo Peninsula’s habitats from the scale of development proposed, and that the situation is **currently uncertain**. The Hoo Peninsula is the worst performing Spatial Development Option (SDO), with alternative options such as the urban centre and suburban locations performing the best (particularly concerning ecological impacts). The LPA’s spatial strategy is irrational and is in clear conflict with the evidence base and supporting documentation.

## 5. Paragraph 11b of the NPPF:

5.1 The NPPF outlines key tests and fundamental safeguards to protect areas or assets of particular importance, including habitats. Paragraph 11b is crucial with regards to plan-making and the LPA’s approach, especially considering the highly sensitive and constrained plan-area. Notwithstanding the objectively assessed housing need, based on the standard method housing target, the LPA must avoid adverse impacts on habitats by reducing the scale, type and distribution of development within the plan area.

*“11. Plans and decisions should apply a presumption in favour of sustainable development.*

*For plan-making this means that:*

*a) all plans should promote a **sustainable pattern of development** that seeks to: meet the development needs of their area; align growth and infrastructure; **improve the environment**; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;*

*b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, **unless:***

***i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or***

***ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”***

5.2 Based on the published Habitats Regulations Assessment and Sustainability Appraisal, and applying paragraph 11b of the NPPF, the LPA must significantly reduce the development allocations adjacent to, or near to, protected habitats within the plan area. This means removing the development allocations around Chattenden, Hoo St. Werburgh, High Halstow and Kingsnorth on the environmentally sensitive Hoo Peninsula. The LPA can justify this approach because of the exceptional circumstances.

## 6. Conclusion:

6.1 The NPPF provides a tangible and legally defensible basis for the LPA to reduce the overall scale, type and distribution of development within the plan area - including reducing residential allocations within a very environmentally sensitive and already very densely populated location. The adverse impacts on areas or assets of particular importance, particularly internationally and nationally protected habitat sites, would significantly and demonstrably outweigh the benefits of the development - when assessed against the policies in the Framework taken as a whole.

6.2 It appears to us the Local Plan is instead “developer led” because considerations concerning habitats, and other sustainability matters, are an afterthought by the LPA, when they should be at the forefront of the plan and decision making. This is contrary to the principles or purpose of the NPPF and the presumption in favour of sustainable development. Because the proposed development in the plan does not meet the key tests of sustainability, the presumption is not engaged. The plan is not legally compliant, justified or consistent with national policy, and is therefore “unsound”.

6.3 The LPA’s approach does not follow the avoid, mitigate and compensate hierarchy - the LPA is “putting the cart before the horse” and allocating significant development, particularly on the Hoo Peninsula, without safeguards and conclusions being in place to avoid adverse harm. The modifications required to make the Local Plan “sound” are significant - therefore, the only reasonable course of action is for the plan to be withdrawn by the LPA.

Thank you and kind regards.

**Councillor George Crozer (Ind)**  
Leader  
Hoo & High Halstow Ward

**Councillor Michael Pearce (Ind)**  
Deputy Leader  
Hoo & High Halstow Ward

**Councillor Ron Sands (Ind)**  
Group Whip  
Hoo & High Halstow Ward

**Councillor Elizabeth Turpin (Ind)**  
Strood Rural Ward

**Councillor John Williams (Ind)**  
Strood Rural Ward

**THE  
INDEPENDENT  
GROUP**  
ON MEDWAY COUNCIL

**Representation concerning a 400m and 1km buffer in response to**

*Medway Council's*

*Regulation 19*

*Medway Local Plan 2041*

*Proposed Submission Draft*

*and Supporting Documents*

*June 2025*

**Sunday 10th August 2025**

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## **INDEX**

<b>Page Number:</b>	<b>Chapter:</b>
<b>3</b>	About The Independent Group (TIG)
<b>3</b>	Chapter 1 – Executive Summary
<b>5</b>	Chapter 2 – Legislative and Policy Framework
<b>8</b>	Chapter 3 – Ecological Evidence for the 400m Buffer on the Hoo Peninsula
<b>11</b>	Chapter 4 – Reallocation Strategy and Soundness Justification
<b>14</b>	Chapter 5 – Case Studies of UK Plans Applying 400m and 1km Buffers
<b>17</b>	Chapter 6 – Legal Risk Analysis
<b>19</b>	Chapter 7 – Policy Wording Recommendations
<b>21</b>	Chapter 8 – Mapping and Evidence Requirements
<b>24</b>	Chapter 9 – Rebuttal of Potential Developer Objections
<b>26</b>	Chapter 10 – Strategic Recommendations and Final Conclusions
<b>29</b>	The Independent Group (TIG) Signatures.

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## About The Independent Group (TIG)

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The Independent Group (TIG) is a group of five Independent Councillors who sit on Medway Council. We represent the following Medway Council Wards and the following rural villages on the Hoo Peninsula in Kent:

**Strood Rural Ward:** Cliffe, Cliffe Woods, Cooling, Frindsbury, Wainscott and Upnor.

**Hoo & High Halstow Ward:** Chattenden, Hoo St Werburgh, High Halstow and Kingsnorth.

Cllr. Turpin and Cllr. Williams represent Strood Rural Ward (achieving over 52.5% of the vote at the 2023 Local Election) and Cllr. Crozer (Group Leader), Cllr. Pearce (Deputy Group Leader) and Cllr. Sands (Group Whip) represent Hoo & High Halstow Ward (achieving 70% of the vote at the 2023 Local Election). TIG represents a clear and significant majority of the electorate on the Hoo Peninsula - a strong rural community with productive fertile agricultural land, valued landscapes, rich heritage, and internationally and nationally important habitats, supporting bio-diverse wildlife. The Hoo Peninsula is part of the proposed East Coast Wetlands designation to become a UNESCO Natural World Heritage Site.

The existing development plan for the Hoo Peninsula includes two recently adopted Neighbourhood Plans: (1) Hoo St Werburgh & Chattenden Neighbourhood Plan and (2) Cliffe & Cliffe Woods Neighbourhood Plan.

TIG also supports the residents and Parish Councils of **All Saints Ward:** Allhallows, St. Mary Hoo, Stoke and Grain.

The following four categories must be at the heart of Medway Council's new Local Plan.

1. Conserving and enhancing the natural environment
2. Supporting a prosperous rural economy
2. Meeting the challenge of climate change, flooding and coastal change
3. Conserving and enhancing the historic environment

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## Chapter 1 – Executive Summary

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### 1.1 Purpose of this Representation

This representation responds to the Medway Council Local Plan 2041 Proposed Submission Draft (Regulation 19, June 2025) and its supporting evidence, including the *Interim Habitats Regulations Assessment (HRA)* (June 2025).

The focus for this representation is on the urgent need for Medway Council to:

1. Apply a **minimum 400-metre buffer** around all internationally and nationally designated habitat sites (including Special Protection Areas, Ramsar sites, Special Areas of Conservation, and Sites of Special Scientific Interest) on the Hoo Peninsula.
2. Remove all residential, mixed-use and new employment allocations on the Hoo Peninsula that fall within this minimum 400m exclusion zone.
3. Recognise that for particularly sensitive sites, **wider buffers of 1km or more** are common practice elsewhere in the UK and may be necessary to achieve legal compliance under the Habitats Regulations.

This position is based on detailed scrutiny of the HRA, the Regulation 19 Local Plan, national planning policy, and examples from other UK local authorities.

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## 1.2 Key Findings from the Evidence Base

### 1. The Interim HRA confirms serious risks from the Local Plan allocations to the integrity of the North Kent Marshes and associated European sites.

The HRA explicitly identifies *Likely Significant Effects* (LSEs) on the Medway Estuary and Marshes SPA/Ramsar, Thames Estuary and Marshes SPA/Ramsar, The Swale SPA/Ramsar, and the North Downs Woodlands SAC.

These effects include:

- **Urbanisation impacts** (predation by domestic pets, light pollution, noise, waste, garden escapees).
- **Recreational disturbance** from increased public access.
- **Air quality deterioration** from traffic growth.
- **Hydrological changes**.

### 2. The HRA does not apply a fixed spatial buffer, despite acknowledging proximity risks.

Instead of adopting a 400m exclusion, the HRA proposes reliance on mitigation measures (e.g., the Hoo Peninsula Strategic Environmental Programme), which at the time of publication is *incomplete and untested*. This approach falls short of the precautionary principle required under Regulation 105 of the Habitats Regulations 2017.

### 3. UK-wide precedent demonstrates that 400m exclusion zones are well-established as a baseline to prevent irreversible damage.

Numerous local plans (see Section 1.4) apply a **no-residential-development policy within 400m** of European sites, recognising that mitigation cannot remove all direct pressures from proximity — particularly from cats, dogs, noise, and urban edge effects.

### 4. The Hoo Peninsula allocations breach this baseline safeguard.

Several proposed allocations fall *immediately adjacent* or *very close* to SPA/Ramsar/SSSI boundaries, with no spatial separation. These allocations inherently create permanent, unmanaged urban edge effects that cannot be mitigated through access management or policy wording.

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## 1.3 Legal and Policy Context

- **Habitats Regulations 2017** (Reg. 105) requires the competent authority to ascertain that the plan will not adversely affect the integrity of European sites.
- **NPPF (2024), paragraphs 187 to 195**: Plans should protect and enhance biodiversity and apply the precautionary principle when there is uncertainty.
- **Case Law – People Over Wind & Sweetman (C-323/17)**: Mitigation cannot be considered at the screening stage; avoidance is the first and most reliable step.
- **Natural England Standing Advice** supports spatial separation where evidence shows proximity effects, as is the case here.

The lack of a minimum 400m buffer contradicts these principles.

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## 1.4 Precedent for 400m and 1km Buffers Across the UK

### Examples of 400m exclusion zones:

- **Thames Basin Heaths SPA** – Hampshire, Surrey, Berkshire (no net new dwellings within 400m).
- **Wealden Local Plan** – Ashdown Forest SPA/SAC (400m exclusion).
- **Breckland Local Plan** – Breckland SPA (400m exclusion).
- **South Tyneside Local Plan** – Durham Coast SAC (400m exclusion).

### Examples of larger buffers:

- **Dorset Heathlands** – 400m exclusion, with a 5km wider mitigation zone.
- **Cannock Chase SAC** – restrictions within 800m–1km, mitigation zone to 15km.
- **Epping Forest SAC** – 1km scrutiny zone.
- **Humber Estuary SPA/SAC** – 1km exclusion in parts of East Riding and North Lincolnshire.

These examples demonstrate that spatial buffers are not only widely applied, but often exceed 400m for sites with particular sensitivity — which is clearly the case for the Hoo Peninsula marshland habitats.

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## 1.5 Conclusion and Requested Modifications

Given the legal duties, precedent, and the sensitivity of the North Kent Marshes, this representation requests that the Regulation 19 Local Plan be modified to:

1. **Adopt a minimum 400m residential development exclusion zone** from the boundary of all European and SSSI sites on the Hoo Peninsula.
2. **Apply larger exclusion zones (minimum 1km)** for developments generating significant recreational or visual disturbance, or where designated site vulnerability warrants.
3. **Remove all allocations within these exclusion zones**, including but not limited to Hoo St Werburgh, Chattenden, and High Halstow sites near to SPA/Ramsar/SSSI boundaries.
4. **Reassess the spatial development strategy** to redirect growth away from the Hoo Peninsula towards less environmentally constrained locations, in line with NPPF para. 11(b) and the environmental harm avoidance hierarchy.

Until such changes are made, the plan cannot be considered legally compliant or sound.

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## Chapter 2 – Legislative and Policy Framework

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## 2.1 Overview

The protection of internationally and nationally designated nature conservation sites is governed by a strict legal and policy framework. This framework obliges local planning authorities, including Medway Council, to ensure that any plan or project — including the Medway Council Local Plan 2041 — will not adversely affect the integrity of European sites, either alone or in combination with other plans or projects.

This chapter summarises:

- The **statutory requirements** under the Conservation of Habitats and Species Regulations 2017 (“Habitats Regulations”).
  - Relevant **National Planning Policy Framework (NPPF) 2024** provisions.
  - The **precautionary principle** and its interpretation in case law.
  - **Natural England’s position** on proximity impacts and spatial buffers.
  - The significance of **UK planning precedent** for buffer zones.
- 

## 2.2 Statutory Duties Under the Habitats Regulations

### 2.2.1 Conservation of Habitats and Species Regulations 2017 (as amended)

Under **Regulation 105(1)** of the Habitats Regulations:

*“Where a land use plan —*

*(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and*

*(b) is not directly connected with or necessary to the management of the site,*

*the plan-making authority must, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site’s conservation objectives.”*

**Regulation 105(5)** states that the competent authority *may only* give effect to the plan after having ascertained that it will not adversely affect the integrity of the site.

**Key legal point:** This is a *preventative* test. If uncertainty remains, the authority cannot lawfully conclude no adverse effect — the “precautionary principle” must be applied.

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### 2.2.2 People Over Wind & Sweetman (C-323/17)

In this 2018 judgment, the Court of Justice of the European Union held:

- **Mitigation measures cannot be considered** at the screening stage when determining whether a Likely Significant Effect (LSE) exists.
- Avoidance measures must be embedded at the plan level where proximity to sensitive habitats would otherwise create unavoidable pressures.

**Implication for Medway Council:** Reliance on mitigation strategies such as the Hoo Peninsula Strategic Environmental Programme *instead of* spatial avoidance is legally risky. Without a minimum 400m buffer, urbanisation effects from allocations near to SPA/Ramsar boundaries are unavoidable and cannot be fully offset by mitigation.



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## 2.3 NPPF (December 2024) Requirements

The **NPPF 2024** reinforces the Habitats Regulations through its policies:

- **Paragraph 193(a):** Local Plans should protect and enhance biodiversity and apply the mitigation hierarchy, starting with *avoidance* of harm.
- **Paragraph 187:** Plans should maintain and enhance habitats, taking a strategic approach to their protection.
- **Paragraph 193(b):** Development likely to have an adverse effect on a SSSI (individually or cumulatively) should not normally be permitted.
- **Paragraph 11(b)(i):** Plans must avoid allocating sites where adverse environmental impacts cannot be mitigated or compensated without significant harm to biodiversity.

**Key link to the buffer zone principle:** Avoidance — by not allocating sites within 400m of a sensitive habitat — is the most robust and policy-compliant approach.

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## 2.4 The Precautionary Principle in Plan-Making

The precautionary principle is embedded in both the Habitats Regulations and UK planning policy. It requires that:

- **Where there is scientific uncertainty** about the scale or likelihood of harm, the authority must *assume* harm will occur and avoid it unless proven otherwise.
- Decisions must err on the side of caution, especially for irreplaceable habitats and species.

The *Interim HRA* admits that it has been unable to conclude no adverse effects from urbanisation and recreational disturbance because key mitigation (such as the Hoo Peninsula Strategic Environmental Programme) is incomplete. This is a textbook scenario for applying a spatial exclusion zone.

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## 2.5 Natural England Guidance on Proximity Effects

**Natural England** has repeatedly advised (in multiple plan examinations) that:

- Residential development within **400m of sensitive European sites** creates urban edge effects that *cannot* be fully mitigated.
- Such effects include increased predation from cats, dog-walking disturbance, garden plant invasions, noise, lighting, litter, and vandalism.
- Access management can address some recreational impacts but does not prevent these proximity-driven pressures.

Examples:

- **Thames Basin Heaths SPA Delivery Framework** (Natural England, 2009, updated 2018) – formal adoption of a 400m exclusion.
- **Dorset Heathlands Planning Framework SPD** – 400m “no residential development” zone accepted by Natural England and applied across multiple local authorities.

The same logic applies to the North Kent Marshes SPA/Ramsar/SSSI network on the Hoo Peninsula.

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## 2.6 UK Planning Precedent for Buffer Zones

The application of fixed spatial buffers is a **nationally established best practice**:

### 400m exclusion zones:

- Thames Basin Heaths SPA (Hampshire, Surrey, Berkshire) – absolute bar on net new dwellings within 400m.
- Wealden District – 400m around Ashdown Forest SPA/SAC.
- Breckland – 400m around Breckland SPA.

### Extended buffers (>1km):

- Cannock Chase SAC – mitigation zone up to 15km, exclusion within ~1km.
- Humber Estuary SAC/SPA/Ramsar – 1km buffer in parts of East Riding.
- Epping Forest SAC – 1km scrutiny and control zone for certain schemes.

**Key point:** These authorities have recognised that the most effective way to pass the Habitats Regulations test is to remove the proximity risk entirely through spatial avoidance.

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## 2.7 Relevance to the Hoo Peninsula

The North Kent Marshes and adjoining estuarine habitats:

- Are of **international importance**, designated SPA and Ramsar for their wintering bird populations and wetland ecosystems.
- Support multiple **qualifying features** sensitive to disturbance, predation, lighting, and noise.
- Already experience **in-combination recreational pressure** from neighbouring authorities.

Allocations such as those at Hoo St Werburgh, Chattenden, and High Halstow fall *immediately adjacent* to these designations — within a distance where direct and indirect effects are inevitable.

Without a 400m minimum buffer, Medway Council's Local Plan:

- Fails the avoidance stage of the mitigation hierarchy.
  - Cannot demonstrate compliance with Regulation 105.
  - Will remain open to legal challenge at examination or post-adoption.
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## Chapter 3 – Ecological Evidence for the 400m Buffer on the Hoo Peninsula

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### 3.1 Overview

This chapter examines the scientific and site-specific ecological evidence that justifies a **minimum 400-metre residential exclusion zone** around all internationally and nationally designated habitat sites on the Hoo Peninsula, and in some cases a **1km+ buffer**.

The evidence draws from:

- The *Interim Habitats Regulations Assessment (HRA)* (June 2025).
  - Published Natural England guidance on disturbance distances and urban edge effects.
  - Peer-reviewed ecological studies on bird disturbance, predation, and light/noise pollution impacts.
  - Relevant UK local plan ecological evidence bases.
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## 3.2 The Ecological Sensitivity of the Hoo Peninsula

The Hoo Peninsula contains or is adjacent to:

- **Medway Estuary and Marshes SPA/Ramsar/SSSI**
- **Thames Estuary and Marshes SPA/Ramsar/SSSI**
- **The Swale SPA/Ramsar/SSSI**

These areas are designated for their **internationally important wintering and migratory bird assemblages**, including:

- Avocet (*Recurvirostra avosetta*)
- Dunlin (*Calidris alpina alpina*)
- Black-tailed godwit (*Limosa limosa islandica*)
- Knot (*Calidris canutus*)
- Grey plover (*Pluvialis squatarola*)

They also support rare and specialist plants, invertebrates, and intertidal habitats of high conservation value.

The *Interim HRA* acknowledges that these features are **highly sensitive** to:

- Recreational disturbance (dog-walking, off-lead dogs, increased footfall).
  - Urbanisation effects (cats, garden escapees, litter, vandalism).
  - Light pollution altering bird foraging and roosting behaviour.
  - Noise from construction and ongoing human activity.
  - Air quality deterioration from vehicle emissions.
- 

## 3.3 Proximity-Driven Urbanisation Impacts

### 3.3.1 Evidence from the Interim HRA

The HRA specifically identifies that allocations in close proximity to North Kent Marshes European sites:

- Create *urban edge effects* that cannot be addressed solely by recreational mitigation measures.
- Pose risks from **predation by cats**, with studies showing kill rates up to 29 prey items per pet per year, disproportionately affecting ground-nesting birds and small mammals.
- Lead to **increased lighting** near roosts and feeding grounds, disrupting nocturnal behaviours.
- Increase **noise disturbance** from human activity, affecting feeding efficiency and increasing energy expenditure in birds.

### 3.3.2 Natural England's stance

Natural England's advice on urbanisation impacts (as applied in Thames Basin Heaths SPA and Dorset Heathlands) is clear:

- Within **400m** of a sensitive habitat, the cumulative effect of these pressures is unavoidable.
  - Access management measures cannot prevent cat predation or fully screen light/noise.
  - The only reliable mitigation is to **prevent new residential development within this zone**.
- 

### 3.4 Disturbance Distance Evidence

**Bird disturbance distances** vary by species, habitat, and level of habituation, but the *Waterbird Disturbance Toolkit* (as referenced in HRA Table 8.1) shows:

- Many wader and wildfowl species flush (take flight) at distances of 100–250m from pedestrian approach.
- Disturbance distances increase when dogs are present, often exceeding 200–300m.
- Visual or auditory disturbance can originate from activities up to **500–700m away**, particularly in open intertidal landscapes.

**Implication:** Even with a 400m buffer, some visual/noise disturbance will still reach the SPA/Ramsar, but this is far less severe than having development immediately adjacent. For particularly sensitive areas (e.g., key roost sites), a **1km buffer** would be more appropriate.

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### 3.5 Light Pollution Impacts

Scientific studies (e.g., Gaston et al., 2013; Kyba et al., 2017) demonstrate that:

- Artificial lighting changes bird migration patterns, roost site selection, and foraging behaviour.
- Light impacts are measurable hundreds of metres from the source, especially in flat, open marshland landscapes.
- On the Hoo Peninsula, absence of tall vegetation means light spill from residential edge developments can easily reach adjacent mudflats and grazing marshes.

**Mitigation by design is possible but imperfect**, and only spatial separation reliably reduces risk.

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### 3.6 Cat Predation and Mammalian Predators

Research (e.g., Woods et al., 2003; Baker et al., 2005) finds:

- Domestic cats within 400m of sensitive habitats have a high likelihood of hunting within the designated site.
- Cats travel average maximum distances of 300–400m from home ranges, with some exceeding this.
- The presence of even a small number of domestic cats can significantly increase mortality rates of ground-nesting birds.

**Conclusion:** A 400m exclusion matches the average maximum hunting range of most domestic cats, providing a science-based rationale for this minimum separation.

---

### 3.7 Why 1km Buffers May Be Needed in Specific Locations

The combination of:

- High species sensitivity to visual/noise disturbance
- Flat, open landscapes with no screening
- Presence of key roosting and feeding areas near the development edge

...means that in some locations (e.g., immediately east of Hoo St Werburgh, south of High Halstow), disturbance effects from human activity may be significant well beyond 400m.

Examples from other authorities (Cannock Chase, Humber Estuary) show that **1km buffers** are considered necessary where high-value habitat features are directly exposed to disturbance sources.

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### 3.8 Summary

The ecological evidence confirms:

- **400m is the absolute minimum** separation required to prevent unavoidable, unmitigable proximity impacts from new residential development.
- In certain high-sensitivity locations, **1km+ buffers** are supported by disturbance science and planning precedent.
- Medway Council's current approach — allocating development directly adjacent to SPA/Ramsar/SSSI boundaries — is incompatible with this evidence and with the precautionary principle required under the Habitats Regulations.

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## Chapter 4 – Reallocation Strategy and Soundness Justification

### 4.1 Overview

The removal of all residential, mixed-use and new employment allocations within **400m of internationally and nationally designated habitat sites** on the Hoo Peninsula is a necessary modification to bring the Medway Council Local Plan 2041 into legal compliance with the Habitats Regulations.

However, this modification does not necessarily mean that the Plan's housing requirement cannot be met. By reallocating capacity to **less environmentally constrained urban, suburban and vacant brownfield sites (at high-density)**, Medway Council can:

- Meet its housing targets.
- Deliver sustainable, accessible development consistent with NPPF objectives.
- Avoid unmitigable harm to the integrity of European sites.
- Strengthen the Plan's position against legal challenge at examination or post-adoption.

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### 5.2 Legal Necessity of Reallocation

**Habitats Regulations 2017, Regulation 105(5)** requires the competent authority to ascertain that the Plan will not adversely affect site integrity. For allocations within 400m of the North Kent Marshes SPA/Ramsar, Thames Estuary & Marshes SPA/Ramsar, or The Swale SPA/Ramsar:

- The *Interim HRA* already identifies likely significant effects that cannot be fully mitigated.

- Spatial avoidance is the only robust solution, consistent with national precedent (Thames Basin Heaths SPA, Dorset Heathlands).

Failure to remove these allocations would:

- Contravene the precautionary principle.
- Breach NPPF paragraphs 187 to 195 (avoidance of harm to biodiversity).
- Risk rendering the Plan unsound and legally non-compliant.

## 5.3 Soundness and NPPF Tests

The NPPF (2024) requires that Local Plans are:

- **Positively prepared** – meeting development needs in a way consistent with environmental objectives.
- **Justified** – the most appropriate strategy, considering reasonable alternatives.
- **Effective** – deliverable over the plan period.
- **Consistent with national policy** – enabling sustainable development in accordance with the NPPF.

Applying the 400m buffer and reallocating growth:

- Shows **positive preparation** by meeting housing needs without causing unavoidable ecological harm.
- Is **justified** because the alternative (development within 400m) is demonstrably harmful and non-compliant.
- Is **effective** because alternative capacity exists in less constrained locations.
- Is **consistent with national policy** by respecting biodiversity protection and the mitigation hierarchy.

## 5.4 Alternative Capacity Sources

### 5.4.1 High-Density Vacant Brownfield Regeneration

Medway Council has extensive vacant brownfield capacity in:

- **Chatham town centre and waterfront** (Regeneration Framework areas).
- **Strood riverside redevelopment zones.**
- **Gillingham waterfront regeneration.**
- Underutilised industrial and commercial land identified in the **2025 Land Availability Assessment.**

These sites:

- Are already served by sustainable transport infrastructure.
- Have lower biodiversity sensitivity.
- Offer opportunities for higher-density, mixed-use development.

### 5.4.2 Urban Intensification and Infill

Small site intensification policies can deliver significant capacity, for example:

- Conversion and redevelopment of underused upper floors in commercial areas.
  - Small block infill within existing residential neighbourhoods.
  - Optimising densities in existing urban allocations (e.g., increasing from 35 to 50 dwellings or more per hectare where contextually appropriate).
- 

### 5.4.3 Strategic Urban Extensions Outside Buffer Zones

Where greenfield development is unavoidable, locations beyond the 400m–1km buffer can be considered, prioritising:

- Good transport accessibility.
  - Lower biodiversity sensitivity.
  - Potential for large-scale green infrastructure delivery.
- 

## 5.5 Housing Yield Potential

A conservative redistribution scenario:

- Removal of all allocations within the 400m buffer on the Hoo Peninsula (loss of approximately  $X$  dwellings – to be confirmed from precise LAA/Hoo Peninsula allocations).
- Reallocation to vacant brownfield and urban/suburban intensification sites, with density uplift of 15–20% on selected regeneration areas.
- Net neutral or positive housing delivery compared to the current Plan target.

This ensures that the Plan’s housing supply is **resilient** to ecological constraints and examination challenge.

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## 5.6 Benefits of the Buffer-Based Strategy

1. **Legal Compliance** – Removes allocations that would inevitably fail the Habitats Regulations test.
  2. **Reduced Examination Risk** – Aligns with Natural England best practice, strengthening the Plan’s defendability.
  3. **Biodiversity Enhancement** – Protects the ecological integrity of the North Kent Marshes and surrounding habitats.
  4. **Public Confidence** – Demonstrates that environmental concerns are given full weight in plan-making.
  5. **Alignment with Net Zero and Climate Resilience Goals** – Brownfield-first strategy reduces car dependence and makes better use of existing infrastructure.
- 

## 5.7 Conclusion and Strategic Recommendation

By removing all allocations within 400m of internationally and nationally protected habitat sites — and extending to 1km in high-sensitivity zones — Medway Council can:

- Avoid legal non-compliance.
- Maintain housing delivery.
- Adopt a spatial strategy that is ecologically sustainable, economically viable, and politically defensible.

The alternative — retaining these allocations — risks:

- A finding of unsoundness at examination.
  - Potential legal challenge and plan quashing post-adoption.
  - Irreversible damage to the ecological integrity of the Hoo Peninsula's world-class marshland habitats.
- 

## Chapter 5 – Case Studies of UK Plans Applying 400m and 1km Buffers

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### 5.1 Overview

The application of **minimum spatial buffers** to prevent urbanisation and disturbance impacts on internationally designated habitat sites is a well-established national planning practice.

The examples below show that:

- **400m exclusion zones** are widely used to address unmitigable impacts within close proximity to sensitive sites.
  - **1km+ buffers** are also applied where habitat sensitivity, open landscapes, and species behaviour patterns demand greater separation.
  - These approaches have been upheld through Local Plan Examinations and found to be legally compliant under the Habitats Regulations.
- 

### 5.2 Case Studies – 400m Buffers

#### 5.2.1 Thames Basin Heaths SPA (Hampshire, Surrey, Berkshire)

- **Designation:** SPA for nightjar, woodlark, and Dartford warbler.
  - **Policy basis:** Thames Basin Heaths SPA Delivery Framework (Natural England, 2009; updated 2018).
  - **Buffer approach:**
    - **Exclusion:** No net new residential development within 400m of the SPA boundary.
    - **Mitigation zone:** Between 400m–5km, development may proceed with provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM).
  - **Justification:** Research showed that urban edge effects — particularly cat predation and recreational disturbance — could not be effectively mitigated within 400m.
  - **Examination outcome:** Endorsed by Planning Inspectors as the only lawful approach.
- 

#### 5.2.2 Dorset Heathlands SPA/SAC/Ramsar

- **Designation:** Heathland habitats supporting rare reptiles, invertebrates, and breeding birds.



- **Policy basis:** Dorset Heathlands Planning Framework SPD (Bournemouth, Christchurch, Poole; Dorset Council; Natural England).
  - **Buffer approach:**
    - 400m absolute no net new residential development zone.
    - 400m–5km mitigation zone with contributions to SAMM and SANG.
  - **Justification:** Disturbance distances from dogs and human activity regularly exceeded 200–300m; cat roaming averages overlapped with 400m boundary.
  - **Examination outcome:** Adopted in multiple Local Plans with Natural England’s full endorsement.
- 

### 5.2.3 Breckland SPA (Norfolk)

- **Designation:** SPA for stone curlew, woodlark, and nightjar.
  - **Policy basis:** Breckland Local Plan (2019), Policy ENV 03.
  - **Buffer approach:** 400m exclusion for new dwellings; 400m–1,500m special protection area with mitigation requirements.
  - **Justification:** Evidence from radio-tracking stone curlew showed strong avoidance of areas near built development.
- 

### 5.2.4 Wealden – Ashdown Forest SPA/SAC

- **Designation:** Heathland and woodland supporting breeding birds.
  - **Policy basis:** Wealden Core Strategy (2013), Policy WCS 12.
  - **Buffer approach:** 400m no net new dwellings.
  - **Examination outcome:** Upheld despite housing delivery pressures; Inspector agreed that no mitigation could address urban edge effects within 400m.
- 

### 5.2.5 South Tyneside – Durham Coast SAC

- **Designation:** Vegetated sea cliffs, important bird areas.
  - **Policy basis:** South Tyneside Local Plan evidence base.
  - **Buffer approach:** 400m exclusion for new residential development.
  - **Justification:** Prevents trampling, erosion, and disturbance impacts that occur even at low visitor numbers.
- 

## 5.3 Case Studies – 1km+ Buffers

### 5.3.1 Cannock Chase SAC

- **Designation:** Lowland heath supporting rare invertebrates, plants, and reptiles.
- **Buffer approach:**
  - Core mitigation zone of 15km for recreational pressure.
  - Within 800m–1km: highly restricted development with additional mitigation layers.

- **Justification:** Species were found to be highly disturbance-sensitive; mitigation beyond 800m still required.
- 

### 5.3.2 Humber Estuary SAC/SPA/Ramsar

- **Designation:** Estuarine and coastal habitats supporting migratory birds.
  - **Buffer approach:** 1km policy buffer for sensitive feeding and roosting areas.
  - **Justification:** Visual disturbance and noise impacts from development and access extend beyond 400m; 1km provides better protection.
- 

### 5.3.3 Epping Forest SAC

- **Designation:** Ancient woodland and heathland with high recreational sensitivity.
  - **Buffer approach:** 1km scrutiny zone for any development likely to increase recreational use; requires mitigation or refusal.
- 

### 5.3.4 Solent and Southampton Water SPA/SAC/Ramsar

- **Designation:** Intertidal habitats supporting internationally important bird populations.
  - **Buffer approach:** Functional land linked to the SPA given 1km+ buffers in some locations due to bird feeding range sensitivity.
- 

## 5.4 Lessons for Medway

From these case studies, the following principles emerge:

- **400m is the national minimum** where proximity effects are present.
  - **1km+ is justified** for highly sensitive species and open landscapes without screening.
  - Spatial exclusion is **more legally robust** than reliance solely on mitigation measures.
  - Plans that ignore proximity-based avoidance measures face **significant examination and judicial review risks**.
- 

## 5.5 Application to the Hoo Peninsula

The ecological and landscape context of the Hoo Peninsula mirrors or exceeds the sensitivity of sites in these case studies:

- Open, flat estuarine marshes with no natural screening.
- Species with high disturbance sensitivity, including SPA-feature waders and wildfowl.
- Proven cat predation and lighting impacts within 400m.

Therefore:

- **400m exclusion** is essential across the Peninsula.

- **1km exclusion** is warranted for Chattenden, Hoo St Werburgh and High Halstow allocations with direct line-of-sight to key roosts.
- 

## Chapter 6 – Legal Risk Analysis

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### 6.1 Overview

Under the **Conservation of Habitats and Species Regulations 2017** (as amended) (“the Habitats Regulations”), Medway Council is required to ensure that the Local Plan **will not** adversely affect the integrity of any European site, either alone or in combination with other plans or projects.

This duty is absolute — **precaution prevails** where there is uncertainty or doubt, even if the risk of harm is low but cannot be excluded on the basis of objective scientific evidence.

Allocations within 400m of SPA, Ramsar, SAC, and SSSI boundaries on the Hoo Peninsula create **known, unmitigable risks** that are:

- **Recognised in Medway Council’s own Interim HRA.**
- **Flagged by Natural England in national guidance.**
- Already the subject of **binding planning precedents** elsewhere in the UK.

Failure to apply a fixed buffer therefore creates significant legal risks at Local Plan Examination and in potential post-adoption challenges.

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### 6.2 Relevant Legal Provisions

#### 6.2.1 The Habitats Regulations

Key provisions include:

- **Regulation 105(1)** – Appropriate Assessment is required where a plan is likely to have a significant effect on a European site.
- **Regulation 105(5)** – A plan may only be given effect if the competent authority is satisfied there will be no adverse effect on the integrity of the site.
- **Regulation 107** – Imposes a duty to use the **precautionary principle**.

**Implication:** Where proximity effects cannot be fully ruled out — as within 400m — the only lawful course is to **avoid** such allocations.

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#### 6.2.2 National Planning Policy Framework (NPPF, December 2024)

- **Paragraph 194** – Plans should protect and enhance biodiversity, giving great weight to conserving SSSIs and European sites.
- **Paragraph 195** – Development likely to have an adverse effect should only proceed if there are no alternatives and the benefits clearly outweigh the impacts (rare, exceptional cases).

- **Paragraph 11(b)** – The presumption in favour of sustainable development does not apply where policies protecting sites or species of importance provide a clear reason for refusal.

**Implication:** The NPPF explicitly prioritises avoidance over mitigation where harm is likely.

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## 6.3 Case Law

### 6.3.1 People Over Wind & Sweetman v Coillte Teoranta (C-323/17)

- CJEU ruling that **mitigation cannot be taken into account** at the screening stage; if there is any likely significant effect, an Appropriate Assessment must be carried out.
  - For Medway Council: allocations within 400m must be treated as likely significant effects requiring rigorous assessment — and removal if unmitigable.
- 

### 6.3.2 Waddenzee (C-127/02)

- Established that plans/projects can only be approved where there is **no reasonable scientific doubt** as to the absence of adverse effects.
  - For Medway Council: documented urban edge effects from within 400m (cats, lighting, disturbance) create unavoidable doubt, requiring avoidance.
- 

### 6.3.3 Wealden District Council v SSCLG & Lewes DC [2017] EWHC 351 (Admin)

- High Court held that plans must assess **in combination** effects of all relevant projects on European sites.
  - For Medway Council: cumulative impacts from all Hoo Peninsula growth must be assessed, not just site-by-site; this strengthens the need for spatial buffers.
- 

### 6.3.4 Champion v North Norfolk DC [2015] UKSC 52

- Supreme Court emphasised that harm to designated sites must be considered at the plan-making stage, not deferred to project-level decisions.
  - For Medway Council: cannot rely on later project-specific mitigation to address strategic allocation risks.
- 

## 6.4 Risks at Local Plan Examination

Without a fixed 400m buffer:

- **Soundness risk:** The Inspector is likely to find the Plan not justified, not effective, and not consistent with national policy (NPPF tests).
- **Compliance risk:** The Plan may be found non-compliant with the Habitats Regulations.
- **Delay risk:** Required main modifications could cause significant delays, undermining housing delivery timetables.

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## 6.5 Risks Post-Adoption

If adopted without buffers:

- **Judicial review risk:** NGOs, parish councils, or residents could challenge the Plan in the High Court within six weeks of adoption.
  - **Implementation risk:** Developers could face refusal of individual applications on HRA grounds, undermining the deliverability of allocations.
  - **Reputational risk:** Medway Council could be seen as disregarding best ecological practice, damaging public trust.
- 

## 6.6 Lessons from Other Authorities' Legal Challenges

- **Poole Core Strategy (2009)** – Inclusion of 400m exclusion zone upheld after developer challenge.
  - **Guildford Borough Local Plan (2019)** – Inspector required main modification to include 400m buffer for Thames Basin Heaths SPA.
  - **New Forest Local Plan (2020)** – Plan found sound partly because of strict spatial buffers and avoidance measures.
- 

## 6.7 Conclusion – The Legal Imperative

The legal framework, case law, and examination precedents make one point unequivocal:

Allocations within 400m of the North Kent Marshes SPA/Ramsar, Thames Estuary & Marshes SPA/Ramsar, and The Swale SPA/Ramsar cannot lawfully remain in the Local Plan unless their removal is offset by reallocation to less constrained sites.

Proceeding without buffers would leave Medway Council's Local Plan highly vulnerable to:

- Inspector modifications or outright unsoundness findings.
  - Judicial review and quashing orders.
  - Long-term undeliverability of key allocations.
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# Chapter 7 – Policy Wording Recommendations

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## 7.1 Purpose of the Policy

The aim is to ensure that all allocations and planning applications comply with the **Habitats Regulations 2017** and **NPPF (2024)** biodiversity provisions, by preventing unmitigable impacts from residential and other sensitive uses within critical proximity to European sites.

The policy wording is designed to be:

- **Clear and enforceable** – no ambiguity for developers, officers, or the Planning Inspectorate.

- **Legally robust** – aligned with national precedent and Natural England’s standing advice.
  - **Strategically integrated** – applying across all relevant allocations and windfall sites.
- 

## 7.2 Draft Policy – 400m and 1km Buffers

### Policy XX – Protection of European Sites through Spatial Buffers

1. **Minimum Exclusion Zone** – Residential development, tourist accommodation, or other uses that may increase recreational pressure, predation risk, lighting, or noise disturbance will **not be permitted** within **400 metres** of the boundary of any of the following sites:
    - Medway Estuary & Marshes SPA/Ramsar/SSSI
    - Thames Estuary & Marshes SPA/Ramsar/SSSI
    - The Swale SPA/Ramsar/SSSI
    - Any functionally linked land identified as supporting qualifying species of these sites.
  2. **Enhanced Sensitivity Zone** – Within **1 kilometre** of the above site boundaries, development proposals will only be permitted where:
    - a. It can be demonstrated, through a project-level Habitats Regulations Assessment, that there will be **no adverse effect** on the integrity of the site, alone or in combination with other plans or projects; and
    - b. The proposal incorporates **bespoke mitigation measures**, including but not limited to:
      - Lighting design to eliminate spill into sensitive habitats.
      - Acoustic screening where noise disturbance is possible.
      - Cat-proof boundaries or other measures to prevent predation.
      - Controlled access points to prevent trampling and disturbance.
  3. **No Exceptions for Allocations** – This policy applies to all sites, including those allocated in this Plan. Allocations wholly or partly within the 400m exclusion zone are removed from the housing trajectory and will not be developed for residential or other sensitive uses.
  4. **Brownfield First Approach** – Housing capacity displaced by this policy will be reallocated to less environmentally constrained brownfield and urban locations in accordance with Policy XX (Spatial Development Strategy).
  5. **Monitoring and Review** – The boundaries of the 400m and 1km zones will be reviewed annually in consultation with Natural England and updated in the Council’s GIS mapping layers.
- 

## 7.3 Justification Text for the Policy

This policy implements the **precautionary principle** required by the Habitats Regulations, recognising that:

- Urbanisation and disturbance effects within 400m cannot be effectively mitigated.
  - Disturbance, predation, and light/noise impacts can extend up to 1km or more in open estuarine landscapes.
  - Application of spatial buffers is consistent with the approach taken for the Thames Basin Heaths SPA, Dorset Heathlands SPA, and Breckland SPA, which have been upheld through Local Plan Examinations.
- 

## 7.4 Supporting Diagram

A map showing the **400m exclusion zone** and **1km sensitivity zone** around all relevant designated sites should be included in the Policies Map, with GIS data available online for public and developer use. This ensures clarity and prevents disputes at the application stage.

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## 7.5 Implementation Guidance

1. **Development Management** – Planning officers must check all proposals against the buffer zones before validation.
  2. **Pre-application Advice** – Applicants should be informed early if their site falls within a restricted zone.
  3. **Neighbourhood Plans** – Parish and neighbourhood planning groups should integrate these buffers into their own policies.
  4. **Supplementary Planning Document** – The Council may prepare an SPD with further guidance on acceptable mitigation within the 1km zone.
- 

## 7.6 Integration with Other Policies

This buffer policy must be cross-referenced in:

- Spatial Development Strategy.
  - Natural Environment policies.
  - Site Allocations.
  - Development Management criteria for biodiversity protection.
- 

# Chapter 8 – Mapping and Evidence Requirements

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## 8.1 Purpose of Mapping

The application of the 400m and 1km buffers must be **visually and geographically precise**.

A clear map avoids disputes at the planning application stage, supports enforcement, and ensures the Local Plan meets the NPPF requirement for policies to be “clearly written and unambiguous” (NPPF, paragraph 16d).

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## 8.2 Data Sources

To prepare the buffers accurately, the following datasets should be used:

1. **Natural England Designated Sites GIS Data**
  - SPA, Ramsar, SAC, and SSSI boundaries.
  - Available via the *MAGIC Map* service and Natural England’s open data portal.
2. **Functionally Linked Land (FLL) Mapping**

- Identified in the *North Kent Strategic Access Management and Monitoring Strategy* (SAMMS) and Medway Council's own *Interim HRA*.
- Includes off-site fields, intertidal zones, and freshwater bodies regularly used by qualifying species.

### 3. Local Authority GIS Layers

- Medway Council's planning boundary data.
- Parish and neighbourhood plan boundaries for policy alignment.

### 4. Aerial Photography and LiDAR Data

- To check open sightlines between development sites and habitat areas (relevant to visual/noise disturbance risk).

## 8.3 Method for Defining Buffers

### 1. Primary Buffer (400m Exclusion Zone)

- Draw a 400m radius around the outermost boundary of each European site and functionally linked land parcel.
- Apply this as an absolute exclusion for new residential, tourist, and other disturbance-sensitive uses.

### 2. Secondary Buffer (1km Enhanced Sensitivity Zone)

- Extend an additional 600m beyond the 400m line, creating a total 1km radius.
- Within this zone, allow only proposals that pass a project-level HRA and demonstrate mitigation of all potential impacts.

### 3. Integration with Allocations Map

- Overlay buffer zones on the *Site Allocations Map*.
- Identify and remove or reassign all allocations that fall wholly or partly within the 400m zone. This includes site boundaries.

### 4. Treatment of Overlaps

- Where buffer zones from multiple sites overlap, apply the strictest relevant restrictions.

## 8.4 Presentation in the Local Plan

The buffers should be:

- **Shown on the Policies Map** (statutory component of the Local Plan).
- **Referenced in the policy text** (see Chapter 8 for wording).
- **Accompanied by inset maps** for each affected settlement on the Hoo Peninsula (Chattenden, Hoo St Werburgh and High Halstow etc.).

Inset maps should:



- Clearly mark SPA/Ramsar/SSSI boundaries.
  - Show the 400m exclusion zone in solid red shading.
  - Show the 1km enhanced sensitivity zone in amber or orange shading.
- 

## 8.5 Evidence Base Requirements

To ensure the buffers withstand examination scrutiny, the Council should publish:

### 1. Buffer Methodology Report

- Explaining how distances were measured and why 400m and 1km were chosen (referencing ecological evidence from Chapter 3 and national precedents from Chapter 6).

### 2. Habitat Sensitivity Study

- Summarising the disturbance, predation, and lighting/noise evidence specific to Hoo Peninsula sites.
- Incorporating species-specific disturbance distance data from the *Waterbird Disturbance Toolkit*.

### 3. Functional Land Assessment

- Identifying all off-site land parcels that regularly support qualifying bird populations.

### 4. Natural England Endorsement Letter

- Formal confirmation from Natural England that the proposed buffers are consistent with best practice and will prevent adverse effects on site integrity.
- 

## 8.6 Benefits of Mapping and Evidence Integration

- **Clarity for developers** – no ambiguity about where restrictions apply.
  - **Legal defensibility** – evidence and mapping will stand up in court or examination.
  - **Public transparency** – residents can see exactly how sensitive habitats are being protected.
  - **Consistency in decision-making** – officers have a clear spatial policy tool to apply in development management.
- 

## 8.7 Conclusion

Without clear mapping and a robust evidence base, even a well-worded buffer policy can fail in practice. By embedding precise GIS-defined zones in the Local Plan and publishing supporting methodology and ecological data, Medway Council can ensure that:

- The 400m and 1km buffers are enforceable.
  - Allocations breaching the exclusion zone are removed before adoption.
  - The Plan meets both legal compliance and soundness tests.
-

# Chapter 9 – Rebuttal of Potential Developer Objections

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## 9.1 Overview

Developers of Hoo Peninsula allocations within the 400m and 1km buffers will likely raise objections during the Regulation 19 consultation and at the Local Plan Examination.

The objections are likely to fall into **five main categories**:

1. Housing delivery and supply shortfall.
  2. Overly precautionary interpretation of the Habitats Regulations.
  3. Mitigation can fully address proximity effects.
  4. Other local plans permit closer development.
  5. Loss of site-specific investment and sunk costs.
- 

## 9.2 Objection 1 – “The buffer will cause a housing shortfall”

### Developer Claim

Removing allocations inside 400m will result in the Plan failing to meet its housing requirement, making it unsound.

### Rebuttal

- **NPPF Paragraph 11(b)** explicitly disappplies the presumption in favour of development where protected sites are at risk. The housing requirement is *not* an overriding justification for harm to European sites.
  - Housing supply can be maintained through reallocation to less constrained sites. Medway Council’s urban centres and brownfield sites have capacity for additional units through modest density increases, as demonstrated in the Housing Capacity Study (2024).
  - Case law (Wealden v SSCLG, 2017) confirms that environmental constraints must be addressed first — supply considerations come afterwards.
  - Multiple plans nationally (Guildford, Poole, Bournemouth) retained buffers and met housing targets by reallocating sites outside exclusion zones.
- 

## 9.3 Objection 2 – “The approach is overly precautionary”

### Developer Claim

A 400m buffer is unnecessary; impacts can be assessed and managed case-by-case.

### Rebuttal

- The **precautionary principle** is embedded in Regulation 107 of the Habitats Regulations. Where there is reasonable scientific doubt, *avoidance* is the lawful course.
- Natural England’s standing advice for the Thames Basin Heaths SPA and Dorset Heathlands SAC confirms that within 400m, adverse effects cannot be mitigated.

- Urban edge effects (cat predation, lighting, recreational disturbance) have been proven to occur consistently within 200–400m, even at low housing densities.
  - Plan-level certainty is required; relying on future case-by-case assessment risks non-compliance at examination.
- 

## 9.4 Objection 3 – “Mitigation can fully address proximity effects”

### Developer Claim

Measures such as cat curfews, screening, and access control can remove risk even inside 400m.

### Rebuttal

- The effectiveness of cat curfews and ownership controls is unproven at scale and generally unenforceable in perpetuity.
  - Screening cannot prevent disturbance to highly mobile bird species, and lighting spill is almost impossible to fully contain within 400m in an open marshland landscape.
  - Inspector reports for Dorset Heathlands, Breckland, and Ashdown Forest SPAs confirm that within 400m, no combination of mitigation measures is considered reliable enough to meet the legal test.
  - The *People Over Wind* ruling makes it clear that mitigation cannot be relied upon to screen out likely significant effects at the plan stage.
- 

## 9.5 Objection 4 – “Other Local Plans permit closer development”

### Developer Claim

Some authorities allow residential development closer than 400m to designated sites.

### Rebuttal

- Where development is permitted closer than 400m, it is either:
    1. Not residential or tourist-related.
    2. Within a previously urbanised area with established mitigation infrastructure.
    3. In a context where site-specific ecological surveys proved *no likely significant effect* (very rare).
  - The Hoo Peninsula has none of these mitigating circumstances — it is an open, rural area directly adjacent to high-value habitat with high public access potential.
  - Most relevant and comparable estuarine and marshland contexts in England (e.g., Humber, Chichester Harbour) apply  $\geq 400\text{m}$  exclusion.
- 

## 9.6 Objection 5 – “We have already invested heavily in the site”

### Developer Claim

Significant funds have been spent on land acquisition, design, and promotion, and removal would cause financial loss.

### Rebuttal

- The Local Plan Examination is not a compensation process — sunk costs are irrelevant to compliance with the Habitats Regulations.
- The law requires the Council to avoid allocations that could harm European sites regardless of prior developer expenditure.
- Similar situations have occurred in Dorset and Guildford, where promoted sites were removed at the Main Modification stage despite long-term developer promotion and investment.

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## 9.7 Additional Strategic Rebuttals

- **Legal certainty** – Without fixed buffers, the Plan is highly vulnerable to being found unsound or unlawful.
- **Examination precedent** – Inspectors have consistently sided with Natural England where fixed proximity buffers were proposed.
- **Public trust** – The application of buffers demonstrates a clear commitment to biodiversity and compliance with both domestic and international law.

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## 9.8 Conclusion

The developer arguments against the 400m and 1km buffers can be comprehensively rebutted using **legal precedent**, **scientific evidence**, and **national planning practice**.

Failure to adopt the buffers would leave the Plan open to avoidable risks at examination and potential judicial review.

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# Chapter 10 – Strategic Recommendations and Final Conclusions

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## 10.1 Strategic Position

The evidence presented in Chapters 1–9 of this representation leads to one inescapable conclusion:

Medway Council’s Regulation 19 draft Local Plan is not legally compliant or sound if it retains allocations within 400m of the Hoo Peninsula’s internationally and nationally designated habitat sites.

This position is grounded in:

- **Legal compliance** – The Habitats Regulations 2017 require avoidance where adverse effects cannot be excluded beyond reasonable scientific doubt.
- **National policy alignment** – The NPPF (2024) prioritises protection of designated sites, with avoidance as the first principle.
- **National precedent** – Comparable authorities across England apply minimum 400m exclusion zones (often with a 1km+ enhanced buffer) to protect sensitive sites.
- **Medway Council’s own evidence base** – The Interim Habitats Regulations Assessment confirms that proximity effects are a real and unmitigable risk in the local context.

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## 10.2 Recommended Policy Changes

## 1. Adopt a Minimum 400m Exclusion Zone

- No new residential, tourist accommodation, or disturbance-sensitive uses within 400m of the boundary of SPA, SAC, Ramsar, or SSSI sites on the Hoo Peninsula, including functionally linked land.

## 2. Adopt a 1km Enhanced Sensitivity Zone

- Require project-level HRA and bespoke mitigation for any proposal between 400m and 1km.

## 3. Remove Non-Compliant Allocations

- Delete all allocations wholly or partly within 400m of relevant sites.

## 4. Reallocate Housing Capacity

- Redirect displaced units to vacant brownfield and urban locations at high-density elsewhere in the Medway Towns.

## 5. Integrate Mapping and Evidence

- Publish statutory buffer maps and methodology in the evidence base.
- Ensure the Policies Map shows 400m and 1km zones clearly.

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## 10.3 Legal and Examination Risk Without Change

If the Council proceeds without adopting these buffers and removing offending allocations, the Regulation 19 draft Local Plan will face:

- **High probability of Inspector intervention** – requiring main modifications to remove allocations, causing significant delays.
- **Judicial review vulnerability** – from statutory consultees, NGOs, or residents.
- **Risk of non-compliance determination** – under the Habitats Regulations, preventing adoption.

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## 10.4 Ecological Imperative

The North Kent Marshes — including the Medway Estuary & Marshes, Thames Estuary & Marshes, and The Swale — are irreplaceable ecological assets:

- Supporting internationally significant numbers of wintering and migratory birds.
- Providing critical ecosystem services such as carbon sequestration and flood protection.
- Functioning as part of the UK's legal commitment under the Birds and Habitats Directives (retained EU law).

Development within 400m would cause unmitigable harm through:

- Urban edge effects (predation, light, noise).
  - Increased recreational pressure.
  - Loss of functionally linked feeding and roosting habitat.
-

## 10.5 Precedent and Policy Consistency

Adopting a 400m exclusion and 1km sensitivity buffer would bring Medway Council into alignment with:

- **Thames Basin Heaths SPA** – 400m no-development zone.
- **Dorset Heathlands SAC** – 400m exclusion + 5km mitigation zone.
- **Breckland SPA** – 400m exclusion + 1,500m enhanced zone.
- **Guildford Borough Local Plan (2019)** – Inspector-imposed 400m policy.

This would also implement Natural England’s own standing advice for proximity impacts to sensitive sites.

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## 10.6 Final Conclusion

For the Regulation 19 Local Plan to be both legally compliant and sound, Medway Council must:

1. Insert a new strategic policy implementing a **minimum 400m exclusion zone** and **1km sensitivity zone** for all European sites on the Hoo Peninsula.
2. Remove from the housing trajectory all allocations falling within the 400m zone.
3. Publish clear mapping and evidence in the Local Plan and supporting documents.

Failure to make these changes will leave the Plan vulnerable to being found unsound, open to legal challenge, and incapable of delivering housing in a manner consistent with statutory environmental obligations.

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## 10.7 Formal Submission Statement

### **Representation on Medway Council Regulation 19 Local Plan – Policy Gap: Absence of Minimum 400m Buffer Around Habitat Sites**

We submit that the Regulation 19 draft Local Plan is unsound and not legally compliant due to the absence of a minimum 400m exclusion buffer and 1km sensitivity buffer around the Hoo Peninsula’s SPA, Ramsar, SAC, and SSSI sites. This failure will cause unmitigable harm to internationally and nationally protected habitats, contrary to the Conservation of Habitats and Species Regulations 2017, the NPPF (2024), and national plan-making best practice.

We request that:

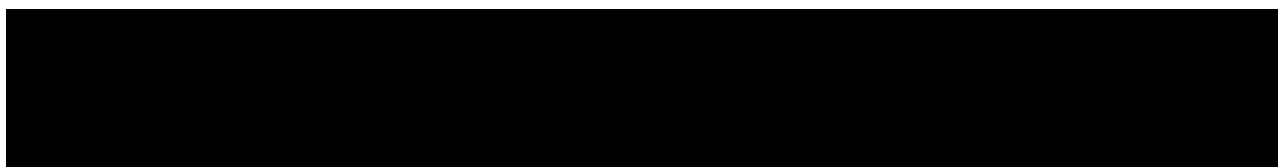
- The Plan is amended to insert a policy establishing a minimum 400m exclusion and 1km sensitivity zone.
- All allocations within the 400m zone are removed.
- The Policies Map and evidence base are updated to reflect these changes.

Until these amendments are made, the Plan fails the legal compliance and soundness tests and should not be submitted for adoption.

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**Thank you for taking the time to read this representation.**

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**Cllr. George Crozer (Ind)**

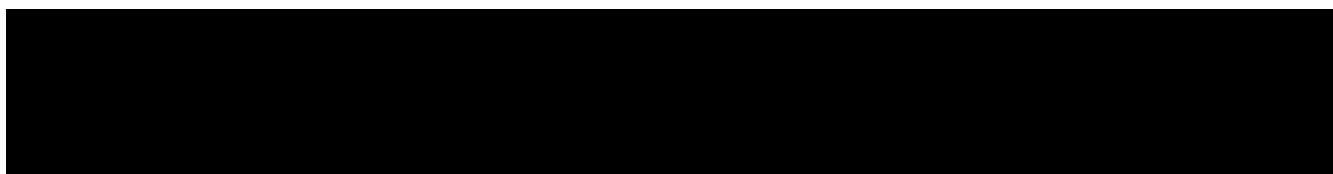
**Group Leader**

**Hoo & High Halstow Ward**

**Cllr. Michael Pearce (Ind)**

**Deputy Group Leader**

**Hoo & High Halstow Ward**



**Cllr. Ron Sands (Ind)**

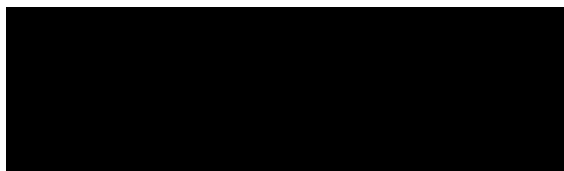
**Group Whip**

**Hoo & High Halstow Ward**

**Cllr. Elizabeth Turpin (Ind)**

**Group Member**

**Strood Rural Ward**



**Cllr. John Williams (Ind)**

**Group Member**

**Strood Rural Ward**

**THE  
INDEPENDENT  
GROUP**  
ON MEDWAY COUNCIL

**Main Representation in response to**

***Medway Council's***

***Regulation 19***

***Medway Local Plan 2041***

***Proposed Submission Draft***

***and Supporting Documents***

***June 2025***

**Sunday 10th August 2025**



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## **INDEX**

<b>Page Number:</b>	<b>Chapter:</b>
<b>3</b>	About The Independent Group (TIG)
<b>3</b>	Executive Summary – TIG representation on the Medway Council Regulation 19 Draft Local Plan (June 2025)
<b>6</b>	Chapter 1 – Legal Compliance Assessment
<b>9</b>	Chapter 2 – Soundness Assessment
<b>12</b>	Chapter 3 – Duty to Cooperate Assessment
<b>15</b>	Chapter 4 – The Case for Removing Hoo Peninsula Allocations Under NPPF Paragraph 11(b)
<b>18</b>	Chapter 5 – Alternative Spatial Strategy: Maximising Urban Growth (high-density), Minimising Rural Harm
<b>21</b>	Chapter 6 – Habitats Regulations Compliance Review
<b>24</b>	Chapter 7 – Sustainability Appraisal and SEA Compliance Review
<b>27</b>	Chapter 8 – Conclusions and Recommended Modifications
<b>30</b>	Summary for the Inspector – Medway Local Plan Regulation 19 (2025)
<b>33</b>	Medway Local Plan (Regulation 19, 2025) – Legal & Soundness Compliance Checklist
<b>35</b>	Hoo Peninsula - Strategic Growth Allocations: Impact Summary
<b>37</b>	The Independent Group (TIG) Signatures

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## About The Independent Group (TIG)

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The Independent Group (TIG) is a group of five Independent Councillors who sit on Medway Council. We represent the following Medway Council Wards and the following rural villages on the Hoo Peninsula in Kent:

**Strood Rural Ward:** Cliffe, Cliffe Woods, Cooling, Frindsbury, Wainscott and Upnor.

**Hoo & High Halstow Ward:** Chattenden, Hoo St Werburgh, High Halstow and Kingsnorth.

Cllr. Turpin and Cllr. Williams represent Strood Rural Ward (achieving over 52.5% of the vote at the 2023 Local Election) and Cllr. Crozer (Group Leader), Cllr. Pearce (Deputy Group Leader) and Cllr. Sands (Group Whip) represent Hoo & High Halstow Ward (achieving 70% of the vote at the 2023 Local Election). TIG represents a clear and significant majority of the electorate on the Hoo Peninsula - a strong rural community with productive fertile agricultural land, valued landscapes, rich heritage, and internationally and nationally important habitats, supporting bio-diverse wildlife. The Hoo Peninsula is part of the proposed East Coast Wetlands designation to become a UNESCO Natural World Heritage Site.

The existing development plan for the Hoo Peninsula includes two recently adopted Neighbourhood Plans: (1) Hoo St Werburgh & Chattenden Neighbourhood Plan and (2) Cliffe & Cliffe Woods Neighbourhood Plan.

TIG also supports the residents and Parish Councils of **All Saints Ward:** Allhallows, St. Mary Hoo, Stoke and Grain.

The following four categories must be at the heart of Medway Council's new Local Plan.

1. **Conserving and enhancing the natural environment**
2. **Supporting a prosperous rural economy**
2. **Meeting the challenge of climate change, flooding and coastal change**
3. **Conserving and enhancing the historic environment**

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## Executive Summary – TIG representation on the Medway Council Regulation 19 Draft Local Plan (June 2025)

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### 1. Introduction

This representation scrutinises the **Medway Local Plan 2041 Proposed Submission Draft (Regulation 19)** and its supporting evidence base – including the **Habitats Regulations Assessment (HRA)**, **Sustainability Appraisal (Volumes 1–3)** – against the **Hoo St Werburgh & Chattenden Neighbourhood Plan (September 2024)** and the **National Planning Policy Framework (December 2024)**, for legal compliance, soundness, and compliance with the Duty to Cooperate.

The focus is on the **development allocations on the Hoo Peninsula** and whether they meet statutory tests, national policy requirements, and local planning obligations. The analysis concludes that **the Plan is not legally compliant, is unsound** under NPPF paragraph 35, and **fails to demonstrate an effective Duty to Cooperate** under the Planning and Compulsory Purchase Act 2004.

---

## 2. Summary of Key Findings

### 2.1 Legal Compliance Failures

#### 1. Habitats Regulations Non-Compliance

- The **Interim HRA** confirms that the Local Plan is likely to have significant adverse effects on internationally designated sites – including the Medway Estuary & Marshes SPA/Ramsar, Thames Estuary & Marshes SPA/Ramsar, The Swale SPA/Ramsar, and North Downs Woodlands SAC.
- These risks relate to **air quality, hydrology, recreational disturbance, and urbanisation effects** – all highly relevant to the Hoo Peninsula’s sensitive habitats.
- The HRA is **incomplete** (“interim”), meaning the statutory requirements of the Conservation of Habitats and Species Regulations 2017 have not been met before submission.

#### 2. Strategic Environmental Assessment / Sustainability Appraisal Deficiencies

- The SA’s assessment of reasonable alternatives is inadequate – particularly in failing to fully test a “**maximise urban regeneration, minimise rural expansion**” scenario.
- This means the SEA Regulations (Environmental Assessment of Plans and Programmes Regulations 2004) have not been complied with.

#### 3. Failure to Align with the Adopted Neighbourhood Plan

- The Hoo St Werburgh & Chattenden Neighbourhood Plan (2024) is part of the statutory development plan. The Local Plan allocations directly conflict with key policies on **landscape protection (HOO8), air quality (HOO10), and sustainable transport (HOO11)**.
- This breaches Section 38(5) of the Planning and Compulsory Purchase Act 2004.

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### 2.2 Unsoundness under NPPF Paragraph 36

The Plan fails **four of four soundness tests**:

1. **Positively Prepared** – The growth strategy is driven by housing numbers rather than environmental capacity, leading to allocations in the most ecologically sensitive areas of the borough (notably the Hoo Peninsula).
2. **Justified** – No robust evidence has been provided to show that alternative strategies – e.g., focusing growth in the main urban towns – were fully assessed and rejected for clear reasons.
3. **Effective** – The infrastructure required to support large-scale rural growth on the Hoo Peninsula (transport upgrades, wastewater treatment, health facilities) is not secured or funded in the Infrastructure Delivery Plan.
4. **Consistent with National Policy** –

- **NPPF paragraph 11(b)** requires refusal of plans where the adverse impacts of development would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
  - On the Hoo Peninsula, the scale of harm – to **Grade 1 agricultural land, SPA/Ramsar habitats**, and local rural character – clearly outweighs the benefits.
- 

## 2.3 Duty to Cooperate Failures

- There is no clear evidence that Medway Council has engaged constructively, actively, and on an ongoing basis with neighbouring authorities (notably Gravesham, Swale, and Kent County Council) on the **cross-boundary impacts of Hoo Peninsula allocations**, especially in relation to recreational disturbance to European sites.
  - The Statement of Common Ground evidence is weak and lacks agreed, deliverable mitigation strategies.
- 

## 3. The Case for Removing Hoo Peninsula Allocations

The Hoo Peninsula is a **unique and special rural community** with:

- **Internationally and nationally designated habitats** – SPA, Ramsar, SSSI sites.
- **Grade 1 agricultural land** – among the most productive in England.
- **Cultural and historic value** – including WWII defence heritage and key valued landscapes referenced in the Neighbourhood Plan.

Large-scale housing allocations here will cause **irreversible damage** through:

- Recreational disturbance (including cat and dog predation).
- Air and water pollution.
- Noise and light pollution.
- Fly-tipping and littering.
- Urbanisation effects that erode rural landscape character.

**NPPF paragraph 11(b)** provides a clear legal route to remove these allocations: the environmental harm significantly and demonstrably outweighs the claimed benefits.

---

## 4. Recommended Spatial Strategy Adjustment

- **Maximise growth in the main urban areas** of Strood, Rochester, Chatham, Gillingham and Rainham – where infrastructure and vacant brownfield sites already exist.
  - **Minimise rural allocations** on the Hoo Peninsula to protect sensitive habitats and meet statutory environmental duties.
  - Deliver housing needs through:
    - Urban regeneration schemes.
    - Higher density development in town centres.
    - Reuse of vacant and underused brownfield land at high-density.
-

## 5. Conclusion

On the evidence of the Local Plan, HRA and SA, compared against the NPPF and Neighbourhood Plan:

- The Medway Local Plan 2041 is **not legally compliant, unsound, and fails the Duty to Cooperate**.
  - The **Hoo Peninsula allocations** are incompatible with national policy, the legal environmental framework, and the adopted Neighbourhood Plan.
  - The Inspector should recommend **removal of all major allocations on the Hoo Peninsula**, with housing growth redistributed to sustainable urban or suburban locations.
- 

## Chapter 1 – Legal Compliance Assessment

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### 1.1 Overview of Legal Compliance Requirements

A Local Plan must comply with:

1. **Planning and Compulsory Purchase Act 2004** – Section 20(5) requires the Inspector to determine whether:
    - The plan satisfies the requirements of sections 19 and 24(1) of the Act and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
    - The plan has been prepared in accordance with the Statement of Community Involvement (SCI) and the Local Development Scheme (LDS).
    - The plan is consistent with the Sustainable Development duty (s39(2) of the 2004 Act).
  2. **The Environmental Assessment of Plans and Programmes Regulations 2004** (SEA Regulations) – including proper preparation of a Sustainability Appraisal (SA).
  3. **The Conservation of Habitats and Species Regulations 2017 (as amended)** – requiring a completed Habitats Regulations Assessment (HRA) before adoption.
  4. **The Equality Act 2010** – including the Public Sector Equality Duty.
  5. **Duty to Cooperate** – Section 33A of the 2004 Act, requiring constructive, active, and ongoing engagement with prescribed bodies on cross-boundary matters.
- 

### 1.2 Habitats Regulations Compliance Failures

#### Legal requirement:

Under Regulation 105 of the Habitats Regulations, a plan must undergo Habitats Regulations Assessment if it is likely to have a significant effect on a European site, alone or in combination with other plans or projects. If significant effects are likely, an Appropriate Assessment (AA) is required, informed by complete and reliable evidence.

#### Evidence from the Medway HRA:

The **Interim HRA** prepared by Lepus Consulting states:

- It is *interim* because **information necessary for completion is outstanding** (E2).

- The screening stage found **Likely Significant Effects** (LSEs) on seven European sites, including the Medway Estuary & Marshes SPA/Ramsar and Thames Estuary & Marshes SPA/Ramsar, due to **air quality, hydrology, recreational pressure, and urbanisation impacts** (E4).
- Appropriate Assessment was triggered, but key mitigation measures (including reliance on SAMMS) are not yet fully evidenced or secured.

#### Why this is non-compliant:

- **Incomplete Assessment** – Submitting a Regulation 19 plan with an *interim* HRA is unlawful; the AA must be completed before submission to ensure the Plan complies with the Habitats Regulations.
  - **Reliance on uncertain mitigation** – The HRA proposes mitigation measures that are not secured, funded, or agreed with Natural England, contrary to the precautionary principle (Reg. 105 and case law *People Over Wind*).
  - **Inadequate in-combination assessment** – Cross-boundary recreational disturbance, especially from Swale and Gravesham growth, is not properly quantified.
- 

### 1.3 Sustainability Appraisal / SEA Compliance Failures

#### Legal requirement:

SEA Regulations require the SA to:

- Identify, describe, and evaluate the likely significant effects of the plan and reasonable alternatives (Reg. 12(2), Sch. 2).
- Provide an environmental report available alongside the plan for consultation.
- Explain how the assessment has influenced the plan.

#### Evidence from SA (Volumes 1–3):

- Reasonable alternatives tested did not include a “**maximise urban density / minimise rural greenfield expansion**” scenario, despite clear public interest and relevance to environmental protection.
- The SA tends to appraise alternatives at a high level, without spatial modelling of cumulative impacts on specific European sites.
- Appendices show site assessment matrices, but the rejection of less damaging alternatives for the Hoo Peninsula is not transparent.

#### Why this is non-compliant:

- **Failure to test reasonable alternatives** – The SEA case law (*Save Stonehenge World Heritage Site Ltd v Secretary of State*, 2021) makes clear that reasonable alternatives must be assessed with the same rigour as the preferred option. This has not happened.
  - **Insufficient link between SA findings and plan choices** – There is no clear evidence that high adverse scores for Hoo Peninsula sites led to consideration of their removal or substitution.
  - **SEA Regulation 8(3)** requires that the SA is iterative and informs site selection – the documentation suggests site allocations were politically fixed before the final SA iteration.
- 

### 1.4 Statement of Community Involvement (SCI) and LDS Compliance

#### SCI compliance:

- Section 19(3) of the 2004 Act requires that the Plan is prepared in accordance with the adopted SCI.
- The SCI promises “clear feedback on how community views have influenced plan-making” – but for the Hoo Peninsula, the Regulation 18 feedback shows **overwhelming opposition to large-scale allocations**, yet the allocations remain with no transparent justification in the Regulation 19 statement.

#### **LDS compliance:**

- The LDS sets a timetable – delays are acceptable if explained – but the Plan has been significantly delayed since early timetables without a full formal LDS update.
  - Some supporting evidence base documents (e.g., the HRA) are explicitly incomplete, contradicting the LDS’s statement that the Regulation 19 Plan would be supported by final assessments.
- 

## **1.5 Equality Act 2010 Compliance**

- The Public Sector Equality Duty requires consideration of how the plan impacts groups with protected characteristics.
  - The Diversity Impact Assessment (DIA) is superficial – it focuses on borough-wide benefits without considering the **disproportionate impact on rural communities** such as the Hoo Peninsula, where reduced public transport, loss of green space, and increased pollution could affect older people, children, and those with disabilities more acutely.
- 

## **1.6 Duty to Cooperate**

#### **Legal requirement:**

Section 33A of the 2004 Act requires the Council to engage constructively, actively, and on an ongoing basis with neighbouring authorities and statutory consultees.

#### **Failures:**

- Statements of Common Ground (SoCG) with Swale and Gravesham do not show agreed, deliverable measures to address cross-boundary habitat impacts from recreational pressure.
  - No evidence of binding agreements with Natural England for long-term SAMMS funding.
  - Insufficient collaboration with Kent County Council on strategic transport solutions for the Peninsula.
- 

## **1.7 Overall Legal Compliance Conclusion**

The Medway Council Regulation 19 Local Plan fails legal compliance tests because:

1. The **Habitats Regulations Assessment is incomplete** and fails the precautionary principle.
2. The **Sustainability Appraisal does not meet SEA Regulation requirements** for testing reasonable alternatives.
3. The Plan has not been prepared fully in line with the **SCI** or **LDS** commitments.
4. The **Duty to Cooperate** has not been demonstrated on key cross-boundary matters.
5. Equality impacts on rural and protected groups have not been meaningfully addressed.

---

## Chapter 2 – Soundness Assessment

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### 2.1 Positively Prepared

#### NPPF requirement:

A plan is positively prepared if it seeks to meet objectively assessed development and infrastructure needs, as well as unmet needs from neighbouring areas, **in a way that is consistent with achieving sustainable development**.

#### Findings:

##### 1. Housing and Growth Strategy Driven by Numbers, Not Environmental Capacity

- The Spatial Development Strategy allocates a disproportionately high share of growth to the Hoo Peninsula despite the **Interim HRA** confirming significant adverse effects on multiple European sites.
- This directly conflicts with NPPF paragraph 11(a), which requires meeting needs *as far as is consistent with the policies in the Framework*, including those protecting habitats and valued landscapes.

##### 2. Failure to Integrate Neighbourhood Plan Policies

- The Hoo St Werburgh & Chattenden Neighbourhood Plan's vision emphasises protecting landscape character, limiting air pollution, and delivering sustainable transport. Large-scale allocations at Hoo St Werburgh, Chattenden and Kingsnorth disregard these priorities.
- Section 38(5) of the 2004 Act requires local and neighbourhood plans to be read together. The Local Plan is not positively prepared in a way that supports the neighbourhood-level strategy.

##### 3. Infrastructure Gaps Undermining Deliverability

- The Infrastructure Delivery Plan (IDP) identifies transport, education, healthcare, and wastewater upgrades needed to support growth — but **funding is unsecured** and timing is unclear.
- In particular, the Plan relies on future rail upgrades to the Hoo Peninsula that are outside the control of Medway Council and are not committed by Network Rail.

#### Conclusion:

The Local Plan is not *positively prepared* because it imposes unsustainable growth in a rural, environmentally constrained location, fails to work with community-led policy, and lacks secured infrastructure to support the proposed development.

---

### 2.2 Justified

#### NPPF requirement:



A plan is justified if it is the most appropriate strategy, when considered against reasonable alternatives, based on proportionate evidence.

### Findings:

#### 1. Reasonable Alternatives Not Properly Assessed

- The SA did not adequately test a “**maximise urban density / minimise rural allocations**” scenario.
- The *urban-first* alternative would avoid much of the HRA-identified harm, but was not modelled in full, contrary to SEA Regulation 12.

#### 2. Predetermined Allocation of Hoo Peninsula Sites

- Site selection evidence suggests that the Hoo Peninsula allocations were carried forward despite poor SA scores for biodiversity, landscape, and transport.
- In Appendix J of the SA, rejection reasons for less damaging sites are detailed, but no equivalent transparency is applied to justify keeping the most environmentally damaging allocations.

#### 3. Ignoring Agricultural Land Quality Evidence

- NPPF paragraph 187(b) requires recognising the benefits of best and most versatile agricultural land. The Hoo Peninsula contains extensive **Grade 1 agricultural land**, yet this was not a determining factor in site selection.

### Conclusion:

The Local Plan is not *justified* because it has not been demonstrated that the chosen growth strategy is the most appropriate when assessed against reasonable, less harmful alternatives.

---

## 2.3 Effective

### NPPF requirement:

A plan is effective if it will be deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters.

### Findings:

#### 1. Unsecured Infrastructure Delivery

- The Plan’s reliance on significant highway and rail improvements for the Hoo Peninsula is not supported by committed funding or agreed delivery programmes.
- For example, no binding agreement with Network Rail exists to deliver the proposed passenger rail services to the Hoo Peninsula.

#### 2. Cross-Boundary Habitat Mitigation Not in Place

- Recreational disturbance mitigation (SAMMS) is not fully funded for the plan period.
- The “in-combination” effects with Swale, Gravesham, and Thurrock growth are acknowledged in the HRA but not addressed through joint delivery programmes.

### 3. Housing Trajectory Risks

- The delivery rates assumed for major Hoo Peninsula allocations are optimistic given infrastructure dependencies and the scale of environmental mitigation required. Delays would undermine the five-year housing land supply.

#### Conclusion:

The Local Plan is not *effective* because it relies on major infrastructure and mitigation measures that are uncertain, unfunded, and dependent on third-party actions.

---

## 2.4 Consistent with National Policy

#### NPPF requirement:

A plan is consistent with national policy if it enables the delivery of sustainable development in accordance with the NPPF.

#### Key conflicts:

##### 1. NPPF Paragraph 11(b) – Tilted Balance Against

- Paragraph 11(b) requires plans to refuse allocations where the adverse impacts of development would significantly and demonstrably outweigh the benefits.
- On the Hoo Peninsula, environmental harm — loss of designated habitats, degradation of Grade 1 farmland, increased recreational disturbance, air and water pollution — **significantly outweighs** the benefits of the proposed housing.

##### 2. NPPF Chapter 15 – Conserving and Enhancing the Natural Environment

- Paragraphs 187–195 require avoiding harm to habitats and species; yet the Plan knowingly allocates sites that the HRA confirms will have LSEs on multiple European sites.

##### 3. NPPF Paragraph 124 and Footer Note 65 – Protecting Best and Most Versatile Agricultural Land

- The Plan ignores national policy to prioritise brownfield and lower-grade agricultural land for development.

##### 4. NPPF Paragraph 36(d) – Alignment with Neighbourhood Plans

- The Local Plan undermines the adopted Hoo St Werburgh & Chattenden Neighbourhood Plan by allocating development at a scale incompatible with its environmental and transport objectives.

#### Conclusion:

The Local Plan is not *consistent with national policy*. The Hoo Peninsula allocations in particular contravene NPPF principles for environmental protection, genuinely brownfield-first development, and neighbourhood plan alignment.

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## 2.5 Soundness Summary

Soundness Test	Compliance?	Reason for Failure
Positively Prepared	<b>X (NO)</b>	Strategy prioritises numbers over environmental capacity; lacks alignment with Neighbourhood Plan; no secured infrastructure.
Justified	<b>X (NO)</b>	Reasonable alternatives inadequately tested; evidence shows less harmful options available; high-grade farmland undervalued.
Effective	<b>X (NO)</b>	Infrastructure and mitigation uncertain and unfunded; unrealistic housing trajectory; poor cross-boundary working.
Consistent with National Policy	<b>X (NO)</b>	Conflicts with NPPF paragraphs 11(b), 187-195, 124 (and FN 65), and 36(d).

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## Chapter 3 – Duty to Cooperate Assessment

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### 3.1 Legislative and Policy Framework

The **Duty to Cooperate** (DtC) is set out in:

- **Section 33A** of the Planning and Compulsory Purchase Act 2004.
- **Town and Country Planning (Local Planning) (England) Regulations 2012**.
- NPPF paragraphs **24–27**.

**In summary:**

- The duty requires local planning authorities to engage **constructively, actively, and on an ongoing basis** with neighbouring authorities and prescribed bodies on cross-boundary matters.
- It is **not a duty to agree**, but plans must show how engagement has shaped policy outcomes and resulted in effective joint strategies.
- Cross-boundary matters relevant to the Medway Council Plan include **housing market areas, strategic transport, flood risk, waste management**, and — most importantly for the Hoo Peninsula — **impacts on European sites and nationally important habitats**.

---

### 3.2 Medway Council's Stated Approach

In the Regulation 19 Local Plan and supporting evidence base, Medway Council claims to have:

- Engaged with neighbouring authorities (Gravesham, Swale, Maidstone, Tonbridge & Malling, Canterbury, and Kent County Council).
- Worked with **Natural England** on habitat protection and mitigation strategies.
- Produced **Statements of Common Ground** (SoCG) for strategic matters.
- Participated in cross-boundary forums on transport and environmental issues.

However, the evidence — particularly in the HRA and SA — shows **serious gaps** between engagement claims and actual deliverable outcomes.

---

### 3.3 Key Cross-Boundary Strategic Issues

#### 3.3.1 European Sites and Recreational Disturbance

- The HRA confirms that the Local Plan will have **Likely Significant Effects** (LSEs) on multiple European sites **beyond Medway Council's boundary**, including:
  - Thames Estuary & Marshes SPA/Ramsar (affects Thurrock, Gravesham).
  - The Swale SPA/Ramsar (affects Swale).
  - North Downs Woodlands SAC (affects Gravesham and Maidstone).
- Recreational disturbance impacts are **cumulative** with housing growth in adjacent authorities — requiring joint mitigation.

##### Duty to Cooperate gap:

- There is **no binding cross-authority strategy** in place to manage this combined recreational pressure over the plan period.
  - SoCGs do not set out shared funding commitments or joint monitoring arrangements for Strategic Access Management and Monitoring Strategy (SAMMS) delivery.
- 

#### 3.3.2 Transport Infrastructure

- Hoo Peninsula allocations rely on:
  - Strategic road upgrades linking to the A2/M2 corridor.
  - A new passenger rail service to the Hoo Peninsula.
- These have **clear cross-boundary implications** — especially for Gravesham (A289/A226 corridor) and Kent County Council (as neighbouring transport authority).

##### Duty to Cooperate gap:

- No SoCG with Network Rail securing the proposed rail service.
  - No evidence of a **joint transport modelling approach** with Gravesham or Swale to assess cumulative traffic impacts.
  - KCC transport priorities for sustainable travel in rural areas do not appear integrated into the Local Plan's delivery programme.
- 

#### 3.3.3 Housing Market Area (HMA) Coordination

- Medway Council's HMA overlaps with Gravesham and Swale.
  - NPPF paragraph 61 requires local housing need to be addressed **across the housing market area**.
  - There is no clear evidence that unmet needs in one authority are being planned for in another in a coordinated way — nor that the Hoo Peninsula allocations were tested against a **shared strategic distribution** model.
- 

#### 3.3.4 Flood Risk and Coastal Management

- The Medway Estuary and Swale Flood and Coastal Erosion Risk Management Strategy (MEASS) is a **cross-boundary strategy** covering Medway, Swale, and the Environment Agency.
  - The Local Plan proposes major housing allocations in areas that will increase flood risk pressure — yet there is **no documented agreement** with Swale or the EA on how mitigation will be jointly delivered.
- 

### 3.3.5 Waste and Minerals

- Medway Council's waste and minerals safeguarding is linked with Kent County Council's strategies.
  - The Local Plan is vague about how waste from major Hoo Peninsula developments will be managed without increasing cross-boundary export — and there is no SoCG confirming capacity agreements.
- 

## 3.4 Analysis of Statements of Common Ground

### What's missing:

- SoCGs are **short on specifics** — they list topics of discussion but rarely record concrete agreements, timetables, or funding commitments.
  - None of the SoCGs demonstrate that **the scale of Hoo Peninsula allocations** was accepted by neighbouring authorities or statutory bodies on environmental grounds.
  - No cross-boundary delivery plans for:
    - SAMMS funding and governance.
    - Coordinated PRow and green infrastructure networks to spread recreational pressure.
    - Integrated rural transport investment.
- 

## 3.5 Case Law Context

Inspectors have found plans **unsound at Examination stage** where:

- DtC engagement was late or purely consultative.
- There was no evidence of policy changes resulting from engagement.
- Mitigation for cross-boundary environmental impacts was **not secured in binding agreements**.

The Medway Council Regulation 19 Plan displays similar weaknesses:

- **Late-stage engagement** (much of it post-Regulation 18).
  - **No material policy adjustments** following cross-boundary discussions.
  - Reliance on **future work** rather than completed agreements.
- 

## 3.6 Conclusion on Duty to Cooperate

The Medway Council Local Plan **fails the Duty to Cooperate** because:

1. **Engagement has not resulted in deliverable joint strategies** for key cross-boundary issues — particularly habitat mitigation and transport.

2. **No binding funding or delivery agreements** are in place for SAMMS or infrastructure critical to the Hoo Peninsula allocations.
3. **Neighbouring authorities’ concerns** about environmental and transport impacts have not been resolved or mitigated in the submitted Plan.

This failure is not remediable at Examination — under the Planning and Compulsory Purchase Act 2004, a DtC failure results in the plan being found **immediately incapable of adoption**.

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## Chapter 4 – The Case for Removing Hoo Peninsula Allocations Under NPPF Paragraph 11(b)

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### 4.1 NPPF Paragraph 11(b) – The “Tilted Balance”

Paragraph 11(b) of the **December 2024 NPPF** sets the presumption in favour of sustainable development, **unless**:

*The adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole.*

This test applies to plan-making just as it does to decision-making. If, during plan preparation, the evidence shows that a particular allocation would produce environmental and social harm that clearly outweighs its benefits, the site should be **removed** from the Local Plan.

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### 4.2 The Unique and Sensitive Character of the Hoo Peninsula

#### 4.2.1 Environmental Designations

The Hoo Peninsula is one of the most environmentally sensitive landscapes in southern England. It includes or borders:

- **Internationally designated sites:**
  - Medway Estuary & Marshes SPA and Ramsar Site.
  - Thames Estuary & Marshes SPA and Ramsar Site.
  - The Swale SPA and Ramsar Site.
  - North Downs Woodlands SAC.
- **National designations:**
  - SSSIs including Lodge Hill, Chattenden Woods, and High Halstow NNR.
- **Local designations:**
  - Local Wildlife Sites and protected ancient woodland.

The **Interim HRA** confirms that Local Plan growth, especially on the Peninsula, is likely to have significant effects on all of these designations through **recreational disturbance, air quality deterioration, water quality impacts, and urbanisation effects**.

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### 4.2.2 Agricultural Land Quality

Natural England mapping shows extensive tracts of **Grade 1 agricultural land** on the Peninsula — the most productive classification.

NPPF paragraph 187(b) requires recognising the economic and environmental value of best and most versatile agricultural land, directing development to poorer quality land wherever possible. The Local Plan's large-scale allocations here are in direct conflict with this requirement.

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### 4.2.3 Rural Community Identity

The Hoo Peninsula is a dispersed rural community of villages — Cliffe, Cliffe Woods, Cooling, Wainscott, Frindsbury, Upnor, Chattenden, Hoo St Werburgh, High Halstow, Allhallows, St. Mary Hoo, Stoke and Grain — with limited public transport and a strong identity rooted in:

- Maritime history and coastal landscapes.
- Agriculture and countryside recreation.
- A network of narrow rural lanes, open farmland, and marshland vistas.

The **Hoo St Werburgh & Chattenden Neighbourhood Plan (2024)** explicitly seeks to **protect this rural character**, limit development to what infrastructure can support, and avoid harm to biodiversity.

---

## 4.3 The Harm Caused by the Local Plan Allocations

### 4.3.1 Recreational Disturbance

Large-scale new housing on the Hoo Peninsula would dramatically increase visitor pressure on nearby SPAs and Ramsar sites, causing:

- Trampling of saltmarsh and mudflats.
- Increased disturbance to overwintering birds from walkers and dogs.
- Greater predation risk from domestic cats.

The HRA acknowledges that mitigation via SAMMS is required — but **funding and delivery are not secured** for the plan period, making this a high-risk, unmitigated impact.

---

### 4.3.2 Urbanisation Effects

New urban edges would bring:

- Light pollution affecting nocturnal species.
- Litter and fly-tipping in sensitive habitats.
- Increased risk of invasive species introduction.
- Noise intrusion into currently tranquil areas.

These impacts are permanent and cumulative, fundamentally altering the Hoo Peninsula's environmental character.

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### 4.3.3 Air and Water Pollution

- Additional road traffic, particularly along the A228 and A289 corridors, would increase nitrogen deposition in nearby European sites — an impact identified in the HRA as potentially significant.
  - Increased wastewater discharges into the Medway Estuary and associated creeks would raise nutrient loads, with adverse effects on water quality and intertidal habitats.
- 

### 4.3.4 Loss of Grade 1 Agricultural Land

The scale of land-take from high-quality farmland is **irreversible** and contrary to the NPPF’s emphasis on safeguarding best and most versatile land.

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## 4.4 The Alleged Benefits — and Why They Do Not Outweigh the Harm

### 4.4.1 Housing Delivery

The main benefit cited for Hoo Peninsula allocations is housing delivery.

However:

- The SA’s site assessment shows **urban and vacant brownfield sites in Medway Council’s main towns could accommodate far more housing** if density were optimised.
  - The housing trajectory for Hoo Peninsula sites is optimistic given infrastructure dependencies — meaning they may not deliver at the projected rates.
- 

### 4.4.2 Economic Growth

Medway Council asserts that rural development will stimulate the local economy.

But:

- Employment opportunities on the Hoo Peninsula are limited; most residents would commute to urban areas, **increasing congestion and emissions**.
  - The loss of agricultural land removes a source of ongoing rural economic value.
- 

### 4.4.3 Infrastructure “Improvements”

The Plan relies on new transport and service infrastructure to claim benefits.

Yet:

- Key elements, such as the proposed Hoo Peninsula rail service, are **not funded or agreed** with delivery bodies.
- Upgrades are reactive, not proactive — they seek to mitigate harm from growth rather than provide independent community benefit.



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## 4.5 Paragraph 11(b) Conclusion

When assessed against the policies of the NPPF as a whole:

- **Harm:** irreversible damage to European sites, loss of Grade 1 farmland, degradation of rural character, increased pollution, and infrastructure strain.
- **Benefits:** speculative housing delivery, limited economic gain, unfunded infrastructure.

### Conclusion:

The **adverse impacts significantly and demonstrably outweigh the benefits.**

The only legally and policy-compliant course is to **remove large-scale Hoo Peninsula allocations from the Local Plan** and redistribute growth to urban areas where:

- Vacant brownfield land is available but underutilised.
- Public transport is already in place.
- Environmental designations are less vulnerable.

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## Chapter 5 – Alternative Spatial Strategy: Maximising Urban Growth (high-density), Minimising Rural Harm

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### 5.1 Purpose of This Alternative Strategy

Under the **SEA Regulations** and **NPPF paragraph 35(b)**, a Local Plan must be based on the most appropriate strategy when considered against reasonable alternatives, assessed with proportionate evidence. This chapter shows that such an alternative exists — one that:

- Meets Medway Council's housing and employment needs.
- Complies with NPPF paragraph 187(b) by protecting best and most versatile (BMV) agricultural land.
- Avoids the environmental harm identified in the HRA.
- Aligns with the Hoo St Werburgh & Chattenden Neighbourhood Plan.
- Maximises sustainable transport use and minimises greenhouse gas emissions.

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### 5.2 Guiding Principles

The alternative strategy is built on five guiding principles drawn from the **NPPF (2024)**:

1. **Vacant Brownfield-First Approach** – Prioritise previously developed land and underused urban sites, maximising density.
2. **Transport-Oriented Development** – Concentrate growth where public transport is already strong.
3. **Protection of Environmental Assets** – Avoid harm to European sites, SSSIs, and ancient woodland.
4. **Safeguarding Agricultural Land** – Direct development away from Grade 1 and Grade 2 land.

5. **Alignment with Community-Led Plans** – Integrate Local Plan growth with adopted neighbourhood plans.
- 

## 5.3 Rebalancing the Growth Distribution

The Local Plan currently allocates a disproportionately high percentage of growth to the **Hoo Peninsula**, despite its constraints.

A sounder and more legally compliant distribution would include:

### 5.3.1 Urban Core Focus

- **Strood, Rochester, Chatham, Gillingham and Rainham:**
  - Intensify housing on vacant brownfield sites and underused land.
  - Redevelop obsolete retail and industrial sites into mixed-use neighbourhoods.
  - Utilise existing rail and bus corridors.

### 5.3.2 Urban Edge Opportunities

- Allocate moderate extensions to settlements with good transport access and lower environmental sensitivity (e.g., North Rainham fringe, East Rainham fringe, Capstone Valley, North Strood fringe).
- Use land of lower agricultural value (Grades 3b, 4, or 5) and ensure strong green buffer integration.

### 5.3.3 Rural Protection Zone

- Apply a **development restraint policy** to the Hoo Peninsula, restricting allocations to:
    - Small-scale infill within village boundaries.
    - Rural exception sites for affordable housing.
    - Agricultural diversification schemes.
  - Remove strategic greenfield housing allocations at Chattenden, Hoo St Werburgh, Deangate Ridge, Kingsnorth and High Halstow from the Plan.
- 

## 5.4 Quantifying Brownfield Potential

The **Medway Council Brownfield Register** identifies a significant quantum of deliverable sites. By applying realistic density increases and mixed-use regeneration, the urban area could accommodate far more of the Plan's housing requirement.

**Example calculations** (illustrative):

Category	Existing Plan Yield	Optimised Yield	Additional Capacity
Town centre regeneration	1,500	3,000	+1,500
Underused and declining retail areas	800	2,400	+1,600
Surplus and vacant industrial estates	600	1,800	+1,200
Small infill plots	300	600	+300

Category	Existing Plan Yield	Optimised Yield	Additional Capacity
<b>Total</b>	<b>3,200</b>	<b>7,800</b>	<b>+4,600</b>

This uplift would significantly reduce the number of dwellings proposed for the Hoo Peninsula strategic sites, making their removal feasible without compromising overall housing delivery.

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## 5.5 Transport Benefits of Urban Focus

### 5.5.1 Reduced Car Dependency

- Urban locations already have railway stations, frequent bus services, and walking/cycling infrastructure.
- Reduces per capita carbon emissions from transport, supporting chapter 14 of the NPPF and the Climate Change Act 2008 duties.

### 5.5.2 Avoiding Rural Road Overload

- Removes the need for costly upgrades to rural roads (A228/A289) and avoids bottlenecks.
- Minimises air quality deterioration in sensitive areas.

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## 5.6 Environmental Benefits of Rural Protection

### 5.6.1 Avoiding HRA Impacts

- By not allocating large-scale growth on the Hoo Peninsula, the **Likely Significant Effects** on European sites from recreational disturbance, nitrogen deposition, and urbanisation are greatly reduced.

### 5.6.2 Safeguarding BMV Agricultural Land

- Complies with paragraph 187(b) of the NPPF by avoiding irreversible loss of Grade 1 and 2 land.

### 5.6.3 Preserving Landscape and Tranquillity

- Maintains the Hoo Peninsula's open, undeveloped coastal and marshland character — a core part of its identity recognised in the Neighbourhood Plan.

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## 5.7 Alignment with Hoo St Werburgh & Chattenden Neighbourhood Plan

The Neighbourhood Plan calls for:

- Growth at a scale proportionate to infrastructure.
- Protection of biodiversity and open space.
- Enhancement of walking, cycling, and public transport connections.

The alternative strategy directly supports these aims by removing the strategic Hoo Peninsula allocations and focusing growth within sustainable, urban and suburban locations.

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## 5.8 Deliverability and Soundness

This alternative:

- **Meets the housing requirement** with more certainty (urban and suburban sites are quicker to deliver because the infrastructure already exists).
  - Avoids reliance on **unfunded rural infrastructure projects**.
  - Complies with **SEA Regulations** by representing a reasonable alternative with lower environmental impact.
  - Satisfies the **soundness tests** in paragraph 36 of the NPPF.
- 

## 5.9 Summary Recommendation

To make the Local Plan legally compliant and sound:

1. **Remove strategic housing allocations on the Hoo Peninsula** (e.g., Chattenden, Hoo St Werburgh, Deangate Ridge, High Halstow and Kingsnorth).
  2. **Redistribute growth** to urban vacant brownfield sites and lower-grade suburban sites.
  3. **Strengthen urban regeneration policies** to secure higher densities in sustainable locations.
  4. **Retain only small-scale, locally supported rural growth** in the Hoo Peninsula villages.
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## Chapter 6 – Habitats Regulations Compliance Review

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### 6.1 Legislative Context

The **Conservation of Habitats and Species Regulations 2017** (“the Habitats Regulations”), as amended, transposes the Habitats Directive into domestic law.

Key legal points:

- **Regulation 105** – before a plan is given effect, a competent authority must make an *appropriate assessment* (AA) of its implications for a European site in view of the site’s conservation objectives.
- The AA must be undertaken if the plan is **likely to have a significant effect** (LSE) on a site, either alone or in combination with other plans or projects.
- Approval can only be given if the competent authority can ascertain that the plan **will not adversely affect the integrity** of the site.

The legal tests are strict:

- *People Over Wind* (C-323/17) – mitigation measures cannot be considered at the screening stage.
- *Holohan* (C-461/17) – the AA must assess **all aspects of the plan** that could affect conservation objectives, and cover all species and habitats for which the site is designated.

- *Sweetman* (C-258/11) – “no reasonable scientific doubt” is the standard for concluding no adverse effect.
- 

## 6.2 The Interim HRA’s Scope

The Interim HRA for the Medway Council Local Plan identifies potential LSEs for **multiple European sites**:

1. **Thames Estuary & Marshes SPA/Ramsar**
2. **Medway Estuary & Marshes SPA/Ramsar**
3. **The Swale SPA/Ramsar**
4. **North Downs Woodlands SAC**
5. **Queendown Warren SAC**
6. **Outer Thames Estuary SPA**
7. **Peters Pit SAC**

The key pathways to impact include:

- Recreational disturbance
  - Urbanisation effects
  - Air quality (nitrogen deposition)
  - Water quality
  - Loss of supporting habitat
- 

## 6.3 HRA Findings for the Hoo Peninsula Allocations

### 6.3.1 Recreational Disturbance

- The HRA states that the Hoo Peninsula allocations are within **easy travel distance** of multiple SPAs/Ramsar sites and will significantly increase visitor pressure.
- Impact mechanisms include:
  - Dog walking causing disturbance to overwintering birds.
  - Trampling and erosion of intertidal habitats.
  - Predation risk from domestic cats.

### Compliance failure:

The HRA identifies these as LSEs requiring mitigation via the **North Kent SAMMS** scheme — but:

- There is **no binding funding mechanism** secured for the lifetime of the Plan.
  - The SAMMS tariff rates are **not guaranteed to remain sufficient** for the scale of growth proposed.
  - The HRA relies on *future delivery* of measures, which case law (*People Over Wind, Champion*) confirms is not permissible at the allocation stage without certainty.
- 

### 6.3.2 Air Quality

- Road traffic from Hoo Peninsula growth will increase nitrogen deposition at the North Downs Woodlands SAC and Queendown Warren SAC.

- The HRA relies on strategic transport interventions (Hoo Peninsula rail and road upgrades) to mitigate traffic — but these are unfunded and uncertain.

#### **Compliance failure:**

Without secured mitigation, the legal test of “no reasonable scientific doubt” cannot be met.

The Plan should not be adopted with allocations that cause unmitigated nitrogen deposition on sensitive SAC habitats.

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### **6.3.3 Urbanisation Effects**

The HRA identifies:

- Light pollution from new settlements affecting nocturnal fauna.
- Fly-tipping and littering in designated sites.
- Risk of invasive species spread.

#### **Compliance failure:**

These are acknowledged but left to “**management measures**” without detail or binding commitments. The absence of a secured delivery framework means adverse effects cannot be ruled out.

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### **6.3.4 Water Quality**

- Wastewater from Hoo Peninsula allocations will enter estuarine systems already under nutrient pressure.
- The HRA proposes that wastewater treatment upgrades will address this — but the upgrades are not yet committed, funded, or scheduled.

#### **Compliance failure:**

Under *Holohan*, reliance on unconfirmed future measures is legally insufficient; the AA must confirm capacity and mitigation now.

---

### **6.4 In-Combination Effects**

The HRA notes that cumulative impacts with **Gravesham, Swale, Maidstone, and Dartford** plans will be significant.

However:

- No binding cross-boundary mitigation strategy exists.
  - Statements of Common Ground do not secure joint funding or delivery.
  - The “in combination” assessment is therefore incomplete and legally defective.
- 

### **6.5 Screening and Appropriate Assessment Methodology**

## Methodological issues:

- Screening improperly discounted certain impact pathways by assuming mitigation at the screening stage (*People Over Wind* breach).
  - The Appropriate Assessment contains vague, non-quantified conclusions such as “effects can be mitigated” without full certainty.
- 

## 6.6 The Precautionary Principle and Legal Threshold

The HRA fails the “no reasonable scientific doubt” test because:

- It depends on unconfirmed mitigation measures.
- It leaves key delivery details to later planning stages.
- It has not secured cross-boundary cooperation for cumulative impacts.

Under the Habitats Regulations, this means the Plan **cannot lawfully be adopted** in its current form.

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## 6.7 Recommended Legally Compliant Approach

To meet Habitats Regulations requirements:

1. **Remove or significantly reduce Hoo Peninsula allocations** to a scale that can be shown, with certainty, not to adversely affect site integrity.
  2. **Secure binding agreements** for SAMMS funding, transport measures, and wastewater upgrades before submission.
  3. **Re-run the HRA** with updated mitigation certainty and a robust in-combination assessment.
- 

# Chapter 7 – Sustainability Appraisal and SEA Compliance Review

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## 7.1 Legislative and Policy Framework

The SEA Regulations require that:

- The Local Plan must be informed by an environmental report (the SA) that assesses *reasonable alternatives*.
- This assessment must be **sufficiently detailed** to allow for a transparent comparison of alternatives.
- The chosen strategy must be **justified** as the most appropriate in light of the evidence.

Key legal principles from case law:

- **Save Historic Newmarket Ltd v Forest Heath DC [2011] EWHC 606** – alternatives must be assessed to an equivalent level of detail as the preferred option.
- **Heard v Broadland DC [2012] EWHC 344** – alternatives cannot be rejected without robust comparative analysis.
- **Friends of the Earth v Welsh Ministers [2015]** – alternatives must be reasonable and realistic.

The **NPPF (2024)** reinforces that plans must be “justified” — the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence (para 36(b)).

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## 7.2 Structure of Medway Council’s SA

From the three volumes provided:

- **Volume 1 – Non-Technical Summary (NTS):** Summarises findings and conclusions.
  - **Volume 2 – Regulation 19 SA Report:** The main assessment of policies, allocations, and alternatives.
  - **Volume 3 – Appendices:** Detailed topic-based assessment matrices and baseline data.
- 

## 7.3 Identification of Reasonable Alternatives

### 7.3.1 Stated Alternatives

The SA sets out three main spatial strategy options:

1. **Option 1** – Urban-led growth with limited rural expansion.
2. **Option 2** – Rural-led growth (substantial Hoo Peninsula allocations).
3. **Option 3** – Blended growth across urban and rural areas.

### 7.3.2 Compliance Issue

- The “urban-led” option is **artificially constrained** by assuming lower densities and excluding certain brownfield high-density capacity. This underestimates its potential to meet housing need without rural allocations.
- The preferred strategy is effectively a hybrid weighted heavily toward rural allocations (especially on the Hoo Peninsula), yet the SA does not transparently compare it against a *maximised urban/minimised rural* scenario (as set out in my Chapter 5).

**SEA breach:** The Regulations require that the reasonable alternative of maximising urban growth be assessed fairly and fully. Here, it was prematurely discarded.

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## 7.4 Assessment of Environmental Effects

### 7.4.1 Hoo Peninsula Impacts

The SA itself acknowledges that rural-led allocations on the Hoo Peninsula have **major negative effects** on:

- Biodiversity (due to proximity to SPAs and Ramsar sites).
- Landscape character.
- Agricultural land quality (loss of Grade 1 land).
- Climate change resilience (due to increased car dependency).

### 7.4.2 Contradiction

Despite these findings, the preferred strategy still includes these allocations, with the SA concluding they can be “mitigated” — yet the mitigation measures are not:



- Costed.
- Funded.
- Guaranteed.

This mirrors the legal failings identified in the HRA (Chapter 7).

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## 7.5 Cumulative and In-Combination Assessment

The SEA Regulations require that cumulative effects be considered, including in combination with other authorities' plans.

The SA:

- Mentions cross-boundary effects with Gravesham and Swale but does not assess them in detail.
- Does not incorporate up-to-date housing and employment figures from neighbouring local plans into its cumulative modelling.

**Compliance failure:** This means the SA is incomplete and potentially misleading in its conclusions on cross-boundary harm.

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## 7.6 Reliance on Uncertain Mitigation

The SA repeatedly scores negative effects for Hoo Peninsula sites as “mitigable” — relying on:

- Strategic Access Management and Monitoring Strategy (SAMMS).
- Transport improvements (Hoo Peninsula rail link, A228 upgrades).
- Green infrastructure delivery.

However:

- None of these are guaranteed or funded.
  - SEA case law (e.g., *Save Historic Newmarket*) requires that mitigation relied upon in SA conclusions must be deliverable and certain.
- 

## 7.7 The “No Reasonable Scientific Doubt” Gap

Although this phrase is rooted in the Habitats Regulations, it also applies indirectly here — the SA conclusions on biodiversity rely on speculative mitigation, meaning the environmental report fails to give decision-makers a legally robust evidential basis.

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## 7.8 Public Consultation Failings

- The Regulation 18 SA work did not transparently present the urban-maximisation option, depriving the public of the ability to comment on it.
- Under SEA Reg. 13, consultation bodies must be given an early and effective opportunity to comment on alternatives — this requirement has not been met for the true urban-led strategy.

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## 7.9 Conclusions on SEA/Sustainability Appraisal Compliance

The SA is **not legally compliant** with the SEA Regulations because:

1. It does not assess the full range of reasonable alternatives (specifically, a maximised urban / minimised rural strategy).
  2. It downplays environmental harm from rural allocations despite its own evidence of major negative effects.
  3. It relies on uncertain, unfunded mitigation.
  4. It fails to assess cumulative cross-boundary effects in sufficient detail.
  5. It does not ensure the public and statutory bodies had a fair opportunity to comment on all reasonable alternatives.
- 

## 7.10 Recommended Action

To achieve compliance:

- Re-run the SA with a fair and detailed assessment of the urban-maximisation alternative.
  - Quantify and cost mitigation measures, securing delivery before relying on them.
  - Reassess cumulative effects with up-to-date cross-boundary data.
  - Reconsult on the updated SA.
- 

# Chapter 8 – Conclusions and Recommended Modifications

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## 8.1 Overall Assessment

Following detailed scrutiny of the Medway Council Regulation 19 Local Plan (June 2025) and its supporting evidence base — including the Interim Habitats Regulations Assessment, Sustainability Appraisal, Statements of Common Ground, Infrastructure Delivery Plan, and the Hoo St Werburgh & Chattenden Neighbourhood Plan — the following conclusions are unavoidable:

### 1. Not Legally Compliant

- **Habitats Regulations:** The Plan fails to demonstrate “no reasonable scientific doubt” that adverse effects on European sites will be avoided, due to reliance on uncertain, unfunded, and uncommitted mitigation measures (Chapter 7).
- **SEA Regulations:** The Sustainability Appraisal fails to fairly and fully assess reasonable alternatives, particularly a maximised urban / minimised rural growth strategy, and underplays environmental harm (Chapter 8).
- **Duty to Cooperate:** Engagement with neighbouring authorities and prescribed bodies has not resulted in binding agreements on habitats mitigation, transport, housing distribution, or wastewater capacity (Chapter 3).

### 2. Not Sound

- **Not Justified:** The chosen strategy is not the most appropriate when compared against reasonable alternatives, ignoring an urban-led option that could meet needs without harming the Hoo Peninsula (Chapters 5, 8).
- **Not Effective:** Delivery of key infrastructure (Hoo rail, road upgrades, SAMMS) is uncertain and not secured, making the plan undeliverable in the timescales proposed.
- **Not Consistent with National Policy:** The Plan conflicts with NPPF paragraph 11(b) by failing to avoid harm to internationally designated habitats and the best agricultural land where alternative locations exist.

### 3. Strategic Policy Conflict

- Directly conflicts with the adopted Hoo St Werburgh & Chattenden Neighbourhood Plan (Sept 2024), which supports only small-scale, locally driven growth and seeks to protect the Peninsula's environmental assets.

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## 8.2 Core Findings

- The Hoo Peninsula is a **unique and irreplaceable rural environment** with multiple international and national environmental designations, best and most versatile agricultural land, and a fragile infrastructure network.
- The scale and location of allocations on the Peninsula will cause **irreversible harm** to biodiversity, landscape, agricultural land, and community identity.
- The Plan's evidence base **does not justify** this harm because:
  - It has not been demonstrated that alternative, less harmful spatial strategies were fully and fairly tested.
  - The mitigation measures proposed are **not certain** to be delivered and are **not secured** through binding agreements.
- The legal tests under the **Habitats Regulations** and **SEA Regulations** have not been met.
- The statutory **Duty to Cooperate** has not been satisfied in substance.

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## 8.3 Required Modifications

To make the Plan legally compliant and sound, the following modifications are required:

### 1. Delete Hoo Peninsula Strategic Allocations (HOO1–HOO4)

- Remove large-scale housing and employment allocations from the Peninsula to prevent significant harm to protected habitats and best agricultural land.

### 2. Reassess Spatial Strategy

- Undertake a full and fair Sustainability Appraisal including a **maximised urban / minimised rural** growth option, with transparent housing capacity assumptions for brownfield and underused urban sites.

### 3. Re-run Habitats Regulations Assessment

- With updated spatial options, secured mitigation measures, and a robust in-combination assessment with neighbouring authorities.

#### 4. **Secure Cross-Boundary Agreements**

- Enter into binding Statements of Common Ground covering:
  - Long-term funding and delivery of SAMMS.
  - Joint transport infrastructure phasing and funding.
  - Housing redistribution within the Housing Market Area where environmental constraints require reduced growth in Medway Council's rural areas.
  - Wastewater capacity and nutrient mitigation strategies.

#### 5. **Strengthen Infrastructure Delivery Evidence**

- Provide costed, funded, and timetabled delivery plans for all strategic infrastructure linked to growth allocations, with clear accountability for each delivery partner.

#### 6. **Align with Neighbourhood Plan Policies**

- Amend Local Plan policies to respect the Hoo St Werburgh & Chattenden Neighbourhood Plan's environmental and rural protection objectives.

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### 8.4 Recommendation to the Inspector

Given the scale and seriousness of the legal and soundness failings, the Regulation 19 Local Plan **cannot be found sound** in its current form.

The most appropriate course is:

- **Pause submission** to the Secretary of State.
- Undertake a **focused review** of the spatial strategy and evidence base.
- Reconsult on an updated Regulation 19 Plan that meets legal tests, avoids unacceptable environmental harm, and redistributes growth in a way that is sustainable, deliverable, and consistent with national policy.

If the Plan proceeds to examination without these modifications, the Inspector will have no lawful option but to find the Plan **unsound** and/or **not legally compliant**, particularly under the Habitats Regulations and the Duty to Cooperate — both of which are fatal flaws that cannot be cured by Main Modifications.

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**Thank you for taking the time to read this representation.**

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# Summary for the Inspector – Medway Local Plan Regulation 19 (2025)

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## Overall Position

This representation concludes that the Medway Local Plan (Regulation 19, June 2025) is:

- **Not legally compliant** under the Habitats Regulations, SEA Regulations, and the Duty to Cooperate.
  - **Not sound** — failing NPPF paragraph 36 tests of justification, effectiveness, and consistency with national policy.
  - Strategically flawed in its allocation of large-scale growth to the **Hoo Peninsula**, a uniquely sensitive rural area.
- 

## Key Legal Failings

### 1. Habitats Regulations

- No certainty that adverse effects on European sites will be avoided:
  - Reliance on **unfunded, uncommitted mitigation** (e.g., SAMMS, transport schemes).
  - In-combination impacts with neighbouring authorities not robustly assessed.
  - Conflicts with *People Over Wind*, *Holohan*, and *Sweetman* case law.

### 2. SEA Regulations

- Sustainability Appraisal fails to:
  - Fairly assess the reasonable alternative of **maximised urban / minimised rural** growth.
  - Compare alternatives to an equivalent level of detail.
  - Accurately reflect environmental harm from rural allocations.
  - Assess cumulative cross-boundary impacts in full.

### 3. Duty to Cooperate

- No binding cross-boundary agreements on:
    - Long-term SAMMS delivery.
    - Transport funding and phasing.
    - Housing redistribution across the Housing Market Area.
    - Wastewater capacity and nutrient mitigation.
  - Statements of Common Ground are high-level and aspirational, failing the **Localism Act 2011** and *Solihull* tests.
-

# Soundness Failings

## 1. Not Justified

- Ignores an urban-led alternative capable of meeting housing need without rural harm.
- Downplays negative effects on biodiversity, landscape, and heritage.

## 2. Not Effective

- Infrastructure (rail, road, mitigation) not funded or secured.
- Delivery dependent on speculative projects.

## 3. Not Consistent with National Policy

- Breaches NPPF paragraph 11(b) by not avoiding harm where alternative sites exist.
- Conflicts with NPPF paragraph 187(b) on protecting best agricultural land.
- Inconsistent with paragraph 187–195 protections for designated habitats.

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# The Hoo Peninsula Case

## Unique and Irreplaceable Assets

- International designations: Thames Estuary & Marshes SPA/Ramsar, Medway Estuary & Marshes SPA/Ramsar.
- Grade 1 agricultural land — among the UK’s most productive.
- Rural landscape character of the North Kent Marshes.
- Rich heritage links, including WW1, WW2 and agricultural engineering history of **Thomas Aveling**.

## Nature of Harm

- Recreational disturbance, predation, fly-tipping, urbanisation impacts.
- Irreversible loss of best agricultural land.
- Congestion and air quality deterioration.
- Conflict with the **Hoo St Werburgh & Chattenden Neighbourhood Plan (2024)**.

## Mitigation Deficit

- No secured long-term SAMMS funding.
- No guaranteed transport infrastructure.
- No compensation for loss of agricultural land or habitat function.

---

# Required Modifications

To make the Plan legally compliant and sound:

1. **Remove the Hoo Peninsula strategic allocations.**
2. Reassess spatial strategy with a full urban-maximisation / rural-minimisation alternative.
3. Re-run HRA with secured mitigation and robust in-combination assessment.

4. Secure binding cross-boundary agreements on habitats, transport, housing distribution, and wastewater.
  5. Provide costed, funded, and timetabled infrastructure delivery plans.
  6. Align Local Plan policies with the adopted Neighbourhood Plan.
- 

## Recommendation to the Inspector

Given the above:

- The Plan **cannot be found sound** without fundamental modification.
  - Hoo Peninsula strategic allocations should be removed under NPPF 11(b).
  - Growth should be redistributed to urban vacant brownfield sites and less constrained areas, working jointly with neighbouring authorities.
-

## Medway Local Plan (Regulation 19, 2025) – Legal & Soundness Compliance Checklist

Test / Requirement	Source	Plan Performance	Compliance?
<b>Habitats Regulations – No Adverse Effect on Integrity</b>	Conservation of Habitats and Species Regulations 2017; Case law ( <i>People Over Wind</i> , <i>Holohan</i> , <i>Sweetman</i> )	Relies on uncommitted, unfunded mitigation (SAMMS, rail, road, environmental); in-combination effects not robustly assessed; no “no reasonable scientific doubt” finding possible.	<b>X (NO)</b>
<b>SEA – Assessment of Reasonable Alternatives</b>	Environmental Assessment of Plans & Programmes Regulations 2004; <i>Save Historic Newmarket</i> , <i>Heard v Broadland</i>	Fails to assess “maximised urban / minimised rural” option fairly; alternative options artificially constrained; inadequate cumulative assessment.	<b>X (NO)</b>
<b>SEA – Mitigation Certainty</b>	SEA Regulations; <i>Friends of the Earth v Welsh Ministers</i>	Mitigation relied on is speculative, unfunded, and not secured; conclusions on residual effects unreliable.	<b>X (NO)</b>
<b>Duty to Cooperate</b>	Localism Act 2011 s33A; NPPF paras 24–28; <i>Solihull MBC v Gallagher</i>	Engagement occurred but no binding agreements on SAMMS delivery, transport phasing, housing redistribution, wastewater capacity; SoCGs aspirational only.	<b>X (NO)</b>
<b>Justified</b>	NPPF para 36(b)	Strategy not most appropriate; ignores maximised urban-led alternative; underplays harm to Hoo Peninsula.	<b>X (NO)</b>
<b>Effective</b>	NPPF para 36(c)	Dependent on speculative, uncommitted infrastructure; risks delivery failure.	<b>X (NO)</b>
<b>Consistent with National Policy – Para 11(b)</b>	NPPF para 11(b)	Does not avoid harm where alternative sites exist; fails biodiversity avoidance–mitigation–compensation hierarchy.	<b>X (NO)</b>
<b>Protection of Best &amp; Most Versatile Agricultural Land</b>	NPPF para 187(b)	Allocates large-scale development on Grade 1 land without overriding justification.	<b>X (NO)</b>
<b>Protection of Designated Habitats</b>	NPPF paras 187–195	Allocations adjacent to/within Functionally Linked Land of SPAs/Ramsar sites; harm not demonstrably avoided or mitigated.	<b>X (NO)</b>
<b>Neighbourhood Plan Conformity</b>	PCPA 2004 s38(5); NPPF paras 29–31	Direct conflict with Hoo St Werburgh & Chattenden Neighbourhood Plan (2024) — large allocations contradict local policy.	<b>X (NO)</b>



Test / Requirement	Source	Plan Performance	Compliance?
Infrastructure Delivery Alignment	NPPF para 11(b)(ii), 32–34	No funded, timetabled delivery plan for strategic infrastructure (rail, roads, green infrastructure, SAMMS).	<b>X (NO)</b>

## Key Observations

- **Fatal flaws** in legal compliance: Habitats Regulations and Duty to Cooperate failures cannot be cured by main modifications — they require plan withdrawal or re-drafting.
- **Soundness failings** are systemic — affecting the spatial strategy, evidence base, and delivery mechanisms.
- **Hoo Peninsula allocations** are the single largest source of legal and soundness risk.

## Inspector's Recommended Actions

1. Require removal of Hoo Peninsula strategic allocations to remove principal source of legal and environmental risk.
2. Instruct Medway Council to re-run SA and HRA with a fully tested “max urban / min rural” option.
3. Require binding cross-boundary agreements before submission.
4. Insist on funded, timetabled infrastructure delivery plan.

---

# HOO PENINSULA – STRATEGIC GROWTH ALLOCATIONS: IMPACT SUMMARY

For the Inspector – Medway Local Plan Regulation 19 (June 2025)

---

## NPPF 11(b) – Decision Test

- Significant harm to habitats and biodiversity **must be avoided**.
  - If harm cannot be avoided, it must be **mitigated** or **compensated**.
  - If this is not possible, **planning permission should be refused**.
- 

## The Hoo Peninsula – Why It Is Unique

- **Environmental Designations:**
    - Thames Estuary & Marshes SPA/Ramsar.
    - Medway Estuary & Marshes SPA/Ramsar.
    - SSSIs, NNRs and extensive Functionally Linked Land (mostly farmland).
  - **Agricultural Value:**
    - Large areas of **Grade 1 best and most versatile farmland** – among the UK’s most productive.
  - **Heritage & Character:**
    - Distinct rural marshland and wetland landscape.
    - Maritime and agricultural heritage, including the both World Wars and the legacy of pioneering Victorian agricultural engineer **Thomas Aveling**, and distinctive maritime artist **William Lionel Wyllie**.
  - **Neighbourhood Plan:**
    - Hoo St Werburgh & Chattenden Neighbourhood Plan (2024) supports only **small-scale, locally led growth**.
- 

## Nature of the Harm

- **Biodiversity:**
  - Recreational disturbance to SPA/Ramsar habitats and bird species.
  - Urbanisation impacts: lighting, fly-tipping, predation by pets.
  - Loss of Functionally Linked Land (mostly farmland) and foraging habitat.
- **Agriculture:**

- Permanent loss of prime food-producing land.
  - **Infrastructure:**
    - Overloading of the A228/A289 before mitigation.
    - Reliance on unfunded rail and road infrastructure schemes.
  - **Community:**
    - Loss of rural identity and settlement separation.
- 

## Why Mitigation Fails

- **SAMMS:** Insufficient funding and delivery mechanism for proposed growth scale.
  - **Transport:** Rail and road upgrades unfunded and uncertain.
  - **Compensation:** No credible strategy to replace lost agricultural capacity or habitat.
- 

## Reasonable Alternative Exists

- **Urban-maximisation / Rural-minimisation** approach:
    - Focus on high-density vacant brownfield and town centre regeneration in Strood, Rochester, Chatham, Gillingham and Rainham.
    - Meets housing need **without harming the Hoo Peninsula's habitats and farmland.**
    - Aligns with existing infrastructure and regeneration goals.
- 

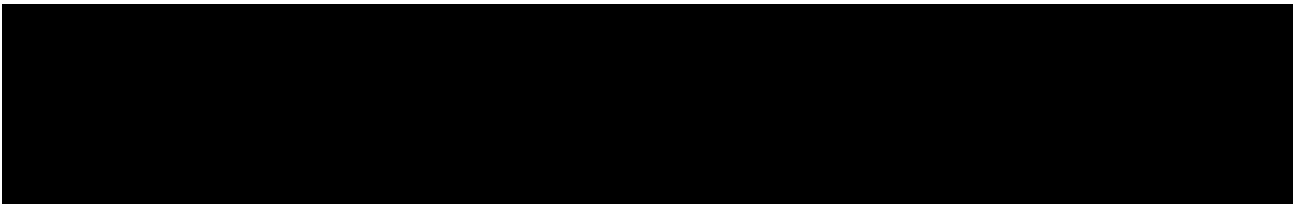
## Conclusion & Recommendation

The Hoo Peninsula allocations **fail NPPF 11(b)** because:

- Harm **can be avoided** by alternative site selection.
- Mitigation measures are **not certain, funded, or secured.**
- Compensation is **impractical or impossible.**
- Harm is **significant and permanent.**

### Recommendation:

- **Remove Hoo Peninsula allocations** from the Local Plan.
  - Redistribute growth to urban vacant brownfield sites (at high-density) and less constrained suburban sites via cross-boundary cooperation.
-



**Cllr. George Crozer (Ind)**

**Cllr. Michael Pearce (Ind)**

**Group Leader**

**Deputy Group Leader**

**Hoo & High Halstow Ward**

**Hoo & High Halstow Ward**



**Cllr. Ron Sands (Ind)**

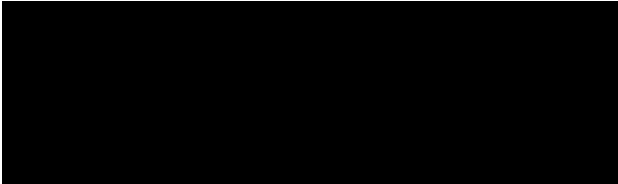
**Cllr. Elizabeth Turpin (Ind)**

**Group Whip**

**Group Member**

**Hoo & High Halstow Ward**

**Strood Rural Ward**



**Cllr. John Williams (Ind)**

**Group Member**

**Strood Rural Ward**

## Model Representation Form for Local Plans



### Local Plan Publication Stage Representation Form

Ref:

(For  
official  
use only)

Name of the Local Plan to which this  
representation relates:

Medway Local Plan

**Please return to Medway Council Planning Service by 11<sup>th</sup> August 2025**

Email: [planning.policy@medway.gov.uk](mailto:planning.policy@medway.gov.uk) or post to:

Planning Policy, Medway Council, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

### Part A

1. Personal  
Details\*

2. Agent's Details (if  
applicable)

*\*If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

Title	Mr	
First Name	Michael	
Last Name	Pearce	
Job Title (where relevant)	Cllr.	
Organisation (where relevant)	Medway Council	
Address Line 1	Gun Wharf	
Line 2	Dock Road	
Line 3	Chatham	
Line 4	Kent	
Post Code	ME4 4TR	
Telephone Number		
E-mail Address (where relevant)		

---

## Part B – Please use a separate sheet for each representation

---

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph

Policy

Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

No

4.(2) Sound

Yes

No

4 (3) Complies with the  
Duty to co-operate

Yes

No

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

See multiple representations:

- 1. Main Representation**
- 2. NPPF 11(b) Representation**
- 3. 400m & 1km Buffer Representation**
- 4. Sites Appraisal Document**
- 5. Letters to LPA Document**

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

See multiple representations:

- 1. Main Representation**
- 2. NPPF 11(b) Representation**
- 3. 400m & 1km Buffer Representation**
- 4. Sites Appraisal Document**
- 5. Letters to LPA Document**

(Continue on a separate sheet /expand box if necessary)

**Please note** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

**After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.**

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

☐

**No**, I do not wish to participate in hearing session(s)

☐

TICK

**Yes**, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

**I (Cllr. Michael Pearce) will represent The Independent Group (TIG), as Planning Spokesman, at the hearing sessions. Please not, I'm not a professional or qualified or trained planner, consultant, solicitor or KC etc. What knowledge I have of planning comes from voluntary experience and personal interest.**

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**For details of our data privacy policy please see:**

<https://www.medway.gov.uk/info/200133/planning/714/planning-service-privacy-statement>

**THE  
INDEPENDENT  
GROUP**  
ON MEDWAY COUNCIL

**Representation concerning NPPF 11(b) in response to**

*Medway Council's*

*Regulation 19*

*Medway Local Plan 2041*

*Proposed Submission Draft  
and Supporting Documents*

*June 2025*

**Sunday 10th August 2025**



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## **INDEX**

<b>Page Number:</b>	<b>Chapter:</b>
<b>3</b>	About The Independent Group (TIG)
<b>3</b>	Executive Summary – TIG Representation on Application of NPPF Paragraph 11(b) to Remove Hoo Peninsula Allocations from the Medway Regulation 19 Draft Local Plan
<b>5</b>	Chapter 1: Legal and Policy Framework
<b>8</b>	Chapter 2: Environmental Constraints of the Hoo Peninsula
<b>11</b>	Chapter 3: Habitats Regulations Assessment Findings
<b>14</b>	Chapter 4: Sustainability Appraisal Findings
<b>17</b>	Chapter 5: Loss of Best and Most Versatile Agricultural Land
<b>20</b>	Chapter 6: Landscape and Cultural Heritage Harm
<b>23</b>	Chapter 7: Cumulative Planning Harm and Reasonable Alternatives
<b>26</b>	Chapter 8: Infrastructure and Deliverability Risks
<b>30</b>	Chapter 9: Policy Compliance and Soundness Tests
<b>33</b>	Chapter 10: Recommendations and Conclusion
<b>36</b>	The Independent Group (TIG) Signatures.

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## About The Independent Group (TIG)

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The Independent Group (TIG) is a group of five Independent Councillors who sit on Medway Council. We represent the following Medway Council Wards and the following rural villages on the Hoo Peninsula in Kent:

**Strood Rural Ward:** Cliffe, Cliffe Woods, Cooling, Frindsbury, Wainscott and Upnor.

**Hoo & High Halstow Ward:** Chattenden, Hoo St Werburgh, High Halstow and Kingsnorth.

Cllr. Turpin and Cllr. Williams represent Strood Rural Ward (achieving over 52.5% of the vote at the 2023 Local Election) and Cllr. Crozer (Group Leader), Cllr. Pearce (Deputy Group Leader) and Cllr. Sands (Group Whip) represent Hoo & High Halstow Ward (achieving 70% of the vote at the 2023 Local Election). TIG represents a clear and significant majority of the electorate on the Hoo Peninsula - a strong rural community with productive fertile agricultural land, valued landscapes, rich heritage, and internationally and nationally important habitats, supporting bio-diverse wildlife. The Hoo Peninsula is part of the proposed East Coast Wetlands designation to become a UNESCO Natural World Heritage Site.

The existing development plan for the Hoo Peninsula includes two recently adopted Neighbourhood Plans: (1) Hoo St Werburgh & Chattenden Neighbourhood Plan and (2) Cliffe & Cliffe Woods Neighbourhood Plan.

TIG also supports the residents and Parish Councils of **All Saints Ward:** Allhallows, St. Mary Hoo, Stoke and Grain.

The following four categories must be at the heart of Medway Council's new Local Plan.

1. **Conserving and enhancing the natural environment**
2. **Supporting a prosperous rural economy**
2. **Meeting the challenge of climate change, flooding and coastal change**
3. **Conserving and enhancing the historic environment**

---

## Executive Summary – Representation on Application of NPPF Paragraph 11(b) to Remove Hoo Peninsula Allocations from the Medway Regulation 19 Draft Local Plan

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### Purpose of this Representation

This representation from TIG is submitted in response to Medway Council's Regulation 19 Draft Local Plan (June 2025). It focuses on the legal and policy requirement under **paragraph 11(b) of the National Planning Policy Framework (NPPF, December 2024)**, which mandates that local plans should be

positively prepared but must also avoid development where the adverse impacts significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.

The purpose of this representation is to make the evidence-based case that, in accordance with paragraph 11(b), **all strategic and non-strategic housing and new employment allocations on the Hoo Peninsula must be removed** from the Local Plan. This is necessary to avoid irreversible harm to:

1. **Internationally designated habitats** (SPAs, SACs, Ramsar sites) and their functionally linked land, as confirmed by the Habitats Regulations Assessment (HRA).
  2. **Nationally designated Sites of Special Scientific Interest (SSSIs).**
  3. **Extensive areas of highly productive Grade 1 and Grade 2 agricultural land**, as identified in the Sustainability Appraisal (SA).
- 

## Summary of Key Findings

### 1. The HRA Identifies Unresolved Risks to European Sites

- The Interim HRA concludes that the Draft Local Plan has the potential to cause **likely significant effects** on the Medway Estuary & Marshes SPA/Ramsar, Thames Estuary & Marshes SPA/Ramsar, The Swale SPA/Ramsar, and the North Downs Woodlands SAC.
- These effects relate to **air quality, hydrology, recreational pressure, and urbanisation**, with **air quality modelling still incomplete** at Regulation 19 stage, preventing any lawful conclusion of “no adverse effect on site integrity”.
- Under the Habitats Regulations 2017, a plan can only be lawfully adopted if adverse effects on site integrity are excluded beyond reasonable scientific doubt. This is currently impossible for the Hoo Peninsula allocations.

### 2. The SA Confirms Significant Adverse Effects

- The SA records that the Hoo Peninsula allocations will cause **major negative effects on biodiversity, soil quality (due to loss of best and most versatile agricultural land), and landscape character**.
- Many of these adverse effects are **residual even after mitigation**, particularly in relation to habitat disturbance, loss of ecological connectivity, and permanent agricultural land loss.
- The SA’s own evidence shows the Hoo Peninsula developments to be in conflict with multiple SA objectives, including biodiversity, natural resources, and climate resilience.

### 3. Loss of Best and Most Versatile Agricultural Land

- The Agricultural Land Classification mapping in the SA identifies extensive **Grade 1 and Grade 2 land across the Hoo Peninsula**.
- NPPF paragraph 187(b) requires planning to recognise the intrinsic value of the best and most versatile agricultural land. The scale of loss proposed in the Draft Local Plan directly contravenes this requirement and has no reasonable justification in the evidence base.

### 4. Lack of Legal Compliance and Soundness

- **Legal Non-Compliance:** The absence of completed air quality assessment and mitigation measures in the HRA breaches the Conservation of Habitats and Species Regulations 2017.
- **Unsoundness:** The Plan is neither justified (reasonable alternatives that avoid these harms have not been selected) nor consistent with national policy (NPPF paragraphs 11 and 187 to 195).
- The SA records reasonable alternative strategies that would reduce pressure on the Hoo Peninsula but these have not been pursued.

## 5. Paragraph 11(b) NPPF Test Is Not Met

Paragraph 11(b) states that plans should:

“...apply a presumption in favour of sustainable development... unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.”

For the Hoo Peninsula allocations:

- **Protected Areas Policies Apply:** SPAs, SACs, Ramsar sites, and SSSIs fall under Footnote 7 to paragraph 11(b), which means the presumption is disengaged where harm cannot be ruled out.
  - **Adverse Impacts Significantly Outweigh Benefits:** The ecological, agricultural, and landscape harms, combined with unresolved legal risks, outweigh any housing delivery benefits — especially as alternative, less damaging allocations are available elsewhere.
- 

## Conclusion and Request

Given the evidence from the HRA, SA, and the Local Plan itself, Medway Council must:

- **Apply NPPF paragraph 11(b)** and recognise that the protective policies for internationally and nationally important habitats are engaged.
  - **Remove all Hoo Peninsula housing and new employment allocations** from the Local Plan before submission for examination.
  - **Reallocate housing growth** to locations that do not conflict with statutory nature conservation duties, do not result in major loss of best and most versatile agricultural land, and do not compromise the Plan’s legal compliance.
- 

# Chapter 1: Legal and Policy Framework

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## 1.1 Introduction

This chapter sets out the legal and policy context for applying **NPPF paragraph 11(b)** to remove all housing and new employment allocations on the Hoo Peninsula from the Medway Council Regulation 19 Draft Local Plan (June 2025).

It covers:

1. The statutory duties arising from the **Conservation of Habitats and Species Regulations 2017** (“Habitats Regulations”).
2. The requirements of the **National Planning Policy Framework (December 2024)**, with particular focus on paragraph 11(b) and associated “protective policies” in Footnote 7.
3. Relevant case law and Planning Inspectorate precedent.
4. The interaction between the Habitats Regulations Assessment (HRA), Sustainability Appraisal (SA), and Local Plan soundness tests.
5. The specific policy weight afforded to **internationally protected habitats** and **best and most versatile agricultural land**.

This framework is critical because it governs not only how Medway Council must plan for growth, but also how the Inspector will assess whether the Draft Local Plan can be found **legally compliant** and **sound**.

---

## 1.2 The Conservation of Habitats and Species Regulations 2017

### 1.2.1 Statutory Requirement

The Habitats Regulations 2017 (as amended) transpose the EU Habitats Directive and Birds Directive into domestic law.

Regulation 105(1) provides:

“A competent authority, before giving any consent... for a plan or project... which is likely to have a significant effect on a European site... shall make an appropriate assessment of the implications for that site in view of that site’s conservation objectives.”

Under **Regulation 105(4)**:

“...the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.”

This duty is **strict** and applies equally to local plans as to individual planning applications.

### 1.2.2 Precautionary Principle

The standard of proof is “**beyond reasonable scientific doubt**” that there will be no adverse effect on integrity. This is confirmed by:

- *Waddenzee* (Case C-127/02)
- *People Over Wind* (C-323/17) – mitigation cannot be considered at screening stage.
- *Holohan v An Bord Pleanála* (C-461/17) – all aspects of conservation objectives must be considered.

Where doubt remains — for example, due to incomplete or inconclusive air quality modelling — the plan **must not proceed** in its current form. The Interim HRA for Medway Council confirms that such uncertainty remains for the Hoo Peninsula housing and new employment allocations.

---

## 1.3 National Planning Policy Framework (December 2024)

### 1.3.1 Paragraph 11(b) – The Tilted Balance and Footnote 7

Paragraph 11(b) of the NPPF states that plans should:

“...apply a presumption in favour of sustainable development... unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed...”

Footnote 7 specifies that these “protective policies” include:

- Habitats sites (SPAs, SACs, Ramsar sites) and SSSIs (NPPF Chapter 15).
- Land designated as Green Belt or protected under other specific designations.
- Locations at risk of flooding.

- Irreplaceable habitats (including ancient woodland and veteran trees).

### 1.3.2 Paragraph 187(b)

Requires planning authorities to:

“Recognise... the economic and other benefits of the best and most versatile agricultural land.”

Grade 1 and 2 land on the Hoo Peninsula falls squarely into this category, and the loss of such land is a material consideration weighing heavily against allocation.

### 1.3.3 Paragraphs 187 to 195

Requires that plans:

- Avoid harm to biodiversity sites, and
- Refuse development if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for.

Given the international importance of the Hoo Peninsula and its role as functionally linked land for qualifying species, the tests in these paragraphs cannot be met.

---

## 1.4 Local Plan Soundness Tests

The NPPF (para. 36) states that to be sound a plan must be:

1. **Positively prepared** – meets objectively assessed needs as far as is consistent with the policies in the NPPF.
2. **Justified** – the most appropriate strategy when considered against reasonable alternatives.
3. **Effective** – deliverable over the plan period.
4. **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the NPPF.

Where allocations result in:

- **Breach of Habitats Regulations** (legal non-compliance), and
- **Conflict with protective NPPF policies** (unsoundness),  
the plan cannot pass examination without modification.

---

## 1.5 Relevant Case Law and Precedent

### 1.5.1 *Wealden District Council v SSCLG [2017] EWHC 351 (Admin)*

Held that failure to assess cumulative air quality impacts on European sites rendered the plan unlawful.

### 1.5.2 *Gladman Developments Ltd v Daventry DC [2016] EWCA Civ 1146*

Confirmed that the “most appropriate strategy” test under soundness requires robust comparative assessment of reasonable alternatives.

### 1.5.3 Planning Inspectorate Decisions

In recent examinations (e.g., Canterbury Local Plan, Fareham Local Plan), Inspectors have recommended the removal of housing allocations where unresolved HRA issues remained at submission.

---

## 1.6 Integration with SA and HRA

The SA and HRA evidence is not merely background material — it has statutory weight:

- The SA must demonstrate that reasonable alternatives have been considered to avoid significant environmental harm.
- The HRA must be concluded, with certainty of no adverse effects on site integrity, before the plan is lawfully adopted.

In the case of the Hoo Peninsula housing and new employment allocations:

- The SA admits **major residual adverse effects** on biodiversity, soils, and landscape.
  - The HRA is **incomplete** for air quality and thus cannot lawfully conclude no harm.
- 

## 1.7 Summary of the Legal Position

Given the legal tests above:

1. The protective policies in NPPF paragraph 11(b) are engaged for the Hoo Peninsula housing and new employment allocations.
2. The Habitats Regulations 2017 prohibit adoption of the plan in its current form because adverse effects on European site integrity cannot be excluded beyond reasonable scientific doubt.
3. The SA evidence confirms the housing and new employment allocations cause significant unmitigated harm to best and most versatile agricultural land and biodiversity.
4. The plan is unsound under paragraph 36 and inconsistent with paragraphs 187 to 195 of the NPPF.

**Therefore, the only legally compliant course of action is to remove all Hoo Peninsula housing and new employment allocations from the Local Plan prior to submission.**

---

# Chapter 2: Environmental Constraints of the Hoo Peninsula

---

## 2.1 Introduction

The Hoo Peninsula is one of the most environmentally sensitive landscapes in England. It is characterised by an extensive mosaic of intertidal marshes, mudflats, grazing marsh, coastal wetlands, ancient woodland, and high-grade farmland. Its ecological and agricultural importance is recognised at **international, national, and local levels**, with multiple overlapping statutory designations.

This chapter uses evidence from the **Medway Council Regulation 19 Interim Habitats Regulations Assessment (HRA)**, the **Sustainability Appraisal (SA)**, and relevant supporting datasets in the Local Plan evidence base to set out the key environmental constraints which are fundamentally incompatible with the scale and type of housing and new employment allocations proposed in the Draft Local Plan.

---

## 2.2 Internationally Designated Sites

### 2.2.1 Special Protection Areas (SPAs)

The Hoo Peninsula lies between and within the **Medway Estuary and Marshes SPA** and the **Thames Estuary and Marshes SPA**, and within functional ecological range of **The Swale SPA**.

These sites are designated under the Birds Directive for their internationally important populations of migratory and overwintering waterbirds, including:

- Avocet (*Recurvirostra avosetta*)
- Redshank (*Tringa totanus*)
- Dunlin (*Calidris alpina alpina*)
- Dark-bellied Brent Goose (*Branta bernicla bernicla*)

All of the Hoo Peninsula allocations fall within the **Bird Wise North Kent Mitigation Zone of Influence**, meaning the developments are predicted to increase recreational pressure on these protected areas.

### 2.2.2 Ramsar Sites

The **Medway Estuary and Marshes Ramsar site**, **Thames Estuary and Marshes Ramsar site**, and **The Swale Ramsar site** overlap geographically with the SPAs. They are protected under the Ramsar Convention and are subject to the same Habitats Regulations protections as SPAs.

### 2.2.3 Special Area of Conservation (SAC)

The **North Downs Woodlands SAC**, while not located on the Hoo Peninsula, is within the air quality impact zone of proposed allocations. The Interim HRA records that the required air quality modelling to determine plan-level effects is still **outstanding**. Until completed, adverse effects on site integrity **cannot be ruled out**.

---

## 2.3 Nationally Designated Sites

### 2.3.1 Sites of Special Scientific Interest (SSSIs)

The SPAs and Ramsar sites are underpinned by SSSIs, including:

- Medway Estuary and Marshes SSSI
- Thames Estuary and Marshes SSSI

These SSSIs are protected under Section 28 of the Wildlife and Countryside Act 1981, and local plans must avoid proposals that would damage their special interest features.

### 2.3.2 Priority Habitats and Ancient Woodland

The Interim HRA identifies **priority coastal habitats** and areas of ancient woodland in proximity to proposed allocations (notably Cockham Community Parkland and Deangate Ridge). These are irreplaceable habitats protected under NPPF paragraph 180(c).

---



## 2.4 Functionally Linked Land

A crucial but often overlooked constraint is that large parts of the Hoo Peninsula's farmland are **functionally linked land (FLL)** for SPA bird populations. The HRA Appendix F confirms that species such as dark-bellied brent goose and lapwing forage extensively on inland grazing marsh and arable fields.

Loss or disturbance of FLL has the same ecological consequences as direct loss of SPA land, meaning its removal or degradation can trigger an adverse effect on site integrity.

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## 2.5 Agricultural Land Quality

### 2.5.1 Best and Most Versatile (BMV) Land

The **SA Volume 2** maps agricultural classifications across Medway, showing that much of the Hoo Peninsula's development land is **Grade 1 or Grade 2**. These are the most productive soils in England, capable of producing a wide range of crops.

NPPF paragraph 187(b) requires local plans to **recognise and protect the economic and other benefits** of BMV land. The scale of BMV loss from the Hoo Peninsula allocations — thousands of hectares cumulatively — represents a significant and irreversible harm.

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## 2.6 Landscape and Visual Sensitivity

The Hoo Peninsula is visually and culturally distinctive, characterised by its open estuarine vistas, low-lying marshland, and skyline punctuated by church towers and historic farmsteads. The SA identifies major residual adverse effects on landscape from the proposed allocations, noting:

- The Hoo Peninsula's landscapes are largely undeveloped and tranquil.
  - Development would result in urbanising effects visible across long distances, including from the North Kent Marshes and the Kent Downs National Landscape.
- 

## 2.7 Flood Risk and Coastal Change

While the Draft Local Plan includes flood risk policy, much of the low-lying Hoo Peninsula is within tidal flood zones. The **Medway Estuary and Swale Flood and Coastal Erosion Risk Management Strategy (MEASS)** identifies parts of the Hoo Peninsula as areas where future managed realignment may be required — meaning some proposed development sites may be unsustainable over the plan period.

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## 2.8 Cumulative Pressures Identified in the HRA

The Interim HRA's screening stage identified that the Draft Local Plan's allocations collectively pose risks in the following pathways:

- **Air quality** – from increased road traffic, especially on the A228/A289 corridors.
- **Hydrological changes** – potential effects on water quality and quantity.
- **Recreational disturbance** – increased visitor pressure on sensitive coastal habitats.

- **Urbanisation** – direct loss of habitat, increased predation, lighting, and noise.

Notably, these are **in-combination effects**, meaning that even if individual sites appear small in impact, their cumulative harm breaches the precautionary principle under the Habitats Regulations.

## 2.9 Summary Table of Environmental Constraints

Constraint	Designation / Evidence Source	Relevant Policy Protection
International habitats (SPA, Ramsar)	Medway, Thames, Swale Estuaries	NPPF para. 11(b), 187 to 195, Habitats Regs 2017
SAC	North Downs Woodlands	Habitats Regs 2017
SSSI	Underpin SPAs/Ramsars	Wildlife and Countryside Act 1981
Functionally linked land	HRA Appendix F	Habitats Regs 2017
BMV agricultural land	SA mapping	NPPF para. 187(b)
Priority habitats & ancient woodland	HRA, MAGIC maps	NPPF para. 187 to 195
High landscape sensitivity	SA residual effects	NPPF para. 187 to 195
Flood risk & coastal change	MEASS, SFRA	NPPF paras. 161 to 186

## 2.10 Conclusion

The Hoo Peninsula is an environmentally constrained location at **every scale of planning assessment** — international, national, and local.

Any strategy that allocates thousands of new dwellings here:

- Directly conflicts with NPPF protective policies.
- Risks legal failure under the Habitats Regulations.
- Causes irreversible loss of nationally important farmland.
- Urbanises one of the South East's most sensitive estuarine landscapes.

These constraints are not marginal — they are **fundamental barriers** to the principle of large-scale development in this location. As such, paragraph 11(b) NPPF must be applied, and all Hoo Peninsula housing and new employment allocations removed from the Local Plan.

# Chapter 3: Habitats Regulations Assessment Findings

## 3.1 Introduction

This chapter examines in detail the findings of the **Interim Habitats Regulations Assessment (HRA) of the Medway Local Plan (June 2025)**.

The purpose is to demonstrate that the **Hoo Peninsula housing and new employment allocations cannot lawfully remain in the plan** because:

1. **Likely Significant Effects (LSEs)** are identified for multiple European sites.
  2. The **Appropriate Assessment (AA)** stage has **not been completed** for key impact pathways, most critically air quality.
  3. There is no reasonable scientific basis to conclude “no adverse effect on integrity” (NAEI) for the affected sites.
  4. This engages Footnote 7 of **NPPF paragraph 11(b)**, disengaging the presumption in favour of development and requiring removal of the allocations.
- 

## 3.2 The Role of HRA in Local Plan Preparation

### 3.2.1 Statutory Basis

Under **Regulation 105(1)** of the Conservation of Habitats and Species Regulations 2017, local plans must undergo HRA if they are “likely to have a significant effect” on a European site.

Where such effects are possible, the competent authority (here, Medway Council) must carry out an **Appropriate Assessment** to determine whether the plan will adversely affect the integrity of the site, considering its **conservation objectives**.

### 3.2.2 Legal Threshold

- The legal test, established by the *Waddenzee* judgment (Case C-127/02), is that plans can only proceed if there is **no reasonable scientific doubt** that the plan will not harm the integrity of a European site.
  - If the assessment cannot conclude NAEI, the plan **must not** be adopted unless the Imperative Reasons of Overriding Public Interest (IROPI) procedure is followed — a process which is absent from Medway Council’s evidence base.
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## 3.3 HRA Screening Outcomes for the Medway Local Plan

The **screening stage** of the Interim HRA identified that, **without mitigation**, the Draft Local Plan is likely to have significant effects on the following European sites:

European Site	Identified Pathways of Impact
Medway Estuary & Marshes SPA / Ramsar	Air quality, hydrology, recreational pressure, urbanisation
Thames Estuary & Marshes SPA / Ramsar	Air quality, hydrology, recreational pressure, urbanisation
The Swale SPA / Ramsar	Air quality, hydrology, recreational pressure, urbanisation
North Downs Woodlands SAC	Air quality, hydrology, recreational pressure

The scale and proximity of the **Hoo Peninsula allocations** mean that they are the **primary driver** of these potential effects.

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## 3.4 Appropriate Assessment Findings by Impact Pathway

### 3.4.1 Air Quality

- **Status:** *Assessment incomplete* – air quality modelling for the North Kent Estuaries and North Downs Woodlands SAC **has not yet been carried out**.
- **Implication:** Without this modelling, it is legally impossible to conclude NAEI. The precautionary principle therefore requires that any plan-dependent development which could increase traffic flows on roads within the critical load/level screening distance must be paused or removed.
- **Relevance to Hoo Peninsula:** The allocations will generate significant traffic increases on the A228, A289, and other routes crossing sensitive estuarine habitats.

### 3.4.2 Water Quality and Quantity

- The HRA considered the regulatory water management framework (Water Resource Management Plans, Drainage and Wastewater Management Plans, River Basin Management Plans) and concluded that, **in isolation**, these may prevent adverse effects.
- **However**, this relies heavily on the assumption that wastewater treatment capacity will be enhanced in time to meet growth, something the Infrastructure Delivery Plan acknowledges as uncertain.

### 3.4.3 Recreational Pressure

- The HRA identifies **residual risk** of increased visitor pressure to the North Kent Marshes despite mitigation measures such as the Strategic Access Management and Monitoring Strategy (SAMMS).
- Recreational pressure effects are particularly acute for SPA/Ramsar bird populations during overwintering and migration seasons.
- The HRA notes that the **scale of Hoo Peninsula growth intensifies this risk**, given the immediate proximity of many housing and new employment allocations to the designated coast.

### 3.4.4 Urbanisation Effects

- Identified risks include increased predation by domestic pets, disturbance from lighting and noise, and direct encroachment on habitat.
- Appendix G of the HRA lists multiple Hoo Peninsula allocations within the **Impact Risk Zone** for the Medway Estuary & Marshes SSSI.

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## 3.5 In-combination and Cumulative Effects

The HRA stresses the need to consider impacts **in combination** with other local plan allocations in neighbouring districts.

Given that Swale, Gravesham, and Thurrock plans also allocate growth near the Thames and Medway estuaries, the cumulative pressure from housing, employment, and transport infrastructure compounds the risks.

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## 3.6 Evidence Gaps and Legal Consequences

The HRA is explicitly titled “**Interim**” because:

- Air quality modelling is **outstanding**.
- The assessment of certain hydrological and urbanisation impacts is incomplete.
- It cannot currently conclude no adverse effects.

**Legal consequence:** Submitting the Local Plan to examination with unresolved HRA matters would breach the Habitats Regulations 2017. This is not a “fixable in examination” defect — it is a fundamental compliance issue that could lead to the plan being found unlawful.

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### 3.7 Application of NPPF Paragraph 11(b)

Because the affected European sites fall under Footnote 7 “policies of particular importance”:

- The presumption in favour of sustainable development is **disapplied** for the Hoo Peninsula allocations.
  - Paragraph 11(b)(i) is triggered — there is a **clear reason** for refusing development in these locations.
  - Even if some mitigation could be devised in future, the **uncertainty at plan adoption stage** means that the legal tests cannot be met.
- 

### 3.8 Summary Table – HRA Implications for Hoo Peninsula Allocations

Impact Pathway	HRA Conclusion	Effect on Legal Compliance
Air Quality	Incomplete; adverse effects possible	Cannot conclude NAEI – plan unlawful if adopted as is
Water Quality/Quantity	Framework in place, but delivery risks remain	Potential adverse effect if infrastructure delays occur
Recreational Pressure	Residual risk despite SAMMS	Adds weight to removal of allocations
Urbanisation	Potential for habitat loss, predation, lighting impacts	Adverse effect risk to SPA/Ramsar and SSSI

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### 3.9 Conclusion

The HRA evidence is **clear and decisive**:

1. The Hoo Peninsula housing and new employment allocations drive significant risk of adverse effects on the integrity of multiple European sites.
  2. Key parts of the Appropriate Assessment are incomplete at Regulation 19 stage, meaning the legal test under the Habitats Regulations is **not met**.
  3. Under NPPF paragraph 11(b), the protective policies for these habitats require refusal of these allocations, regardless of housing need arguments.
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## Chapter 4: Sustainability Appraisal Findings

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### 4.1 Introduction

The **Sustainability Appraisal (SA) of the Medway Council Local Plan (June 2025)**, comprising three volumes, is a statutory requirement under the Environmental Assessment of Plans and Programmes Regulations 2004.

It must identify, describe, and evaluate the likely significant environmental, social, and economic effects of the plan, including reasonable alternatives.

For the Hoo Peninsula, the SA is particularly important because:

- It contains objective, council-commissioned evidence about environmental harm.
- It explicitly scores and narratively explains **major adverse effects** that cannot be fully mitigated.
- It demonstrates that reasonable alternatives avoiding these harms were available but not selected.

This chapter summarises and analyses the SA's findings on the Hoo Peninsula allocations and explains how they reinforce the application of **NPPF paragraph 11(b)**.

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## 4.2 SA Methodology Relevant to the Hoo Peninsula

The SA assesses each site allocation and strategic growth option against **16 sustainability objectives**, covering:

- Biodiversity, geodiversity, and green infrastructure.
- Landscape, townscape, and historic environment.
- Soil, water, air quality.
- Climate change resilience.
- Housing, employment, and community facilities.

Scoring ranges from **major positive (++)** to **major negative (--)**.

For the Hoo Peninsula allocations, the SA records multiple **major negative** residual effects, even after assumed mitigation.

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## 4.3 Biodiversity and Green Infrastructure

### 4.3.1 SA Findings

- **Major residual adverse effects** on biodiversity for Hoo Peninsula sites are recorded in Volume 2, pages 58 to 67.
- Reasons include:
  - Proximity to and overlap with **functionally linked land** for SPA/Ramsar bird populations.
  - Increased **disturbance** and loss of habitat connectivity.
  - Potential to fragment **ecological corridors** between estuarine and inland habitats.
- The SA notes that even with Bird Wise North Kent SAMMS contributions, **residual risks remain** because of scale and location.

### 4.3.2 NPPF Implication

This directly engages NPPF paragraphs 187 to 195, which require avoidance of significant harm to biodiversity and the refusal of development where such harm cannot be avoided or adequately mitigated.

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## 4.4 Best and Most Versatile Agricultural Land

#### 4.4.1 SA Findings

- Volume 2 mapping confirms that the majority of Hoo Peninsula allocations are on **Grade 1 and Grade 2 agricultural land**.
- These areas are highly productive, with national importance for food security.
- The SA records **major adverse effects on soil quality** because loss of BMV land is irreversible.

#### 4.4.2 NPPF Implication

NPPF paragraph 187(b) requires local plans to protect the economic and other benefits of BMV land. The SA evidence demonstrates a **direct breach** of this requirement if these allocations proceed.

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### 4.5 Landscape and Townscape

#### 4.5.1 SA Findings

- The Hoo Peninsula's **open, undeveloped landscapes** are particularly sensitive to change.
- The SA records **major residual adverse effects** on landscape for most allocations, citing:
  - Visual intrusion in long views across the estuaries.
  - Urbanisation of rural skylines.
  - Loss of the distinctive marshland character.

#### 4.5.2 NPPF Implication

NPPF paragraph 187(a) requires recognition of the intrinsic character and beauty of the countryside. The SA shows that this intrinsic character would be fundamentally altered by the scale of allocations.

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### 4.6 Climate Change and Flood Risk

#### 4.6.1 SA Findings

- The SA identifies that low-lying parts of the peninsula are **at risk of tidal flooding** and that future sea-level rise will increase reliance on defences.
- Some allocations are within areas that the Medway Estuary and Swale Flood Strategy identifies for **potential managed realignment** in the long term.

#### 4.6.2 NPPF Implication

This creates conflict with NPPF paragraphs 161 to 186, which require that development be located in areas with the lowest flood risk and be safe for its lifetime without increasing risk elsewhere.

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### 4.7 Reasonable Alternatives Considered

The SA considered alternative spatial strategies, including:

- A **more urban-focused distribution** concentrating growth within the main Medway urban area.
  - Avoidance of large-scale Hoo Peninsula development.
- The alternatives assessment (Volume 2, Section 5) shows that these other options would **reduce**

impacts on biodiversity, BMV land, and landscape, but were rejected by the Council in favour of the submitted strategy.

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## 4.8 Cumulative and In-Combination Effects

The SA notes that **cumulative effects** of the allocations:

- Intensify biodiversity pressure on the estuarine habitats.
- Compound BMV land loss across multiple large sites.
- Multiply landscape and character harm through combined urbanisation.

The cumulative harm strengthens the case for applying paragraph 11(b) to remove all allocations in the affected area, not just individual sites.

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## 4.9 Summary Table – SA Implications for Hoo Peninsula Allocations

SA Objective	SA Conclusion	Residual Effect	NPPF Policy Conflict
Biodiversity	Significant harm to SPA/Ramsar habitats & FLL	Major negative	187 to 195
Soils	Permanent loss of BMV land	Major negative	187(b)
Landscape	Urbanisation of sensitive marshland character	Major negative	187(a)
Flood Risk	Allocations in flood zones & vulnerable areas	Moderate negative	161 to 186
Alternatives	Less damaging options available	N/A	36 (soundness), 11(b)

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## 4.10 Conclusion

The Sustainability Appraisal is unequivocal in its findings:

- **Major unmitigated adverse effects** will result from Hoo Peninsula housing and new employment allocations on biodiversity, BMV agricultural land, and landscape.
- Reasonable alternatives exist that avoid these harms.
- Proceeding with these allocations would render the plan inconsistent with national policy, fail the soundness tests, and breach the principle of sustainable development.

These SA conclusions align with — and amplify — the HRA findings, creating a **compelling cumulative case** for applying NPPF paragraph 11(b) and deleting all Hoo Peninsula housing and new employment allocations.

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# Chapter 5: Loss of Best and Most Versatile Agricultural Land

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## 5.1 Introduction

The Hoo Peninsula contains some of the most fertile agricultural land in England.



The **Medway Local Plan Regulation 19 SA (Volume 2)** mapping, combined with **Natural England’s Agricultural Land Classification (ALC) datasets**, confirms that the majority of proposed housing and new employment allocations here fall on **Grade 1** and **Grade 2** soils — the **best and most versatile (BMV)** land.

Under **NPPF paragraph 174(b)**, planning authorities must “**recognise the economic and other benefits of the best and most versatile agricultural land**” and should “**seek to use areas of poorer quality land in preference to that of a higher quality.**”

The Hoo Peninsula housing and new employment allocations directly conflict with this requirement and would cause **permanent, irreversible harm** to national food production capacity.

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## 5.2 Understanding BMV Land

### 5.2.1 Definition

- **BMV** includes **Grades 1, 2 and 3a** of the Agricultural Land Classification system.
- Grade 1: Excellent quality — wide range of crops, high yield, minimal input requirements.
- Grade 2: Very good quality — high yield, slightly more limitations than Grade 1.
- Grade 3a: Good quality — suitable for a wide range of crops, more moderate limitations.

### 5.2.2 Importance

- High yields per hectare, supporting local and national food supply.
  - Strategic national asset in the context of **climate change, global food insecurity, and import dependency**.
  - Supports rural economies, agricultural jobs, and ecosystem services such as carbon sequestration.
- 

## 5.3 Extent of BMV Land on the Hoo Peninsula

### 5.3.1 SA Mapping Evidence

The SA Vol. 2 baseline maps clearly show:

- **Grade 1 land** dominates the central and northern parts of the peninsula.
- **Grade 2 land** covers much of the southern and western edges, including several strategic allocation sites.

### 5.3.2 Natural England Data

Using DEFRA’s “Provisional Agricultural Land Classification”:

- Over **70%** of the Hoo Peninsula is Grade 1 or 2.
  - The proposed allocations collectively consume **hundreds of hectares** of BMV land.
- 

## 5.4 Allocations Impacting BMV Land

The largest strategic sites on the peninsula are all affected:

Allocation (Policy Ref.)	Area (ha)	Grade Classification	SA Residual Effect
Hoo St Werburgh Strategic Expansion	300+	Mostly Grade 1	Major negative
Chattenden Barracks Redevelopment	50+	Grade 2	Major negative
Deangate Ridge (Employment)	80+	Grade 1 & 2	Major negative
Cockham Community Parkland & Surrounding Allocations	100+	Grade 1	Major negative

Source: SA Vol. 2, site appraisals and Natural England ALC.

## 5.5 Irreversibility of Harm

Unlike biodiversity or recreational effects — which, in theory (very difficult), can be mitigated — the loss of BMV land is **permanent**:

- Once built on, soils are sealed and cannot revert to agricultural productivity.
- Soil structure, drainage, and fertility degrade beyond repair.
- The land is lost for generations, removing its capacity to produce food.

## 5.6 National Policy Position on BMV Land Loss

- **NPPF paragraph 187(b)** — directs preference for poorer quality land where significant development is necessary.
- **Natural England guidance (TIN049)** — urges authorities to minimise development on BMV land and justify losses with evidence.
- **House of Commons EFRA Committee reports** — emphasise protecting productive land as part of food security policy.

The Draft Local Plan fails to demonstrate that poorer quality land was prioritised over BMV land.

The SA alternatives analysis shows that **more urban-focused strategies** would have reduced BMV loss.

## 5.7 Climate Change and Food Security Context

- UK climate projections show increased risk of global crop failure events.
- Import dependency exposes the UK to price shocks and supply chain disruption.
- Retaining domestic production capacity is a strategic resilience measure.
- The Hoo Peninsula, due to its fertile soils and maritime climate, is **ideally suited** for high-value and varied crop production — making its protection nationally significant.

## 5.8 Cumulative Impact of BMV Loss Across Medway

- The SA confirms that **Hoo Peninsula allocations are the single largest source of BMV loss** in the Local Plan area.
- Other urban allocations predominantly use previously developed land or lower-grade soils.

- This disproves any suggestion that there is no alternative but to take BMV land — there is clear spatial choice.
- 

## 5.9 Application of NPPF Paragraph 11(b)

Loss of BMV land alone does not automatically trigger paragraph 11(b).

However, when combined with:

- International habitat protections (Footnote 7),
  - Major residual adverse effects confirmed by the SA,
  - Availability of less harmful alternatives,
- the BMV loss becomes part of the “**clear reason for refusing development**” test.

The **irreplaceability** of BMV land puts it in the same practical category as irreplaceable habitats in NPPF chapter 15. The decision to allocate on the Hoo Peninsula therefore fails both the **consistency with national policy** and **justification** soundness tests.

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## 5.10 Conclusion

The evidence is clear:

1. The Hoo Peninsula contains a concentration of nationally important Grade 1 and Grade 2 agricultural land.
2. The Draft Local Plan’s allocations would permanently destroy hundreds of hectares of this irreplaceable resource.
3. The SA and Natural England data confirm **major adverse effects** that cannot be mitigated.
4. Alternative strategies exist that would avoid or greatly reduce this harm.

When viewed alongside the HRA and biodiversity findings, the BMV loss provides **independent and sufficient grounds** to remove all Hoo Peninsula housing and new employment allocations under NPPF paragraph 11(b).

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# Chapter 6: Landscape and Cultural Heritage Harm

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## 6.1 Introduction

The Hoo Peninsula’s landscape is a rare survival in the South East:

- Wide-open estuarine vistas.
- Low-lying marshland fringed by grazing pastures and orchards.
- Historic settlements with distinct medieval, agricultural, and maritime character.

The **Sustainability Appraisal (SA)** and **Landscape and Visual Appraisal** within the Local Plan evidence base confirm that the proposed allocations would cause **major, irreversible changes** to this landscape. These changes:

1. Contradict NPPF paragraphs 187 to 195, which requires recognition of the intrinsic character and beauty of the countryside.
  2. Harm heritage assets, including Conservation Areas, listed buildings, and the wider historic setting of the peninsula's settlements.
  3. Permanently alter one of the UK's most sensitive cultural landscapes — an area celebrated for both its **natural** and **historic** value.
- 

## 6.2 Landscape Sensitivity of the Hoo Peninsula

### 6.2.1 Character Areas

The Hoo Peninsula forms part of the **Greater Thames Estuary National Character Area (NCA 81)**. Its defining characteristics include:

- Vast, open skies and uninterrupted horizons.
- Low-lying marshland and grazing pastures.
- Sparse settlement pattern, often with historic cores.
- Strong sense of remoteness and tranquillity.

### 6.2.2 Visual Prominence

Because the land is flat and treeless in many areas, built development is visible over great distances. The estuaries act as visual corridors, meaning that development in one location can affect views from multiple directions.

### 6.2.3 SA Findings

The SA records **major residual adverse effects** on landscape for the Hoo Peninsula allocations. This is because:

- Development would urbanise formerly rural skylines.
  - The rural setting of villages like Chattenden, Hoo St Werburgh, High Halstow and St Mary Hoo would be compromised.
  - New housing estates and new employment areas would erode the Hoo Peninsula's remote, undeveloped character.
- 

## 6.3 Cultural Heritage Context

### 6.3.1 Historic Settlements

The peninsula contains historic villages with Conservation Areas, such as:

- **Cooling** — with origins in medieval farming communities.
- **St Mary Hoo** — known for its historic church and marshland setting.

### 6.3.2 Archaeological Significance

The Hoo Peninsula is rich in archaeology, with evidence of:

- Prehistoric settlement.
- Roman salt production.

- Medieval farming landscapes.  
Many of these sites are undesignated but nonetheless protected by NPPF paragraphs 202 to 221.

### 6.3.3 Non-designated Heritage Assets

The peninsula's farmsteads, WWII defences, and rural lanes contribute to its cultural landscape and sense of place.

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## 6.4 Heritage Assets Affected by Allocations

### 6.4.1 General Hoo St Werburgh strategic expansion

- Would engulf the historic settlement's setting, altering views from and towards the **Grade I listed church of St Werburgh**.
- Risks severing the visual and functional relationship between the village and its surrounding farmland.

### 6.4.2 Land around Cockham Wood south of Hoo St Werburgh

- Development would alter the setting of historic farmsteads and field systems.
- Potential to affect undesignated heritage assets related to historic orchard cultivation.

### 6.4.3 Land within the Chattenden Valley, between Hoo St Werburgh and Chattenden

- Development would completely erode the Chattenden Valley, a valued landscape in the Hoo St Werburgh & Chattenden Neighbourhood Plan.
  - This expansion is urban sprawl and coalescence, affecting the landscape setting of nearby military heritage assets.
- 

## 6.5 Cumulative Landscape Harm

The **combined** effect of multiple allocations is greater than the sum of individual site impacts:

- Loss of separation between settlements, leading to urban coalescence.
  - Transformation of the Hoo Peninsula from a predominantly rural to a peri-urban landscape.
  - Erosion of the Hoo Peninsula's role as a **visual and cultural buffer** between the Medway towns and the Thames Estuary.
- 

## 6.6 National Policy Context

NPPF paragraph 187(b) requires local plans to:

“Recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.”

NPPF paragraphs 202 to 221 gives great weight to the conservation of designated heritage assets, and that any harm to the significance of a designated heritage asset should require clear and convincing justification.

For the Hoo Peninsula allocations:

- Harm to landscape character is unavoidable and unmitigable.
  - Harm to heritage settings is not outweighed by public benefits because alternative spatial strategies exist that avoid these impacts.
- 

## 6.7 Deficiencies in the Plan's Heritage Assessment

- The Local Plan's **Heritage Impact Assessment** underestimates the role of **landscape setting** in heritage significance, particularly for churches, farmsteads, and military heritage sites.
  - The **SA** notes heritage harm but underplays its permanence — once rural settings are lost, they cannot be recreated.
  - Cumulative and in-combination effects on heritage have not been adequately assessed.
- 

## 6.8 Application of NPPF Paragraph 11(b)

The cultural and landscape harms engage both:

- Footnote 7 protections (heritage assets of the highest significance).
- Paragraph 187(a) landscape protection.

When combined with the **international habitat protections** (Chapters 2 & 3) and **BMV land loss** (Chapter 5), these heritage and landscape harms reinforce the conclusion that there is a **clear reason for refusing the development** in these locations.

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## 6.9 Conclusion

The evidence shows that the Hoo Peninsula:

1. Is a landscape of **national character importance**, with exceptional visual openness and tranquillity.
2. Contains heritage assets whose significance is inextricably linked to their rural setting.
3. Would be irreversibly harmed by the scale of allocations proposed.

These impacts are **unavoidable, cannot be mitigated**, and are unnecessary given the availability of alternative spatial strategies. Under NPPF paragraph 11(b), they provide further grounds for removing all Hoo Peninsula allocations from the plan.

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# Chapter 7: Cumulative Planning Harm and Reasonable Alternatives

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## 7.1 Introduction

By this point, the representation has examined, in detail, the **individual categories of harm** that the Hoo Peninsula allocations would cause:

1. **Habitats Regulations non-compliance** (Chapter 3)
2. **Biodiversity, BMV land, and landscape harm confirmed in the SA** (Chapter 4)
3. **Permanent loss of Grade 1 and Grade 2 agricultural land** (Chapter 5)
4. **Destruction of landscape character and heritage settings** (Chapter 6)

This chapter brings those strands together to show:

- How the harms **combine** and **reinforce** each other in a cumulative way.
- That reasonable, less harmful alternatives were available and considered in the plan-making process.
- Why the Council’s rejection of those alternatives was **unjustified**, failing the **NPPF soundness tests** and triggering paragraph 11(b).

## 7.2 The Nature of Cumulative Harm

### 7.2.1 Definition

“Cumulative harm” refers to the **aggregate effect** of multiple impacts from one or more developments, which together produce a greater environmental and social cost than each impact considered in isolation.

### 7.2.2 Why It Matters for the Hoo Peninsula

On the Hoo Peninsula:

- The same sites are affected by **multiple high-magnitude adverse impacts**.
- These impacts interact — for example:
  - Loss of agricultural land (Chapter 5) is worsened by loss of biodiversity corridors (Chapter 3 & 4).
  - Landscape harm (Chapter 6) amplifies recreational disturbance to protected habitats (Chapter 3).
  - Air quality deterioration compounds both biodiversity harm and human health risks.

### 7.2.3 SA Confirmation

The SA’s cumulative effects section (Vol. 2, Section 10) confirms:

- A **concentration of major adverse residual effects** on biodiversity, landscape, and soil in the Hoo Peninsula growth area.
- These effects are **spatially concentrated**, unlike in the urban-focused alternatives where harm is more dispersed and often on previously developed land.

## 7.3 Specific Cumulative Impacts Identified

Impact Category	Direct Effect	Interaction with Other Impacts	Resulting Cumulative Harm
Biodiversity Loss	Direct habitat loss, disturbance	Combines with air quality and recreation impacts	Reduced ecological resilience; site integrity risk
BMV Land Loss	Permanent loss of food production	Interacts with landscape and climate resilience loss	Weakens local & national food security
Landscape	Loss of openness & rural	Increases human activity in	Accelerates ecological

Impact Category	Direct Effect	Interaction with Other Impacts	Resulting Cumulative Harm
Harm	setting	sensitive habitats	degradation
Flood Risk	Exposure of development to sea-level rise	Adds pressure on defences affecting habitat hydrology	Long-term unsustainable settlements

## 7.4 Reasonable Alternatives Considered by the Council

### 7.4.1 SA Alternatives

The SA Vol. 2 (Section 5) examined alternative spatial strategies, including:

1. **Urban Regeneration Focus** — focuses growth in the main Medway Towns urban area with significantly lower environmental and infrastructure constraints.
2. **Dispersed Growth** — focuses growth in the rural communities, particularly the Hoo Peninsula, with significant environmental and infrastructure constraints.
3. **Blended Strategy** — lower density within the Medway Towns urban area and fewer designations in the rural communities compared to Dispersed Growth.

### 7.4.2 Comparative Outcomes

The SA confirms:

- Urban concentration (high-density) and brownfield-first approaches **score significantly better** on biodiversity, landscape, and soil objectives.
- This strategy **avoids large-scale habitat impact zones** and **retain BMV land**.

## 7.5 Council's Rejection of Less Harmful Alternatives

The Local Plan opts for heavy reliance on Hoo Peninsula allocations, justifying this on:

- “Strategic opportunity” to create a new community.
- Perceived infrastructure delivery potential via developer contributions.

However:

- The **Infrastructure Delivery Plan** acknowledges **significant risks** and funding gaps for transport, utilities, and health facilities.
- No evidence is provided that these infrastructure gains **require** Hoo Peninsula locations rather than alternative, less harmful growth patterns in the urban area.
- The rejection of less harmful options appears to be driven by **land availability from large rural single landholdings**, not environmental or policy compliance considerations.

## 7.6 Policy and Legal Consequences

Under **NPPF paragraph 36**, a plan is sound only if it is:

- **Positively prepared** — meets objectively assessed needs **and** is consistent with achieving sustainable development.



- **Justified** — the most appropriate strategy, when considered against reasonable alternatives, based on proportionate evidence.
- **Effective** — deliverable over the plan period.
- **Consistent with national policy** — enabling the delivery of sustainable development in accordance with the NPPF.

For the Hoo Peninsula allocations:

- **Positively prepared** — Fails, as it conflicts with habitat and BMV protections.
- **Justified** — Fails, as less harmful alternatives exist and were identified by the SA.
- **Effective** — Fails, given unresolved HRA risks and infrastructure delivery uncertainty.
- **Consistent with national policy** — Fails, due to non-compliance with NPPF paragraphs 187 to 195, and 11(b).

## 7.7 Application of NPPF Paragraph 11(b)

The cumulative harm triggers paragraph 11(b)(i) because:

- Footnote 7 policies apply (habitats and heritage of the highest significance).
- The SA shows residual major adverse effects that cannot be mitigated.
- Reasonable alternatives exist that would avoid this harm.

Therefore, the presumption in favour of development **does not apply** to these allocations, and the clear policy direction is removal.

## 7.8 Conclusion

When the individual harms of the Hoo Peninsula allocations are viewed collectively:

1. The combined effect is **more severe, extensive, and permanent** than any single impact category.
2. The SA explicitly shows that **reasonable alternatives** exist which avoid or significantly reduce this harm.
3. Retaining the allocations is incompatible with the NPPF and fails multiple soundness tests.

# Chapter 8: Infrastructure and Deliverability Risks

## 8.1 Introduction

One of Medway Council's main justifications for large-scale allocations on the Hoo Peninsula is the claim that they can be supported by **new infrastructure delivery**.

However, evidence from the **Infrastructure Delivery Plan (IDP)**, **Sustainability Appraisal (SA)**, and supporting transport studies shows:

- Significant **infrastructure funding gaps**.
- Severe **logistical challenges** due to the peninsula's geography.

- **Timing and phasing uncertainties** that undermine the ability to deliver development in a coordinated, sustainable way.

Under the **NPPF soundness test** for “effectiveness” and “deliverability” (paragraph 36), these risks are substantial enough to render the Hoo Peninsula allocations unsound — even before considering environmental harm.

---

## 8.2 Geographic Constraints on Infrastructure Delivery

### 8.2.1 Single Access Spine

The Hoo Peninsula’s settlement pattern is served primarily by the **A228 corridor**, a single spine road connecting the peninsula to Strood and the wider Medway area.

- This road already suffers from congestion at key junctions, especially Four Elms Roundabout.
- No secondary high-capacity route exists — meaning all growth depends on upgrading the same narrow corridor.

### 8.2.2 Rail Access

While the Hoo Peninsula is served by the **Grain branch line**, its use for passenger transport is minimal, with infrequent services and no direct connection to major commuting destinations without interchange.

The plan does not propose any substantial rail enhancement, which are unlikely to meet projected demand from thousands of new residents.

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## 8.3 Transport Infrastructure Requirements

### 8.3.1 Road Upgrades

The IDP outlines a need for:

- A228 upgrades in multiple sections.
- Junction improvements at Four Elms Roundabout, Main Road Roundabout, Bells Lane Roundabout and Ropers Lane Roundabout.
- Additional capacity at the Medway City Estate and Strood approach roads.

### 8.3.2 Cost and Funding Gaps

- The total estimated infrastructure cost for Hoo Peninsula growth exceeds **£500 million**.
- Section 106 funding, from Hoo Peninsula allocations, could only cover around 20% of this, leaving a **major shortfall**.
- No binding agreement exists with central government or National Highways for co-funding.

### 8.3.3 SA Assessment

The SA records **residual negative effects on transport and air quality**, even with the proposed road upgrades, due to the risk of induced traffic demand and persistent single-corridor dependency.

---

## 8.4 Utilities and Service Infrastructure

### 8.4.1 Water Supply and Wastewater

- Southern Water’s Water Resource Management Plan indicates that **new treatment capacity** will be required for major growth, with delivery risk if demand arises before investment is in place.
- The Hoo Peninsula’s wastewater network would require major upgrades to avoid capacity exceedance.

### 8.4.2 Electricity and Energy

- National Grid reinforcement may be required to serve large-scale new housing and employment sites.
- No committed funding or delivery programme is in place for these upgrades.

### 8.4.3 Digital Infrastructure

While broadband provision is improving, full fibre rollout to every new home is not guaranteed at the start of the plan period without private sector commitment.

---

## 8.5 Social Infrastructure

### 8.5.1 Schools

- The IDP projects the need for **multiple new primary schools** and at least one new secondary school.
- Secondary provision is particularly challenging due to low existing capacity in Medway Council’s northern secondary network and long lead-in times for new school delivery.

### 8.5.2 Healthcare

- Existing GP practices on the Hoo Peninsula are already over-subscribed.
- The plan identifies a need for **new primary care facilities**, but NHS Kent & Medway Integrated Care Board (ICB) has **not committed** capital funding for these facilities.

### 8.5.3 Community Facilities

While the plan mentions “community hubs”, these are **conceptual only**, without secured land or funding.

---

## 8.6 Phasing and Risk of Infrastructure Lag

Experience from other large-scale growth areas shows that:

- Without front-loaded infrastructure investment, housing can be built **well in advance** of necessary transport and service upgrades.
- This creates long-term deficits in service capacity, leading to quality of life and sustainability issues.

The IDP’s dependency on developer contributions means:

- Infrastructure is often delivered in phases tied to housing completions.
- Early residents experience **overloaded schools, roads, and GP practices** before mitigation arrives.

---

## 8.7 Impact on Soundness

The NPPF requires plans to be:

- **Effective** — deliverable over the plan period.
- **Positively prepared** — meeting needs in a sustainable way.

The Hoo Peninsula allocations fail these tests because:

1. **Transport reliance on a single corridor** is inherently vulnerable to delay and disruption.
  2. **Funding shortfalls** for key road, rail, and social infrastructure make full delivery uncertain.
  3. **Timing risks** mean development could proceed without its necessary supporting infrastructure.
- 

## 8.8 Interaction with Environmental Constraints

The infrastructure challenges are not just practical — they compound environmental harm:

- Road widening and junction works encroach on habitats and landscapes already under protection.
  - Increased car dependency leads to **higher nitrogen deposition** on designated sites, worsening HRA compliance risks (Chapter 3).
- 

## 8.9 Application of NPPF Paragraph 11(b)

Even if environmental harm were not present (which it is), the **deliverability risks** alone would make the Hoo Peninsula allocations unjustified.

When combined with:

- International habitat protections,
  - BMV land loss,
  - Landscape and heritage harm,
- the case for removing these allocations becomes overwhelming.

The infrastructure shortfalls confirm that the growth strategy is **not the most appropriate**, nor is it **realistically deliverable** — meeting both paragraph 36 unsoundness and paragraph 11(b) refusal criteria.

---

## 8.10 Conclusion

The infrastructure delivery evidence shows:

1. Heavy reliance on a single road corridor vulnerable to congestion.
2. Massive funding gaps for required upgrades.
3. Social infrastructure needs without confirmed funding or land.
4. Risk that housing will be delivered long before supporting infrastructure.

These risks make the Hoo Peninsula allocations **both environmentally and practically indefensible** in planning terms.

They should be removed from the plan in favour of urban and suburban alternatives with lower environmental impact and higher deliverability certainty.

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## Chapter 9: Policy Compliance and Soundness Tests

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### 9.1 Introduction

The National Planning Policy Framework (NPPF) requires that local plans are **sound** under paragraph 36. To be found sound, a plan must be:

1. **Positively prepared**
2. **Justified**
3. **Effective**
4. **Consistent with national policy**

This chapter applies those tests to the **Hoo Peninsula allocations** in the Medway Council Regulation 19 draft Local Plan.

It also addresses how **paragraph 11(b)** of the NPPF — and its associated **Footnote 7 protections** — should be applied to remove these allocations from the plan.

---

### 9.2 Test 1: Positively Prepared

#### 9.2.1 NPPF Requirement

A positively prepared plan should:

- Meet objectively assessed development and infrastructure requirements.
- Be consistent with achieving sustainable development.

#### 9.2.2 Assessment

The Hoo Peninsula allocations fail because:

- **Environmental limits are breached:** HRA evidence shows potential adverse effects on integrity of internationally protected sites (Chapter 3).
- **Infrastructure cannot be delivered sustainably:** IDP and transport evidence show reliance on a single constrained corridor (Chapter 8).
- **Agricultural land loss undermines resilience:** destruction of Grade 1 and Grade 2 BMV land conflicts with long-term food security needs (Chapter 5).

#### 9.2.3 Conclusion

The allocations pursue growth **at any environmental cost**, not within the environmental limits required by the NPPF's definition of sustainable development.

---

## 9.3 Test 2: Justified

### 9.3.1 NPPF Requirement

A plan must be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

### 9.3.2 Assessment

- The **Sustainability Appraisal** considered alternatives that avoid the Hoo Peninsula (high-density urban concentration, brownfield-first) and found they **score better** on biodiversity, landscape, and soil objectives (Chapter 7).
- The Council's rejection of these alternatives rests on **infrastructure delivery assumptions** that the IDP itself undermines (Chapter 8).
- The plan **over-relies** on the availability of large land parcels, rather than selecting sites based on environmental and infrastructure capacity.

### 9.3.3 Conclusion

Because **less harmful, more sustainable alternatives exist** and were identified, the Hoo Peninsula allocations cannot be considered the most appropriate strategy.

---

## 9.4 Test 3: Effective

### 9.4.1 NPPF Requirement

Plans must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters.

### 9.4.2 Assessment

- **Funding shortfalls:** Road, school, and healthcare upgrades are unfunded or only partially funded.
- **Delivery sequencing risks:** Infrastructure is not secured before housing, creating risk of **lag** in provision.
- **Duty to Cooperate:** No evidence of secured agreements with neighbouring authorities or national agencies to resolve transport and habitat mitigation issues.

### 9.4.3 Conclusion

Without guaranteed infrastructure funding, the growth strategy for the peninsula is **undeliverable** in the way presented.

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## 9.5 Test 4: Consistent with National Policy

### 9.5.1 NPPF Requirement

Plans should enable the delivery of sustainable development in accordance with the NPPF.

### 9.5.2 Key National Policy Conflicts

- **Paragraph 187(b):** Failure to safeguard BMV agricultural land when alternatives exist (Chapter 5).

- **Paragraphs 187 to 195:** Risk of adverse effects on internationally important habitats; failure to prioritise avoidance over mitigation (Chapter 3).
- **Paragraph 187(a):** Failure to recognise and protect intrinsic landscape character and beauty (Chapter 6).
- **Paragraph 11(b):** The presence of Footnote 7 constraints (habitats, heritage) provides a clear reason for refusal.

### 9.5.3 Conclusion

The allocations breach multiple NPPF policies, meaning they are **not consistent** with national policy.

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## 9.6 NPPF Paragraph 11(b) and Footnote 7

### 9.6.1 Relevant Wording

Paragraph 11(b)(i) states that the presumption in favour of development does not apply where:

“Policies in this Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed.”

Footnote 7 includes:

- Sites protected under the Birds and Habitats Directives (SPAs, SACs, Ramsar).
- Designated heritage assets.
- Land designated as Green Belt (not applicable here but principle remains relevant).

### 9.6.2 Application to the Hoo Peninsula

- The **Habitats Regulations Assessment** identifies risk of adverse effects on the Thames Estuary & Marshes SPA and Ramsar sites.
  - The allocations would also harm the setting of listed buildings and Conservation Areas (Chapter 6).
  - These impacts are **location-specific** and cannot be mitigated to an acceptable level.
  - Therefore, paragraph 11(b)(i) is engaged — requiring removal of these allocations regardless of the Council’s housing target.
- 

## 9.7 Combined Failure of All Soundness Tests

When assessed individually:

- **Positively prepared** — fails.
- **Justified** — fails.
- **Effective** — fails.
- **Consistent with national policy** — fails.

When assessed collectively:

- The failure is more severe due to cumulative harm and availability of less harmful alternatives.
  - The test in paragraph 36 is clearly not met, and the allocations cannot lawfully remain in the plan.
-

## 9.8 Conclusion

The Hoo Peninsula allocations:

1. Fail every NPPF soundness test.
2. Trigger paragraph 11(b) protections due to unavoidable harm to internationally designated habitats and heritage assets.
3. Are unjustified when compared to reasonable, less harmful alternatives.

The logical and lawful outcome is:

- **Remove all Hoo Peninsula housing and new employment allocations from the Local Plan.**
- Redistribute growth to brownfield and urban-edge sites with lower environmental constraints.

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## Chapter 10: Recommendations and Conclusion

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### 10.1 Introduction

This final chapter consolidates the findings from all preceding chapters, sets out the **clear planning case** for removing the Hoo Peninsula allocations from Medway Council's Regulation 19 draft Local Plan, and makes explicit recommendations for the plan's modification in line with **NPPF paragraph 11(b)**.

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### 10.2 Summary of Key Findings by Chapter

Chapter	Key Finding
Executive Summary	The Hoo Peninsula allocations cause unavoidable environmental harm, fail soundness tests, and should be removed.
Chapter 2 & 3 – Habitats and HRA	The plan risks adverse effects on the integrity of internationally protected sites (SPAs, Ramsar) — a Footnote 7 policy constraint.
Chapter 4 – Sustainability Appraisal	The SA records major adverse residual effects on biodiversity, landscape, and soil for the Hoo Peninsula growth area.
Chapter 5 – BMV Agricultural Land	Allocations involve the loss of extensive Grade 1 and Grade 2 land, directly conflicting with NPPF paragraph 187(b).
Chapter 6 – Landscape & Heritage	Development would irreversibly harm the intrinsic character of the peninsula and the settings of listed buildings and Conservation Areas.
Chapter 7 – Cumulative Harm & Alternatives	Less harmful alternatives exist and were identified by the SA; the Council's rejection of these was unjustified.
Chapter 8 – Infrastructure Risks	Delivery is undermined by severe funding gaps, reliance on a single transport corridor, and absence of committed social infrastructure funding.
Chapter 9 – Soundness & Policy Tests	The allocations fail all four NPPF soundness tests and trigger paragraph 11(b) protections.

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### 10.3 The Overriding Planning Position



### 10.3.1 NPPF Paragraph 11(b) Engagement

- Footnote 7 constraints apply: harm to SPA, Ramsar, and heritage assets of the highest significance.
- These provide a **clear reason for refusal** under paragraph 11(b)(i).

### 10.3.2 Soundness Failures

- **Positively prepared** — fails due to breach of environmental limits and unsustainable infrastructure reliance.
- **Justified** — fails because reasonable alternatives exist that avoid these harms.
- **Effective** — fails because infrastructure delivery is uncertain and unfunded.
- **Consistent with national policy** — fails due to non-compliance with multiple NPPF paragraphs (161 to 186, 187 to 195, 202 to 221).

### 10.3.3 Legal Compliance

- The Habitats Regulations require certainty that no adverse effects will occur. That certainty is absent here.
  - The Sustainability Appraisal fails to robustly justify rejecting low-impact growth patterns.
- 

## 10.4 Recommendations to the Inspector

1. **Remove all strategic and non-strategic Hoo Peninsula allocations** from the Local Plan, including:
    - Chattenden residential expansion.
    - Hoo St Werburgh residential expansion.
    - High Halstow residential expansion.
    - New employment land at Kingsnorth.
  2. **Reallocate growth** to:
    - Urban vacant brownfield sites within the Medway Towns (Strood, Rochester, Chatham, Gillingham and Rainham), at maximum density.
    - Suburban edge extensions (such as Capstone Valley, North Rainham and East Rainham) with lower environmental sensitivity.
  3. **Review infrastructure evidence** to:
    - Ensure any remaining allocations have secured funding, realistic phasing, and no reliance on speculative infrastructure schemes.
  4. **Strengthen policy safeguards** to:
    - Protect BMV agricultural land unless no reasonable alternative exists.
    - Embed avoidance-first principles for biodiversity protection.
    - Require landscape-led design principles in all rural allocations.
- 

## 10.5 Benefits of Implementing the Recommendations

- **Environmental compliance:** Alignment with the Habitats Regulations, NPPF paragraphs 187 to 195.

- **Soundness:** Addressing the “justified” and “consistent with national policy” tests by choosing alternatives with fewer impacts.
  - **Deliverability:** Focusing on sites with infrastructure certainty and no excessive dependency on speculative funding.
  - **Public trust:** Responding to legitimate community concerns about environmental and heritage harm.
- 

## 10.6 Closing Statement

The Regulation 19 draft Local Plan’s reliance on the Hoo Peninsula is a **strategic error**.

It concentrates growth in the most environmentally constrained and infrastructure-deficient part of the borough, despite having clear, less harmful, and more deliverable alternatives available.

The cumulative evidence from the Local Plan, the Habitats Regulations Assessment, the Sustainability Appraisal, and the Infrastructure Delivery Plan demonstrates that:

- The Hoo Peninsula allocations are unsound.
- They engage Footnote 7 protections under NPPF paragraph 11(b), requiring refusal.
- Their removal is the only way to ensure the Local Plan meets legal and policy requirements.

### **Recommendation to the Inspector:**

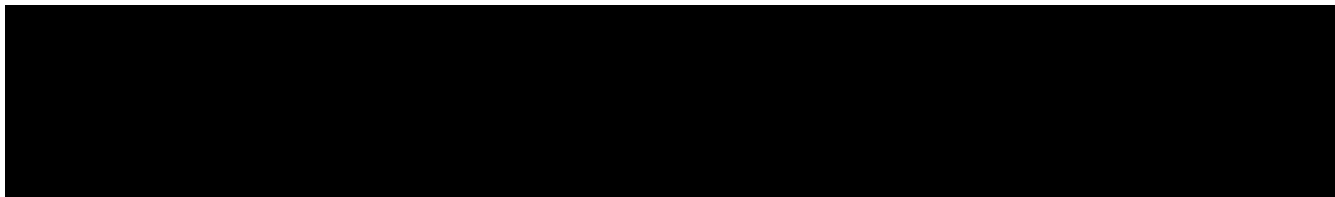
Remove all Hoo Peninsula housing and new employment allocations from the plan and redistribute growth to more sustainable, deliverable, and environmentally compliant locations (urban and suburban Medway Towns).

This is not only a matter of environmental protection but also of ensuring the plan’s credibility, legal robustness, and alignment with the core principles of the NPPF.

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**Thank you for taking the time to read this representation.**

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**Cllr. George Crozer (Ind)**

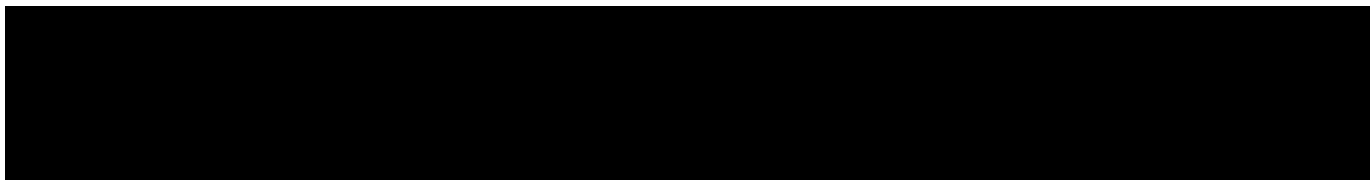
**Group Leader**

**Hoo & High Halstow Ward**

**Cllr. Michael Pearce (Ind)**

**Deputy Group Leader**

**Hoo & High Halstow Ward**



**Cllr. Ron Sands (Ind)**

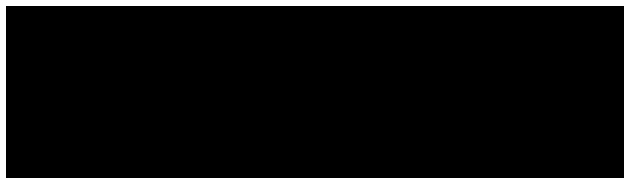
**Group Whip**

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**Group Member**

**Strood Rural Ward**



**Cllr. John Williams (Ind)**

**Group Member**

**Strood Rural Ward**



**Sites Appraisal in response to**

*Medway Council's*

*Regulation 19*

*Medway Local Plan 2041*

*Proposed Submission Draft*

*and Supporting Documents*

*June 2025*

**Sunday 10th August 2025**

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## **INDEX**

<b>Page Number:</b>	<b>Chapter:</b>
<b>3 to 6</b>	Examples of LPA 400M and 1KM Buffers (No Residential Development)
<b>7 to 8</b>	Hoo Peninsula Allocations within Medway Council Ward - All Saints
<b>9 to 11</b>	Hoo Peninsula Allocations within Medway Council Ward - Hoo & High Halstow
<b>12 to 15</b>	Hoo Peninsula Allocations within Medway Council Ward - Strood Rural
<b>16 to 17</b>	Hoo Peninsula New Residential/Employment Development Allocations - in order of harm and impact
<b>18 to 19</b>	Unallocated Residential Development Sites in Urban and Suburban Medway Towns
<b>20</b>	The Independent Group (TIG) Signatures

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## Examples of LPA 400M and 1KM Buffers (No Residential Development)

Site group	LPA	Habitat site(s)	Buffer (m)	Buffer (km)	Type	Policy / document	Notes
Ashdown Forest SAC/SPA	Lewes District Council	Ashdown Forest SAC/SPA	400	0.4	No net new dwellings (exclusion)	Local Plan policy / SPD (SAMM)	Presumption against residential within 400 m; wider mitigation beyond.
Ashdown Forest SAC/SPA	Mid Sussex District Council	Ashdown Forest SAC/SPA	400	0.4	No net new dwellings (exclusion)	Local Plan policy / SPD (SAMM)	Presumption against residential within 400 m; wider mitigation beyond.
Ashdown Forest SAC/SPA	Sevenoaks District Council	Ashdown Forest SAC/SPA	400	0.4	No net new dwellings (exclusion)	Local Plan policy / SPD (SAMM)	Presumption against residential within 400 m; wider mitigation beyond.
Ashdown Forest SAC/SPA	Tandridge District Council	Ashdown Forest SAC/SPA	400	0.4	No net new dwellings (exclusion)	Local Plan policy / SPD (SAMM)	Presumption against residential within 400 m; wider mitigation beyond.
Ashdown Forest SAC/SPA	Tunbridge Wells Borough Council	Ashdown Forest SAC/SPA	400	0.4	No net new dwellings (exclusion)	Local Plan policy / SPD (SAMM)	Presumption against residential within 400 m; wider mitigation beyond.
Ashdown Forest SAC/SPA	Wealden District Council	Ashdown Forest SAC/SPA	400	0.4	No net new dwellings (exclusion)	Local Plan policy / SPD (SAMM)	Presumption against residential within 400 m; wider mitigation beyond.
Dorset Heathlands SPA/SAC/Ramsar	Bournemouth, Christchurch & Poole (BCP) Council	Dorset Heathlands (multiple components)	400	0.4	No additional residential (exclusion)	Dorset Heathlands Planning Framework SPD	No additional residential within 400 m; mitigation typically to 5 km.
Dorset Heathlands SPA/SAC/Ramsar	Dorset Council	Dorset Heathlands (multiple components)	400	0.4	No additional residential (exclusion)	Dorset Heathlands Planning Framework SPD	No additional residential within 400 m; mitigation typically to 5 km.
East Devon Pebblebed Heaths SAC/SPA	East Devon District Council	East Devon Pebblebed Heaths SAC/SPA	400	0.4	No development (exclusion)	Local Plan / HRA evidence base	Allocations exclude land within 400 m of the Heaths.
Epping Forest SAC	Epping Forest District Council	Epping Forest SAC	400	0.4	Control/mitigation (not absolute ban)	Local Plan / Mitigation Strategy (SAMM/SANG)	Recognised 400 m urbanisation zone with strict controls and bespoke mitigation.
Epping Forest SAC	London Boroughs around Epping Forest (various)	Epping Forest SAC	400	0.4	Control/mitigation (not absolute ban)	Local Plan / Mitigation Strategy (SAMM/SANG)	Recognised 400 m urbanisation zone with strict controls and bespoke mitigation.
South Pennine Moors SPA/SAC	Calderdale Council	South Pennine Moors SPA/SAC	400	0.4	No net new dwellings	Calderdale Local Plan HRA / Policy	Zone A 0–400 m: no net residential; additional zones up to 7 km.

					(exclusion)		
South Pennine Moors SPA/SAC	City of Bradford Metropolitan District Council	South Pennine Moors Phase 2 SPA / SAC	400	0.4	No net new dwellings (exclusion)	Bradford Habitats Regulations SPD	Zone A to 400 m: no net residential; outer 2.5 km and 7 km zones for other impacts.
South Pennine Moors SPA/SAC	Oldham Council (Greater Manchester)	South Pennine Moors SPA/SAC	400	0.4	No development (exclusion)	Greater Manchester South Pennine Moors SPD (2025)	SPD sets presumption against any development within 400 m (narrow exceptions).
South Pennine Moors SPA/SAC	Pendle Borough Council	South Pennine Moors SPA/SAC	400	0.4	No net new dwellings (exclusion)	Pendle Local Plan Part 1 (e.g., Policy ENV / DM08)	0–400 m restriction; checks/mitigation to 2.5 km and 7 km.
Strensall Common SAC (York)	City of York Council	Strensall Common SAC	400	0.4	No net new dwellings (exclusion)	Policy GI2a (adopted 2025)	Explicit 400 m exclusion; 400 m–5.5 km influence zone for mitigation.
Thames Basin Heaths SPA	Bracknell Forest Council	Thames Basin Heaths SPA	400	0.4	No net new dwellings (exclusion)	TBH SPA Avoidance & Mitigation Strategy / local SPD	Standard 400 m exclusion; 400 m–5/7 km mitigation zone (SANG/SAMM).
Thames Basin Heaths SPA	Elmbridge Borough Council	Thames Basin Heaths SPA	400	0.4	No net new dwellings (exclusion)	TBH SPA Avoidance & Mitigation Strategy / local SPD	Standard 400 m exclusion; 400 m–5/7 km mitigation zone (SANG/SAMM).
Thames Basin Heaths SPA	Guildford Borough Council	Thames Basin Heaths SPA	400	0.4	No net new dwellings (exclusion)	TBH SPA Avoidance & Mitigation Strategy / local SPD	Standard 400 m exclusion; 400 m–5/7 km mitigation zone (SANG/SAMM).
Thames Basin Heaths SPA	Hart District Council	Thames Basin Heaths SPA	400	0.4	No net new dwellings (exclusion)	TBH SPA Avoidance & Mitigation Strategy / local SPD	Standard 400 m exclusion; 400 m–5/7 km mitigation zone (SANG/SAMM).
Thames Basin Heaths SPA	Royal Borough of Windsor & Maidenhead	Thames Basin Heaths SPA	400	0.4	No net new dwellings (exclusion)	TBH SPA Avoidance & Mitigation Strategy / local SPD	Standard 400 m exclusion; 400 m–5/7 km mitigation zone (SANG/SAMM).
Thames Basin Heaths SPA	Runnymede Borough Council	Thames Basin Heaths SPA	400	0.4	No net new dwellings (exclusion)	TBH SPA Avoidance & Mitigation Strategy / local SPD	Standard 400 m exclusion; 400 m–5/7 km mitigation zone (SANG/SAMM).

Thames Basin Heaths SPA	Rushmoor Borough Council	Thames Basin Heaths SPA	400	0.4	No net new dwellings (exclusion)	TBH SPA Avoidance & Mitigation Strategy / local SPD	Standard 400 m exclusion; 400 m–5/7 km mitigation zone (SANG/SAMM).
Thames Basin Heaths SPA	Surrey Heath Borough Council	Thames Basin Heaths SPA	400	0.4	No net new dwellings (exclusion)	TBH SPA Avoidance & Mitigation Strategy / local SPD	Standard 400 m exclusion; 400 m–5/7 km mitigation zone (SANG/SAMM).
Thames Basin Heaths SPA	Waverley Borough Council	Thames Basin Heaths SPA	400	0.4	No net new dwellings (exclusion)	TBH SPA Avoidance & Mitigation Strategy / local SPD	Standard 400 m exclusion; 400 m–5/7 km mitigation zone (SANG/SAMM).
Thames Basin Heaths SPA	Woking Borough Council	Thames Basin Heaths SPA	400	0.4	No net new dwellings (exclusion)	TBH SPA Avoidance & Mitigation Strategy / local SPD	Standard 400 m exclusion; 400 m–5/7 km mitigation zone (SANG/SAMM).
Thames Basin Heaths SPA	Wokingham Borough Council	Thames Basin Heaths SPA	400	0.4	No net new dwellings (exclusion)	TBH SPA Avoidance & Mitigation Strategy / local SPD	Standard 400 m exclusion; 400 m–5/7 km mitigation zone (SANG/SAMM).
Wealden Heaths Phase II SPA	Waverley Borough Council	Wealden Heaths Phase II SPA	400	0.4	No net new dwellings (exclusion)	Local Plan / TBH-style approach	400 m exclusion and wider mitigation.
Wealden Heaths Phase II SPA / SDNPA	East Hampshire District Council / SDNPA	Wealden Heaths Phase II SPA; Woolmer Forest SAC; Shortheath Common SAC	400	0.4	No net new dwellings (exclusion)	EHDC/SDNPA policy and NE advice	400 m inner zone recognised for key heathland sites.
Breckland SPA (Stone-curlew)	Breckland Council	Breckland SPA (Stone-curlew interest feature)	1500	1.5	Strong restriction / near-exclusion	Policy ENV 03 (Breckland); DM11/DM12 (West Suffolk); Stone-curlew SPD	Mapped 1.5 km buffer; new built development generally refused unless HRA shows no AEoI.
Breckland SPA (Stone-curlew)	West Suffolk Council	Breckland SPA (Stone-curlew interest feature)	1500	1.5	Strong restriction / near-exclusion	Policy ENV 03 (Breckland); DM11/DM12 (West Suffolk); Stone-curlew SPD	Mapped 1.5 km buffer; new built development generally refused unless HRA shows no AEoI.
North Norfolk Coast & Fens	North Norfolk District Council	North Norfolk Coast SPA/SAC; The	1000	1	Functional land buffer (HRA	Allocation-specific HRAs; Norfolk	Approx. 1 km buffer around key roost/feeding sites for pink-footed geese; triggers avoidance or



SPA/SAC		Wash & North Norfolk Coast SAC; The Wash SPA			trigger)	GIRAMS	mitigation.
North Norfolk Coast & Fens SPA/SAC	King's Lynn & West Norfolk Borough Council	North Norfolk Coast SPA/SAC; The Wash & North Norfolk Coast SAC; The Wash SPA	1000	1	Functional land buffer (HRA trigger)	Allocation-specific HRAs; Norfolk GIRAMS	Approx. 1 km buffer around key roost/feeding sites for pink-footed geese; triggers avoidance or mitigation.
Humber Estuary SPA/SAC/Ramsar	East Riding of Yorkshire Council	Humber Estuary SPA/SAC/Ramsar	1000	1	Functional land buffer (HRA trigger)	Allocation-specific HRAs; Humber Estuary Mitigation Strategy	Approx. 1 km around key roosts/feeding sites; in some cases development effectively ruled out.
Humber Estuary SPA/SAC/Ramsar	Hull City Council	Humber Estuary SPA/SAC/Ramsar	1000	1	Functional land buffer (HRA trigger)	Allocation-specific HRAs; Humber Estuary Mitigation Strategy	Approx. 1 km around key roosts/feeding sites; in some cases development effectively ruled out.
Humber Estuary SPA/SAC/Ramsar	North Lincolnshire Council	Humber Estuary SPA/SAC/Ramsar	1000	1	Functional land buffer (HRA trigger)	Allocation-specific HRAs; Humber Estuary Mitigation Strategy	Approx. 1 km around key roosts/feeding sites; in some cases development effectively ruled out.
Humber Estuary SPA/SAC/Ramsar	North East Lincolnshire Council	Humber Estuary SPA/SAC/Ramsar	1000	1	Functional land buffer (HRA trigger)	Allocation-specific HRAs; Humber Estuary Mitigation Strategy	Approx. 1 km around key roosts/feeding sites; in some cases development effectively ruled out.
Seabird/wader breeding SPAs	Orkney Islands Council	Various SPAs (e.g., red-throated divers, Arctic tern colonies)	1000	1	Disturbance buffer (HRA trigger)	Local Development Plan guidance; site-specific HRAs	Approx. 1 km no-development/disturbance zone around sensitive breeding locations.
Seabird/wader breeding SPAs	Shetland Islands Council	Various SPAs (e.g., red-throated divers, Arctic tern colonies)	1000	1	Disturbance buffer (HRA trigger)	Local Development Plan guidance; site-specific HRAs	Approx. 1 km no-development/disturbance zone around sensitive breeding locations.

## Hoo Peninsula Allocations within Medway Council Ward - All Saints

Site Ref:	Location:	Proposed use and units:	Available?	Development within 400m of a land-based habitat site:	Development within 1km of a land-based habitat site:	Is site included in Reg 19 Plan?	Is this inclusion/allocation justified and what action:
AS1 & AS3	Land off Fenn Street, St. Mary Hoo.	Residential. 20 units.	Yes.	No.	Yes. Within 1km of Northward Hill SSSI.	No.	Yes. Do not allocate site. Site is too close to land-based habitat.
AS2	Land off Sharnal Street, St. Mary Hoo.	Residential. 4 units.	Yes.	No.	No.	Yes.	Yes. Allocation agreed.
AS5 & AS6	Land off Fenn Street, St. Mary Hoo.	Residential. 44 units.	Yes.	No.	No.	Yes.	Yes. Site already has planning permission.
AS10	Land off Stoke Road, Upper Stoke.	Residential. 5 units.	Yes	No.	No.	Yes.	Yes. Site already has planning permission.
AS11	Land off Stoke Road, Upper Stoke.	Residential. 10 units.	Yes	No.	No.	Yes.	Yes. Site already has planning permission.
AS13	Land off Cuckolds Green Road, Lower Stoke	Residential. 368 units.	Yes.	No.	Yes. Within 1km of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (between Stoke and Grain).	No.	Yes. Do not allocate site. Site is too close to land-based habitat.
AS14	Land off Grain Road, Lower Stoke.	Residential. 25 units.	Yes.	No.	Yes. Within 1km of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (between Stoke and Grain).	No.	Yes. Do not allocate site. Site is too close to land-based habitat.
AS15	Land off Grain Road, Middle Stoke.	Residential. 15 units.	Yes.	No.	Yes. Within 1km of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (between Stoke and Grain).	No.	Yes. Do not allocate site. However, the site already has planning permission.
AS16	Land off Grain Road, Lower Stoke.	Residential. 25 units.	Yes.	No.	Yes. Within 1km of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (between Stoke and Grain).	No.	Yes. Do not allocate site. Site is too close to land-based habitat.
AS17	Land off Burrows Lane, Middle Stoke.	Residential. 180 units.	Yes.	No.	Yes. Within 1km of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (between Stoke and Grain).	No.	Yes. Do not allocate site. Site is too close to land-based habitat.
AS18	Land off Stoke Road, Allhallows.	Residential. 18 units.	Yes.	No.	Yes. Within 1km of Medway Estuary & Marshes	No.	Yes. Do not allocate site. Site is too close to land-based habitat.

					RAMSAR/SPA/SSSI land area (between Stoke and Grain).		
AS20 & AS21	Land off Avery Way, Allhallows.	Residential. 780 units.	Yes.	No.	Yes. Within 1km of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (between Stoke and Grain).	No.	Yes. Do not allocate site. Site is too close to land-based habitat.
AS22	Land off Dairy Fields Close, Allhallows.	Residential. 300 units.	Yes.	Yes. Within 400m of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (between Stoke and Grain).	Yes. Within 1km of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (between Stoke and Grain).	No.	Yes. Do not allocate site. Site is too close to land-based habitat.
AS23	Land off Willow Close, Allhallows.	Residential. Park-homes.	Yes.	Yes. Within 400m of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (between Stoke and Grain).	Yes. Within 1km of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (between Stoke and Grain).	Yes.	No. Remove allocation. Site is too close to land-based habitat. However, site already has planning permission.
AS24	Land at Grain Industrial Estate.	Employment. Non-residential.	Yes.	No.	Yes. Within 1km of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (between Stoke and Grain).	Yes.	Yes. Development is non-residential on PDL (brownfield).
AS25	Land off Grain Road, Isle of Grain.	Residential. 34 units.	Yes.	No.	Yes. Within 1km of South Thames Estuary & Marshes RAMSAR/SPA/SSSI land area (between Stoke and Grain).	Yes.	No. Remove allocation. Site is too close to land-based habitat. However, site already has planning permission.
AS26	Land at Grain Industrial Estate.	Employment. Non-residential.	Yes.	Yes. Within 400m of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (along Grain foreshore).	Yes. Within 1km of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (along Grain foreshore).	Yes.	Yes. Development is non-residential on PDL (brownfield).
AS28	Land off Port Victoria Road, Isle of Grain.	Residential. 9 units.	Yes.	Yes. Within 400m of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (along Grain foreshore).	Yes. Within 1km of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (along Grain foreshore).	Yes.	No. Remove allocation. Site is too close to land-based habitat.
AS29	Land off Stoke Road, Lower Stoke.	Residential. 7 units.	Yes.	No.	Yes. Within 1km of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (between Stoke and Grain).	No.	Yes. Do not allocate site. Site is too close to land-based habitat.
	<b>Total sites/units to remove from the Local Plan:</b>	<b>1 site, 9 units</b>					

## Hoo Peninsula Allocations within Medway Council Ward - Hoo & High Halstow

Site Ref:	Location:	Proposed use and units:	Available?	Development within 400m of a land-based habitat site:	Development within 1km of a land-based habitat site:	Is site included in Reg 19 Plan?	Is this inclusion/allocation justified and what action:
HHH1	Land off Lodge Hill Lane, Chattenden.	Unknown. Non-residential.	Yes.	Yes. Within 400m of Chattenden Wood & Lodge Hill SSSI.	Yes. Within 1km of Chattenden Wood & Lodge Hill SSSI.	No.	Yes. Do not allocate site. Site is too close to land-based habitat.
HHH3	Land at Chattenden Barracks, Chattenden.	Residential. 500 units.	Yes.	Yes. Within 400m of Chattenden Wood & Lodge Hill SSSI.	Yes. Within 1km of Chattenden Wood & Lodge Hill SSSI.	No.	Yes. Do not allocate site. Site is too close to land-based habitat.
HHH4	Land off Chattenden Lane, Chattenden.	Residential. 8 units.	No.	Yes. Within 400m of Chattenden Wood & Lodge Hill SSSI.	Yes. Within 1km of Chattenden Wood & Lodge Hill SSSI.	No.	Yes. Do not allocate site. Site is too close to land-based habitat.
HHH5	Land off Beacon Hill Lane, Chattenden.	Residential. 50 units.	Yes.	Yes. Within 400m of Chattenden Wood & Lodge Hill SSSI.	Yes. Within 1km of Chattenden Wood & Lodge Hill SSSI.	Yes.	No. Remove allocation. Site is too close to land-based habitat.
HHH6	Land off Peninsula Way, Chattenden.	Residential. 550 units.	Yes.	Yes. Within 400m of Chattenden Wood & Lodge Hill SSSI.	Yes. Within 1km of Chattenden Wood & Lodge Hill SSSI.	Yes.	No. Remove allocation. Site is too close to land-based habitat.
HHH7	Land at Deangate Ridge, Hoo.	Community Parkland. Non-residential.	Yes.	Yes. Within 400m of Chattenden Wood & Lodge Hill SSSI.	Yes. Within 1km of Chattenden Wood & Lodge Hill SSSI.	Yes.	Yes. Development is non-residential.
HHH8	Land off Ratcliffe Highway, Hoo.	Residential. 450 units.	Yes.	Yes. Within 400m of Deangate Ridge. Although not a designated Habitat, the site contains known Nightingale territories.	Yes. Within 1km of Chattenden Wood & Lodge Hill SSSI.	Yes.	No. Remove allocation. Site is too close to land-based habitat.
HHH9	Land off Main Road, Hoo.	Residential. 6 units.	No.	No.	Yes. Within 1km of Tower Hill to Cockham Wood SSSI.	No.	Yes. Do not allocate site. Site is too close to land-based habitat.
HHH11	Land off Ratcliffe Highway, Hoo.	Residential. 240 units.	Yes.	Yes. Within 400m of Deangate Ridge. Although not a designated Habitat, the site contains known Nightingale territories.	Yes. Within 1km of Chattenden Wood & Lodge Hill SSSI.	Yes.	No. Remove allocation. Site is too close to land-based habitat.
HHH12	Land off Main Road, Hoo.	Residential. 1,801 units.	Yes.	Yes. Within 400m of Tower Hill to Cockham Wood SSSI.	Yes. Within 1km of Tower Hill to Cockham Wood SSSI and Deangate Ridge.	Yes.	No. Remove allocation. Site is too close to land-based habitat.
HHH14	Land off Dux Court Road, Hoo.	Residential. 120 units.	Yes.	Yes. Within 400m of Chattenden Wood & Lodge	Yes. Within 1km of Chattenden Wood & Lodge	No.	Yes. Do not allocate site. Site is too close to land-based habitat.

				Hill SSSI.	Hill SSSI.		
HHH15	Land off Cooling Road, High Halstow.	Residential. 5 units.	Yes.	Yes. Within 400m of Northward Hill SSSI.	Yes. Within 1km of Northward Hill SSSI and Chattenden Wood & Lodge Hill SSSI.	Yes.	No. Remove allocation. Site is too close to land-based habitat. However, site already has planning permission.
HHH16 & HHH17	Land off Dux Court Road, Hoo.	Residential. 70 units.	Yes.	Yes. Within 400m of Chattenden Wood & Lodge Hill SSSI.	Yes. Within 1km of Chattenden Wood & Lodge Hill SSSI.	No.	Yes. Do not allocate site. Site is too close to land-based habitat.
HHH18	Land off Dux Court Road, Hoo.	Residential. Approx. 1,030 units.	Yes.	Yes. Within 400m of Chattenden Wood & Lodge Hill SSSI.	Yes. Within 1km of Chattenden Wood & Lodge Hill SSSI.	No.	Yes. Do not allocate site. Site is too close to land-based habitat.
HHH19	Land off Peninsula Way, Hoo.	Employment. Non-residential.	Yes.	Yes. Within 400m of Chattenden Wood & Lodge Hill SSSI.	Yes. Within 1km of Chattenden Wood & Lodge Hill SSSI.	Yes.	No. Although development is non-residential. The development is new employment on BMV agricultural land.
HHH21	Land at Hoo Marina Industrial Estate, Hoo.	Employment. Non-residential.	No.	No.	Yes. Within 1km of Tower Hill to Cockham Wood SSSI.	No.	Yes. Development is non-residential on PDL (brownfield).
HHH22 & HHH31	Land off Ropers Lane, Hoo.	Residential. 1,700 units.	Yes.	Yes. Within 400m of Deangate Ridge. Although not a designated Habitat, the site contains known Nightingale territories.	Yes. Within 1km of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (around Abbots Court).	Yes.	No. Remove allocation. Site is too close to land-based habitat.
HHH23	Land off Christmas Lane, High Halstow.	Residential. 15 units.	Yes.	No.	Yes. Within 1km of Northward Hill SSSI and Chattenden Wood & Lodge Hill SSSI.	No.	Yes. Do not allocate site. Site is too close to land-based habitat.
HHH24	Land off Stoke Road, Hoo.	Residential. 85 units.	Yes.	No.	Yes. Within 1km of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (around Abbots Court).	Yes.	No. Remove allocation. Site is too close to land-based habitat.
HHH25	Land off Stoke Road, Hoo.	Residential. 80 units.	Yes.	Yes. Within 400m of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (around Abbots Court).	Yes. Within 1km of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (around Abbots Court).	Yes.	No. Remove allocation. Site is too close to land-based habitat. However, site already has planning permission.
HHH26	Land off Christmas Lane, High Halstow.	Residential. 760 units.	Yes.	Yes. Within 400m of Northward Hill SSSI.	Yes. Within 1km of Northward Hill SSSI.	Yes.	No. Remove allocation. Site is too close to land-based habitat.
HHH28	Land off Sharnal Street, High Halstow.	Residential. 50 units.	Yes.	No.	No.	No.	Yes. Although not allocated. Development is isolated. Increased recreational pressure.
HHH29	Land off Christmas Lane, High Halstow.	Residential. 55 units.	Yes.	No.	Yes. Within 1km of Northward Hill SSSI.	Yes.	No. Remove allocation. Site is too close to land-based habitat.
HHH30	Land off Ropers Green Lane, Hoo.	Residential. 30 units.	Yes.	No.	No.	No.	Yes. Although not allocated. Development is isolated.

							Increased recreational pressure.
HHH32	Land at Abbotts Court, Hoo.	Residential. 3 units.	Yes.	Yes. Within 400m of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (around Abbotts Court).	Yes. Within 1km of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (around Abbotts Court).	Yes.	No. Remove allocation. Site is too close to land-based habitat.
HHH33	Land off Stoke Road, Hoo.	Residential. 330 units.	Yes.	Yes. Within 400m of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (around Abbotts Court).	Yes. Within 1km of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (around Abbotts Court).	Yes.	No. Remove allocation. Site is too close to land-based habitat.
HHH35	Land off Eshcol Road, Kingsnorth.	Employment. Non-residential.	Yes.	No.	Yes. Within 1km of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (around Abbotts Court).	Yes.	No. Although development is non-residential. The development is new employment on BMV agricultural land.
HHH36	Land at Kingsnorth Industrial Estate, Kingsnorth.	Employment. Non-residential.	Yes.	No.	Yes. Within 1km of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (around Abbotts Court).	Yes.	Yes. Development is non-residential on PDL (brownfield).
HHH37	Land at Kingsnorth Industrial Estate, Kingsnorth.	Employment. Non-residential.	Yes.	No.	Yes. Within 1km of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (around Abbotts Court).	Yes.	Yes. Development is non-residential on PDL (brownfield).
HHH38	Land at Kingsnorth Industrial Estate, Kingsnorth.	Employment. Non-residential.	Yes.	No.	Yes. Within 1km of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (around Abbotts Court).	Yes.	Yes. Development is non-residential on PDL (brownfield).
HHH39	Land at Kingsnorth Industrial Estate, Kingsnorth.	Employment. Non-residential.	Yes.	No.	Yes. Within 1km of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (around Abbotts Court).	Yes.	Yes. Development is non-residential on PDL (brownfield).
HHH40	Land off Lodge Hill Lane, Chattenden.	Residential. 75 units.	Yes.	Yes. Within 400m of Chattenden Wood & Lodge Hill SSSI.	Yes. Within 1km of Chattenden Wood & Lodge Hill SSSI.	No.	Yes. Do not allocate site. Site is too close to land-based habitat.
HHH41	Land off Ratcliffe Highway, Hoo.	Residential. 25 units.	Yes.	Yes. Within 400m of Deangate Ridge. Although not a designated Habitat, the site contains known Nightingale territories.	Yes. Within 1km of Chattenden Wood & Lodge Hill SSSI.	Yes.	No. Remove allocation. Site is too close to land-based habitat.
	<b>Total sites/units to remove from the Local Plan:</b>	<b>14 sites, 6,046 units</b>					

## Hoo Peninsula Allocations within Medway Council Ward - Strood Rural

Site Ref:	Location:	Proposed use and units:	Available?	Development within 400m of a land-based habitat site:	Development within 1km of a land-based habitat site:	Is site included in Reg 19 Plan?	Is this inclusion/allocation justified and what action:
SR1	Land at Dillywood Garden Centre, Cliffe Woods.	Residential. 12 units.	Yes.	No.	No.	Yes.	Yes. No action required.
SR2	Land off Salt Lane, Cliffe.	Unknown. Non-residential.	Yes.	Yes. Within 400m of South Thames Estuary & Marshes RAMSAR/SPA/SSSI land area (around Cliffe Pools).	Yes. Within 1km of South Thames Estuary & Marshes RAMSAR/SPA/SSSI land area (around Cliffe Pools).	No.	Yes. Do not allocate site. Site is too close to land-based habitat.
SR3	Land of Dillywood Lane, Cliffe Woods.	Residential. 5 units.	Yes.	No.	No.	No.	Yes. Site was rejected due to listed building status. No action required.
SR4	Land off Town Road, Cliffe Woods.	Residential. 130 units.	Yes.	No.	Yes. Within 1km of Chattenden Wood & Lodge Hill SSSI.	Yes.	No. Remove allocation. Site is too close to land-based habitat. However, site already has planning permission.
SR5	Land off Stonehorse Lane, Strood.	Residential. 120 units.	Yes.	No.	No.	Yes.	Yes. No action required (in terms of habitats impact). Site is not on the rural Hoo Peninsula.
SR6 & SR51	Land off Church Street, Cliffe.	Residential. 250 units.	Yes.	Yes. Within 400m of South Thames Estuary & Marshes RAMSAR/SPA/SSSI land area (around Cliffe Pools).	Yes. Within 1km of South Thames Estuary & Marshes RAMSAR/SPA/SSSI land area (around Cliffe Pools).	Yes.	No. Remove allocation. Site is too close to land-based habitat. However, site already has planning permission.
SR7	Land off Buckland Road, Cliffe Woods.	Residential. 44 units.	Yes.	No.	Yes. Within 1km of Chattenden Wood & Lodge Hill SSSI.	Yes.	No. Remove allocation. Site is too close to land-based habitat. However, site already has planning permission.
SR8	Land off B2000, Cliffe Woods.	Residential. 15 units.	Yes.	No.	No.	No.	Yes. Although not allocated. Development is isolated. Increased recreational pressure.
SR9	Land off Lee Green Road, Cliffe Woods.	Residential. 792 units.	Yes.	Yes. Within 400m of Chattenden Wood & Lodge Hill SSSI.	Yes. Within 1km of Chattenden Wood & Lodge Hill SSSI.	No.	Yes. Do not allocate site. Site is too close to land-based habitat.
SR10	Land off B2000, Cliffe Woods.	Residential. 10 units.	Yes.	No.	Yes. Within 1km of South Thames Estuary & Marshes RAMSAR/SPA/SSSI land area (around Cliffe Pools).	No.	Yes. Do not allocate site. Site is too close to land-based habitat.
SR13	Land off B2000,	Residential. 10	Yes.	No.	No.	No.	Yes. Although not allocated.



	Cliffe Woods.	units.					Development is isolated. Increased recreational pressure.
SR14	Land off View Road, Cliffe Woods.	Residential. 49 units.	Yes.	Yes. Within 400m of Chattenden Wood & Lodge Hill SSSI.	Yes. Within 1km of Chattenden Wood & Lodge Hill SSSI.	Yes.	No. Remove allocation. Site is too close to land-based habitat. However, site already has planning permission.
SR15	Land off B2000, Cliffe Woods.	Residential. 41 units.	Yes.	No.	No.	No.	Yes. Although not allocated. Development is isolated. Increased recreational pressure.
SR16 & SR18	Land off Merryboys Road, Cliffe Woods.	Residential. 150 units.	Yes.	No.	Yes. Within 1km of Chattenden Wood & Lodge Hill SSSI.	No.	Yes. Do not allocate site. Site is too close to land-based habitat.
SR17	Land off Bunters Hill Road, Cliffe Woods.	Residential. 900 units.	Yes.	No.	Yes. Within 1km of Chattenden Wood & Lodge Hill SSSI.	No.	Yes. Do not allocate site. Site is too close to land-based habitat.
SR21	Land off Cooling Road, Cliffe.	Residential. 20 units.	Yes.	No.	Yes. Within 1km of South Thames Estuary & Marshes RAMSAR/SPA/SSSI land area (around Cliffe Pools).	No.	Yes. Do not allocate site. Site is too close to land-based habitat.
SR22	Land off Merryboys Road, Cliffe Woods.	Residential. 6 units.	Yes.	No.	Yes. Within 1km of Chattenden Wood & Lodge Hill SSSI.	No.	Yes. Do not allocate site. Site is too close to land-based habitat.
SR24	Land off Cooling Common, Cliffe Woods.	Residential. 10 units.	Yes.	Yes. Within 400m of Chattenden Wood & Lodge Hill SSSI.	Yes. Within 1km of Chattenden Wood & Lodge Hill SSSI.	No.	Yes. Do not allocate site. Site is too close to land-based habitat.
SR25	Land off Frindsbury Hill, Frindsbury.	Mixed- education and residential. 152 units.	Yes.	Yes. Within 400m of Tower Hill to Cockham Wood SSSI.	Yes. Within 1km of Tower Hill to Cockham Wood SSSI.	Yes.	No. Remove allocation. Site is too close to land-based habitat. However, site already has planning permission.
SR27	Land off Berwick Way, Frindsbury.	Residential. 31 units.	Yes.	Yes. Within 400m of Tower Hill to Cockham Wood SSSI.	Yes. Within 1km of Tower Hill to Cockham Wood SSSI.	No.	Yes. Do not allocate site. Site is too close to land-based habitat.
SR29 (Now SR53)	Land at Medway City Estate, Frindsbury.	Employment. Non-residential.	No.	No.	Yes. Within 1km of Tower Hill to Cockham Wood SSSI.	No.	Yes. Although development is not allocated, development is non- residential anyway. Site is not regarded as a rural Hoo Peninsula site.
SR30 (Now SR53)	Land at Medway City Estate, Frindsbury.	Employment. Non-residential.	Yes.	No.	Yes. Within 1km of Tower Hill to Cockham Wood SSSI.	No.	Yes. Although development is not allocated, development is non- residential anyway. Site is not regarded as a rural Hoo Peninsula site.
SR31 (Now	Land at Medway City Estate, Frindsbury.	Employment. Non-residential.	Yes.	No.	Yes. Within 1km of Tower Hill to Cockham Wood	No.	Yes. Although development is not allocated, development is non-



SR53)					SSSI.		residential anyway. Site is not regarded as a rural Hoo Peninsula site.
SR32	Land off Castle Street, Upnor.	Residential. 49 units.	Yes.	Yes. Within 400m of Tower Hill to Cockham Wood SSSI.	Yes. Within 1km of Tower Hill to Cockham Wood SSSI.	No.	Yes. Do not allocate site. Site is too close to land-based habitat.
SR33 (Now SR53)	Land at Medway City Estate, Frindsbury.	Employment. Non-residential.	Yes.	No.	Yes. Within 1km of Tower Hill to Cockham Wood SSSI.	No.	Yes. Although development is not allocated, development is non-residential anyway. Site is not regarded as a rural Hoo Peninsula site.
SR34 (Now SR53)	Land at Medway City Estate, Frindsbury.	Employment. Non-residential.	Yes.	No.	Yes. Within 1km of Tower Hill to Cockham Wood SSSI.	No.	Yes. Although development is not allocated, development is non-residential anyway. Site is not regarded as a rural Hoo Peninsula site.
SR35 (Now SR53)	Land at Medway City Estate, Frindsbury.	Employment. Non-residential.	Yes.	Yes. Within 400m of Tower Hill to Cockham Wood SSSI.	Yes. Within 1km of Tower Hill to Cockham Wood SSSI.	No.	Yes. Although development is not allocated, development is non-residential anyway. Site is not regarded as a rural Hoo Peninsula site.
SR36 (Now SR53)	Land at Medway City Estate, Frindsbury.	Employment. Non-residential.	Yes.	No.	Yes. Within 1km of Tower Hill to Cockham Wood SSSI.	No.	Yes. Although development is not allocated, development is non-residential anyway. Site is not regarded as a rural Hoo Peninsula site.
SR37 (Now SR53)	Land at Medway City Estate, Frindsbury.	Employment. Non-residential.	Yes.	No.	Yes. Within 1km of Tower Hill to Cockham Wood SSSI.	No.	Yes. Although development is not allocated, development is non-residential anyway. Site is not regarded as a rural Hoo Peninsula site.
SR38 (Now SR53)	Land at Medway City Estate, Frindsbury.	Employment. Non-residential.	Yes.	No.	Yes. Within 1km of Tower Hill to Cockham Wood SSSI.	No.	Yes. Although development is not allocated, development is non-residential anyway. Site is not regarded as a rural Hoo Peninsula site.
SR39 (Now SR53)	Land at Medway City Estate, Frindsbury.	Employment. Non-residential.	Yes.	Yes. Within 400m of Tower Hill to Cockham Wood SSSI.	Yes. Within 1km of Tower Hill to Cockham Wood SSSI.	No.	Yes. Although development is not allocated, development is non-residential anyway. Site is not regarded as a rural Hoo Peninsula site.
SR40 (Now SR53)	Land at Medway City Estate, Frindsbury.	Employment. Non-residential.	Yes.	No.	No.	No.	Yes. Although development is not allocated, development is non-residential anyway. Site is not regarded as a rural Hoo Peninsula

							site.
SR41	Land off Four Elms Hill, Chattenden.	Residential. 50 units.	Yes.	Yes. Within 400m of Chattenden Wood & Lodge Hill SSSI.	Yes. Within 1km of Chattenden Wood & Lodge Hill SSSI.	No.	Yes. Do not allocate site. Site is too close to land-based habitat.
SR42	Land off Cooling Road, Cooling.	Residential. 24 units.	Yes.	No.	Yes. Within 1km of South Thames Estuary & Marshes RAMSAR/SPA/SSSI land area (North Kent Marshes).	No.	Yes. Do not allocate site. Site is too close to land-based habitat.
SR43	Land off Main Road, Cooling.	Residential. 10 units.	Yes.	No.	Yes. Within 1km of South Thames Estuary & Marshes RAMSAR/SPA/SSSI land area (North Kent Marshes).	No.	Yes. Do not allocate site. Site is too close to land-based habitat.
SR45	Land off Main Road, Cooling.	Employment. Non-residential.	Yes.	No.	Yes. Within 1km of South Thames Estuary & Marshes RAMSAR/SPA/SSSI land area (North Kent Marshes).	No.	Yes. Although development is not allocated, development is non-residential anyway.
SR46	Land off Main Road, Cooling.	Residential. 10 units.	Yes.	No.	Yes. Within 1km of South Thames Estuary & Marshes RAMSAR/SPA/SSSI land area (North Kent Marshes).	No.	Yes. Do not allocate site. Site is too close to land-based habitat.
SR47	Land off Upnor Road, Upnor.	Residential. 9 units.	Yes.	Yes. Within 400m of Tower Hill to Cockham Wood SSSI.	Yes. Within 1km of Tower Hill to Cockham Wood SSSI.	Yes.	No. Remove allocation. Site is too close to land-based habitat. However, site already has planning permission.
SR48	Land off Upnor Road, Upnor.	Residential. 8 units.	Yes.	Yes. Within 400m of Tower Hill to Cockham Wood SSSI.	Yes. Within 1km of Tower Hill to Cockham Wood SSSI.	Yes.	No. Remove allocation. Site is too close to land-based habitat.
SR49	Land off Upnor Road, Upnor.	Residential. 6 units.	Yes.	Yes. Within 400m of Tower Hill to Cockham Wood SSSI.	Yes. Within 1km of Tower Hill to Cockham Wood SSSI.	Yes.	No. Remove allocation. Site is too close to land-based habitat.
SR50	Land off Albion Place, Upnor.	Residential. 5 units.	No.	Yes. Within 400m of Tower Hill to Cockham Wood SSSI.	Yes. Within 1km of Tower Hill to Cockham Wood SSSI.	No.	Yes. Do not allocate site. Site is too close to land-based habitat.
SR52	Land off Town Road, Cliffe Woods.	Residential. 355 units.	Yes.	Yes. Within 400m of Chattenden Wood & Lodge Hill SSSI.	Yes. Within 1km of Chattenden Wood & Lodge Hill SSSI.	No.	Yes. Do not allocate site. Site is too close to land-based habitat.
SR53	Land at Medway City Estate, Frindsbury.	Residential. 690 houses.	Yes.	Yes. Within 400m of Tower Hill to Cockham Wood SSSI.	Yes. Within 1km of Tower Hill to Cockham Wood SSSI.	Yes.	No. Remove allocation. Site is too close to land-based habitat. Site is not regarded as a rural Hoo Peninsula site.
	<b>Total sites/units to remove from the Local Plan:</b>	<b>3 sites, 704 units</b>					

## Hoo Peninsula New Residential/Employment Development Allocations - in order of harm and impact

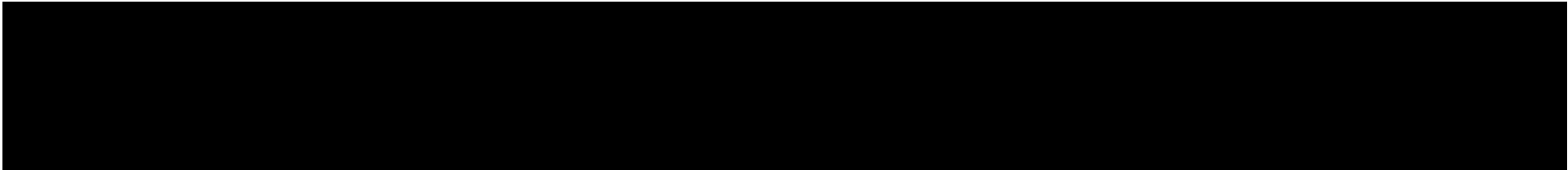
Ranking (most harmful/impactful to least):	Site Ref:	Location:	Proposed use and units:	Development within 400m of a land-based habitat site:	Development within 1km of a land-based habitat site:	Reason for ranking:
<b>1 - most harmful/impactful</b>	HHH6	Land off Peninsula Way, Chattenden.	Residential. 550 units.	Yes. Within 400m of Chattenden Wood & Lodge Hill SSSI.	Yes. Within 1km of Chattenden Wood & Lodge Hill SSSI.	Closest of the sites to the Chattenden Wood & Lodge Hill SSSI. Known/proven Nightingale territories in close proximity to site (including those present on adjacent Deangate Ridge). Significant risk of predation by domestic cats, along with recreational/noise disturbance.
<b>2</b>	HHH8	Land off Ratcliffe Highway, Hoo.	Residential. 450 units.	Yes. Within 400m of Deangate Ridge. Although not a designated Habitat, the site contains known Nightingale territories.	Yes. Within 1km of Chattenden Wood & Lodge Hill SSSI.	Site is too close to the Chattenden Wood & Lodge Hill SSSI as well as known/proven Nightingale territories at the adjacent Deangate Ridge site. Very high risk of predation by domestic cats, along with recreational/noise disturbance.
<b>3</b>	HHH11	Land off Ratcliffe Highway, Hoo.	Residential. 240 units.	Yes. Within 400m of Deangate Ridge. Although not a designated Habitat, the site contains known Nightingale territories.	Yes. Within 1km of Chattenden Wood & Lodge Hill SSSI.	Site is too close to the Chattenden Wood & Lodge Hill SSSI as well as known/proven Nightingale territories at the adjacent Deangate Ridge site. Very high risk of predation by domestic cats, along with recreational/noise disturbance.
<b>4</b>	HHH41	Land off Ratcliffe Highway, Hoo.	Residential. 25 units.	Yes. Within 400m of Deangate Ridge. Although not a designated Habitat, the site contains known Nightingale territories.	Yes. Within 1km of Chattenden Wood & Lodge Hill SSSI.	Site is too close to the Chattenden Wood & Lodge Hill SSSI as well as known/proven Nightingale territories at the adjacent Deangate Ridge site. Very high risk of predation by domestic cats, along with recreational/noise disturbance.
<b>5</b>	HHH5	Land off Beacon Hill Lane, Chattenden.	Residential. 50 units.	Yes. Within 400m of Chattenden Wood & Lodge Hill SSSI.	Yes. Within 1km of Chattenden Wood & Lodge Hill SSSI.	Site is too close to the Chattenden Wood & Lodge Hill SSSI. Very high risk of predation by domestic cats, along with recreational/noise disturbance.
<b>6</b>	HHH12	Land off Main Road, Hoo.	Residential. 1,801 units.	Yes. Within 400m of Tower Hill to Cockham Wood SSSI.	Yes. Within 1km of Tower Hill to Cockham Wood SSSI and Deangate Ridge.	Site is too close to the Tower Hill to Cockham Wood SSSI. Very high risk of predation by domestic cats, along with recreational/noise disturbance.
<b>7</b>	HHH26	Land off Christmas Lane, High Halstow.	Residential. 760 units.	Yes. Within 400m of Northward Hill SSSI.	Yes. Within 1km of Northward Hill SSSI.	Site is too close to the Northward Hill SSSI. High risk of predation by domestic cats, along with recreational/noise disturbance.
<b>8</b>	HHH29	Land off Christmas Lane, High Halstow.	Residential. 55 units.	No.	Yes. Within 1km of Northward Hill SSSI.	Along with HHH26, site is too close to the Northward Hill SSSI. High risk of predation by domestic cats, along with recreational/noise disturbance.
<b>9</b>	AS28	Land off Port Victoria Road, Isle of Grain.	Residential. 9 units.	Yes. Within 400m of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (along Grain foreshore).	Yes. Within 1km of Medway Estuary & Marshes RAMSAR/SPA/SSSI land	Site is too close to the Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (along Grain foreshore). High risk of predation by domestic cats, along with recreational/noise disturbance.

					area (along Grain foreshore).	
10	HHH33	Land off Stoke Road, Hoo.	Residential. 330 units.	Yes. Within 400m of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (around Abbots Court).	Yes. Within 1km of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (around Abbots Court).	Site is too close to the Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (around Abbots Court). High risk of predation by domestic cats, along with recreational/noise disturbance.
11	HHH32	Land at Abbots Court, Hoo.	Residential. 3 units.	Yes. Within 400m of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (around Abbots Court).	Yes. Within 1km of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (around Abbots Court).	Site is too close to the Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (around Abbots Court). High risk of predation by domestic cats, along with recreational/noise disturbance.
12	HHH24	Land off Stoke Road, Hoo.	Residential. 85 units.	No.	Yes. Within 1km of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (around Abbots Court).	Site is too close to the Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (around Abbots Court). High risk of predation by domestic cats, along with recreational/noise disturbance.
13	HHH22 & HHH31	Land off Ropers Lane, Hoo.	Residential. 1,700 units.	Yes. Within 400m of Deangate Ridge. Although not a designated Habitat, the site contains known Nightingale territories.	Yes. Within 1km of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (around Abbots Court).	Although within 400m and 1km of land-based habitats, the centre of the site is the furthest away. High risk of predation by domestic cats, along with recreational/noise disturbance.
14	HHH35	Land off Eshcol Road, Kingsnorth.	Employment. Non-residential.	No.	Yes. Within 1km of Medway Estuary & Marshes RAMSAR/SPA/SSSI land area (around Abbots Court).	Although non-residential, the development removes significant BMV land adjacent to the existing brownfield Kingsnorth Industrial Estate. High risk of recreational (from employees) and noise disturbance.
15	HHH19	Land off Peninsula Way, Hoo.	Employment. Non-residential.	Yes. Within 400m of Chattenden Wood & Lodge Hill SSSI.	Yes. Within 1km of Chattenden Wood & Lodge Hill SSSI.	Although non-residential, the development removes significant BMV land. High risk of recreational (from employees) and noise disturbance.
16	SR48	Land off Upnor Road, Upnor.	Residential. 8 units.	Yes. Within 400m of Tower Hill to Cockham Wood SSSI.	Yes. Within 1km of Tower Hill to Cockham Wood SSSI.	Site is too close to the Tower Hill to Cockham Wood SSSI. High risk of predation by domestic cats, along with recreational/noise disturbance.
17 - least harmful/impactful	SR49	Land off Upnor Road, Upnor.	Residential. 6 units.	Yes. Within 400m of Tower Hill to Cockham Wood SSSI.	Yes. Within 1km of Tower Hill to Cockham Wood SSSI.	Site is too close to the Tower Hill to Cockham Wood SSSI. High risk of predation by domestic cats, along with recreational/noise disturbance.

## Unallocated Residential Development Sites in Urban and Suburban Medway Towns

Site Ref:	Location:	Proposed use and units:	Available?	Development within 400m of a land-based habitat site:	Development within 1km of a land-based habitat site:	Is site included in Reg 19 Plan?	Is this non-allocation/non-inclusion justified and what action:
HW1	Land off Pear Tree Lane, Capstone.	Residential. 500 units.	Yes.	No.	No.	No.	No. Site should have been selected. More sensitive sites have been selected on the Hoo Peninsula instead. Site is also closer to existing infrastructure and services. Not justified.
RN1	Land off Yokosuka Way, Rainham.	Residential. 100 units.	Yes.	No.	No.	No.	No. Site should have been selected. More sensitive sites have been selected on the Hoo Peninsula instead. Site is also closer to existing infrastructure and services. Not justified.
RN2	Land off Grange Road, Rainham.	Residential. 211 units.	Yes.	No.	No.	No.	No. Site should have been selected. More sensitive sites have been selected on the Hoo Peninsula instead. Site is also closer to existing infrastructure and services. Not justified.
RN4	Land off Lower Rainham Road, Rainham.	Residential. 100 units.	Yes.	No.	No.	No.	No. Site should have been selected. More sensitive sites have been selected on the Hoo Peninsula instead. Site is also closer to existing infrastructure and services. Not justified.
RN5	Land off Lower Rainham Road, Rainham.	Residential. 400 units.	Yes.	No.	No.	No.	No. Site should have been selected. More sensitive sites have been selected on the Hoo Peninsula instead. Site is also closer to existing infrastructure and services. Not justified.
RN8 & RN9	Land off Pump Lane, Rainham.	Residential. 450 additional units.	Yes.	No.	No.	No.	No. Site should have been maximised. More sensitive sites have been selected on the Hoo Peninsula instead. Site is also closer to existing infrastructure and services. Not justified.
RN10	Land off Lower Rainham Road, Rainham.	Residential. 40 units.	Yes.	No.	No.	No.	No. Site should have been selected. More sensitive sites have been selected on the Hoo Peninsula instead. Site is also closer to existing infrastructure and services. Not justified.
RN14	Land off Lower Rainham Road, Rainham.	Residential. 40 units.	Yes.	No.	No.	No.	No. Site should have been selected. More sensitive sites have been selected on the Hoo Peninsula instead. Site is also closer to existing infrastructure and services. Not justified.
RN16	Land off Berengrave Lane, Rainham.	Residential. 20 units.	Yes.	No.	No.	No.	No. Site should have been selected. More sensitive sites have been selected on the Hoo Peninsula instead. Site is also closer to existing infrastructure and services. Not justified.
RN19	Land off	Residential. 8	Yes.	No.	No.	No.	No. Site should have been selected. More

	Berengrave Lane, Rainham.	units.					sensitive sites have been selected on the Hoo Peninsula instead. Site is also closer to existing infrastructure and services. Not justified.
RN34	Land off Lower Featherby Road, Rainham.	Residential. 21 units.	Yes.	No.	No.	No.	No. Site should have been selected. More sensitive sites have been selected on the Hoo Peninsula instead. Site is also closer to existing infrastructure and services. Not justified.
RSE8	Land off Meresborough Road, Rainham.	Residential. 25 units.	Yes.	No.	No.	No.	No. Site should have been selected. More sensitive sites have been selected on the Hoo Peninsula instead. Site is also closer to existing infrastructure and services. Not justified.
RSE9	Land off Meresborough Road, Rainham.	Residential. 40 units.	Yes.	No.	No.	No.	No. Site should have been selected. More sensitive sites have been selected on the Hoo Peninsula instead. Site is also closer to existing infrastructure and services. Not justified.
RSE10	Land off Moor Street, Rainham.	Residential. 850 units.	Yes.	No.	No.	No.	No. Site should have been selected. More sensitive sites have been selected on the Hoo Peninsula instead. Site is also closer to existing infrastructure and services. Not justified.
	<b>Total sites/units to allocate in the Local Plan:</b>	<b>14 sites, 2,805 units</b>					



**Cllr. George Crozer (Ind)**

**Cllr. Michael Pearce (Ind)**

**Cllr. Ron Sands (Ind)**

**Group Leader**

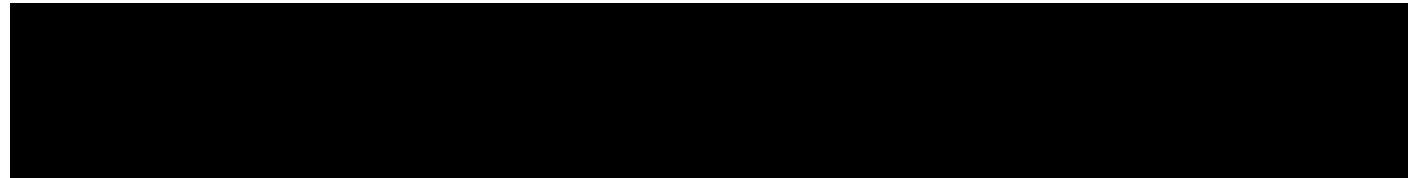
**Deputy Group Leader**

**Group Whip**

**Hoo & High Halstow Ward**

**Hoo & High Halstow Ward**

**Hoo & High Halstow Ward**



**Cllr. Elizabeth Turpin (Ind)**

**Cllr. John Williams (Ind)**

**Group Member**

**Group Member**

**Strood Rural Ward**

**Strood Rural Ward**

**THE  
INDEPENDENT  
GROUP**  
ON MEDWAY COUNCIL

**Letters to the LPA concerning the Consultation and Policy for**

*Medway Council's*

*Regulation 19*

*Medway Local Plan 2041*

*Proposed Submission Draft*

*and Supporting Documents*

*June 2025*

**Sunday 10th August 2025**



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## **INDEX**

<b>Page Number:</b>	<b>Chapter:</b>
<b>3 to 4</b>	Letter from TIG concerning the Consultation sent to the LPA - 29th July 2025
<b>5 to 6</b>	Letter from TIG concerning the Consultation sent to the LPA - 6th August 2025
<b>7 to 11</b>	TIG representation concerning NPPF 11b sent to the LPA - 1st August 2025
<b>12</b>	The Independent Group (TIG) Signatures.

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**THE  
INDEPENDENT  
GROUP**  
ON MEDWAY COUNCIL

The Independent Group (on Medway Council)

ME4 4TR

Tuesday 29<sup>th</sup> July 2025.

**Dave Harris**  
Chief Planning Officer  
Local Planning Authority (Medway Council)  
Gun Wharf, Dock Road  
Chatham, Kent  
ME4 4TR

CC: Catherine Smith (Head of Planning Policy), Richard Hicks (Chief Executive), Bhupinder Gill (Monitoring Officer), Medway Councillors, Sue Groves MBE (Disability Access, Inclusion and Awareness Campaigner), The Planning Inspectorate and Disability Rights UK.

Dear Dave Harris (Chief Planning Officer),

**Re: Medway Council's Regulation 19 pre-submission draft Local Plan consultation - Planning Inspectorate Model Representation Form (PINS).**

We write to you as The Independent Group (TIG) on Medway Council, representing the communities of Cliffe, Cliffe Woods, Cooling, Wainscott, Frindsbury, Upnor, Chattenden, Hoo and High Halstow on the Hoo Peninsula.

This letter concerns the publishing of the Planning Inspectorate Model Representation Form (PINS) on Medway Council's website on Monday 28<sup>th</sup> July, and therefore the requirement for a four-week extension to the Regulation 19 consultation. This letter is also being copied to The Planning Inspectorate, and a copy will be provided to the Independent Inspector during the Examination of the Local Plan.

Medway Council's Regulation 19 pre-submission draft Local Plan consultation began on Monday 30<sup>th</sup> June, and is due to end on Monday 11<sup>th</sup> August 2025. On Friday 25<sup>th</sup> July, an email titled "Medway Local Plan e-bulletin: Edition 5 (Summer 2025)" was sent to recipients, including Medway Councillors. This communication stated the following:

*"If you choose to provide feedback via email or post as an alternative to providing feedback via our online consultation portal, we recommend using our model representation form. This is a short form which ensures your feedback is legally compliant with the responses we require from you for the Regulation 19 consultation. This includes answering whether the draft Local Plan is : - Legally compliant, - Legally sound, - Complies with the duty to co-operate. **The form can be downloaded from our Local Plan website over the next few days.**"*

This is the first time such a form has been mentioned during the six-week consultation period. The communication makes clear the form ensures feedback is legally compliant, and therefore, it will be accepted by Medway Council and passed to the Independent Inspector. On Monday 28<sup>th</sup> July, Medway Council published the form called "Planning Inspectorate Model Representation Form" on the Council's website, along with the following explanatory wording:

*"You can also submit your comments by completing the Planning Inspectorate (PINS) Model Representation Form. **You can then** send your comments by email or post:*

*email: [planning.policy@medway.gov.uk](mailto:planning.policy@medway.gov.uk)*

*post: Planning Service, Medway Council, Gun Wharf, Chatham, Kent, ME4 4TR."*

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## Letter from TIG concerning the Consultation sent to the LPA - 29th July 2025 - 2 of 2

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This wording makes clear that any representations and comments will only be accepted with a completed Planning Inspectorate Model Representation Form - a form published four-weeks into the six-week consultation period. TIG is very concerned about the representations and comments submitted between Monday 30<sup>th</sup> June and Monday 28<sup>th</sup> July not being accepted by the Local Planning Authority, and as a result these representations and comments not being passed onto the Independent Inspector.

Furthermore, Medway Council admits (on the Council's website) ***"The Planning Inspectorate (PINS) Model Representation Form has accessibility issues"*** and ***"If you need information on this website in a different format like accessible PDF, large print, easy read, audio recording or braille you can fill in our online form... We'll consider your request and get back to you in 20 working days."*** This means those who require accessible formats, including an accessible format of the Planning Inspectorate Model Representation Form, won't receive one until after the consultation deadline of Monday 11<sup>th</sup> August.

This is clearly an unacceptable situation which calls into question the present lawfulness of the Regulation 19 consultation. The only reasonable course of action, to ensure the consultation complies with the Gunning Principles and other relevant legislation (such as the Equality Act), is for the Local Planning Authority to extend the consultation deadline by four-weeks. **Meaning the new consultation deadline would be Monday 8<sup>th</sup> September 2025.**

This would ensure a legitimate and full six-week consultation is carried out, with the public (including those with accessibility requirements) having access to all documents or information needed to make comments or representations.

Thank you and we look forward to hearing from you.

[REDACTED]

Councillor George Crozer (Ind)  
Leader  
Hoo & High Halstow Ward

Councillor Michael Pearce (Ind)  
Deputy Leader  
Hoo & High Halstow Ward

Councillor Ron Sands (Ind)  
Group Whip  
Hoo & High Halstow Ward

[REDACTED]

Councillor Elizabeth Turpin (Ind)  
Strood Rural Ward

Councillor John Williams (Ind)  
Strood Rural Ward



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## Letter from TIG concerning the Consultation sent to the LPA - 6th August 2025 - 1 of 2

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The Independent Group (on Medway Council)

ME3

Wednesday 6<sup>th</sup> August 2025.

**Dave Harris**

Chief Planning Officer  
Local Planning Authority (Medway Council)  
Gun Wharf, Dock Road  
Chatham, Kent  
ME4 4TR

CC: Catherine Smith (Head of Planning Policy), Richard Hicks (Chief Executive), Bhupinder Gill (Monitoring Officer), Medway Councillors and The Planning Inspectorate.

Dear Dave Harris (Chief Planning Officer),

**Re: Medway Council's Regulation 19 pre-submission draft Local Plan consultation – consultation period extension due to amended/updated evidence base documents.**

We write to you as The Independent Group (TIG) on Medway Council, representing the communities of Cliffe, Cliffe Woods, Cooling, Wainscott, Frindsbury, Upnor, Chattenden, Hoo and High Halstow on the Hoo Peninsula.

This letter concerns the requirement for a consultation period extension due to amended/updated evidence base documents being published approximately halfway through the Regulation 19 consultation. This letter is also being copied to The Planning Inspectorate, and a copy will be provided to the Independent Inspector during the Examination of the Local Plan.

Medway Council's Regulation 19 pre-submission draft Local Plan consultation began on Monday 30<sup>th</sup> June, and is due to end on Monday 11<sup>th</sup> August 2025. An evidence base document called "Medway LP Regulation 19 - Proportionality Assessment" was published at the start of the consultation (this document was created on Friday 27<sup>th</sup> June 2025). The proportionality assessment forms part of the Strategic Transport Assessment - crucial for the plan's evidence base.

On Tuesday 15<sup>th</sup> July, Medway Council published a revised version of this evidence base document, with the changes explained as: "Updated values in Table 4-1. Addition of the interim junction mitigation analysis (Section 3)" within the document itself and: "Revision 2 - added Section 3 and updated values in Table 4-1." on the consultation platform. As well as making changes to tables and introducing three new ones, the revision has included a very large and entirely new additional section called "Junction Mitigation Analysis", which is broken down into: "Models Used", "Temporal Assessment Methodology", "Interim Junction Performance Assessment" and "Summary". None of this was present in the previous/original version.

These changes are not minor amendments to the evidence base, they are significant and fundamental - particularly because the document forms part of the Strategic Transport Assessment - a key sustainability concern with the proposed development in the plan. **The original document published on Monday 30<sup>th</sup> June contained 14 pages, but this new revised version published on Tuesday 15<sup>th</sup> July contains 523 pages - an increase of 509 pages.**

This revised evidence base has been published more than two weeks into the six-week consultation period, based on the date of the revision stated in the Strategic Transport Assessment document

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## Letter from TIG concerning the Consultation sent to the LPA - 6th August 2025 - 2 of 2

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concerned. However, it's difficult to determine when the revised document was actually published into the public domain by Medway Council.

To ensure procedural fairness and a lawful Regulation 19 consultation based on the Gunning Principles and other relevant legislation, the only reasonable course of action is for the Local Planning Authority (Medway Council) to extend the consultation period to take account of this significant revision to the evidence base. The six-week consultation needs to effectively restart from the point the revised "Medway LP Regulation 19 – Proportionality Assessment" was published into the public domain. Assuming a date of Tuesday 15<sup>th</sup> July, this means the new end date for the Regulation 19 consultation must be **Tuesday 26<sup>th</sup> August 2025**.

This would ensure a legitimate, lawful and full six-week consultation is carried out, with the public having access to all documents or information needed to make comments or representations.

Thank you and we look forward to hearing from you.

[Redacted]  
**Councillor George Crozer (Ind)**  
Leader  
Hoo & High Halstow Ward

**Councillor Michael Pearce (Ind)**  
Deputy Leader  
Hoo & High Halstow Ward

**Councillor Ron Sands (Ind)**  
Group Whip  
Hoo & High Halstow Ward

[Redacted]  
**Councillor Elizabeth Turpin (Ind)**  
Strood Rural Ward

**Councillor John Williams (Ind)**  
Strood Rural Ward



The Independent Group (on Medway Council)

ME3

Friday 1<sup>st</sup> August 2025.

**Local Planning Authority**  
Medway Council  
Gun Wharf, Dock Road  
Chatham, Kent  
ME4 4TR

CC: Dave Harris (Chief Planning Officer), Catherine Smith (Head of Planning Policy), Hoo Peninsula Parish Councils, Medway Councillors, Natural England, RSPB, Kent Wildlife Trust, Buglife and CPRE Kent.

Dear Local Planning Authority (LPA),

**Re: Medway Council's Regulation 19 pre-submission draft Local Plan consultation – NPPF para 11b.**

We write to you as The Independent Group (TIG) on Medway Council, representing the communities of Cliffe, Cliffe Woods, Cooling, Wainscott, Frindsbury, Upnor, Chattenden, Hoo and High Halstow on the Hoo Peninsula.

This representation concerns Medway Council's Regulation 19 pre-submission draft Local Plan consultation, specifically the objectively assessed housing need figure (based on the standard method housing target) and paragraph 11b of the National Planning Policy Framework (NPPF). We believe the Local Plan is not legally compliant or "sound" and it does not comply with the Duty to Cooperate. Because these matters and issues can't be rectified with main modifications, we therefore oppose the plan and recommend its immediate withdrawal. Please pass this representation to the Independent Inspector for the Examination of the plan (Regulation 20).

## **1. Overview of the Hoo Peninsula.**

1.1 The Hoo Peninsula is a unique rural community consisting of the best and most versatile agricultural land (predominately Grade 1) and internationally and nationally protected habitats (RAMSAR, SPA, SAC, SSSI, NNR etc.). Notable species and habitats include the largest national heronry (the Grey Heron) at Northward Hill and the best national site for Nightingale at Lodge Hill. Over 300,000 migratory birds depend on the habitats of the Hoo Peninsula for their survival, and these wetlands and marshes form part of the East Coast Wetlands proposal for a Natural World Heritage Site (supported by the RSPB and Government).

## **2. Objectively assessed housing need:**

2.1 The LPA's Local Plan document states the following:

6.1.2. *"A primary purpose of the new Local Plan is to meet the needs of Medway's communities for housing. The Council is using the government's Standard Method for calculating Local Housing Need. As of May 2025, this is defined as 1,636 homes a year. There is a need for 24,540 homes over the plan period to 2041. The development strategy set out in this plan provides for meeting full housing needs in Medway."*



2.2 The Medway Council area is within the top 40% of most densely populated local authority areas in England (2021 census), and is also one of the most densely populated areas in the South East. The scale of development proposed in the Local Plan is significant - building 1,636 houses a year is equivalent to building a settlement the size of Rochester Riverside, or a settlement twice the size of High Halstow village on the Hoo Peninsula. The impact from this scale of development will have a significant adverse effect on designated habitats and wildlife.

### 3. Interim Habitats Regulations Assessment:

3.1 The LPA's Interim Habitats Regulation Assessment states the following:

*E11. "This HRA report has however not been able to reach a conclusion regarding potential adverse air quality impacts upon the site integrity of the North Kent Marshes European sites or the North Downs Woodlands SAC, or recreational impacts upon the North Kent Marshes European sites. Further air quality modelling work, to be commissioned by the Council, and the final Hoo Peninsula Strategic Environmental Programme, will be evaluated to further inform the appropriate assessment. Once the results of the air quality modelling and the Hoo Peninsula Strategic Environmental Programme and have been evaluated, this HRA report can be updated and finalised."*

*"8.3.8. Other mitigation strategies across the UK have excluded development within a 400m zone where urbanisation effects are likely. The bird disturbance research undertaken on behalf of the North Kent Environmental Planning Group looked at the possibility of including an exclusion zone within the SAMMS Bird Wise scheme (see Section 7.2 for more details on the Bird Wise scheme). This concluded that a 'sterile' zone of no development around the North Kent SPAs would encompass ports, town centres, very built-up residential areas and contaminated brownfield sites and therefore development would potentially be halted or pushed to greenfield sites and prevent the regeneration of urban centres<sup>159</sup>. As such, a coastwide 400m exclusion zone was not considered further as part of the SAMMS. As noted in paragraph 3.8.3, a 400m buffer zone may also not be appropriate given the nature of the Hoo Peninsula which is open and rural and also the qualifying avian species which are coastal rather than heathland / woodland birds."*

3.2 Concerningly, the Interim Habitats Regulations Assessment confirms there are potential adverse effects on habitats from the scale of development proposed in the plan area, particularly on the Hoo Peninsula. This is clearly unacceptable and does not constitute sustainable development. From the outset, the plan is not justified or consistent with national policy - therefore the plan is "unsafe" to proceed.

3.3 The LPA's opposition to a 400m no-development buffer zone (designed to protect habitats) is based on outdated evidence from a report produced in 2014 called "Liley, D. & Underhill-Day, J. (2013). Thames, Medway and Swale Estuaries – Strategic Access Management and Monitoring Strategy. Unpublished report by Footprint Ecology." The nationwide mitigation strategies referred to, including the 400m+ buffer zones, have been introduced post 2014 and post this report. The LPA's position on this matter is completely untenable and unjustified. In fact, the LPA had previously proposed various sized buffer zones, including the 2013 Lodge Hill Core Strategy and the now withdrawn 2021 draft Local Plan (a minimum 150m buffer).

3.4 The LPA does not currently have a signed Duty to Cooperate statement with Natural England. This is not legally complaint and only compounds the significant risk of adverse harm to habitat sites from the proposed allocations and development in the Local Plan.

### 4. Sustainability Appraisal:

4.1 Volume 1 of 3 of the LPA's Sustainability Appraisal (Non-technical Summary) states the following:

*N35. "At the time of writing, the HRA process has not been able to reach a conclusion regarding air quality and recreational impacts on the SPA and Ramsar sites. Further air quality modelling work and a*

final Hoo Peninsula Strategic Environmental Programme will be evaluated to inform the final HRA. The effect of the MLP on European sites is currently uncertain.

N46. "The worst performing SDO is the Hoo Peninsula, ranking the lowest against a number of SA Objectives, with **potential adverse effects** associated with the introduction of a **large quantum of growth in small settlements and in proximity to sensitive ecological receptors.**"

4.2 Similar to the Interim Habitats Regulations Assessment, the Sustainability Appraisal also confirms there are potential adverse effects on the Hoo Peninsula's habitats from the scale of development proposed, and that the situation is currently uncertain. The Hoo Peninsula is the worst performing Spatial Development Option (SDO), with alternative options such as the urban centre and suburban locations performing the best (particularly concerning ecological impacts). The LPA's spatial strategy is irrational and is in clear conflict with the evidence base and supporting documentation.

### 5. Paragraph 11b of the NPPF:

5.1 The NPPF outlines key tests and fundamental safeguards to protect areas or assets of particular importance, including habitats. Paragraph 11b is crucial with regards to plan-making and the LPA's approach, especially considering the highly sensitive and constrained plan-area. Notwithstanding the objectively assessed housing need, based on the standard method housing target, the LPA must avoid adverse impacts on habitats by reducing the scale, type and distribution of development within the plan area.

*"11. Plans and decisions should apply a presumption in favour of sustainable development.*

*For plan-making this means that:*

*a) all plans should promote a **sustainable pattern of development** that seeks to: meet the development needs of their area; align growth and infrastructure; **improve the environment**; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;*

*b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, **unless:***

***i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or***

***ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."***

5.2 Based on the published Habitats Regulations Assessment and Sustainability Appraisal, and applying paragraph 11b of the NPPF, the LPA must significantly reduce the development allocations adjacent to, or near to, protected habitats within the plan area. This means removing the development allocations around Chattenden, Hoo St. Werburgh, High Halstow and Kingsnorth on the environmentally sensitive Hoo Peninsula. The LPA can justify this approach because of the exceptional circumstances.

### 6. Conclusion:

6.1 The NPPF provides a tangible and legally defensible basis for the LPA to reduce the overall scale, type and distribution of development within the plan area - including reducing residential allocations within a very environmentally sensitive and already very densely populated location. The adverse impacts on areas or assets of particular importance, particularly internationally and nationally protected habitat sites, would significantly and demonstrably outweigh the benefits of the development - when assessed against the policies in the Framework taken as a whole.



6.2 It appears to us the Local Plan is instead “developer led” because considerations concerning habitats, and other sustainability matters, are an afterthought by the LPA, when they should be at the forefront of the plan and decision making. This is contrary to the principles or purpose of the NPPF and the presumption in favour of **sustainable** development. Because the proposed development in the plan does not meet the key tests of sustainability, **the presumption is not engaged**. The plan is not legally compliant, justified or consistent with national policy, and is therefore “unsound”.

6.3 The LPA’s approach does not follow the avoid, mitigate and compensate hierarchy - the LPA is “putting the cart before the horse” and allocating significant development, particularly on the Hoo Peninsula, without safeguards and conclusions being in place to avoid adverse harm. The modifications required to make the Local Plan “sound” are significant - therefore, the only reasonable course of action is for the plan to be withdrawn by the LPA.

Thank you and kind regards.

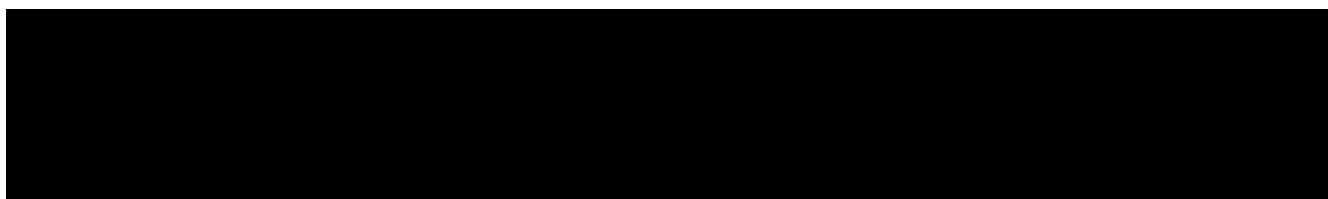
[Redacted Signature]  
**Councillor George Crozer (Ind)**  
Leader  
Hoo & High Halstow Ward

**Councillor Michael Pearce (Ind)**  
Deputy Leader  
Hoo & High Halstow Ward

**Councillor Ron Sands (Ind)**  
Group Whip  
Hoo & High Halstow Ward

[Redacted Signature]  
**Councillor Elizabeth Turpin (Ind)**  
Strood Rural Ward

**Councillor John Williams (Ind)**  
Strood Rural Ward



**Cllr. George Crozer (Ind)**

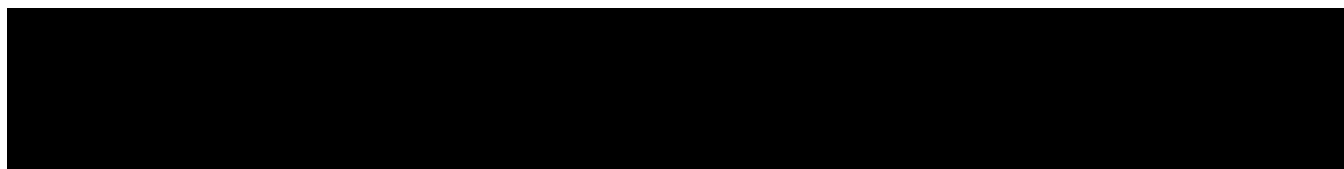
**Group Leader**

**Hoo & High Halstow Ward**

**Cllr. Michael Pearce (Ind)**

**Deputy Group Leader**

**Hoo & High Halstow Ward**



**Cllr. Ron Sands (Ind)**

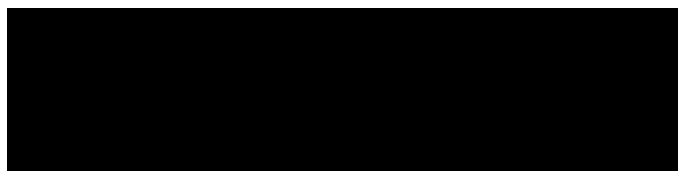
**Group Whip**

**Hoo & High Halstow Ward**

**Cllr. Elizabeth Turpin (Ind)**

**Group Member**

**Strood Rural Ward**




**Cllr. John Williams (Ind)**

**Group Member**


**Strood Rural Ward**

# Deangate Ridge Country Park Nightingale Survey - 21.04.2025

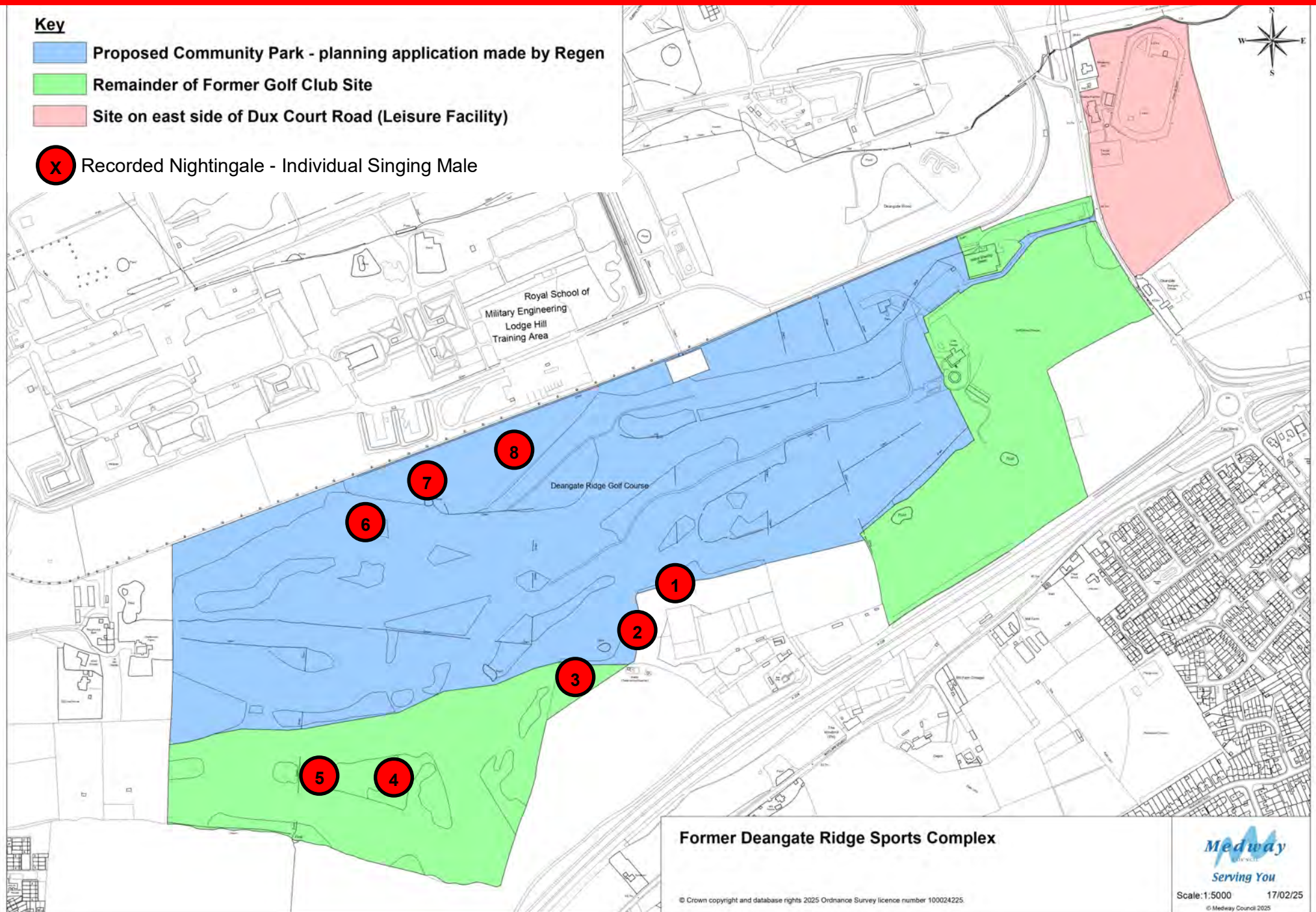
## Key

 Proposed Community Park - planning application made by Regen

 Remainder of Former Golf Club Site

 Site on east side of Dux Court Road (Leisure Facility)

 Recorded Nightingale - Individual Singing Male











**Nightingale One - Singing Male**  
**Deangate Ridge Country Park**  
**19:50PM, 21.04.2025**


19:50 4G 75%





21 Apr - Hoo, England, GB



Best suggestions

-  **Common Nightingale**  
YOUR BIRD OF THE DAY!
-  Common Wood-Pigeon
-  Rook
-  Eurasian Wren
-  Great Tit


Cancel  15:29.0

 Identify  Explore  Life List  Settings




**Nightingale Two - Singing Male**  
**Deangate Ridge Country Park**  
**19:53PM, 21.04.2025**


19:53 4G 74%





21 Apr - Medway, England, GB



Best suggestions

-  **Common Nightingale**  
YOUR BIRD OF THE DAY!
-  European Robin
-  Common Chiffchaff


Cancel  00:18.3

 Identify  Explore  Life List  Settings


**Nightingale Three - Singing Male**  
**Deangate Ridge Country Park**  
**19:56PM, 21.04.2025**


19:56 4G 73%





21 Apr - Medway, England, GB



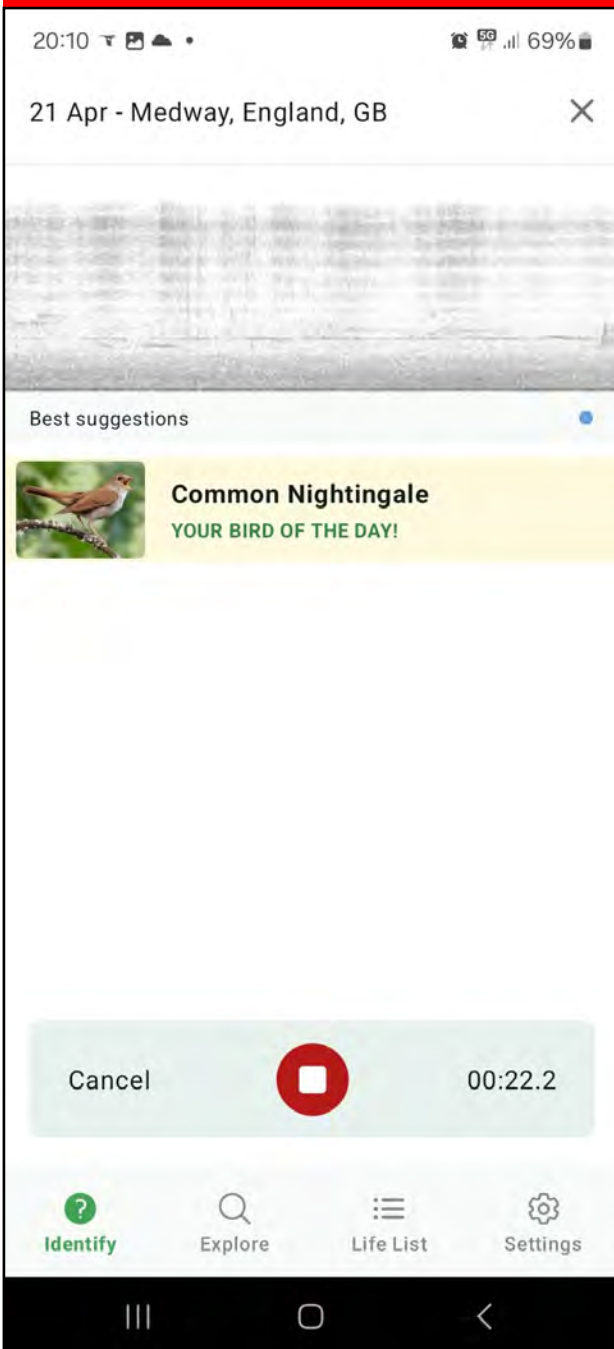
Best suggestions

-  **Common Nightingale**  
YOUR BIRD OF THE DAY!

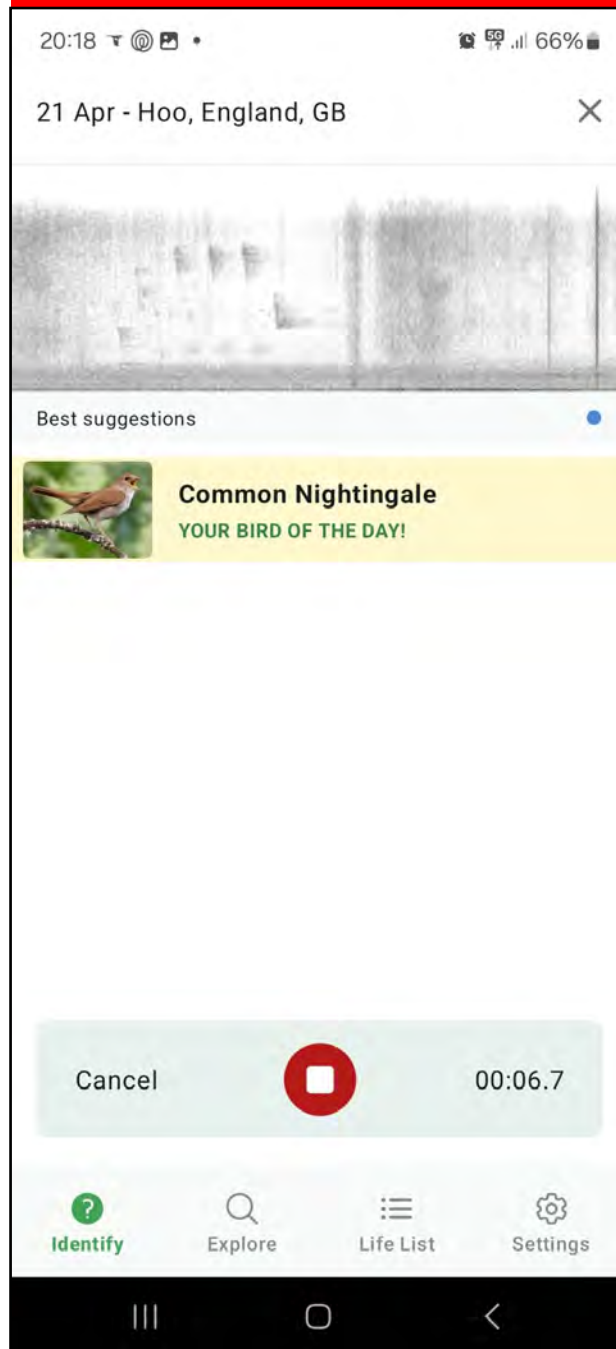
Cancel  00:16.0

 Identify  Explore  Life List  Settings

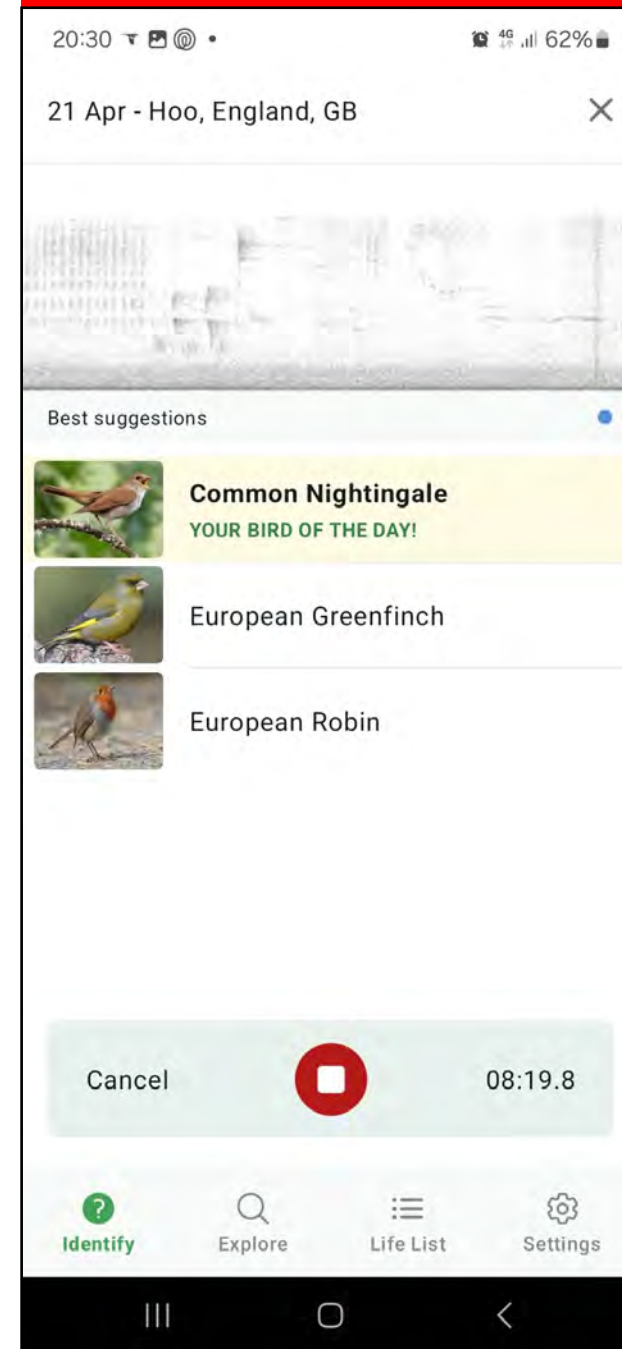
**Nightingale Four - Singing Male**  
**Deangate Ridge Country Park**  
**20:10PM, 21.04.2025**



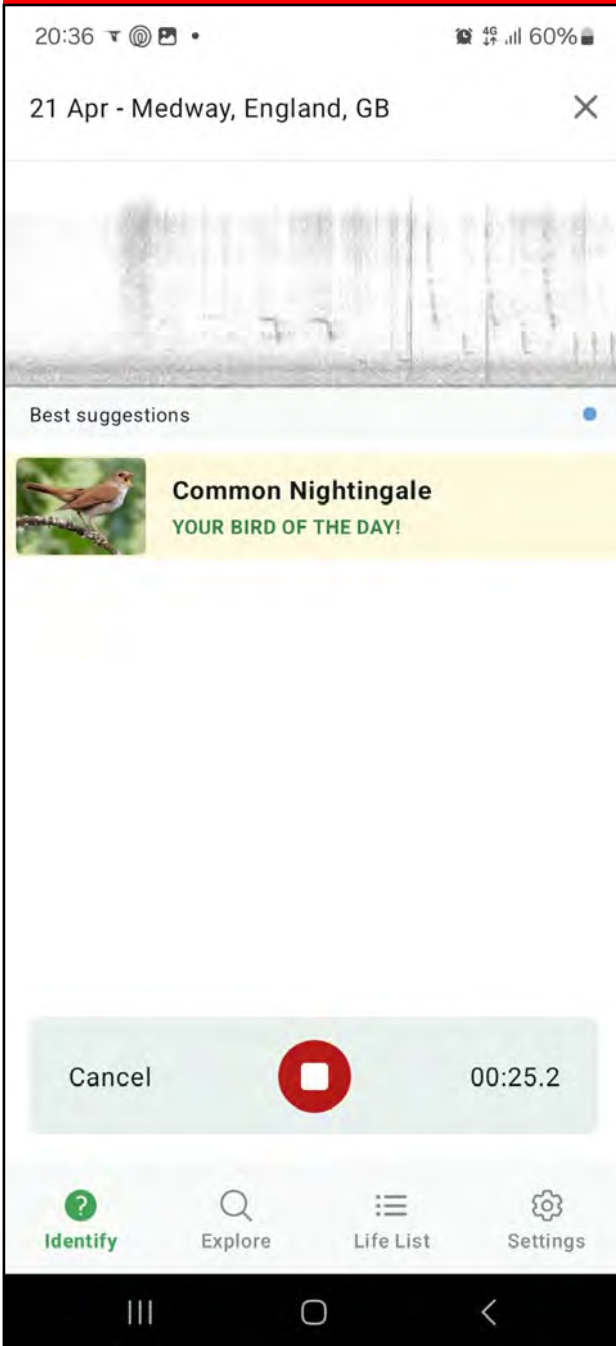
**Nightingale Five - Singing Male**  
**Deangate Ridge Country Park**  
**20:18PM, 21.04.2025**



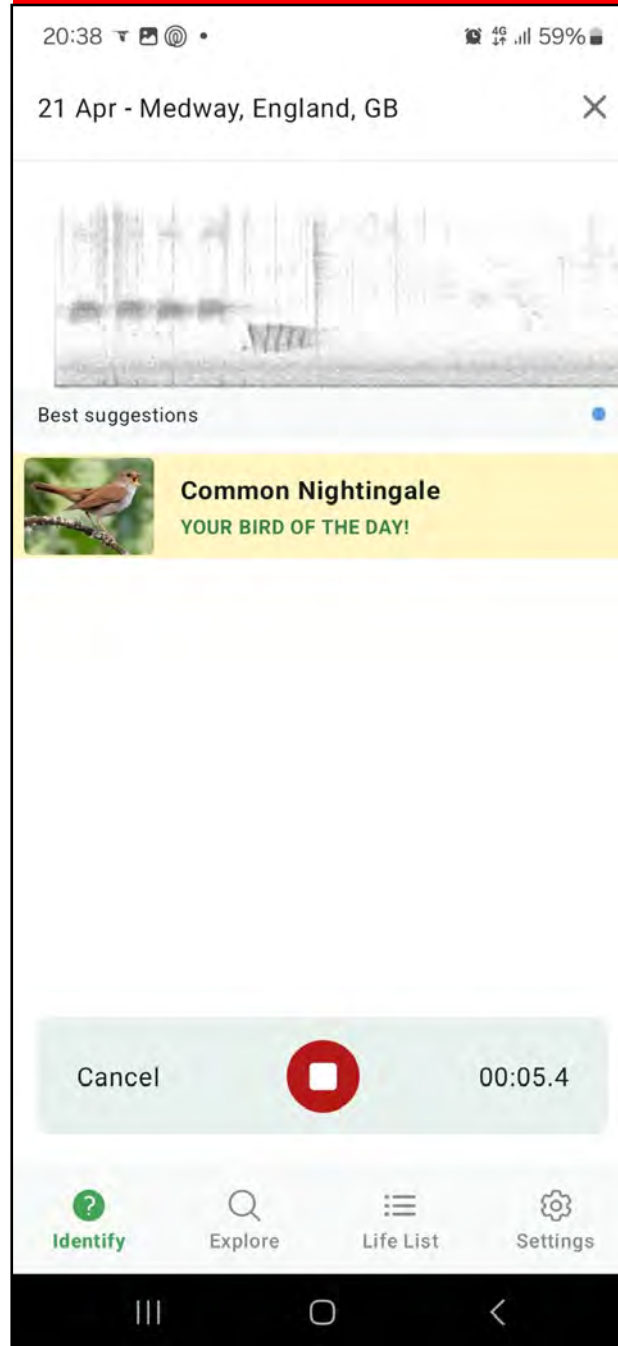
**Nightingale Six - Singing Male**  
**Deangate Ridge Country Park**  
**20:30PM, 21.04.2025**



**Nightingale Seven - Singing Male**  
**Deangate Ridge Country Park**  
**20:36PM, 21.04.2025**



**Nightingale Eight - Singing Male**  
**Deangate Ridge Country Park**  
**20:38PM, 21.04.2025**



**From:** [Councillor Ron Sands](#)  
**To:** [policy, planning](#)  
**Subject:** Medway local Plan 2041 -- Objections  
**Date:** 03 August 2025 09:44:52

---

- Representation in response to Medway's Regulation 19 Local Plan.
- Main concern: Disproportionate housing growth allocated to a rural parish with inadequate infrastructure
- **Key Objections**
- Unsustainable Development:
  - 31% of Medway's housing growth proposed in one rural area.
  - Loss of high-grade agricultural land, harming rural economy and food production.
  - Infrastructure (transport, utilities) inadequate and not addressed properly.
  - Threat to Kingsnorth employment site's viability due to traffic congestion.
- Plan Unsound (NPPF Paragraph 36):
  - Not Positively Prepared: Promotes growth in unsustainable rural areas.
  - Not Justified: Most harmful option chosen (confirmed in Sustainability Appraisal).
  - Not Effective: Undeliverable due to lack of infrastructure planning/funding.
  - Not Consistent with National Policy: Ignores policies on sustainability, economy, transport, health, design, and environment.
  - **Procedural Failures**
    - Poor and legally questionable consultation process
    - Disregard of the Hoo St Werburgh & Chattenden Neighbourhood Plan, which had strong public support.
- **Policy SA8 Specific Criticisms**
- Contradictory objectives and lack of clarity/deliverability.
- Urbanisation of rural areas conflicts with local character and planning goals.
- Strategic separation between Hoo and Chattenden undermined.
- Master planning lacks public support; top-down approach criticized.
- Overreliance on undeliverable infrastructure promises.
- **Sustainability Appraisal**
- Hoo Peninsula growth is the most harmful and least sustainable option.
- Impact matrix shows negative effects across multiple environmental and social indicators.
- Alternative, more balanced options were not properly considered.
- **In Conclusion**
- The plan is fundamentally flawed and should be withdrawn.
- Questions why Medway Council pursues a plan so clearly harmful, unsupported by evidence, and contrary to national planning principles.

Please acknowledge receipt of my objections

Ron Sands

Member for Hoo and High Halstow

Sent from [Outlook for iOS](#)



## Town and Parish Council Planning Service

28<sup>th</sup> July 2025

Medway Council  
Gun Wharf  
Dock Road  
Chatham  
Kent  
ME4 4TR

Dear Planning Policy Team

**Town and Country Planning Act 1990**  
**Planning and Compulsory Purchase Act 2004**  
**Medway Local Plan Regulation 19 Consultation**

We have been asked to make representations on behalf of Hoo St Werburgh and Chattenden Parish Council (HSW&C), with regard to the Medway Local Plan Regulation 19 consultation.

HSW&C Parish comprises small settlements in a predominantly rural setting, and Kingsnorth, which is a strategically important employment site. The Local Plan proposes to accommodate a significant proportion of Medway's housing growth in one rural parish. We have pointed out previously that the Local Plan proposals for HSW&C defy any kind of planning logic, is clearly unsustainable, and contrary to multiple aspects of national policy.

The site allocations high grade agricultural land, substantially harming the rural economy. There are clear infrastructure deficiencies and no solid proposals to provide infrastructure to accommodate the substantial urbanisation of the Parish. This will not just cause misery for

the current and incoming populations, but will fundamentally harm the viability of the Kingsnorth employment area (due to severe traffic congestion).

## **Soundness**

The Regulation 19 Local Plan fails all of the NPPF Paragraph 36 tests for soundness.

The Plan has not been **positively prepared**, due to seeking to meet need in the most unsustainable way, with 31% of growth proposed for the rural area. In the HSW&C Parish, there is inadequate infrastructure and the level of growth proposed would cause significant harm the rural economy and to a strategic employment site. This is a text book example of how not to plan positively.

The Plan is not **justified** due to the focus on rural development, rather than any of the more sustainable options. It has been demonstrated by the Sustainability Appraisal that the proposals for HSW&C are the most harmful option.

The Plan is not **effective** as it is undeliverable, in particular due to inadequate infrastructure. There are no firm proposals to address this deficiency.

It is clear that the Plan is not **consistent with national policy** due to it enabling undeliverable and unsustainable development, ignoring numerous policies in the Framework. This includes policies relating to sustainable development, plan-making, housing, economy (including the rural economy), promoting healthy and safe communities, sustainable transport, achieving well-designed places, and conserving and enhancing the natural and historic environments.

## **Process**

The Parish Council's previous representations have highlighted problems with the statutory process, in particular a failure to undertake consultations that comply with planning law and consultation common law (based on consultation case law). This includes a manipulative and loaded consultation question relating to the options for Hoo St Werburgh in the previous Regulation 18 consultation. These representations appear to have been ignored, based on the lack of response from Medway Council. Our view remains that there have multiple problems with the process in terms of legal compliance, for the reasons set out in previous representations.

## **Collaborative working**

As stated previously, it is important for different statutory plan making bodies to work closely together. The Parish Council, as a statutory plan making body, has repeatedly asked Medway Council to meet and discuss the growth proposals for the Parish. But Medway Council has failed to respond and treated the Parish Council as just another consultee. At best, this is extreme bad practice.

It is very clear that Medway Council has ignored the recently made Hoo St Werburgh and Chattenden Neighbourhood Plan.

### Strategic Objectives

The level of contradiction between the strategic objectives and the proposals for Hoo are highlighted in the following table:

Local Plan Objective	Proposals for Hoo
<b>Prepared for a sustainable and green future</b>	The proposals for Hoo are for large scale growth, almost entirely based on car-born journeys. They obliterate large parts of the rural and natural environment and involve the loss of high-grade agricultural land.
<b>Supporting people to lead healthy lives and strengthening our communities</b>	The proposals for Hoo ignore the needs and views of the existing communities. They are based on car-born journeys and reduce the opportunities for access to nature, physical activity and active travel. The harm to the rural area reduces opportunities for local food growing. The rural and local economy, including local businesses and services, have been ignored. The distinct villages in Hoo would become part of a large urban mass.
<b>Securing jobs and developing skills for a competitive economy</b>	The proposals harm Hoo's rural economy and also the viability of Kingsnorth, a strategic employment site. Infrastructure deficiencies have been ignored.
<b>Boost pride in Medway through quality and resilient development</b>	The distinct identities, heritage and characteristics of Hoo and its villages have been ignored, and they would be subsumed by the urbanisation of the rural parish. This involves development of rural, green field sites. By no stretch of the imagination do the proposals for Hoo respond positively to the character and variation of local places. They reduce travel choices, increase car dependency, and reduce connectivity with nature.

The contradictions between the Local Plan's stated objectives and the proposals for HSW&C parish are irreconcilable. The strategy for growth is incoherent against the context of the Local Plan's objectives.

## **Policy SA8: Hoo St Werburgh and Chattenden**

The Parish Council would object to Policy SA8 and the site allocations it contains.

The objectives of the policy are contradictory. They refer to serving local residents, but have ignored the views of those residents. Reference is made to sustainable development, but the level of growth proposed is disproportionate and inappropriate in a rural parish. Transport infrastructure is clearly inadequate, and it is unclear how this would be addressed. This raises a fundamental doubt over whether the proposals for Hoo are deliverable.

The proposal to maintain the separation of Hoo and Chattenden as distinct settlements through a strategic landscape corridor is noted, but is not reflected by the Policies Map North West, which shows a joining up of Hoo and Chattenden. This ignores one of the key principles in the Neighbourhood Plan.

We note the proposal for development to provide for distinctive neighbourhoods, with strong connections to the existing and new settlements. However, Medway does not have a good track record in terms of distinctive housing design, having allowed schemes with a poor quality of design and public realm and poor pedestrian permeability and connectivity.

The requirement for a strategic masterplan is noted, but there is no public support for a masterplan that involves the urbanisation of the rural parish. This would very much be a case of Medway imposing a masterplan on local people, rather than working with local people and stakeholders to find a sustainable way forward. The parish is being treated as an undeveloped area, rather than a rural parish with well-established communities.

It is disappointing that Medway seeks to impose an urbanising masterplan, rather than making reference to the Neighbourhood Plan, which received strong public support through a referendum.

There can be little confidence in the policy statement that infrastructure delivery is linked to the phased growth. It is not clear how this would be paid for and provided, raising fundamental questions over deliverability.

The A228 is the only road on and off the peninsula and is used by domestic and commercial traffic. It has been recognised by Medway's Planning Department as being over capacity, suffering from severe congestion at peak times. There is a lack of sustainable transport options in the Parish. Even modest housing growth would result in gridlock, affecting domestic and commercial traffic, with serious social and economic consequences.

The policy requires developers to support the delivery of an Infrastructure Plan for Hoo and Chattenden, providing for the phased implementation of services. There is no evidence to show how this would be achieved or whether it is realistic. There can be little confidence that developers would fund and provide the levels of community and transport infrastructure required.

The capital investment programmes of utility providers have not been sufficient to keep up with the rate of development, resulting in power outages and sewage overflows. This problem has been ignored.

The Parish Council would support proportionate development to provide employment and community facilities, but on a scale proportionate to the existing settlements.

The policy states that development will be landscape led, responding sensitively to the natural surroundings and the area's heritage, connecting people to the countryside and coast, but this is obviously a misrepresentation of proposals to develop in the countryside and urbanise a rural parish.

We note the reference to Historic England's 'Hoo Peninsula Historic Landscape Project', but with no reference to relevant policies in the Neighbourhood Plan. This is also the case with the reference to a strategic environmental management plan being prepared and approved by the Council and Natural England, again with no reference to relevant policies in the Neighbourhood Plan. It is clear that Medway Council prefers to work with remote national bodies, rather than local stakeholders, the local community, local businesses and the Parish Council.

Reference is made to the strategic employment sites at Kingsnorth (Policy SA14), but not to the harm that housing development would cause to the site's accessibility and traffic flows, due to limited highway capacity.

The housing site allocations proposed would lead to the destruction of large areas of high-grade agricultural land, reducing the area's food growing capacity. This has serious negative implications for the rural economy, rural employment and food security.

We note that Medway Council and the Hoo Consortium, and wider developers, will collaborate to produce a Hoo Planning Framework, including a masterplan, but without any reference to the Neighbourhood Plan. It is very clear that Medway Council is intent on bypassing the Partish Council, local stakeholders and local people.

## **Sustainability Appraisal**

The Sustainability Appraisal includes the Impact matrix of spatial growth options from the Regulation 18 Interim SA Report. This clearly demonstrates that development of the Hoo peninsula at the scale envisaged is the most harmful and unsustainable option.

This includes negative impacts on climate change mitigation, biodiversity and geodiversity, landscape and townscape, pollution and waste, natural resources, health and wellbeing, cultural heritage, transport and accessibility. Medway Council continues to ignore the evidence and analysis.

The three growth options are crude, manufactured options. The Hoo Peninsula proposals have been buried into a wider 'blended option'. The blended option is incoherent. There is

no need to include excessive urbanisation of a rural parish in any of the options. There has not been any proper consideration of more sensible and balanced options. We would suggest that the Sustainability Analysis be undertaken again, but based on more growth options that are properly informed by national policy.

## Conclusions

The Parish Council would object strongly to the proposed Local Plan, which is very clearly unsound.

The Plan has not been **positively prepared**, meeting need in the most unsustainable way, and ignoring the needs of HSW&C Parish. The Plan is not **justified** due to the excessive focus on rural development, rather than any of the more sustainable options. The Plan is not **effective** as it is undeliverable, due to inadequate infrastructure and lack of realistic proposals to address this. The Plan is not **consistent with national policy** due to enabling undeliverable and unsustainable development, ignoring numerous policies in the Framework.

The Plan is fundamentally flawed, for the following reasons:

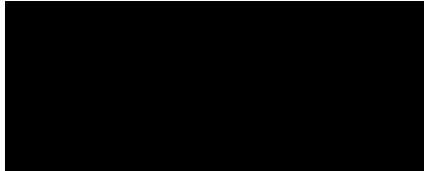
- Disproportionate growth is proposed for one rural Parish, causing very substantial harm in terms of climate change mitigation, biodiversity and geodiversity, landscape and townscape, pollution and waste, natural resources, health and wellbeing, cultural heritage, transport and accessibility (as confirmed in the Sustainability Appraisal).
- There would be substantial loss of high-grade agricultural land, causing substantial harm to the rural economy and food production capacity, in addition to substantial harm to the rural and natural environment, sensitive landscapes, habitats and biodiversity, all contrary to national policy.
- Transport infrastructure is already over-capacity, and the proposed site allocation would result in severe congestion and gridlock.
- This would cause substantial harm to the viability of Kingsnorth, a strategically important employment site, harming the economy of the Parish and the wider Medway economy.
- Water and energy infrastructure are already of insufficient capacity, so the substantial increase in housing proposed is unrealistic and undeliverable.

The Parish Council could support proportionate growth in the area through allocation of smaller sites, but only if the transport and highway capacity issues and utility capacity issues were first solved. No sites should be allocated until capacity issues have been addressed satisfactorily.

There is one fundamental question. Given that the proposals for the Hoo peninsula are so harmful and undeliverable and unsupported by evidence, why is Medway Council pursuing it so vigorously?

The Regulation 19 Local Plan is unsound and so flawed that it should be withdrawn.

Yours sincerely



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

**From:** [REDACTED]  
**To:** [policy\\_planning](#)  
**Subject:** Medway local plan 2041 regulation 19  
**Date:** 11 August 2025 19:44:54

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You don't often get email from [REDACTED] [Learn why this is important](#)

Good evening Sir / Madam,

Medway local plan 2041 regulation 19

Higham parish council would like to strongly oppose the above proposal.

Higham parish council's comments can be found in the representation from the alliance of hoo peninsula

The council hopes that you will take our comments into consideration

Many thanks

***Kind Regards***

[REDACTED]

***Parish Clerk & Responsible Financial Officer  
Higham Parish Council***

[REDACTED]

[REDACTED] ME3 [REDACTED]

***Dedicated Higham Parish Council mobile*** [REDACTED]

***Landline Number during working hours only*** [REDACTED]

***Please note my working hours are Monday, Tuesday, Wednesday and Friday  
11am - 4pm.***

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## Model Representation Form for Local Plans



### Local Plan Publication Stage Representation Form

Ref:

(For  
official  
use only)

Name of the Local Plan to which this  
representation relates:

Medway Local Plan

**Please return to Medway Council Planning Service by 11<sup>th</sup> August 2025**

Email: [planning.policy@medway.gov.uk](mailto:planning.policy@medway.gov.uk) or post to:

Planning Policy, Medway Council, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

## Part A

1. Personal  
Details\*

2. Agent's Details (if  
applicable)

*\*If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

Title	<input type="text" value="(Mrs)"/>	<input type="text"/>
First Name	<input type="text" value="(Natalie)"/>	<input type="text"/>
Last Name	<input type="text" value="(Jackson)"/>	<input type="text"/>
Job Title (where relevant)	<input type="text" value="(Clerk)"/>	<input type="text"/>
Organisation (where relevant)	<input type="text" value="CUXTON PARISH COUNCIL"/>	<input type="text"/>
Address Line 1	<input type="text" value="REDACTED"/>	<input type="text"/>
Line 2	<input type="text" value="REDACTED"/>	<input type="text"/>
Line 3	<input type="text" value="REDACTED"/>	<input type="text"/>
Line 4	<input type="text" value="REDACTED"/>	<input type="text"/>
Post Code	<input type="text" value="ME2 REDACTED"/>	<input type="text"/>
Telephone Number	<input type="text" value="REDACTED"/>	<input type="text"/>
E-mail Address	<input type="text" value="REDACTED"/>	<input type="text"/>

(where relevant)

---

## Part B – Please use a separate sheet for each representation

---

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph  Policy  Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Cuxton Parish Council note the inclusion of Port Medway Marina as a potential housing site in the Rural Settlements allocation.

Whilst no challenge is made on any of the grounds above, Cuxton Parish Council wish to make their representation, at this stage, to say that this site is in a flood plain and they have concerns about housing here for safety reasons.

There are also concerns about access. Access and egress via Station Road, will not only have to contend with the level crossing, but will place significantly more strain on the junction to the A228. Access via Medway Valley Park would be a more suitable solution.

The Parish Council will, however, give their detailed feedback and opinion on this matter during the formal planning application process, if and when one is instigated.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet /expand box if necessary)

**Please note** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

**After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.**

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?



**No**, I do not wish to participate in hearing session(s)

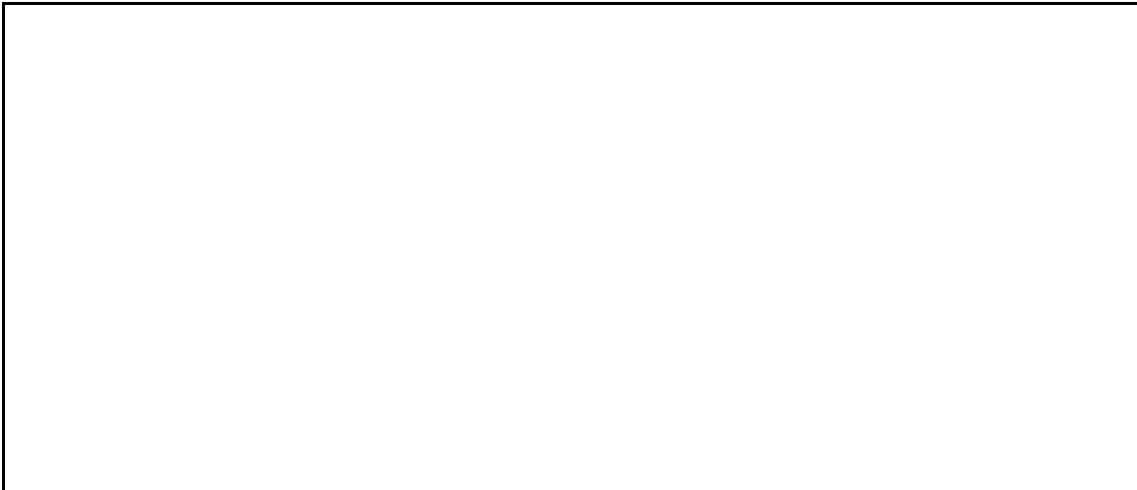


**Yes**, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

---



**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**For details of our data privacy policy please see:**

<https://www.medway.gov.uk/info/200133/planning/714/planning-service-privacy-statement>

# **Local Plan - Regulation 19**

## **Medway Liberal Democrat's Policies Response Submission**

### **Introduction**

We concur with Medway Council's decision to pursue Option 3 from Regulation 18, with some specific reservations. We are not challenging the overall target, nor are we rejecting the plan in its entirety. It remains our view that **the land northside of Basin 3 in Chatham Docks should not be solely set for residential allocation**. We were surprised to find that there are two new and distinct areas allocated for housing that were not part of the Regulation 18. We have reviewed these and make specific arguments as to **why we oppose the land west of Strood and Pump Lane, near Lower Twydall being allocated for housing**.

We appreciate the improvements made to the policies for Hoo, and we support the revised and enhanced masterplan policy, particularly the Hoo St Werburgh and Chattenden Concept Plan (Figure 14). We also appreciate that several policies have been improved in line with our Regulation 18 suggestions with particular reference to the Healthy Living Centres proposed for Strood and Hoo.

We believe that the mitigations that we proposed for Climate Change in Regulation 18 have still not been addressed in Regulation 19. **We have major concerns regarding flood defence proposals.**

In a lot of places we have increased the densification, by reducing the overall size of the site allocation or increased the number of units. In order to make-up the need for some redistribution we have recommended other sites that could take-up the shortfall. In order to accommodate the housing allocation for land west of Strood, we are proposing to use lower grade agricultural land in Cliffe, Allhallows and Grain, in addition to sites mentioned below, which we originally identified in our response to Regulation 18.

### **Additional Proposed Residential Areas**

In order to achieve the same total of residential units whilst rejecting some of the sites listed in the Regulation 19 version for the Local Plan, we have identified some areas, many of which were mentioned and identified in the Regulation 18 consultation. Refer to the marked-up maps for sites identified for alternative residential allocation, and refer to our spreadsheet MLD - Appendix 3 - Reg 19 - Alternative Site Allocation Numbers included in our submission.

#### **Rochester Peninsula, Gas House Point**

Currently there is a large area of the peninsula is not marked for houses, less that allocated for the Acorn Wharf site (refer to MLD mark-up of the Urban Core Policy Map).

We continue to recommend the compulsory purchase of Castle View Business Park, a trading estate within that part of the peninsula. We originally proposed this in the draft Regulation 18. Then the remaining undeveloped and unallocated area of Rochester Peninsula can be made available for a substantial number of flats and houses.

In our opinion, the current businesses based in the trading estate are relatively straightforward to relocate.

#### **St Andrew's Pit, North Halling**

This site was marked on the rural option of Regulation 18. This area around St Andrew's Lake can be filled with relatively low-density housing, mostly houses, but with some two- or three-story apartment buildings. This site is marked-up and referenced on the South West Policy Map, included in Appendix 3 of our submission.

The site is well connected to bus services and there are already houses nearby. It's not a green belt development.

#### **Merryboys Road, Cliffe Woods**

This site was marked on the rural option of Regulation 18 and is now included on our mark-up of the North West Policy Map. It has its own reference and is included in Appendix 2 of our submission.

### **Common Lane, Cliffe**

This is a concept site that has been placed in Cliffe, on lower grade agricultural land in order to meet the housing target, without resorting to building on Grade 1 agricultural land. The area is given a local reference on our mark-up of the North West Policy Map, and the housing allocation is in Appendix 3 of our submission.

### **Allhallows and Grain**

These two areas are portions of areas identified in the Regulation 18 consultation. The number of houses permits the growth of the local population without people having to move away. The aim being to meet the housing target, without resorting to building on Grade 1 agricultural land. The areas are given local references on our mark-up of the North East Policy Map, and the housing allocations are in Appendix 3 of our submission.

### **General Master Plans**

Regulation 19 has a number of masterplans; however, many have opaque concept plans, and there are districts which have no concept plans. It is our opinion that all identified districts should have at least an indicative masterplan which provides a framework for the evolution and delivery of that portion of the Local Plan.

### **Districts With No Concept Plans**

SA1	Chatham Town Centre and Surrounds
SA3	Gillingham District Centre
SA5	Strood Town Centre and Surrounds
SA9	High Halstow

The three town centre developments provide key portions for the regeneration of Medway. Whilst High Halstow village that is nearly doubling in size. As such, it is our opinion that the Planning Department should have in place concept plans for all four development areas. This is crucial for the following reasons:

- Chatham has been the principal shopping centre, and it is undergoing significant regeneration – the evolution should be within the framework of the masterplan
- Gillingham is the largest town/suburban area in Medway, and we believe the residents are not served well by the current provisions. The area needs significant regeneration which needs to be identified on a concept masterplan
- Regarding Strood, the Local Plan requests that developers of the three largest allocated sites to collaborate to produce a singular masterplan for sites that are disparate. We believe that this is unrealistic, rather the council should produce the masterplan framework
- High Halstow PC is in the process of preparing a Neighbourhood Plan, which is being superseded by this element of the Local Plan.

### **SA2 – Heritage Led Sites**

This is in compliance with the Star Hill to Sun Pier Development Framework – which we broadly support, except where we have provided specific comments. The are described on the Urban Core Policy Map.

### **SA4 – River Waterfront**

As noted in our comments in the Policy Responses below we have significant concerns about this concept plan. In essence these are:

- Ensuring that there is mixed use development on both sides of Basin 3 in Chatham Docks – and the housing allocation is reduced in both number and extent, and that it is seated on the northern fringe of the site.

- The housing allocation for GN15 is too large for the site – it would require several tall multi-storey buildings to achieve this quota and thus would lead to building forms that are out-of-character with the other stretches of the river front.
- GN6 – it is our opinion that the industrial archaeology of the former gas holders lattice steel frames be retained and utilised in the regeneration of the site, in a similar manner to that achieved at St Pancras/Kings Cross in London.

#### **SA6 – Land West of Strood**

We believe that this site is not appropriate for development, as it is Grade 1 agricultural land. Medway Council's own Policy T14 states that such land should only be used as a last resort, when all other options have been exhausted. In addition, we have concerns regarding biodiversity loss through development of the site.

In our overall response, we have identified lower grade agricultural land in Cliffe, Allhallows and Grain to achieve the same housing allocation numbers.

#### **SA7 – Capstone Valley**

Due to the absence of the Local Plan, much of these allocations have already received planning permission. We have concerns about coalescence with Lidsing and general lack of infrastructure, in particular traffic connections and utilities.

#### **SA8 – Hoo St Werburgh and Chattenden**

We support the revised and enhanced masterplan policy, particularly the Hoo St Werburgh and Chattenden Concept Plan (Figure 14). However, we have significant concerns with the Policy Map mark-up, as the zoning allocations do not align with the Concept Plan.

We request that the North West Policy Map is amended to align with the Concept Plan, and the housing is redistributed to ensure that the following are safeguarded:

- The green Corridor between Hoo and Chattenden
- Cockham Community Parkland
- Hoo Wetlands Reserve
- Environmental Conservation Land

In addition to safeguarding the above, the following should also be safeguarded as community assets:

- Deangate Community Parkland
- Woodland north of Lodge Hill SSSI
- Greenspace north of Deangate Retail Park

We support the concept of the new east of Hoo centre, with its supermarket, community centre, a Healthy Living Centre and land safeguarded for a future railway station.

In order to address our concerns above, we are proposing to reallocate and redistribute both the housing and industrial areas. The significant item being HHH35 is transferred to residential allocation. And the industrial area is allocated within the area of the former power station and adjacent eastern land.

#### **SA10 – Lower Rainham**

We believe that site RN9, Pump Lane is not appropriate for development, as it is Grade 1 agricultural land. Medway Council's own Policy T14 states that such land should only be used as a last resort, when all other options have been exhausted.

#### **SA11 – Rural Settlements**

It is accepted that no masterplan is required for this policy. Broadly we are accepting the policy, with some caveats. See our detailed response below.

#### **SA12 – Other Sites**

It is accepted that no masterplan is required for this policy. Broadly we are accepting the policy, with some caveats. See our detailed response below.

#### **SA13 – Frindsbury Peninsula Opportunity Area (aka Medway City Estate)**

We believe that in order to prevent ghettoisation communities should be connected. We have suggested that housing should be developed from Strood and Frindsbury. We have also outlined improvements for transport connections, walking and cycling routes, and the safeguarding of designated greenspaces.

#### **SA14 – Employment Sites**

In our response we have noted that there are no policies provided for Thamesport, Innovation Park and Gillingham Business Park. We have reallocated/reconfigured sites within Kingsnorth and Thamesport.

## **Policy Responses**

### **4. Natural Environment**

#### **Policy S1 – Planning for Climate Change**

We have noted the improvements to S1, however, there are still some policies that we would like including. Add:

1. Retrofitting older homes with insulation (roofs, floors, walls and windows via double glazing) and heat source pumps – this policy should be widened and not just aimed at poorer households
2. Provision of more charging points across Medway
3. Buses to be emissions free, either hydrogen or electric
4. In line with parliamentary in the New Homes/Solar Generation Bill – which has tacit governmental approval (likely included in revised building regulations) - that solar panels should be installed on all new properties

#### **Policy S2 - Conservation and Enhancement of the Natural Environment**

It is appreciated that S2 has had a rewriting that makes it easier to read and it also makes more specific points and strategies.

New section on Hoo Peninsula Strategic Environmental Programme is well intentioned, but it does need editing so that strategies and policies can be properly identified.

We accept the overall rewrite of BNG, and only challenge the minimum value being set at the national minimum of 10%. We believe that in order to assist in ameliorating the climate crisis that the BNG should be set at 15%.

#### **Policy S3: North Kent Estuary and Marshes designated sites**

In line with our previous comment: we consider 6km to be a minimum, and we agree with Birdwise that the figure should be set at 8km.

#### **Policy S4: Landscape Protection and Enhancement**

No account is taken of future sea level rise with regards to developments near coastal and estuary areas. The policy offers nothing beyond what is stated by the EA 's Shoreline Management Plan – which has a number of lengths of shoreline with Management Realignment plans. These stretches of existing sea wall defence are not to be fully maintained and these could then breach. If a breach occurs how are existing assets to be protected from the areas that are allowed to flood?

There is no specific section describing the means of interaction between Medway Council and the EA with determination of what is to be inspected and maintained. Where sea walls are designated for managed realignment, we have concern over correct programming to ensure protection of assets. Definitive roles and responsibilities need to be included.

There is no wording in the policy with regards to interactions with the Internal Drainage Boards or water companies, i.e. Southern Water. Both of which have some responsibility for managing flood risk.



We are raising concerns over the flooding of farmland, particularly the low-lying farmland on the northside of the Hoo Peninsula, i.e. the Thames Estuary from the border with Church Street to Coombe Bay Point.

There is no specific sub-policy section regarding the protection of rural landscape outside the Kent Downs National Landscape. Areas that should be included are North Kent Fruit Belt and Cockham Wood,

#### **S5: Securing Strong Green and Blue Infrastructure**

Accepted – regarding 4.6.1 many of the green flag parks are not marked-up on the policy maps – only those that meet national or local natural reserves criteria, along with nationally registered parks are marked-up as protected and identified on the Policy Maps. We believe that at least all parks that meet green flag criteria are identified and thus protected on the Policy Maps, e.g. Broomhill. Refer to our mark-ups of the policy maps.

#### **S6: Kent Downs Area of Outstanding Natural Beauty National Landscape**

Revised version accepted.

#### **4.8 Flood and Water Management**, sub-sections:

4.8.2 at end add "and account should be taken of this when permitting new developments".

4.8.3 Add "It should be noted that some parts of the Peninsula are now counted as London's flood plain and further development in these areas should be avoided as the dykes will be allowed to fail."

4.8.7 after "sea level rise is possible by 2100" add aggravated by the topography of the Thames and Medway Estuaries

4.8.8 "alongside an increased risk" add "of winter run off".

#### **DM1: Flood and Water Management**

Accepted, however the wording of 4.8.4 does not detail specific plans on how the council shall use what is known as "Hard engineering", or natural resources, where construction is used to prevent the risk of flooding, e.g. sea walls, flood barriers and embankments

#### **DM2: Contaminated Land**

We note the additional criteria set out in DM2. However, in addition we would like an additional clause:

All remediation works should have a PRA that covers people living and working nearby, to ensure that they are not adversely affected by escape of pollution from the site.

#### **DM3: Air Quality**

Increase the zones for air monitoring to include the new sites in order to determine where AQMAs should be extended/implemented. With the strategic aim to start reducing/eliminating the AQMAs towards the end of the Local Plan period.

#### **DM4: Noise and Light Pollution**

In line with our previous comment: Support, but we would like to have added the recommendations made by CPRE to achieve darker skies at night by reducing/eliminating light pollution in the countryside and lowers energy costs. Aim to use down-lighters to also reduce light pollution along with warmer feeling types of lighting – install LEDS that have a night-time value of 3000K or less – lighting should go to dimmed status after a certain time (e.g. 11pm) and then lighting is activated by PIR sensors. This is particularly relevant to Hoo Peninsula and Higham Marshes, areas that have potential to become "dark skies areas".

#### **S7: Green Belt**

In line with our previous comment: The only land that should be built on in current Green Belt land is that which is designated as Grey Belt.

We oppose paragraph 2, as we do not accept that Grade 1 agricultural land being repurposed as Grey Belt. We would accept grades 4 and 5 agricultural land being repurposed as Grey Belt.

## **5. Built Environment**

### **T1: High Quality Design and Amenity**

Add to ss 1 - We would recommend that Medway Council produces an overarching design that can be enhanced within Neighbourhood, but conflicts between the separate entities. The overarching design guide can ensure that applications are compliant with landscape and Visual Impact assessment. This can include the updating and enhancing of the Medway Housing Design Standard.

#### **Design, character and site context**

Accepted

#### **Water/flooding**

Accepted

#### **Accessibility**

Accepted, except:

The revised description for accessibility does not mention access to the countryside. - this needs to be reincorporated (ref to Regulation 18 consultation)

#### **Landscape, trees and amenity**

In Regulation 18 version there is mention of tree canopy cover – this ought to be reincorporated into this revised subsection.

#### **Amenity and inclusivity**

Accepted, except:

Provision of green spaces is vital for the connection of wildlife spaces across Medway. On large developments, developers shall ensure that there is either a park included within the scheme or access to an existing park nearby with good walking routes. The park will include amenities for dog walking and children's play areas. Smaller developments shall take into consideration open community space for wildlife and amenities.

#### **Utilities**

Accepted

### **DM5: Housing Design**

In line with our previous comment: we would prefer the GLA recommended minimum spatial areas

In line with our previous comment – we would request that the Medway Housing Design Standard be updated to include the minimum internal spatial recommendations/parameters as directed by the GLA.

Support 3, 4, 5, 6, 7, 8 & 9

### **DM6: Sustainable Design & Construction**

Support DM6 in its entirety, except and in line with our previous comment:

ss 6 – we propose minimum standard of new housing should be set at Eco Homes, and preferably Passiv Haus where economically viable.

### **DM7: Shopfront Design & Security**

Support latest revision of this section with nothing to add or amend

### **DM8: Advertisements**

In line with our previous comment: ss 1 & 2 – parameters to be set within the over-arching Medway Design Guide (mentioned in response to T1 ss1) which prevents size creep

Support ss 3 & 4

#### **S8: Historic Environment**

Support with minimal amendment – except that the wording should include ancient monuments, even though there is a specific policy for ancient monuments

It is noted that ancient monuments are now included in section 5.8.3, it would be appreciated if "village greens" can also be added.

#### **DM9: Heritage Assets**

Accept the tightened parameters in paragraph 1.

In line with our previous comment: paragraph 2 – penultimate sentence after “and wider setting” add: Our historical village greens, such as Grain, Frindsbury, Gillingham Greens and Hook Meadow should be identified as heritage assets, as they are part of our historical landscape and as such they should be protected.

We would like specific parameters to be incorporated so that the “out-weighting” can be demonstrated and quantified.

In line with our previous comment: paragraph 5 - rewrite the sentence to include permission to demolish and leave as an open space when the building is in an exceptional state of disrepair that it could collapse.

In line with our previous comment: add a paragraph that reminds the owner of the property that they maintain their buildings and not let them fall into a state of disrepair – especially when they are an historic asset.

Add a subsection regarding works on or to listed buildings and assets.

#### **S9: Star Hill to Sun Pier**

Support with nothing to add or amend

#### **DM10: Conservation Areas**

Amend sentence in paragraph 1 to “will only be encouraged”

Paragraph 2 – next line missing “bullet point” – plus correct grammar (singular and plural mixed).

Acknowledge the tightening of parameters, however, we would still like the addition of cross-referencing with the green spaces and tree preservation orders.

#### **DM11: Scheduled Monuments and Archaeological**

We note the tightening of parameters and clauses such that there are more mandatory than desired, and deem this as an improvement.

### **6. Housing**

#### **T2: Housing Mix**

We are in agreement with the policies as listed, and are pleased with the change to the figures as now set out in 6.2.3.

#### **T3: Affordable Housing**

Paragraph 2 – we accept the current Tenure mix is a fair reflection of what is required for Medway. However, we would like the affordable portion to have a more specific parameter, i.e.20% affordable/social rent, 10% affordable to buy. We acknowledge the final paragraph of this policy with the local connection cascade.

We acknowledge the inclusion of s.106 in paragraph 6, but as per our previous comment: paragraph 4 and its subsections - We recommend that as many applications as possible meet the original quotas and that a system of incremental payments of s.106 be released through the duration of the project to ensure there is no shortfall upon project completion. When social and affordable housing quotas are not met, we recommend the use of sequestration orders by the Council to supply social and affordable housing.

#### **T4: Supported Housing, Nursing Homes and Older Persons Accommodation**

We acknowledge that this section has been improved and are pleased that both housing for disabled and looked-after children has been incorporated. Note that there is the need for some tweaking of bullet points and grammar required.

#### **T5: Student Accommodation**

Support with nothing to add or amend. However, note the typo and grammar error in paragraph 5.

#### **T6: Mobile Home Parks**

In line with our previous comment: Nothing to add or amend.

#### **T7: Houseboats**

In line with our previous comment: Nothing to add or amend – Except:

Bullet point 5 – the clause needs proof reading, grammar improved, and spell out Biodiversity Action Plan, rather than using an acronym (as it is only used once).

#### **T8: Houses of Multiple Occupation**

In line with our previous comment: Do not include the word “favourably” as this gives impression that the council is encouraging their growth. Rather “shall be rejected unless they meet strict conditions”, The policy should include parameters so that residents and developers know the limitations of HMOs in a given area.

We acknowledge that HMOs shall comply with the minimum living space parameters (i.e. National Described Space Standards)

In line with our previous comment: The licencing process should be made more rigorous with officers inspecting the final build before granting the licence.

#### **T9: Self-build and Custom Housebuilding**

In line with our previous comment, the 100+ units proposal is a positive and is supported

Support with nothing to add or amend.

#### **T10: Gypsy, Travellers & Travelling Showpeople**

Support the policy, and we acknowledge the tightening of criteria for the safeguarding of existing sites and new sites. We also agree with the intensification of existing sites to try and mitigate random pitching-up.

#### **T11: Small Sites and SME Housebuilders**

We acknowledge the following:

- Bullet point 2 has been amended but requires proof reading and editing
- Addition of bullet points 8 & 9, latter incorporating reference to policy T3

In line with our previous comment: The policy should still refer to policy T2 and in addition a statement regarding adequate site services and utilities, including potable water, sewerage, electricity and data/telecoms.

### **7. Economic Development**

#### **S10: Economic Strategy**

In line with our previous comment: the issue of this policy is not so much the wording, rather its implementation. Our argument with regards to Net Zero remains.

ss 3 – the port at Grain has poor road connection from east of Hoo. Plus, the use of lorries shall expend more fuel than ships sailing further up the Medway to Chatham Docks, thus use along with failing the Net Zero target. The draft at Kingsnorth is too shallow for port facilities (hence why there was never any when there was a power station at Kingsnorth). Therefore, the most sensible means of delivering shipping and keeping to the aim of Net Zero with regards to shipping is to retain and utilise Chatham Docks.

Paragraph 2 – ss 1 – we acknowledge that the south side of Chatham Docks has been designated as light industrial and mixed economy. However, the designating of the north side of Chatham Docks for housing is contrary to this policy. We recommend mixed economy for the whole of Chatham Docks in line with this policy. We would like to raise a concern regarding the loss of industrial land in the current Medway City Estate as land use is transferred to be designated as housing. The combination of both Chatham Docks and FPOA policies would lead to a net loss of industrial land, which is contrary to the overall objective of this policy.

We support the other subsections.

#### **S11: Existing Employment Provision**

The policy is quite reasonable, but the implementation is of concern. It is acknowledged that requirement for office space has significantly reduced, and much of this is likely to make change-of-use to residential. Concern is raised regarding reduction of existing employment areas, like Innovation Park and Gillingham Business Park, to a point where they are no longer viable.

#### **S12: New Employment Sites**

Accepted – refer to our comments on SA14.

#### **S13: Innovation Park Medway**

There are two references to this policy, but the policy is not within the latest version of Appendix 1. In the Regulation 18 S13 was subtitled Innovation Park, in Regulation 19, it is subtitled Isle of Grain – but it is not in the document.

#### **T12: Learning and Skills Development**

We acknowledge that the policy has been strengthened, but concerns remain mainly in higher education. This is due to defunding of universities at the Maritime site. This is likely to remain an issue whilst the universities are third party. Long-term policy could be a University of Medway, or secure of tenure.

#### **T13: Tourism, Culture and Visitor Accommodation**

In line with our previous comment: Support with nothing to add or amend.

#### **S14: Supporting Medway's culture and creative industries**

ss 1 – clarification needed over how this is to be implemented.

In line with our previous comment: ss 2 - Chatham Docks is mentioned – we do not think it is a space that alludes to cultural use. It is best used for industry and manufacturing.

We support the other subsections.

#### **T14: Rural Economy**

In line with our previous comment: The policy is primarily aimed at developers and not the existing rural economy. There is no mention of a support network for farmers and farm labourers, no mention of farmers' markets or other forms of assistance that could instigate organic growth in the rural economy. This policy needs re-consideration, as it doesn't address the current and future means of developing the rural economy.

It should include regenerative agriculture and other modern horticultures e.g. viniculture. The policy should give more consideration to and supporting of diversification of rural economies e.g. energy generation (c.f. Energy Policy). The re-written policy should emphasise rural economy on Hoo Peninsula, and land near Cuxton and Halling.

## **8. Retail and Town Centres**

### **S15: Town Centres Strategy**

ss 3 and ss 5 need re-writing – especially ss 5 which is that there is an oxymoron with regards to the Pentagon being at the top of the hierarchy, given there is no prime store at either entrance.

ss 6 to ss 11 supported

In line with our previous comment: Include a ss policy for support of local and farmers' markets

### **S16: Hierarchy of Centres**

In line with our previous comment:

Question "immense"? otherwise support

1. b. Hempstead Valley is not a district centre – rather Hempstead and Dockside should be in the "out-of-town" shopping centres section.

Less 1. b. other subsections accepted

### **T15: Sequential Assessment**

No comment

### **T16: Ancillary Development**

In line with our previous comment: Managed ancillary spaces, more attention should be given to areas that are remote to prevent long distance travel. Thus, there needs to be more retail units at Chattenden, Cliffe and High Halstow. Otherwise agree.

### **T17: Impact Assessment**

The Regulation 19 has a blanket set of values for all areas. We disagree with the revised blanket approach and think the locations and their values should be reinstated and also include the other shopping centres, e.g. Chatham Dockside, Horsted, Hoath Lane (Gillingham Business Park).

### **S17: Chatham Town Centre**

In line with our previous comment:

ss 5 needs rewriting – does not have principal aim.

ss 6 – do not permit ground floor residencies on the High Street within the prime shopping zone as shown on the town centre plan.

### **S18: Rochester District Centre**

Accepted.

### **S19: Gillingham District Centre**

We acknowledge that paragraph 2 has been rewritten. – and thus, this policy is accepted.

### **S20: Strood District Centre**

Accepted, (note a bullet point is blank). Improve the description (to make clear what is happening) regarding the proposed additional platforms for the connection from Strood to London Victoria.

### **S21: Rainham District Centre**

Accepted.

#### **S22: Hoo Peninsula**

Accepted – we acknowledge the improvement and greater specificity of this policy – note typo in last paragraph (“talking” should be “taking”) (in line with our previous comment). Plus, there are formatting issues, like missing bullet points.

#### **S23: Hempstead Valley District Centre**

In line with our previous comment: We do not consider Hempstead Valley as a district centre. Rather it should be put in as an out-of-town retail along with Dockside. Then they can be enhanced appropriately.

#### **DM12: Local and Rural Centres**

In line with our previous comment: Sub-policies accepted – typo in sub-policy 3, ought to read “1 b. to d above.”

In addition to those retail areas listed we would like to add Horsted Retail Park and Strood Retail Park.

A further addition: Grain retail should be upgraded from Neighbourhood Centre (policy T18) to Rural Centre (policy DM12)

There are some typos where naming roads, e.g. Brompton High Street, Darnley Road (x2) & Cedar Road

#### **T18: Shopping Parades and Neighbourhood centres**

We agree with the concept and acknowledge the redrafting at the start of this policy.

In line with our previous comment: We have severe reservations about the lack of protection for the majority of rural areas – we think these areas should be uprated to be included as rural centres and placed within DM12.

In addition, we have noticed several typos, e.g. Rainham High Street, Canterbury Street, Cazeneuve Street

#### **T19: Meanwhile Uses**

Accepted – we acknowledge the redrafting and conciseness of the revised policy. (Note that there are some typo and grammar issues.)

#### **DM13: Medway Valley Leisure Park**

Accepted.

#### **DM14: Dockside**

We consider Dockside to be a combination of leisure and out-of-town retail. We acknowledge that the floorspace criteria has been correctly removed.

In line with our previous comment, and which has not been addressed in the Regulation 19 submission: The retail needs to include The Outlet Centre, Pier 5, Ship & Trades row of outlets, and the Copper Rivet building.

Leisure is currently the two Basins, Pier 5 and the Odeon (there is the building that was the Dickens Centre available for leisure use) – The final unused pier is also available for regeneration – this could be for leisure, but preferably a mixture of housing, retail and leisure.

There is current housing on the wharf and the multi-storey apartment buildings at the north end of two currently developed piers, and this could be expanded when the remaining unused pier is developed.

## **9 – Transport**

### **Vision for Access and Movement in Medway**

In line with our previous comment: To enlarge the Local Cycling and Walking Infrastructure Plan there

needs to be more crossings of the River Medway – currently there is only Rochester Bridge and the cycle lane adjacent the M2 (east bound) that form connections between east and west Medway.

The use of past, present and future tenses within one section makes it extremely difficult to read and comprehend what the transport vision is for 2041.

We support the concept of providing a Bus Rapid Transit corridor, connecting Hoo St Werburgh and Strood town centre.

#### **DM15: Monitoring and Managing Development**

The term IDP is used before its description, in paragraph 2. Infrastructure Delivery Plan (IDP) or the outcome of a Medway-wide Monitor and Manage Mitigation Strategy.

We acknowledge that the STA and the IDP are yet to be supplied, but the policy and section have been amended to future tense, as and when these are completed and made available.

In line with our previous comment: We remain firmly against the proposal to exempt all urban centres from the managing and monitoring, as the areas need to comply with all the policies to even be given consideration for exemption. It thereby becomes an oxymoron.

#### **T20: Riverside Path**

We acknowledge the substantive improvement of this policy. We support the use of Local Transport Note 1/20 (Cycle Infrastructure Design) and Sport England's Active Design guidance to deliver the aspiration. We accept the revised policy.

#### **DM16: Chatham Waters Line**

We acknowledge that this policy has been substantiated in other policies (e.g. S19 -Gillingham District Centre) and thus we accept this policy.

#### **DM17: Grain Branch**

In line with our previous comment: We request that Medway Council liaises with Gravesham Borough Council and discuss the safeguarding of land that is under the alignment of the Higham Curve. As this piece of the original proposal within the Hoo HIF permits full rail integration within the Medway area from Grain to Rainham, along with the opportunity of travelling along the Medway Valley line to Cuxton, Halling and onwards.

The safeguarding of the land at Cooling Street for the loop should be increased to safeguard land for a station at that location. As such a station permits access to the trainline from a number of local villages: Cliffe Woods, Cliffe, Cooling, Cooling Street and Spendiff. Please refer to MLD's mark-up of the North West Policy Map for more details.

Sharnal Street Station should not be designed as a terminus as we believe that the whole of the Grain line could one-day be open to passenger services.

Medway Council do call this policy the Grain Branch and not the Hoo/Sharnal Street branch! And therefore, we would like to see the line hatched red all the way to Grain, not stopping at Sharnal Street Station, as it does at present,

#### **T21: Riverside Infrastructure**

We acknowledge the improved specificity, and welcome the inclusion of Gillingham Pier, Sun Pier and Rochester Bridge.

In line with our previous comment: riverside infrastructure needs the inclusion of Chatham Docks.

#### **T22: Marinas and Moorings**

Accepted with corrections.

In line with our previous comment: there remain some minor errors:



ss 4 – “sewage” needs to be changed to “sewerage”.

ss 5 – “environment” should read “environmental”.

ss 6 & 7 – more acronyms within a policy: SPA, RAMSAR, SAMMS

### **T23: Aviation**

Accepted.

### **T24: Urban Logistics**

In line with our previous comment: The policy needs “beefing-up” to incorporate the statements made in paragraphs 9.8.2, 9.8.4 and 9.8.6. The policy needs to identify the land which would address the shortfall of warehouse land mention in 9.8.6. Or otherwise set out change of use conditions that would be acceptable.

### **T25: User Hierarchy and Street Design**

Accepted.

### **T26: Accessibility Standards**

In line with our previous comment: Less the primary schools, all the other places should include cycling and public transport, but agree with the hierarchy. We would like all communities to be able to do top-up shopping within 15 minutes walking/cycling, but there are existing areas where this is not possible, and thus exceptions need to be granted for using public transport and even the private car.

Design shall endeavour to ensure that distances to key services are no more than 15 minutes by active travel (cycling and walking). However, there may be good reasons to grant exceptions to this guiding principle. Key services shall include grocery shops, schools and healthcare services.

Substantial housing estates shall be connected to the bus network, and shall be accessible within a 15-minute walk. Developers shall ensure that access to train stations, either by public transport routes or walking and cycling routes, are incorporated within the design.

We support the second portion of the policy, but know that there shall need to be more investment in public transport for buses to run more frequently for this policy to be achieved. We also believe that more investment would lead to greater affordability and making use of public transport. Thereby, reducing car dependency. There are areas of Medway where this can't be achieved and therefore there needs to be provisions for exceptions and mitigations.

### **DM18: Transport Assessments, Transport Statements and Travel Plans**

In line with our previous comment: Accepted, but again use of acronyms without using the actual name, i.e. SRN in this instance.

### **DM19: Vehicle Parking**

In line with our previous comment: The bulk of the vehicle parking standard was written in 2001, revised in 2004, provided with an addendum in 2010. We think that this means that the parking plan is “out-of-date” and the policy does not contain a firm commitment to providing a revised standard to take the plan through to 2040.

The remaining portion of the policy is accepted, especially regarding EV charging points.

### **DM20: Cycle Parking and Storage**

Supported.

## **10. Health, Communities and Infrastructure**

### **T27: Reducing Health Inequalities and Supporting Health and Wellbeing**

Paragraph 1

ss 1 – the Green and Blue Infrastructure Plan remains draft and is out-of-date. It still requires revising and adopting to be part of the Regulation 19 submission.

In line with our previous comments – the current walking and cycling plans remain weak. There are certainly not enough (at present) for there to be a strategic network.

We acknowledge that the Council has now included a new Healthy Living Centres in Strood and have an infrastructure plan that requires a Healthy Living Centre in the eastwards expansion of Hoo.

ss 2 to ss 4 accepted, ss 5 to ss 7 – supported.

ss 8 – accepted, but in line with our previous comment, have additionally that the policy should have support for teaching of healthy diets and cooking, and encourage the use of social prescribing (e.g. joining a gym, going to classes) for those who are obese.

ss 9 – accepted.

Paragraph 2 –

ss 1 and ss 2 – accepted

ss 3 supported, but in line with our previous comment add the provision that developers assist the supply and/or funding of new allotment spaces.

ss 4 – we accept that there may be areas that could end up with over-provision, but in line with our previous comment refute the concept that the improvements are “lost” – rather the provision should be juxtaposed within Medway to an area where there is under-provision.

ss 5 – accepted

ss 6 – in line with our previous comment, the HIA should be raised up in the hierarchy and should be made mandatory (or have clear parameters) for all major developments as part of the development design process.

ss 7 – accepted

ss 8 – accepted, however, in line with our previous comment – we are sceptical about even permitting smoking facilities and shisha lounges.

ss 9 – accepted

We note that there is a new section (not bullet pointed) which breaks the flow between a) to d) and the next section that refers to them.

## **T28: Existing Open Space and Playing Pitches**

Item a) – in line with our previous comment, it remains our opinion that reducing/removing public space always causes material harm – therefore this sub-item should be removed and b) should be the default position regarding existing open spaces.

Items b) to e) accepted

Items f) to i) accepted

We acknowledge that the last sentence has now been removed, as we recommended previously.

(from our S8):

Register historically proven commons and village greens as part of our historical infrastructure and provide suitable orientation boards e.g. Grain Village Green, Frindsbury Green, Rede Common, Hook Meadow and Gillingham Green

## **DM21: New open space and playing pitches**

We acknowledge that the Parameters section has been moved Fields in Trust Standards 2024.

Items a) to f) accepted

Items g) to j) supported – however, item j) still needs rewording to be more specific.

## **T29: Community and Cultural Facilities**

Accepted

## **S24: Infrastructure Delivery**

Paragraph 2

ss 1 to ss 3 – accepted

We acknowledge that there is a new inserted ss 4 – which is accepted

Former ss 4 (now ss 5) item b) – in line with our previous comments, onsite phased infrastructure implies it could still need to be completed upon full occupation – this should not be permitted as there are many examples across Medway and the rest of Kent where developers have “upped-sticks” and left vital infrastructure undelivered.

Former ss 4 (now ss 5) – item a) supported, item c) accepted – however, – in line with our previous comments, we would like to see the council using sequestration orders or the CIL as means of ensuring that items of infrastructure are in place prior to full occupation. This could be added to ss 4 c) or as another sub-item.

In line with our previous comments - we reject paragraph 3 and its sub-section policies

Rest of the policy paragraphs accepted. However, the final paragraph still needs rewriting to be coherent and easier to read.

## **DM22: Digital Communications**

Paragraph 2 – we acknowledge that there is a new ss 4 that covers future proofing, as we requested in our previous comments.

Paragraph 4 – in line with our previous comment, this is describing short-term issues and does not address the digital infrastructure that should have been installed in the period of the plan. The paragraph needs re-writing to accommodate future as well as current digital infrastructure. And we believe there is no justification for any area of Medway not being accessible to digital infrastructure by 2041.

Paragraph 5 – accepted

## **12. Waste Management**

### **Vision for Waste Management**

Accepted

### **DM23: Waste Prevention**

Items a) to c) accepted. However, in line with our previous comments, the policy is geared towards new development and does not provide additional sub-sections that address waste prevention in residential, commercial and industrial sectors. We request that the policy is widened to cover these sectors, addressing prevention and improving the re-use and recycling of waste.

### **T34: Safeguarding of Existing Waste Management Facilities**

In line with our previous comments, this is accepted – however the policy needs re-writing ensuring the non-repeat of sub-item letters and to be comprehensible.

### **T35: Provision of Additional Waste Management Capacity**

Accepted

### **T36: Location of Waste Management Facilities**

ss 1 to ss 3 accepted

ss 4 a) to c) accepted

ss 4 d) – in line with our previous comments - add wording “in exceptional circumstance with robust evidence”.

### **T37: Other Recovery**

Supported

### **T38: Non-inert Landfill**

Paragraph 1

ss a) & b) accepted

ss c) – in line with our previous comment - insert a new item i) the landfill site is to be correctly lined with engineered non-porous geotextile before starting any landfill

insert a new item ii) – in line with our previous comment - upon completion the landfill site is to be correctly capped with non-porous geotextile liner and overlaid with clay liner

renumber current items i) and ii) to iii) and iv) – but accepted

Paragraph 2 – in line with our previous comment - subsections to be made d) and e) to make easier to read and reference.

### **T39: Beneficial Use of Inert Waste by Permanent Deposit**

Accepted – along with ss a) and d) being supported

### **T40: Wastewater Treatment**

In line with our previous comment, the policy needs “beefing-up” to address the current under-capacity and to address the future capacity. Medway Council should undertake assessments to have sufficient data to put pressure upon developers, the EA and Southern Water in addressing the future water management and sewage treatment.

## **13. Energy**

### **S25: Energy Supply**

In line with our previous comments the whole policy needs rethinking. This is particularly the case for paragraph 1 - Isle of Grain and Kingsnorth are/were locations for energy production when using carbon-based fuels (now gas, previously oil and coal), but are now suitable for the current regenerative forms of energy, e.g. wind farms and solar panels. There needs to be a clear hierarchy for clean energy production, with hydrocarbons being the last means of production, due to the climate emergency and future energy production security. This will also assist in meeting Net Zero goals.

We would like there to be more emphasis on increasing wind farms and solar panels, the latter being installed on people's homes, large depots, large car parks and other large roof community buildings. When the solar panels are placed on medium height frames, they allow land used by sheep and other ruminants to be both solar and pastoral farms, allowing farmers to create double income from their land.

We would also like to see the policy cover both blue and green hydrogen production and its use in place of natural gas. We currently don't have enough electricity storage capacity – this needs to be addressed so that there is sufficient electricity production in times of no wind and little daylight.

Paragraph 2 onwards accepted.

We would like an additional item added regarding carbon capture. Where hydrocarbons are still to be used, e.g. gas power stations. Carbon capture should be used as part of the end waste treatment.

### **T41: Heat Networks**

In line with our previous comments, we suggest that T41 and the whole of Section 13.3 is removed, as from experience combined heat and power networks have not worked at the efficiency and scale proposed by mechanical and electrical engineers (e.g. CHP project in Stoke Newington). We are of the opinion that if houses are built to Passiv Haus, or Eco-House standard and have solar panels, then this is much more beneficial and economically viable than heat networks.

## **14. Site Allocations**

### **SA1: Chatham Town Centre and Surrounds**

ss 10 b – additionally include the impact on the railway station, which is a listed building, railway tracks & associated carpark. We query the economic viability of building over the tracks adjacent Westmount Avenue.

CCB49 - appendix 1 is devoid of how the telephone exchange is relocated

### **SA2: Heritage-led Sites**

FP11 - recommend inclusion of sensitive archaeological excavation and study prior to construction – that things of value are preserved.

FP12 – concern over loss of tourist accommodation and a large function room for sake of 70 flats.

FP14 & FP16 – the numbers of units is high for the area shown in plan – implies that these buildings shall be HMOs – which are deemed not good to regenerating the community.

RWB19 – The map mark-up identifies the building plot, however it also has part of Corporation Street and Star Hill hatched as though for housing allocation, whereas it requires a different hatch and legend for associated highway works.

### **SA3: Gillingham District Centre**

GS19 – concern of high number of flats – either a tall building relative to adjacent to existing, or units would not meet the minimum living area – therefore we suggest number is reduced to 40 units.

### **SA4: River Waterfront**

SMI6 – in line with our comments on S10, we believe the northside of the Basin 3 should remain mixed use. Plus, the traffic access to the northside has not been adequately addressed. Current proposed access is via the existing narrow bridge, and this particular road cannot be sensibly connected to the by-pass.

GN6 – we would like to have the former gas holder towers preserved, as has been done at St Pancras/Kings Cross, London – as they form industrial archaeological heritage features in the urban landscape. How the remediation of the contaminated land is undertaken in a safe manner and correctly recorded is also of concern.

GN15 – the largest portion of this designated area is Gillingham Marina; thus, the residential units shall need to be in the remaining area, which implies high density and tall multi-story buildings. Therefore, we would like the target number of units significantly lowered for this area. Currently set at 1,100, however, based on other adjacent zones it should not be greater than 350-400.

There is no designated safeguarded land for the coastal path on the plan between the new units, contrary to the policies stated in the main document, i.e. T20 – Riverside Path. Subsection 15 states that owners of SMI6, GN6 and GN15 should be collaborating to produce a master plan – this is currently not the case with regards to the SGN site. Currently there is piecemeal outline planning applications for SMI6 and GN6, which do not show any signs of collaborative work.

### **SA5: Strood Town Centre and Surrounds**

ss 9 – we have concern about the provision of temporary medical services during the replacement of the existing health centre.

ss 14 – we have issues with the current description and propose the following:

SNF9, SNF15 & SNF17 are located in a distinct area and thus need a singular masterplan

SNF34 & SNF35 are also located in a distinct area and thus, again, need a singular masterplan

SNF41 is a large and long riverside zone which needs its own singular masterplan

It is our opinion that these developments don't need to collaborate and thus this mitigates our concern over the timescale of the developments. However, we believe that Medway Council has responsibility to produce a concept plan, that forms the future framework for the regeneration of Strood, including the proposed transport interchange and the three large zones listed above.

In undertaking the reallocation of residential site allocation numbers, we observed that the density along Strood Riverside is less than that for other riverside developments. We have pro-rated the number of residential allocations to match and thus have increased the densification for Strood. Refer to MLD-Appendix 3 - Reg 19 - Alternative Site Allocation Numbers of our submission.

#### **SA6: Land West of Strood**

SNF1, SNF3 & SR5 – Medway Council should have a policy of not permitting the use of Grade 1 agricultural land, until it is proven that it is the last resort. Therefore, we object to these three site parcels being included within the Local Plan. Especially as there are areas of lower grade agricultural land that could be used in preference. Medway Council's own Policy T14 states that such land should only be used as a last resort, when all other options have been exhausted. The full development of these three sites along with Gravesham's proposal for Chapter Farm would lead to coalescence between Strood and Higham, contrary to planning policies being developed between Chattenden and Hoo. In addition, we have concerns regarding biodiversity loss through development of the site.

We believe that there shall be traffic issues during and after construction, considerably impacting on local residents.

Should Medway Council disregard objections from local councillors, residents and political parties, then we have significant concerns regarding the lack of infrastructure in the area, along with the effect on, and mitigations required, to ensure the safety of national infrastructure, e.g. the major gas pipeline from Thamesport that is routed through this site. There would need to be restrictions on permitted activities of residents in line with those imposed on existing residents adjacent to the pipeline. We believe that the infrastructure should be installed ahead of any developments. This shall cover, gas, electricity, water, sewerage, highways and telecoms, in line with our comments on infrastructure (e.g. DM15). Additionally, significant mitigation would be required meet BNG.

There is significant risk of coalescence between Strood and Higham should the Gravesham Borough Council's Regulation 19 proceed with the whole Chapter Farm site. We acknowledge that this issue is not within Medway Council's boundary. However, the combination of Medway's development and Gravesham's proposed development is such that we recommend Medway Council make representations to Gravesham in order to prevent the above coalescence.

#### **SA7: Capstone Valley**

The most significant site of this area is LW8, Mill Fields, for which it is proposed that there is a new primary school, and a local centre, along with up to 2000 homes. There is inadequate infrastructure for all the proposed housing. Traffic access is of concern, but also other basic infrastructure, such as water, sewerage, gas and electricity all need to be improved.

#### **SA8: Hoo St Werburgh and Chattenden**

We acknowledge and support the concept of a strategic "Green Corridor" between Hoo and Chattenden. However, the bordering, hatching and legend on North West Policy Map do not align with the concept sketch Fig 14 in the Regulation 19 Policy document (SA8 ss 3, ss 16 & ss 19). It is our opinion that the policy map and the policy document should be in full alignment to ensure that the strategic "Green Corridor" and Cockham Community Parkland are safeguarded to ensure the concept is delivered in full.

We acknowledge that Figure 14 and ss 19 which describe and allocate the land for Deansgate Community Parkland, along with the greenspace to the north and east of Lodge Hill Training Area. However, the North West Policy Map does not have these areas safeguarded. As per our comment on ss 3 the policy map must be updated to reflect and align with the main Regulation 19 document.

It is noted that both Hoo Wetlands (which is described in ss 19) and the Environmental Conservation Land are not shown nor identified on the North West Policy Map. Which again does ensure their safeguarding. Comparing Figure 14 with the policy map, parts of HHH33 and HHH35 (SA14), there is some contradiction over which takes precedence. We support the outline concepts as shown in Figure 14 and ss 19.

We acknowledge and support that the boundaries relating to ss 10 have been extended to the east up to the Grain railway line, with an enlarged combined designation of HHH22 and HHH31. We also support the establishment of new centre with a supermarket, community centre and school, which are part of the necessary infrastructure for an enlarged community.

We acknowledge and support the concept of an Infrastructure Plan described ss 12, particularly the inclusion of a Healthy Living Centre in Hoo.

Transport – we acknowledge that there are to be specific improvements with regards to transport, particularly better cycling routes and improvements for public transport (i.e. ss 13 & ss 14). With regards to the highway improvements described in ss 15, we support the principle of junction improvements. However, we believe that the only way to significantly improve Four Elms Roundabout to support the current and projected growth in capacity, is to construct a grade separated junction.

Environment – we acknowledge and support ss 16 to ss 20, with the caveat that the North West Policy Map needs to be updated as described above. There is a minor typo in ss 19.

Residential designations – we have concern with regard to the housing figure for HHH12, currently 1800, but a substantial portion of HHH12 is supposed to be for Cockham Wood Community Park. This would result in a high density for the remainder of the site. We think that a portion of housing for HHH12 is redistributed within HHH22 & HHH31, along the transfer of HHH35 from industrial to residential. Please refer to our mark-up of the North West Policy Map and MLD-Appendix 3 - Reg 19 - Alternative Site Allocation Numbers of our submission.

#### **SA9: High Halstow**

In order to prevent coalescence with Fenn Street we believe that HHH26 should be reduced in size, resulting in increased density. This is the same principle that is being employed to prevent the coalescence of Hoo and Chattenden.

With regards to ss 3 to ss 11, we acknowledge and accept.

Traffic mitigation in ss 12 must include the safeguarding of the land for the original routing highway improvement from Charismas Lane roundabout to Fenn Street roundabout. Constructing this short stretch of road would be better for traffic capacity and accident prevention.

#### **SA10: Lower Rainham**

We object to building on RN9 for the following reasons:

a) RN9 is Grade 1 agricultural land and there is a presumption against building on such land unless there is no other land nearby. The removal of the orchards would destroy the character of the North Kent Fruit Belt, an important area of countryside in North Kent.

b) This area is prone to flooding and flood runoff, and thus flooding will only increase as time goes on because the Environment Agency in the Shoreline Management Plan has designated this area for "manage realignment" from 2025. Note that this area was badly flooded in 1953.

c) This area is highly important archaeologically, possibly of national importance. In the Middle Ages this area was an arm of the Cinque Ports and was tasked with shipbuilding. So far only one such Mediaeval shipyard has been uncovered at Smallhythe near Tenterden, which was also an arm of the Cinque Ports. It is therefore vitally important that archaeological excavations are undertaken prior to there being any development to safeguard, as yet, undiscovered remains.

d) This development will increase the traffic in an already congested area, and no solution has been offered for the pinch point at the railway bridge on Pump Lane is to be addressed

e) By drastically reducing the number of houses, the proposed schools would not be required, and neither would the community centre

f) Building on the west side of Pump Lane will adversely affect the setting of Pump House, which is a listed building

g) Building so many houses on Bloors Farm will adversely affect the setting of a conservation area

We therefore believe that the number of houses being built in this area must be drastically reduced and the development area on the west side of Pump Lane should be completely scrapped.

We have no objections to the other sites in this section, i.e. RN17, RN23 & RN25.

#### **SA11: Rural Settlements**

Accepted, except for the following:

CHR14 – we believe that the current working zone of Cuxton Marina should be retained, and thus only that portion north of the marina should be permitted to be transferred to residential.

SR7 – to be reduced to prevent the straying onto Greenbelt land

#### **SA12: Other Sites**

Accepted, except for the following:

HW6 – we would like the woodland area of this particular site to be safeguarded and the South East Policy Map updated to reflect this request (refer to MLD mark-up).

RWB25 – the number of units is excessive for the area of Acorn Wharf – the number of units needs to be reduced to ensure the final height of the building(s) is/are kept in keeping with the rest of the area.

#### **SA13: Frindsbury Peninsula Opportunity Area**

We acknowledge and generally support the concept of the Frindsbury Peninsula Opportunity Area, with changing Medway City Estate to become a mixed-use area including residential.

The Frindsbury Peninsula Concept Plan (described in ss 1 a, i) needs to have an incremental plan linking it with Strood and Frindsbury so it grows organically from the existing residential areas, thereby preventing any potential ghettoisation. Refer to the MLD mark-up of the Urban Core Policy Map for the suggested organic growth of FPOA from Strood.

The Frindsbury Peninsula Planning Framework (from ss 1 a ii) needs to include infrastructure, particularly a footbridge/cycle route between the southern point of the peninsula and Chatham Town Centre, which lands near Sun Pier. The safeguarding of designated zones for future greenspaces and a riverside path for their inclusion in the subsequent redevelopment. In order to meet policy T26 public transport connections would need to be established, for which there are no proposals in this section of the policy.

Please note that the legend for FPOA on the Urban Core Policy Map does not align with the hatching used on Frindsbury Peninsula.

#### **SA14: Employment sites**

We accept the broad policies of this policy section, less those made about ss 4.

We have reallocated HHH35 as residential with some conservation and allocated land within the former Kingsnorth Power Station site for expansion of the industrial zone. Refer to mark-up of the North West Policy Map for more details.

Comments on employment zones:

There is no policy section for FH1 (Innovation Park) as S13 has been removed from the Regulation 19 edition of the main policy document; even though S13 is referenced in the text.

Both Gillingham Business Park and the Isle of Grain are omitted from SA14, even though these zones provide significant employment, e.g. Thamesport near Grain.

We have made comment about SMI6, Basin 3 in other parts of our submission. In essence we believe that SMI6 should become a mixed economy area.

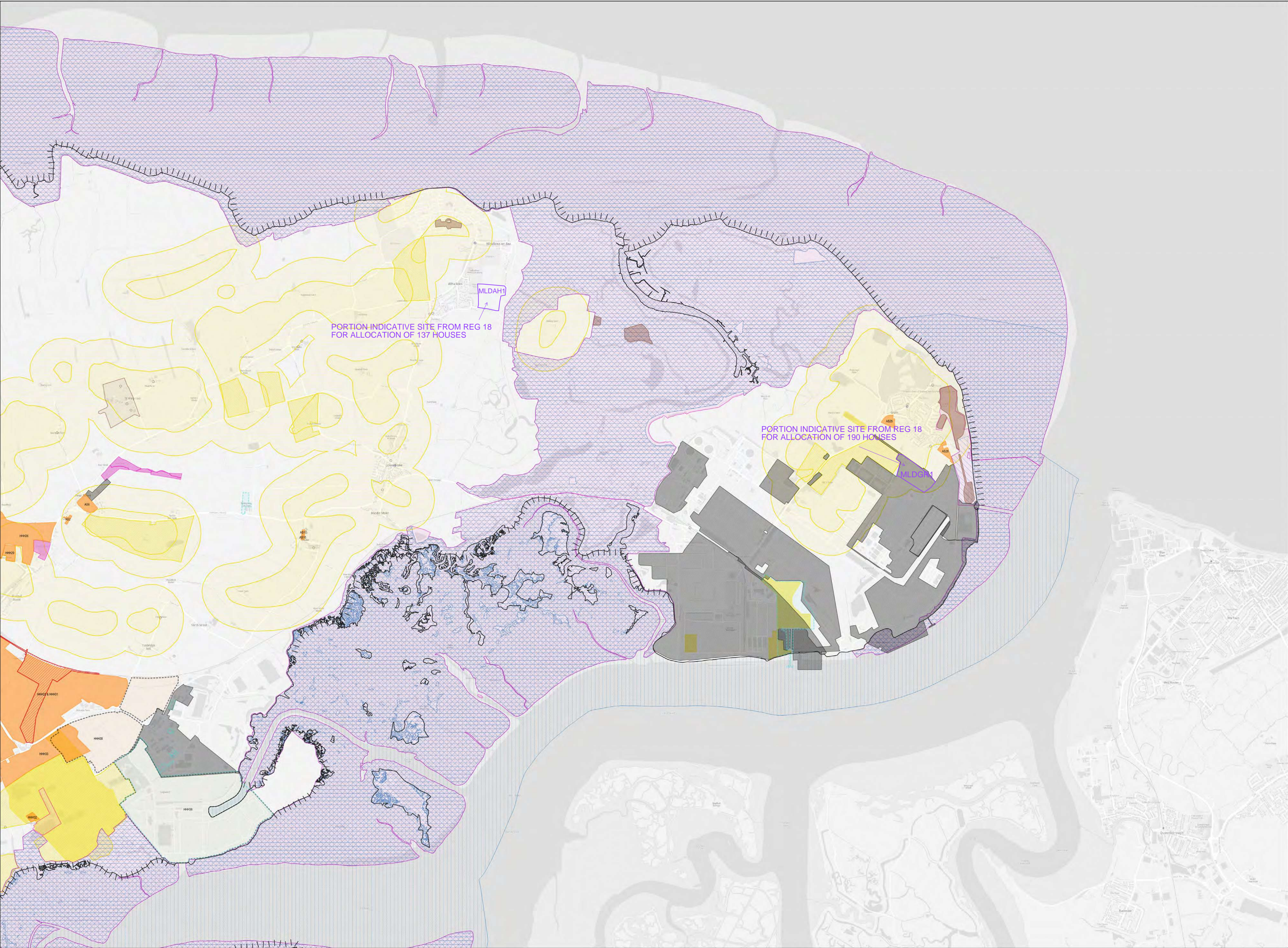


Area Allocation	Sub-section areas	No. Off	Reg 19 Sum	MLD Accept (Y/N)	MLD Alt Sites	MLD Difference	MLD Alt Sum	Variation to MC Reg 19
SA1	CCB1	12						
Chatham Town Centre	CCB3	13						
	CCB4	50						
	CCB7	9						
	CCB8	164						
	CCB12	24						
	CCB15	60						
	CCB19	13						
	CCB20	98						
	CCB21	14						
	CCB24	9						
	CCB27	20						
	CCB30	21						
	CCB31	179						
	CCB37	200						
	CCB39	24						
	CCB41	7						
	CCB49	150						
	FP10	139						
	FP25	121						
	GS2	42						
	L7	6						
	L9	22						
	L12	13						
Sub-Total			1410				1410	
SA2	CCB25	150						
Heritage Led Sites (Intra)	CCB35	0						
	FP1	28						
	FP11	123						
	FP12	70		N		-70		REMOVED IN MLD SUBMISSION
	FP14	7		N		-3		DENSITY REDUCTION
	FP16	6		N		-4		DENSITY REDUCTION
	RWB19	246						
Sub-Total			630			-77	553	
SA3	GS4	24						
Gillingham District Centre	GS7	14						
	GS14	6						
	GS19	57		N		-17		DENSITY REDUCTION
	GS26	14						
Sub-Total			367			-17	350	
SA4	GN3	176						
River Waterfront	GN6	500						
	GN15	1100		N		-700		DENSITY REDUCTION
	SMI6	2200		N		-800		DENSITY REDUCTION
			3976			-1500	2476	
SA5	SNF5	8						
Strood TC & Surrounds	SNF8	19				21		DENSIFICATION
	SNF9	40				85		DENSIFICATION
	SNF15	350				100		DENSIFICATION
	SNF17	6						
	SNF20	15						
	SNF23	8						
	SNF24	7						
	SNF27	13				35		DENSIFICATION
	SNF30	9						
	SNF31	8						
	SNF32	6						
	SNF34	52						
	SNF35	171				104		DENSIFICATION
	SNF38	12						

Area Allocation	Sub-section areas	No. Off	Reg 19 Sum	MLD Accept (Y/N)	MLD Alt Sites	MLD Difference	MLD Alt Sum	Variation to MC Reg 19
	SNF41	216				334		DENSIFICATION
	SNF44	6						
	SR25	152						
	SW6	8						
	SW7	6						
					MLDSNF1	150		
Sub-Total			1112			829	1941	
SA6	SNF1	360		N		-360		REMOVED IN MLD SUBMISSION
Land West of Strood	SNF3	800		N		-800		REMOVED IN MLD SUBMISSION
	SR5	120		N		-120		REMOVED IN MLD SUBMISSION
Sub-Total			1280			-1280	0	
SA7	HW3	75						
Capstone Valley	HW1	60						
	LW4	670						
	LW6	698						
	LW7	450						
	LW8	2000						
	LW10	5						
			3958			0	3958	
SA8	HHH5	50						
Hoo St Werburgh	HHH6	550				-112		REDISTRIBUTION
	HHH8	450				-225		REDISTRIBUTION
	HHH11	240				-60		REDISTRIBUTION
	HHH12	1800				-900		REDISTRIBUTION
	HHH22 & 31	1700				400		REDISTRIBUTION
	HHH24	85						
	HHH25	80						
	HHH32	3						
	HHH33	330						
	HHH41	25						
					MLDHHH35	900		REALLOCATION OF HHH35
Sub-Total			5313			3	5316	
SA9								
High Halstow	HHH15	5						
	HHH26	760						
	HHH29	55						
Sub-Total			820			0	820	
SA10								
Lower Rainham	RN9	750		N		-750		REMOVED IN MLD SUBMISSION
	RN17	33						
	RN23	75						
	RN25	5						
Sub-Total			863			-750	113	
SA11	AS11	10						
Rural Settlements	AS25	34						
	CHR14	49						
	SR4	130						
	SR7	44						
	SR14	49						
	SR51	250						
					MLDCL1	170		MLD CONCEPT PROPOSAL
					MLDGR1	190		PORTION FROM REG 18
					MLDAH1	137		PORTION FROM REG 18
					MLDCHR1	250		FROM REG 18 OPTION 1
					MLDSR1	325		FROM REG 18 OPTION 1
Sub-Total			566			1072	1638	
SA12	AS2	4						
Other Sites	AS28	9						
	AS6	40						

Area Allocation	Sub-section areas	No. Off	Reg 19 Sum	MLD Accept (Y/N)	MLD Alt Sites	MLD Difference	MLD Alt Sum	Variation to MC Reg 19
	AS10	5						
	FP6	102						
	GN8	17						
	GS23	5						
	GS35	12						
	HW6	88						
	LW2	18						
	REWW3	11						
	RN22	8						
	RN24	9						
	RN28	66						
	RN29	14						
	RN30	90						
	RN31	80						
	RN32	46						
	RWB2	36						
	RWB11	5						
	RWB12	3						
	RWB25	132				-70		DENSITY REDUCTION
	SR47	9						
	SR48	8						
	SR49	6						
	T3	20						
	W3	12						
	W4	5						
	W7	21						
					MLDR1	1100		
Sub-Total			881			1030	1911	
SA13	SR53	690						
FPOA			690			690	1380	DENSIFICATION
Sub-Total								
<b>Total</b>			<b>21866</b>				<b>21866</b>	





**Legend**

Medway boundary

**Site Allocations**

- Site Allocation (Residential-led)
- Site Allocation (Non-Residential)
- Frindsbury Peninsula Opportunity Area

**Natural Environment**

**Habitats sites**

- Special Area of Conservation
- Special Protection Area
- Special Protection Area (Marine)
- RAMSAR
- Marine Conservation Zone

**Irreplaceable habitats**

- Ancient Woodland

**Other**

- Site of Special Scientific Interest
- National Nature Reserve
- Local Nature Reserve
- Undeveloped Coast
- National Landscape
- Green Belt

**Economic Development**

- Existing Employment Area

**Built Environment**

- Listed Building
- Registered Parks & Gardens
- Scheduled Monument
- Conservation Area

**Retail and Town Centres**

- Town Centre Boundary
- Primary Shopping Area
- Retail Park
  - Local Centre (LC)
  - Rural Centre (RC)
  - Neighbourhood Centre (NC)
  - Shopping Parade (SP)
- Leisure

**Transport**

- Safeguarded Land for Transport Scheme

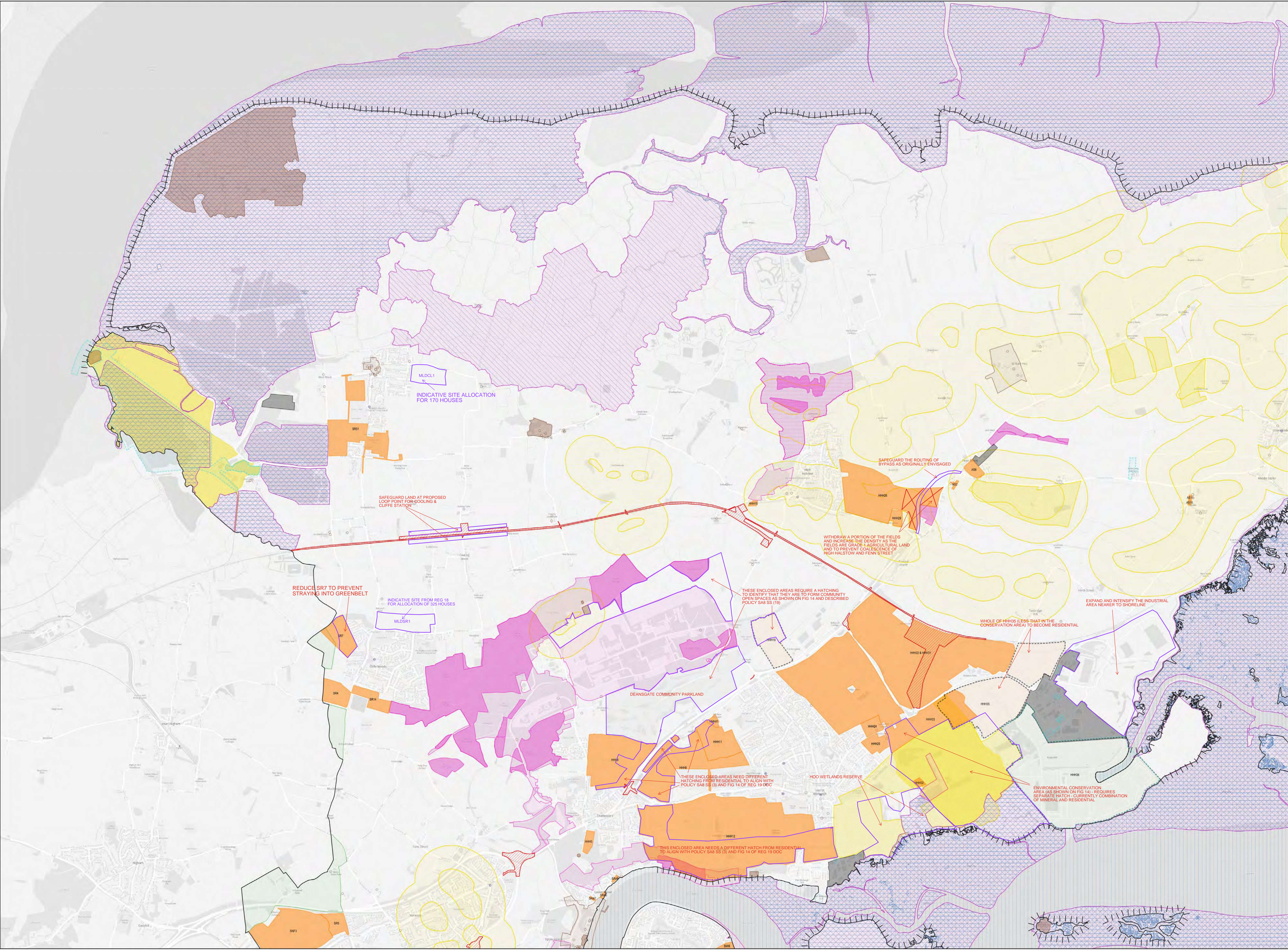
**Minerals**

- Minerals Supply Site
- Minerals Safeguarding Area
- Minerals Consultation Area
- Area of Search

**Waste Management**

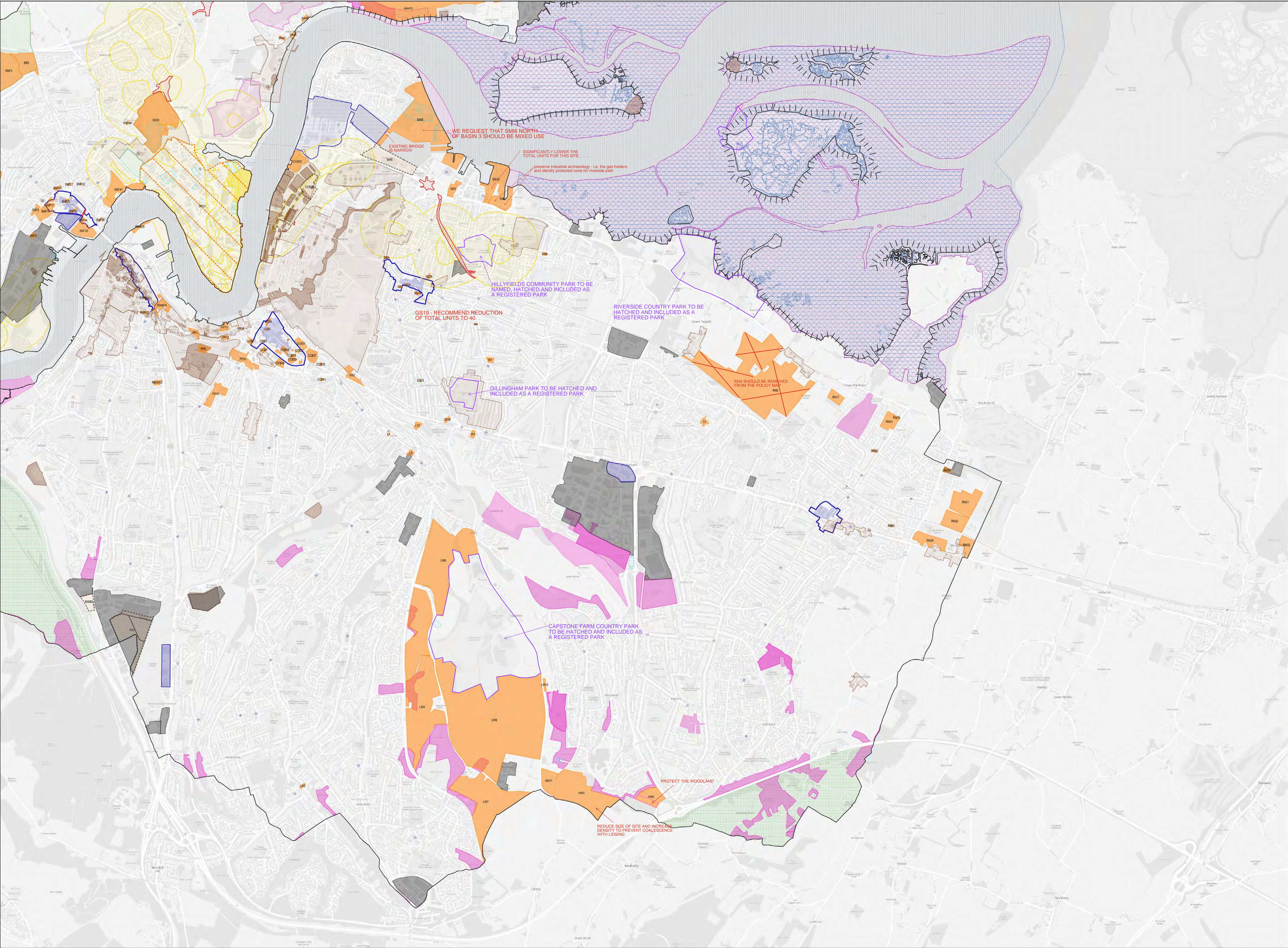
- Waste Management Facility





- Legend**
- Medway boundary
  - Site Allocations**
    - Site Allocation (Residential-led)
    - Site Allocation (Non-Residential)
    - Frindsbury Peninsula Opportunity Area
  - Natural Environment**
    - Habitats sites**
      - Special Area of Conservation
      - Special Protection Area
      - Special Protection Area (Marine)
      - RAMSAR
      - Marine Conservation Zone
    - Irreplaceable habitats**
      - Ancient Woodland
    - Other**
      - Site of Special Scientific Interest
      - National Nature Reserve
      - Local Nature Reserve
      - Undeveloped Coast
      - National Landscape
      - Green Belt
    - Economic Development**
      - Existing Employment Area
    - Built Environment**
      - Listed Building
      - Registered Parks & Gardens
      - Scheduled Monument
      - Conservation Area
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      - Area of Search
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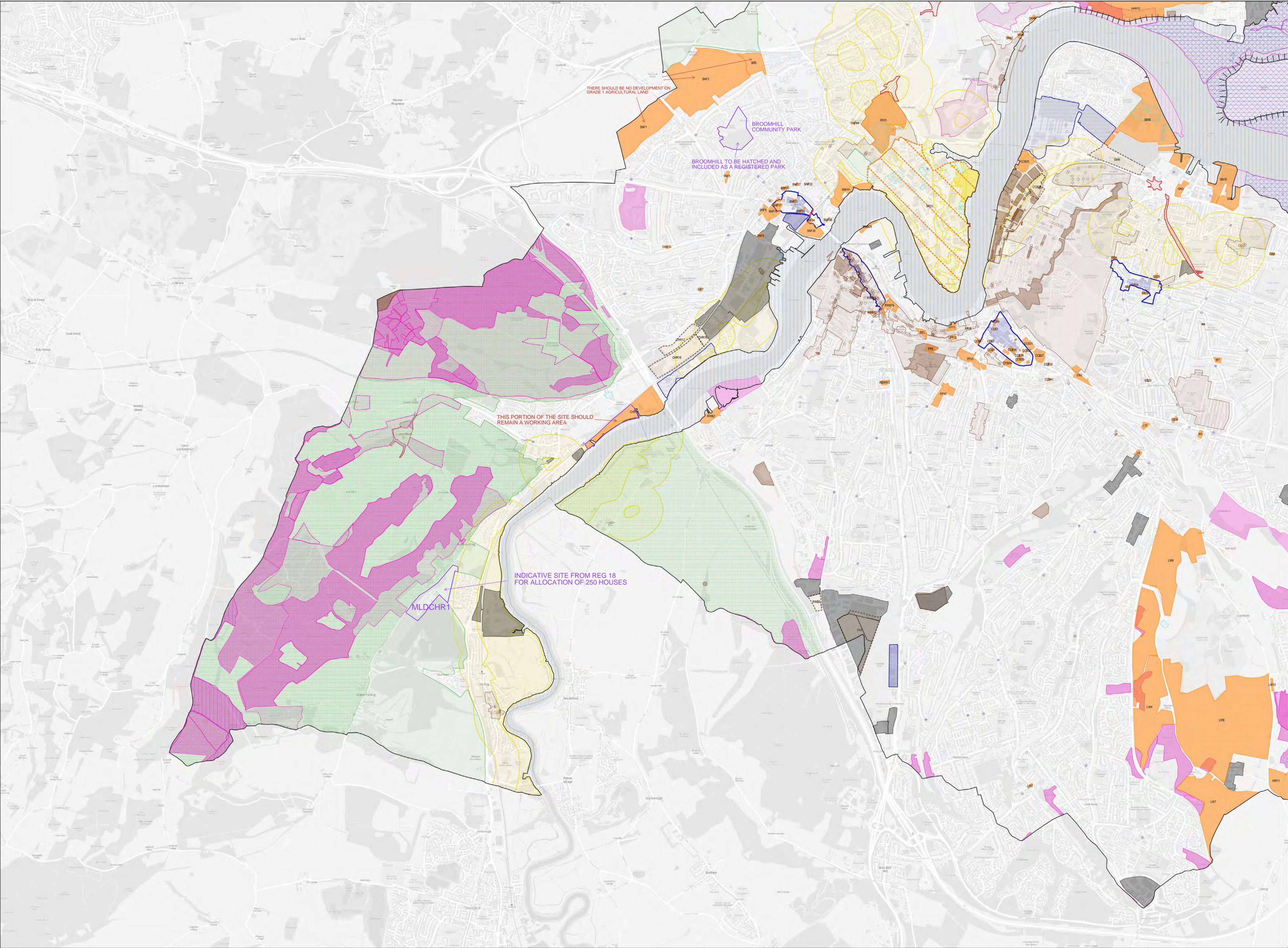




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      - Area of Search
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      - Waste Management Facility





**Legend**

□ Medway boundary

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- Site Allocation (Residential-led)
- Site Allocation (Non-Residential)
- Frindsbury Peninsula Opportunity Area

**Natural Environment**

**Habitats sites**

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- Special Protection Area
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**Irreplaceable habitats**

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**Other**

- Site of Special Scientific Interest
- National Nature Reserve
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**Economic Development**

- Existing Employment Area

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**Waste Management**

- Waste Management Facility

THIS HATCH IS DIFFERENT FROM THE PLAN



Dave Harris  
Medway Council  
Gun Wharf  
Dock Road  
Chatham  
ME4 4TR

8 August 2025

Dear Dave Harris,

**Re: Local Plan, Regulation 19, Pump Lane Site (Lower Rainham)**

As part of the Regulation 19 consultation for the Medway Local Plan 2041, I am writing to provide my representations on the draft plan.

As detailed in my previous consultation response, under Regulation 18, I am supportive of the process undertaken to develop Medway's Local Plan. I also recognise its importance in creating a strategic development framework for the borough, protect against speculative development and deliver the housing and infrastructure for future growth.

I do, however, have significant concerns with reference to the inclusion of the Orchard site, off Pump Lane (Lower Rainham) as part of the Regulation 19 plans. This allocation in the Local Plan at a late stage, presents a challenge and is not something that I can support.

As you are aware, there are already development proposals for a 750-unit scheme, being brought forward by Esquire Developments and, landowners, AC Goatham & Son, at this site. The previous application for this site, for a 1250-unit scheme was refused by Medway Council in 2021 and upheld by the Planning Inspector at appeal, citing the detrimental impact on the highway network alongside significant harm to the landscape and the local heritage. This also followed a major campaign run by the local community and councillors, against the proposals.

Having reviewed both the proposals by Esquire Developments and the proposed allocation in the Draft Local Plan, which also cites the delivery of secondary and primary school provision, community centre, health facilities and a possible care home, it is difficult to see how this allocation will not create the same pressures that failed the previous application. This includes harm to the countryside, increased traffic congestion, harm to the landscape and local heritage, as well as the loss of valuable agricultural land.

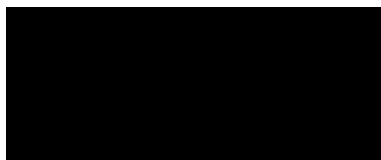
Therefore, in presenting this allocation, it would be helpful to understand what consideration has been given to the 'brownfield first' approach, which is set out as a defining principle of the Local Plan approach and if alternative sites (in the local area), with better existing infrastructure provision have been ruled out in its favour?

Finally, my greatest concern with the draft plan, is that the current spread of sites does not trigger the infrastructure improvements, specifically to the road network, that we require to support the proposed housing delivery in certain locations. While I recognise that this is unavoidable in some circumstances, there is already significant strain on the Lower Rainham Road; this allocation or the proposals by Esquire Developments, do not sufficiently address these challenges but will instead place further pressure on the road network.

As previously stated, I do recognise the importance delivering a Local Plan for Medway. I also have always been a strong advocate for good quality, affordable housing that helps us address the housing crisis and meet the needs of our residents. I would, however, urge you to review the inclusion of this site as part of the Regulation 19 process, and to consider alternative sites in its place.

Thank you for taking the time to consider this letter.

Yours sincerely,



**Naushabah Khan MP**

**Member of Parliament for Gillingham and Rainham**



## Local Plan

### Publication Stage Representation Form

Ref:

(For official use only)

Name of the Local Plan to which this representation relates:

Medway Local Plan

Please return to Medway Council Planning Service by 11<sup>th</sup> August 2025

Email: [planning.policy@medway.gov.uk](mailto:planning.policy@medway.gov.uk) or post to:

Planning Policy, Medway Council, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

## Part A

### 1. Personal Details\*

*\*If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

### 2. Agent's Details (if applicable)

Title	Cllr	
First Name	Phil	
Last Name	Filmer	
Job Title	Shadow Cabinet Member for Planning and Development	
(where relevant)		
Organisation	Medway Council	
(where relevant)		
Address Line 1	Gun Wharf	
Line 2	Dock Road	
Line 3	Chatham	
Line 4		
Post Code	ME4 4TR	
Telephone Number		
E-mail Address (where relevant)		

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## Part B – Please use a separate sheet for each representation

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Name or Organisation: Medway Conservative Group

3. To which part of the Local Plan does this representation relate?

Paragraph	<input type="text"/>	Policy	T27, T28, DM21, T29, S24, DM22	Policies Map	<input type="text"/>
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4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input type="text" value="Y"/>	No	<input type="text"/>
4.(2) Sound	Yes	<input type="text"/>	No	<input type="text" value="N"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="text" value="Y"/>	No	<input type="text"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

## Introduction

1. The Medway Local Plan is ambitious but does not deliver with regards to achievable actions.
2. It takes no account of the impact on local communities that are adjacent to large scale housing developments.
3. Proposals to develop housing on the site of existing Medway City Estate will place housing in an industrial zone where there will be a reduced quality of life.
4. How will the Local Plan accommodate and provide high quality healthcare for an additional 50K residents.

## Policy T27: Reducing Health Inequalities and Supporting Health and Wellbeing.

1. Active lifestyles are a choice that individuals need to make for themselves. The Council does have a place to ensure that new development is well designed and meets the needs of residents.
2. An overly definitive Local Plan allows no freedom for developers to create environments that future residents will be attracted too.
3. A good mixture of housing types to allow residents to grow and stay within the local area.
4. Family housing should allow for adequate private gardens to growing children rather than large open spaces that are expensive to maintain, poorly used, magnets for anti-social behaviour and become a burden on other service providers such as Police.
5. The Local Plan fails to address the need for improved and increased capacity for Acute Care which are inadequate at the present time.
6. Medway NHS Foundation Trust does not have the capacity to treat existing populations in Medway and the adjacent District Authority Swale let alone an additional 50K new residents. The existing site is cramped, substantially Victorian and there have been significant and regular management changes. Treating 360K outpatients and 180K attendees at the Emergency Department the site is bursting.
7. There is no evidence in the Regulation 19 document that directly addresses these issues and in our opinion renders the Local Plan as unsound.
8. Primary Care is also in crisis with a local of community services and GPs.
9. With an ageing population the need for more social care is mentioned but not appropriately addressed.
10. It is easy to build new facilities; it is the staffing and financial burdens of providing social care that are going to be the challenge for Medway.
11. The focus on sustainable transport across the Local Plan is an example of Planners ideal world against the reality of the real world. As we have stated in other responses without huge investment in public transport the Planners ideal is unlikely to come to fruition, and we are therefore concerned that the right infrastructure is in place to enable residents to get to and from work, school and shopping when it is convenient for them and not public transport providers.
12. We are supportive of the creation of attractive spaces that encourage access for primarily leisure uses but the Local Plan does not address the cost of up-keep of these spaces.

13. We would like to see a curb on home deliveries of takeaway food which are adding to poor health outcomes and increased traffic on our roads. There is also evidence that those employed in these roles are not eligible to be working. It is no accident that areas of high deprivation have a high density of low-quality takeaways, specifically around Chatham Town Centre and Gillingham – both areas which have some of the highest levels of deprivation in Western Europe.
14. A freeze on new takeaways would be welcome with a refocus on dining out opportunities which would improve our nighttime economy. However, we are opposed on restraints on expansion in out-of-town centres as this will reduce choice and reduce economic development.

#### Policy T28: Existing Open Space, Outdoor Sports and Play Spaces

1. We believe that there is a balance to be struck between allowing development that can use existing green spaces so long as that green space is replaced. This would not be appropriate for sites that are important for wildlife and biodiversity. A suitable test could be created to address these concerns. We believe that the development in Capstone Valley SA7 fails this test.
2. Retaining sports facilities is important but also the ability to maintain those spaces so that they remain attractive is equally important. The Council has in the current financial reduced green space budgets with the knock-on impact to Medway as a Place.

#### Policy DM21: New Open Space Sports and Play Spaces

1. As stated above we feel that there is a balance to be struck between open space and private space. Development guidelines that are too prescriptive will not allow developers to provide attractive development that residents will want to live in.
2. The Council owns enough land that it can take on providing allotments to those who wish to have one rather than adding an additional burden to developers.
3. There remains a significant call on S106 monies to provide additional new spaces. We are concerned that S106 resources are not going to be adequate for this purpose.
4. Who is going to be responsible for maintaining these new open spaces

#### Policy T29: Community and Cultural Facilities

1. The Local Plan provides very little commentary on the impact of high-density, large-scale development on existing communities. Indeed, more commentary is provided on the impact on wildlife than people.
2. Whilst community facilities should be maintained the Council itself is considering letting part of Hempstead Library to a company despite the obvious use by local community groups.
3. New community facilities should be encouraged but only after careful consideration as to the longer-term viability for maintenance and management.
4. The Conservative Group would support making new schools and health facilities multi-functional for this purpose.
5. In designing new larger scale developments, community facilities, schools, health centres, shops etc should be in a hub format to ensure that these

facilities get maximum footfall. Our view is that this will reduce unnecessary journeys and should include bus stops etc. These areas will become the centre of these new communities.

#### Policy S24: Infrastructure Delivery

1. Infrastructure is the key element for the delivery of a successful Local Plan.
2. As we have repeated that the Local Plan lacks the how and who pays for major infrastructure to accommodate 28,000 new homes, additional businesses and other elements.
3. This Plan is far too reliant on S106 contributions to deliver the infrastructure needed around to road infrastructure, public transport, open spaces, active travel measures. The Plan fails to demonstrate that the utility companies can deliver the water and power and there is almost nothing on provision of Health Services.
4. We are concerned that Planners are hoping that infrastructure can be delivered rather than demonstrating evidence that it can.

#### Policy DM22: Digital Communications

1. Medway is very well served for fibre broadband with City Fibre and Virgin Media very well established.
2. We are less well served by mobile data with the Council showing a lack of ambition in their dealing with mobile companies. Many residents are dependent on 3G let alone 5G. As you get closer to the M2 data connectivity decreases.
3. Medway needs to be better connected so that service improvements can be put in place including traffic management, public transport information, detection of fly-tipping and other enforcement actions.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

With an ongoing GP crisis and a hospital with aging infrastructure in need of a long-term plan, it is important that we see provision in the Local Plan for a new hospital on a new, accessible site.

This is an urgent issue that needs to be addressed for the benefit of Medway residents of today and the future brought about by an increase in housing, not to mention those affected by Maidstone and Gravesham local plans, as well as Swale, who consider Medway Maritime Hospital to be their "local" hospital. New residents on the immediate borders will no doubt look to Medway to provide major services including health care.

If the GP is not available, Medway Hospital is the next port of call by residents leading to longer waits and queues for ailments normally dealt with by GPs. Staff at Medway

Hospital do their utmost to look after all comers – They do a wonderful job despite being overloaded. A new hospital will undoubtedly attract new doctors and support staff.

(Continue on a separate sheet /expand box if necessary)

*Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

*After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.*

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

☐

**No**, I do not wish to participate in hearing session(s)

☐ Y

**Yes**, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

We would like to outline specifically the needs case for a new hospital and how the lack of a site within the local plan harms the community and fails to deliver for Medway residents.

Our Shadow Cabinet Member for Health would be happy to address the EIP on this.

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

**For details of our data privacy policy please see:**

<https://www.medway.gov.uk/info/200133/planning/714/planning-service-privacy-statement>



## Part B – Please use a separate sheet for each representation

Name or Organisation: Medway Conservative Group

3. To which part of the Local Plan does this representation relate?

Paragraph	Policy	Policies Map
	DM15, T20, DM16, DM17, T21, T22, T25, T26, DM18, DM19, DM20	

4. Do you consider the Local Plan is :

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Please tick as appropriate

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### [Policy DM15: Monitoring and Managing Vehicle Trip Generation](#)

1. The Strategic Transport Assessment appears to focus on plans granted rather than proposals in the plan. This is particularly relevant to new site made available in Capstone Valley (SA7) and the high density of development in an area that lacks road infrastructure.
2. Building on our comments on the vision we are concerned that without significant investment in the road infrastructure that proposed developments will become unviable since infrastructure is dependent on developer contributions.
3. We are concerned that with over 6,000 houses are to be built on land bordering the M2, Lidsing Village (Maidstone BC), Gibraltar Farm (Hempstead & Wigmore) and Capstone Valley (Hempstead & Wigmore and Lordswood & Walderslade) roads will become gridlocked around Sharsted Way, Hoath Way and junction 4 of the M2. There are already significant delays at peak time at Sharsted Way/Hoath Ways as facilities have expanded at Hempstead Valley Shopping Centre
4. The Conservative Group welcomes Infrastructure improvements to the A278, but we are concerned that the growth in traffic has been underestimated.
5. The opportunity for growth of the local economy will not be realised as residents find it increasingly difficult to move around Medway.

6. Frequent issues on the east bound carriageway of the M2 from (Junction 4 to Junction 5) diverts traffic through Medway.
7. Public Transport will not provide sufficient services to provide access to jobs and services in Medway. Our railway link simply operates east to west rather than north and south, making it vital for town connectivity but suburbs being very disconnected. For example, sites such as for our largest private sector employer BAE (Rochester) depend on staff travelling to the site as well as staff based in Medway.

#### [Policy T20: Riverside Path](#)

1. We agree that improvements to land adjacent to the River Medway are desirable.
2. We do not think that any reference to a new crossing has any chance of obtaining funding.
3. We believe that this policy does not have any use beyond leisure activities.

#### [Policy DM16: Chatham Waters Line](#)

1. We agree that the CWL offers an opportunity for new transport opportunities from Gillingham Town Centre to Chatham Waters. However, if proposals are not forthcoming, the Council should consider alternative uses for the land after 2041.

#### [Policy DM17: Grain Branch](#)

1. In the previous Local Plan proposed 17,500 homes for the Hoo Peninsula. As the Local Plan significantly scales back the commitment, we believe that the proposal for re-opening the Grain Branch would not be viable although desirable.

#### [Policy T22: Marinas and Moorings](#)

1. We believe that marinas provide skilled employment and leisure opportunities and generate new economic activity.
2. Medway has the necessary skills base to support new marinas.
3. As of 2022 there was a national shortage of marina berths in the UK.  
(<https://www.yachtingmonthly.com/news/marina-berths-why-is-there-a-uk-wide-shortage-89580>)

#### [Policy T25: User Hierarchy and Street Design](#)

1. We believe that the policy needs to be more flexible reflecting the context development proposals.
2. Within a development we agree that the User hierarchy makes sense.
3. Clever design will allow users to move freely around a development. Too many developments contain insufficient parking for residents and visitors and narrow roads which forces vehicles to park on the pavement.
4. The take-up of public transport will be improved if buses can safely access larger sites.

#### [Policy T26: Accessibility Standards](#)

2. We fundamentally disagree that the 15-minute city concept is deliverable in Medway in its current sprawling form through this local plan.
3. This ignores the reality of real people coping with work, taking children to school, shopping and accessing leisure activities. It is highly likely that those who move to Medway will work outside of Medway.

3. With a higher proportion of social housing in new developments on the periphery of Medway access to job and training opportunities are going to be essential to disadvantaged groups.
4. There is little or no evidence in the Local Plan that local bus companies, Government funding and user appetite support reliance on public transport as the backbone of the transport solution for this Local Plan.
5. It is noted that there is no investment planned to any of the Southeastern mainline/high speed stations within the area and this is of grave concern.

*Policy DM18: Transport Assessments, Transport Statements and Travel Plans*

1. This is another policy that relies on S106 funding to achieve the aims and goals of the Local Plan.
2. Ther baseline data is based on a plan approved in 2011 and is wildly out of date. ([https://www.medway.gov.uk/info/200136/parking\\_roads\\_travel/545/travel\\_plans\\_and\\_policies](https://www.medway.gov.uk/info/200136/parking_roads_travel/545/travel_plans_and_policies))
3. The Council should have undertaken more work to obtain an accurate picture of current traffic volumes and flows, public transport use and future investment plans.

*Policy DM19: Vehicle Parking*

1. The Local Plan is based on a parking standard adopted in May 2011. ([https://www.medway.gov.uk/download/downloads/id/6253/appendix\\_a1\\_medway\\_council\\_parking\\_standards.pdf](https://www.medway.gov.uk/download/downloads/id/6253/appendix_a1_medway_council_parking_standards.pdf))
2. High density housing estates suffer from parking congestion as the parking standard does not reflect the reality of low public transport take-up and the fact that households contain at least two generations of adults.
3. We believe that all residential estates should allow for a minimum of two parking spaces per private dwelling with ample visitor parking.
4. Expansion of parking capacity around travel hubs to reflect the need for residents to travel to work particularly central London. No capacity assessments done of railway station parking.

*Policy DM20: Cycle Parking and Storage*

1. Incorporation of cycle parking and storage in new commercial developments. We do question the longer-term viability of the maintenance of such facilities without investment in planning enforcement.
2. We do not agree that e-bikes and e-scooters should form part of the wider Travel Plan. There is nothing from the government suggesting e-scooters will be legalised and no pilots have yet been run in Medway.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

*Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

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7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

**No**, I do not wish to participate in hearing session(s)

Y

**Yes**, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

As laid out above, we feel wider discussion around transport is at the heart of the local plan process.

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

**For details of our data privacy policy please see:**

<https://www.medway.gov.uk/info/200133/planning/714/planning-service-privacy-statement>



## Part B – Please use a separate sheet for each representation

Name or Organisation: Medway Conservative Group

3. To which part of the Local Plan does this representation relate?

Paragraph	14.11.1, 14.11.9, 14.11.10 9.1.1, 3.1.9, 9.10.1, 14.11.8, 14.11.4, 4.8.9, 12.5.31, 4.8.11, 10.5.6, 4.8.11	Policy	SA10	Policies Map	RN9
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4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input type="text" value="Y"/>	No	<input type="text"/>
4.(2) Sound	Yes	<input type="text"/>	No	<input type="text" value="N"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="text" value="Y"/>	No	<input type="text"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

### Policy SA10 – Rainham Parkside Village

- We believe that the planned scale of the development in Rainham North, particularly in relation to the Rainham Parkside Village (RN9) with written confirmation that an intention is to build an additional 750 new homes is simply unacceptable.
- The area has seen an influx of new homes in the last few years with a large number of developments and new builds in the past 10 years. The area of Rainham North has seen over 1,200 new homes in the last decade and this is rising even as this is written.
- The plan to add additional homes is critically challenged by the lack of demonstrable infrastructure provision [14.11.1, 14.11.9, 14.11.10].

- **Unsoundness:** This plan is neither positively justified or prepared. It is littered with deficiencies. Within the document the plan states quite boldly that it is *"positively prepared to meet Medway's development needs"*. In addition, it states that it is *"informed by a wide ranging evidence base, including technical reports and assessments"* in relation to *"infrastructure and viability"*. As stated, this objection is specifically for Rainham North. The evidence base, and the plan, are adequately justified for the various reasons which are set out below.
- The planned scale of the development in Rainham North, particularly in relation to the Rainham Parkside Village (RN9) with written confirmation that an intention is to build an additional 750 new homes is simply unacceptable. The area has seen an influx of new homes in the last few years with a large number of developments and new builds in the past 10 years. The area of Rainham North has seen over 1,200 new homes in the last decade and this is rising even as I write. The plan to add additional homes is critically challenged by the lack of demonstrable infrastructure provision [14.11.1, 14.11.9, 14.11.10].
- **Transport Infrastructure:** The plan aims to *"reduce car reliance"* and create *"15-minute neighbourhoods"* [9.1.1, 3.1.9, 60, 9.10.1, 363]. This is a work of fiction. The proposal intends to use the *"existing Pump Lane as the primary vehicular accesses"* for 750 new homes [14.11.8, 595], despite the previous dismissal of a larger scheme partly due to *"local highway impacts"* [14.11.4]. This is unsound and risible. The plan seriously lacks any convincing point that will demonstrate how such a restricted mainly single carriageway access will achieve the intended shift away from car dependency. Neither does the current plan seek to prevent severe residual cumulative impacts on the highway network, as required by the National Planning Policy Framework (NPPF) [NPPF, generally on transport impacts]. The plan lacks any specific explicit commitment for substantial, pre-emptive highway network improvements that would make the vision for sustainable travel truly effective in Rainham North. This is therefore another example of the unsoundness of this rashly drafted plan.
- **Water Resources:** Medway has been designated an area of *"serious water stress"* [4.8.9, 192]. Policy DM1 stipulates that development proposals *"must ensure that adequate wastewater infrastructure is available in tandem with the development, which are also resilient to the impacts of climate change"*. Notwithstanding that the plan states that *"upgrades may be required"* for Wastewater Treatment Works (WwTWs) [4.8.11] and the plan also identifies a *"potential capacity shortfall in sewage sludge treatment capacity"* in North Kent [12.5.31]. This uncertainty implies that these *"may be required"* and the acknowledgement of existing shortfalls mean that the plan fails to demonstrate that adequate water supply and wastewater treatment will be in place in tandem with the occupation of 750 new homes, thus making the plan ineffective in ensuring essential resource provision.
- **Vague Infrastructure Delivery Plan (IDP):** Whilst an IDP exists and *"sets out the required level, indicative cost, funding and phasing of a broad range of infrastructure"* [10.5.6], its iterative nature and the general reliance on Section 106 agreements for financial contributions for strategic infrastructure does raise serious questions with respect to its certainty and of the guaranteed deliverability of this infrastructure in Rainham North. The plan's own

statements that "*upgrades may be required*" for water infrastructure [4.8.11] and that the IDP is "*to be monitored and reviewed*" [10.5.6] do not provide anywhere near the required level of reasonable assurances that those requirements will be met. This seriously undermines the justification for the proposed development at this specific area.

(Continue on a separate sheet /expand box if necessary)

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We propose the removal of the site allocation SA10 to make this sound.

(Continue on a separate sheet /expand box if necessary)

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7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

☐

**No**, I do not wish to participate in hearing session(s)

☐ Y

**Yes**, I wish to participate in hearing session(s)

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8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

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Reasons as laid out above.

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## Part B – Please use a separate sheet for each representation

Name or Organisation: Medway Conservative Group

3. To which part of the Local Plan does this representation relate?

Paragraph  Policy  Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input type="text" value="Y"/>	No	<input type="text"/>
4.(2) Sound	Yes	<input type="text"/>	No	<input type="text" value="N"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="text" value="Y"/>	No	<input type="text"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

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### Policy SA6: Greenbuilding

1. The housing proposal in the draft regulation 19 proposals look to develop the West option of Green Belt and Green Field Sites at the beginning of the plan period (1-5 years) then the rest in (6-10 year period), putting brown field sites in most of the plan as an option to develop as a low priority. This is the reverse way that policies should be proposed in the NPPF plan making framework.
2. In the draft Regulation 19 plan, great weight is placed on development of the former Kingsnorth Power Station and Grain Business Park, both of these sites ,although suitable in the past for business use have a disadvantage in that they are a great distance from urban centres and would prove difficult to promote active use due to their remoteness. This is clearly in conflict with NPPF regulation 86.
3. The proposal to develop Riverside use from business to housing, takes away a thriving riverside use which is comparable with the Riverside location which because of its specialised use, would not thrive elsewhere this use requires access to the river and therefore goes against Para 85-87 of the NPPF.
4. This land is on the edge of the Medway Towns and if some of the sites were released would provide a convenient site for development of modern-day business requirements. It appears that Medway Council, under NPPF Paras 24-28 must demonstrate in a continuous, constructive

and continuous active engagement with any boundary authority, which the MOD is, but there is no indication in the Local Plan that this has taken place or is still taking place.

#### SA7 Capstone Valley

1. In opposition the administration campaigned to preserve Capstone Valley describing the areas as an important area for the villages of Hempstead and Lordswood as well as Chatham.
2. The Local Plan provides for approximately 3K new houses to be built on Capstone Valley. Capstone Valley is an area of agricultural land located in the South-East of the Authority and provides a buffer between the existing urbanisation and the Area of Outstanding Natural Beauty.
3. The proposals for development in Capstone Valley are unsound for the following reasons: -
  - a. Loss of productive agricultural land and impact on the rural economy T14
  - b. In contradiction to T27
  - c. Damage to important natural habitats
  - d. Failure to take into account proposed development in the adjacent Maidstone Borough Council area of Lidsing Village totalling 2,500 new homes.
  - e. Lack of road infrastructure to accommodate vehicle movements through Hempstead Village, Sharsted Way, Hoath Way. Impacts on Junction 4 of the M2.
  - f. T28 loss of valuable open space that will not be replaced.
  - g. Is heavily dependent on S106 to bring in new infrastructure which will be total insufficient to accommodate the proposed new development.

(Continue on a separate sheet /expand box if necessary)

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1. Brownfield sites in the urban areas, should be in the first period of the plan (1-5 years) as all required infrastructure ie. roads, drainage, water, electrics, gas and broadband will already be in place in the built up area of brown field sites.
2. The scale of 10% of affordable housing in brown field sites is extremely low when dealing with high density housing with all services available.
3. This should be increased to 30% of affordable housing which would provide more social renting, affordable renting, shared ownership in the urban areas.
4. In green field sites and greenbelt, the affordable housing should be reduced to 10% as the cost of providing the services ( ie capital investment for roads, electric, gas, sewerage water etc, has to be included within the unit cost which is much higher and takes more time to obtain and develop these sites. These sites need to reflect the problems and places in the latter part of the plan (6-10, 11-15 plan period).

5. Up to 7500 homes are to be built in the plan period on the Hoo Peninsula which need to feed through the existing Four Elms Junction and roundabout which is already at capacity, so without large capital investment this targeted development on the Peninsula will overwhelm the road network on this side of the Medway Towns.
6. As an alternative to housing, on the West Side of Strood North, in land being redesignated as grey belt, a suitable portion of the land should be redefined as land to be held for a new NHS Hospital. This land would serve the new enlarged community of Medway with all the road infrastructure needed for a new hospital having easy access to Junction one of M2 and should help to meet the needs of the whole of the population in Medway Local Plan through to the end of the planned period and beyond.
7. The site of the current Medway Hospital could in later years of this plan be used as brown field site for high density housing, given its proximity to Gillingham station.

(Continue on a separate sheet /expand box if necessary)

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7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

☐ N

**No**, I do not wish to participate in hearing session(s)

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n/a

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Name or Organisation: Medway Conservative Group

3. To which part of the Local Plan does this representation relate?

Paragraph  Policy  Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

Y

No

4.(2) Sound

Yes

No

N

4 (3) Complies with the  
Duty to co-operate

Yes

Y

No

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

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1. Although sufficient schools are included within the local plan, these are being proposed as part of the development, presumably within S.106 contributions from the developers, however the proposed locations for three of the secondary schools, will force traveling from distance as they are located close to existing secondary facilities, with at least two of the school locations having poor transport links with no notification of necessary provision of public transport.

### Policy SA6

2. Land West of Strood – This specifies two new primary schools, expansion of existing primary school and a new secondary school. The development with Gravesham for 4,000 homes will not deliver the required secondary school age children to fill the school, requiring children to travel into the school from other areas. Also the location is close to the Strood Academy, which will be competing with similar children.

### Policy SA10

3. Lower Rainham – States an Eight Form entry secondary school to new development of 750 homes, taking into account the proposed development at Chatham Riverside over 2km away. Again, this will not give the required catchment for the school, requiring children travelling from further afield. This area currently has no links to Public Transport. This would require dedicated bus services and a possible new station on the railway line at Twydall (near Pump Lane). This school would also be



competing within the catchment areas of Three near by State Schools and One Grammar School.

#### Policy SA7

4. Capstone Valley – Allocation for new Secondary School. This is badly needed in this area, however with the added Lidsing Development just over the border in Maidstone Borough Council, likely to also be in the catchment area, this will likely need to be a large form entry, however the plans do not mention the size of the school, just that it will be allocated 10 hectares and to be built in the first five year phase. This school will be needed almost immediately. This area also doesn't currently have good transport links to this location, so would need dedicated public transport links and potential widening of roads to accommodate the additional traffic in this area of predominately rural roads. It should be noted this area has no easy access to trains or transport facilities and it is immensely constrained in access across the borough.

#### Policy SA8

5. East of Hoo – Allocation for Secondary School East of Hoo. This school will be approximately 1km from the Hundred of Hoo school, which currently has children being transported via four elms roundabout which currently does not have capacity for existing traffic, let alone when 4,700 extra homes are built. Both schools will have same main catchment area and will be in competition with each other for children.

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As above.

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### Introduction

1. The Medway Local Plan <https://medway.oc2.uk/document/28/1184#d1156> is lacking in ambition and continues policies that have failed to generate meaning economic development in the last five years.
2. The aims of these policies are contradicted by other parts of the Local Plan particularly Transport and proposal to redesign parts of the Medway City Estate as land for housing.
3. Larger housing developments, especially those near the M2 with the requirement to include land for business development are likely to attract logistic businesses but without investment in road infrastructure they are likely to be unattractive to businesses.

### Assumption inadequacies

4. (7.1.12) is woefully out of date. Unemployment is increasing in Medway up 10% on July 2024 and businesses are failing at a faster rate. There is a worrying increase in NEETS and approximately 30% of the working age population falls into this category.

### Policy S10: Economic Development

5. The Council has failed to generate large-scale private sector investment in Medway for at least the last five years with empty office space now repurposed for housing.

6. The Public Sector has invested in Medway with increases in university activity, a new James Williams Healthy Living Centre proposed in the Pentagon shopping centre.
7. Large scale wind generation on the Hoo Peninsula conflicts with the Peninsula being an important environment for birds particularly Nightingales, Herons, Marsh Harriers and waders and waterfowl.
8. Redefining part of the Medway City Estate, a large-scale industrial area in Medway as land for housing, directly contradicts this policy.
9. The Local Plan provides no evidence to illustrate the energy requirements for new business development and how the utility companies will provide that energy.
10. Certain aspects of the Local Plan are contradictory. Protecting unattractive town centres by limiting developments at the Outlet Centre and Hempstead Valley will hold back economic development.

#### Policy S11: Existing Employment Provision and Policy SA4: River Waterfront

11. It would be far better if the Local Plan adopted a Market led development approach to existing employment provision. Providing flexibility for businesses to apply for change of use without artificial barriers in the Local Plan.
12. Change of use to housing from existing employment land does require a higher test and we recommend that a quality-of-life test for potential new residents living on and surrounded by industrial land.
13. The Conservative Group is opposed to any further housing development on the Chatham Docks to housing due to the loss of valuable jobs and impact on an already overcrowded site.

#### Policy S12: New employment Sites

14. The Local Plan fails to demonstrate how the needs of the proposed 240,000 sqm of office / industrial will be met from a utility, transport, and other infrastructure perspective.
15. There are pockets of existing empty offices and warehousing across Medway.
16. Plans to expand industrial activity in Kingsnorth on the Hoo Peninsula will require large investment in road infrastructure given the location of the site, which is absent from the Local Plan.
17. Loss of Employment Land: A key concern is the potential for the plan to redevelop existing employment sites for residential use. A notable example is the proposed redevelopment of Chatham Docks, which would result in a significant loss of jobs.

#### Policy T12: Learning and Skills Development

18. We are broadly in agreement with this policy, which is common sense.
19. The Local Plan should allow a more flexible approach to skills training and be more employer led taking due regard of the fact Medway is traditional a technical/craft economy.
20. There should be far more emphasis on apprenticeships with local education providers supporting apprenticeships as part of lifelong learning.
21. Too much reliance on policies for digital development are bound to fail.



22. It is vital that Medway improves the educational outcomes of young people living in the authority which are currently below national averages.

#### Policy T13: Tourism, Culture and Visitor Accommodation

23. The Conservative Group is in favour of enhancing and expanding the cultural and heritage offer across Medway
24. There is clearly a need for better accommodation particularly 4/5\* hotel accommodation.
25. It is important that the Local Plan allows some flexibility so that developments are led by those wishing to invest and operate in Medway are incentivised to do so.
26. Continuous reference to sustainable is likely to put off potential investors.
27. The River Medway represents an opportunity for more tourism especially around wildlife, more marina facilities and further opportunities in the Historic Dockyard.
28. There is no mention of supporting Peel Waters plan for a major outdoor arena space to be located on a disused part of the Chatham Docks.
29. Again, the lack of a robust transport plan, improvements to road infrastructure and any plan to deal with constant delays on the M2 will hold back Medway.

#### Policy S14: Supporting Medway's Culture and Creative Industries

30. The Group is broadly in favour of preserving recognisable historic centres that enhance Medway as a place.
31. However, the reality is that some of our town centres are just not attractive to attract the right demographic.
32. The Local Plan should avoid straight jacketing developers and focus on public space investment, crime reduction for example and which will encourage investment.

#### Policy T14: Rural Economy

33. The rural economy is under threat from a government that does not understand farming or farmers.
34. Tax changes in the October 2024 budget are making family-owned farms unviable and are likely to encourage land aggregation by large corporations.
35. The NPPF allows national strategic infrastructure to be built with nil reference to any Local Plan.
36. Hospitality businesses are struggling with increases in tax and higher costs for energy.
37. This Local plan allows for widescale development on existing farmland for example in the Capstone Valley.
38. The Local Plan should encourage the bringing back into use empty buildings for light industrial use.
39. Finding a site for a seasonal farmers market would provide a different outlet for growers chasing better returns.
40. Encouraging Medway's growing food sector to collaborate with local growers would create new jobs and secure farmland for production rather than for housing or zero carbon energy generation.

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## Part B – Please use a separate sheet for each representation

Name or Organisation: Medway Conservative Group

3. To which part of the Local Plan does this representation relate?

Paragraph	<input type="text"/>	Policy	S15-S23, T15-19, DM12- DM14	Policies Map	<input type="text"/>
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### Introduction

1. The Medway Local Plan <https://medway.oc2.uk/document/28/1165#d1165> is correct in its assessment of the impact of local towns.
2. Unfortunately, our town centres are not attractive and continue to decline as shoppers look for high quality and experiences that bring together retail, hospitality and leisure opportunities.
3. Our town centres face stiff competition from out-of-town centres such as Landsec's Bluewater, Mccarther Glen's Designer Outlet Ashford etc available to all residents.
4. Chatham Town Centre is being transformed into a centre for health rather than retail
5. Gillingham and Rainham Town Centres have lacked investment and are not attractive to visit. Rainham Town Centre has good occupancy levels and the administration is focusing on Love Gillingham, but more needed to be done.
6. High parking charges are reducing footfall in our town centres the Conservative Group believes that this Local Plan needs to be more reflective to what residents want rather than what Planners want and allow a far more market led strategy.

#### Policy S15: Town Centre Strategy

5. The policy fails to address the key issue of investment and where the investment is likely to come from (Government, Council or Private Sector).
6. Successive administrations have sort to protect Town centres at the expense of other options which has impact job opportunities and economic growth.
7. This policy again depends on forcing residents on to public transport where evidence is not presented that there is the necessary investment available for an improved public transport network or that residents want to use public transport.
8. The amount of empty retail space is increasing
9. Changes in working patterns, including working from home and the availability of high quality out of town centres such as Bluewater are deterring residents from visiting unattractive town centres.
10. ASB is deterring visits
11. Government tax policies are depressing hospitality activity
12. We believe that the Local Plan should allow the retail envelope to shrink to a smaller core around a central focus and then consider allowing excess space to be converted to other uses such as housing, living and workspaces.

#### Policy S16: Hierarchy of Centres

13. We believe that each centre should be allowed to grow or shrink based on use and be far more market driven.
14. A more flexible approach to ensure that economic development is not hamstrung by rigid planning policies.
15. New Centres should be at the core of large-scale development together with community facilities such as schools and health centres.

#### Policy T17: Impact Assessment

16. Limiting developments in district retail areas to protect Town Centres will hold back economic growth across Medway.

#### Policy S17: Chatham Town Centre

17. Existing development strategies have failed to regenerate Chatham. Whilst new housing has been built in the town centre and the bus station has been upgraded retail, leisure and hospitality activities have reduced.
18. Significant health service provision is being made in the vicinity of the Pentagon Shopping Centre but whilst this has the potential to increase footfall the challenge is will this make the town centre more attractive to retailers.
19. The Pentagon is an unappealing destination with poor quality parking and a feel of deprivation despite recent developments.
20. We would do think protecting the Town Centre from competition in district shopping areas is good for the overall Medway economy.
21. We are unsure as to the long-term viability of the Pentagon in it is existing form and whether an approach to redevelop as being proposed for Lewisham Shopping Centre would be a better long-term approach. This would allow the opportunity for the creation of a vibrant Town Centre, expand the leisure opportunities and boost for the nighttime economy.



22. Building on the historic context of Medway, although not reflected in the post war period, regeneration of areas such as the Intra district have the potential to bring in investment if development is attractive to potential buyers. There is an over-reliance on cultural and creative planning requirements which might limit the scope for development.
23. Improving connectivity between Chatham Town Centre with the Dockyard will require improvements to public transport which is not evidenced in the Local Plan. We would suggest that most visitors come by car rather than public transport.
24. We would suggest reducing the retail envelope and allocate for more housing to be built in the town centre. Given that Chatham is on a fast line to central London this might have a social regeneration effect and provide a stimulus for a reduced retail area and hospitality sectors.

#### Policy S19: Gillingham District Centre

25. Previous attempts to regenerate Gillingham have failed and we do not believe there is a credible plan in existence.
26. Planning restrictions are hampering development.
27. The Local Plan should be bold here and allow for an entirely developer led approach. The local Plan should be clear on design and set minimum environmental restrictions.

#### Policy S20: Strood District Centre

28. We believe that Strood Town Centre could be the site of a permanent seasonal Farmers Market given its existing footfall.
29. Challenges around viability of the development of old Town hall site is likely holding back regeneration of the Town centre as is the deprivation in adjacent residential areas.

#### Policy S21: Rainham District Centre

30. Rainham Shopping Centre requires investment to improve its kerb appeal.
31. Reduced car parking charges will increase footfall.
32. Work ongoing with Rainham Reimagined not captured nor long term plan for new railway station which is needed for Rainham.

#### Policy S22: Hoo Peninsula

33. We agree that more retail development is required on Hoo to support a much larger population.
34. We are concerned that expanding facilities in Hoo Village is sustainable given the existing traffic situation especially during term time.
35. Bigger site in the east of Hoo would make more sense probably increasing the diversity of retail and encouraging a change in bus routes to serve more residents using a larger site.

#### Policy S23: Hempstead Valley District Centre

36. We disagree that Hempstead Valley is very much a local centre and provides along with Strood Retail Park the best out of town shopping experience in Medway.
37. Hempstead Valley could provide more employment opportunities if it is allowed to expand. New construction, improved access will allow a growth

in retail and hospitality and encourage existing retailers and new to the site to invest.

38. Improvements are needed to roads around the site that would make Hempstead Valley more attractive. Access is invariably constrained by traffic leaving the M2 to traverse the many incidents on the M2.

39. Current Planning restrictions T15 and T17 are holding back the economic development of Medway to protect town centres.

**Policy DM13: Medway Valley Leisure Park**

40. We do not agree that development here should be hampered by protecting the Town Centres.

**Policy DM14: Dockside**

41. We do not agree that development here should be hampered by protecting the Town Centres.

42. There are vacant retail outlets that could be occupied by businesses creating new jobs if planning T15 and T17 are relaxed.

**References**

[1] <https://www.constructionenquirer.com/2024/11/05/1-3bn-revamp-plan-for-south-london-shopping-centre/>

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

As above.

*Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

*After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.*

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

☐

**No**, I do not wish to participate in hearing session(s)

☐

Y

**Yes**, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

As above.

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

**For details of our data privacy policy please see:**

<https://www.medway.gov.uk/info/200133/planning/714/planning-service-privacy-statement>

# **ST JAMES, ISLE OF GRAIN, PARISH COUNCIL**

## **Comments on Medway Council's Regulation 19**

### **Medway Local Plan 2041**

#### **Proposed Submission Draft and Supporting Documents**

**June 2025**

<b>INTRODUCTION:</b>	<p>This Parish Council fully supports the representation in response to the above document formulated by <b>The Alliance of Hoo Peninsula Parishes dated 10<sup>th</sup> August 2025</b> to which this parish is a signatory.</p> <p>However, we submit our further comments with reference to this Parish in particular.</p>
<b>CHAPTER 3:</b>	<b>FAILURE TO COMPLY WITH THE DUTY TO COOPERATE</b>
<b>Paragraph 3.3 (a)</b>	<b><i>Specific Failures in Relation to Hoo Peninsula Allocations</i></b>
	<p>Grain is at the end of the A228/B2001 and as such will bear the full burden of all increased traffic generated by the proposed developments throughout the Hoo Peninsula.</p>
<b>Paragraph 3.3 (b)</b>	<b><i>Environmental Capacity of the Estuary Has Not Been Cooperatively Managed</i></b>
	<p>Grain sits at the junction of two SPAs:</p> <ul style="list-style-type: none"><li>• Thames Estuary and Marshes SPA</li><li>• Medway Estuary and Marshes SPA</li></ul> <p>Within this parish there is also a RAMSAR Wetlands Site and a SSSI (for coastal grassland).</p> <p>This this reason, we feel that there should be a separate Habitations Regulations Assessment because of the strategic importance of this area for migratory and resident wildlife.</p>
<b>CHAPTER 4:</b>	<b>THE UNSOUNDNESS OF THE SPATIAL DEVELOPMENT STRATEGY</b>
	<p>No recognition is given in the plan for the unique nature of the North Kent Marshes and the development proposals would substantially damage this area, if not destroy it completely.</p> <p>Most of the proposals in relation to the Hoo Peninsula do not involve the development of brownfield sites but specifically use green field sites without any regard to the damage to the environment, population, and wildlife.</p> <p>Again, it must be stressed that the Hoo Peninsula is a very valuable area and must not be destroyed by over development.</p>



# **ST JAMES, ISLE OF GRAIN, PARISH COUNCIL**

## **Comments on Medway Council's Regulation 19**

### **Medway Local Plan 2041**

#### **Proposed Submission Draft and Supporting Documents**

**June 2025**

<b>CHAPTER 5:</b>	<b>ENVIRONMENTAL AND ECOLOGICAL NON-COMPLIANCE</b>
<i><b>Paragraph 5.3</b></i>	<i><b>Impact on Protect Sites on the Hoo Peninsula</b></i>
	Over the past few years Grain Coastal Park has been developed and includes a designated SSSI for coastal grassland and has become a significant leisure area. It has also been identified as an important habitat for the Shrill Carder Bee (one of the very few sites in England) and for migratory birds and resident waders.
<b>CHAPTER 6:</b>	<b>INFRASTRUCTURE AND TRANSPORT CONSTRAINTS ON THE HOO PENINSULA</b>
	All development on the Hoo Peninsula will impact the lives of the people of this parish because of the total lack of an adequate public transport system and the resultant reliance on private vehicles for employment, education, health services and leisure.  The B2201 and A228 are of very poor standard and cannot support the increased traffic that would be generated by further development on the Hoo Peninsula.
<b>CONCLUSIONS</b>	This Parish Council has contributed to and is in total agreement with the representations of The Alliance of Hoo Peninsula Parishes document dated 10 <sup>th</sup> August 2025 but felt it of value to emphasise the additional needs of this parish as outlined above.



## Local Plan

### Publication Stage Representation Form

Ref:

(For  
official  
use only)

Name of the Local Plan to which this representation relates:

Medway Local Plan

Please return to Medway Council Planning Service by 11<sup>th</sup> August 2025

Email: [planning.policy@medway.gov.uk](mailto:planning.policy@medway.gov.uk) or post to:

Planning Policy, Medway Council, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

## Part A

1. Personal  
Details\*

2. Agent's Details (if  
applicable)

*\* If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

Organisation	<input type="text" value="Boxley Parish Council"/>	<input type="text"/>
Name	<input type="text" value="Daniela Baylis"/>	<input type="text"/>
Job Title (where relevant)	<input type="text" value="Parish Clerk"/>	<input type="text"/>
Organisation (where relevant)	<input type="text" value="Boxley Parish Council"/>	<input type="text"/>
Address Line 1	<input type="text" value=""/>	<input type="text"/>
Line 2	<input type="text" value=""/>	<input type="text"/>
Line 3	<input type="text" value=""/>	<input type="text"/>
Line 4	<input type="text" value=""/>	<input type="text"/>
Post Code	<input type="text" value="ME5"/>	<input type="text"/>
Telephone Number	<input type="text" value=""/>	<input type="text"/>
E-mail Address (where relevant)	<input type="text" value=""/>	<input type="text"/>

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## Part B – Please use a separate sheet for each representation

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Name or Organisation: Boxley Parish Council

4.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Boxley Parish Council welcomes the opportunity to respond to the Regulation 19 consultation on the Medway Local Plan.

### Duty to Co-operate

#### Housing Need and Cross-Boundary Distribution

- We note that Medway has not sought to accommodate any unmet housing need from neighbouring authorities, nor has it provided evidence that its own housing need (as per the Standard Method) can be fully met within its own boundaries without adverse impacts.
- There is limited evidence of formal agreements or memoranda of understanding between Medway and adjacent authorities, including Maidstone Borough Council, relating to how strategic housing needs will be managed in the sub-region.
- As Boxley Parish lies within Maidstone Borough and close to the Medway boundary, any significant overspill of unmet housing need could have implications for local infrastructure, traffic, and environmental constraints in our area.

#### Transport Infrastructure

- There is inadequate detail on how Medway Council has worked with Kent County Council, National Highways, and adjacent boroughs to assess the cumulative transport impacts of growth across local authority boundaries.
- The A229 and M2 junctions near Walderslade and Lordswood are already under significant pressure. Increased development in Medway without mitigation will increase traffic flow and congestion affecting Boxley Parish residents.

#### Environmental and Infrastructure Impacts

- The co-operation on issues such as air quality, green infrastructure, biodiversity corridors, and health provision appear to be limited in scope.

- We would expect stronger collaboration and joined-up assessments, particularly given the proximity of the Kent Downs Area of Outstanding Natural Beauty (AONB) and designated ancient woodland near our Parish boundary.

#### Transparency of Co-operation

- While we acknowledge that a Duty to Co-operate Statement has been produced, we find that it lacks sufficient evidence of outcomes and specific measures agreed as a result of engagement.
- The Statement should go beyond listing meetings and should clearly demonstrate how co-operation has influenced and shaped the spatial strategy and policies in the Local Plan.

Boxley Parish Council considers that Medway Council has not yet adequately demonstrated that it has met the legal requirements of the Duty to Co-operate in terms of scope, effectiveness, and tangible outcomes. We urge Medway to continue active dialogue with neighbouring authorities and relevant bodies, and to formalise these through Statements of Common Ground where appropriate, prior to submission of the Local Plan for examination.

We welcome further engagement where cross-boundary issues may have an impact on our local community.

### **Soundness of Plan**

As a neighbouring Parish situated within Maidstone Borough, but directly impacted by cross-boundary development pressures—particularly those proposed within Capstone Valley—Boxley Parish Council submits this formal objection to the inclusion of large-scale residential development in this highly sensitive and strategic green corridor.

#### 1. Legal Compliance

Boxley Parish Council has concerns about whether the Duty to Cooperate has been fully discharged in relation to:

- Cross-boundary impacts on transport, air quality, and ecological networks, particularly where proposals are likely to increase traffic flows along the A229 and rural lanes connecting Medway and Maidstone.
- The lack of transparent and coordinated engagement with Maidstone Borough Council and neighbouring Parishes, including Boxley, despite the potential for significant cumulative impact.

We request sight of the supporting evidence of strategic dialogue with Maidstone Borough Council on the cross-boundary impacts that affect Boxley Parish.

#### 2. Soundness – not Justified, not Effective, not Consistent with National Policy.

Boxley Parish Council contends that the proposed allocation of land for housing development in the Capstone Valley area—including land to the south and east of Capstone Road and west of Lordswood—is unsound, as it fails several tests of soundness under the NPPF.

##### 2.1 Not Justified

The Local Plan does not demonstrate that the allocation of land in Capstone Valley is the most appropriate strategy, when considered against the reasonable alternatives.

- Capstone Valley serves as a green lung between the urban areas of Medway and Maidstone and has long been recognised for its strategic landscape importance.



- Medway Council's own past studies—such as the Landscape Character Assessment and the Capstone Valley Green Belt Appraisal (part of this local plan review) —have previously acknowledged the area's high environmental value and role in preventing urban coalescence.

No credible explanation is provided for the shift from longstanding protection of this landscape to its large-scale development.

## 2.2 Not Effective

The Plan relies on significant new infrastructure to mitigate the impacts of development in Capstone Valley—yet there is insufficient evidence to show:

- That highways mitigation (especially at junctions along the A229 and M2) will be deliverable, timely, or effective.  
Policy LPRSP4(b) criteria 6 (a) notes the connection to M2 junction four. There is a proposed scheme at Figure 6.5 of the Maidstone Local Plan Review document, which falls within the Medway Council area, so these highway works and appropriate environmental mitigation should be reflected in the Medway Council Local Plan, as required by NPPF paragraph 110 (c).
- That public transport alternatives can be introduced or improved to a level that avoids increased car dependency in a peri-urban, valley-edge location.
- That community infrastructure (schools, GPs, utilities) can be delivered alongside or in advance of housing growth.

There is a general lack of properly funded district wide provision of key infrastructure relating to hospitals, secondary education, water supply and waste water disposal all of which are in a critical state. These issues impact on parts of Boxley Parish and will become more acute with the Lidsing, Gibraltar Farm and East Hill developments.

There is no evidence of coordination through KCC with education infrastructure provision requirements in the Maidstone Local Plan Review arising from Policy LPRSP4(b) Lidsing Garden Community.

- Policy T10. There is no specification for Gypsy and Traveller provision. Maidstone is making considerable efforts to ensure that there is consideration for both public sites and windfall allocations, but this will only be effective if equal attention is given in Medway's Plan to guard against unplanned overspill.

The proposed development would inevitably increase traffic through rural parts of Boxley Parish (such as Lidsing and Boxley Village), which are already experiencing congestion and degradation due to overuse by commuter traffic seeking alternatives to congested main roads.

## 2.3 Not Consistent with National Policy

The proposed Capstone Valley development conflicts with several key policies in the National Planning Policy Framework (NPPF):

- Paragraph 174(a): Plans should protect and enhance valued landscapes. Capstone Valley is demonstrably valued by both local and wider communities, as evidenced by public opposition to previous development proposals due to its environmental importance and recreational use.
- Paragraph 180: Plans should avoid harm to biodiversity and establish coherent ecological networks. Capstone Valley provides semi-natural habitat, part of an ecological corridor between the North Downs and the Medway Estuary. No robust evidence has been provided that this ecological function can be retained alongside large-scale development.
- Paragraph 105: Development should be focused in locations that are or can be made sustainable. Capstone Valley is poorly served by public transport and separated from main employment centres, making it a car-dependent location by design.

- Hempstead Valley Shopping Centre is not listed as a District Centre in the Policies Map.

### 3. Environmental Constraints and Technical Concerns

Boxley Parish Council notes the following technical issues:

- Air Quality: The A229 and M2 corridors are already designated or borderline AQMA areas. Additional traffic from Capstone Valley would worsen conditions.
- Topography and Flooding: Capstone Valley includes sloped terrain with natural drainage systems. Urbanising this area may increase surface water runoff and downstream flood risk.
- Biodiversity: The area supports a mosaic of habitats, including ancient woodland edges, hedgerows, and grassland. Development here risks irreversible biodiversity loss, contrary to net gain policies.
- Landscape Character: Capstone Valley forms part of a natural break in development. The Council's own evidence in previous Local Plan iterations (including the 2003 Plan and 2012 Core Strategy evidence base) recognised its function in maintaining landscape distinctiveness between urban settlements.

In conclusion, the proposed development in Capstone Valley is not sound. It undermines the sustainability principles of the NPPF, fails to respect valued landscapes and ecological networks, and lacks a justified, deliverable infrastructure strategy. Its inclusion risks long-term environmental degradation and significant harm to the communities of both Medway and neighbouring authorities such as Boxley.

### 4. Additional Concerns

The proposals for LW8 'Millfields Fields' is particularly damaging to the open space separating Lordswood and Hempstead and the green corridor from Darland Banks through the Kent Downs National Landscape area at Bredhurst and Boxley. Amongst other things it will have a severe impact on ground nesting birds including the Red Listed skylark. This allocation appears to be very much in conflict with the Medway green and blue infrastructure framework that forms part of the Local Plan evidence base.

LW4 Shawstead Farm is equally damaging to the wonderful landscape through Darland Banks when viewed from the public footpath between North Dane Way and Shawstead Farm Lane.

Allocations LW8 and LW4 appear to be late additions as they are not specifically included in the Transport Modelling evidence base that is very much focussed on the A228 Hoo/Grain corridor.

The M2 junction 4 improvements are shown to be overloaded in the design year. There are serious design, viability and deliverability issues with the proposed alterations and 'improvements' at junction 4 and it appears very unlikely that it can be constructed within land under the landowner's control. It is also important to note that this junction improvement does not form part of either the Maidstone or Medway local plan Allocations. The lack of adequate road infrastructure will obviously result in unacceptable additional traffic flows in the villages of Boxley and Bredhurst.

The addition of a further 4000 houses added to the 2000 houses and Business Park at Lidsing is unlikely to be workable or acceptable to Highways England. Both Local Plans in this area are almost completely dependent on the effective and timely delivery the M2 junction 4 improvement scheme. Development should not be included if it cannot be supported by appropriate or tested infrastructure.

The Concept Plan in particular is very weak with no indication of how the Mill Fields would link onto the Strategic Road Network or any continuity to the “green corridors”

The second key infrastructure objection relates to lack of any policy to provide for a development funding agreement to Medway Hospital. The hospital is clearly in need of urgent improvements to cater for existing and future residents. There is no evidence of any agreement with the Local Health Trust to deal with the overall housing numbers in the draft Local Plan

We respectfully request that the Planning Inspector recommend modification or removal of the Capstone Valley allocation from the final Local Plan.

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

We strongly urge Medway Council to:

- Remove or substantially reduce the housing allocation in Capstone Valley
- Reassess brownfield regeneration capacity within urban Chatham, Gillingham, and Rochester
- Focus future development in more sustainable, infrastructure-rich locations
- Formally engage with Maidstone Borough Council and Boxley Parish on cumulative impacts

**Please note** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

**After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.**

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

☐

~~No, I do not wish to participate in hearing session(s)~~

☒

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Boxley Parish Council wishes to appear at the **Examination in Public** (EiP) to present oral evidence in relation to:

- Capstone Valley allocation
- Cross-boundary infrastructure and environmental impacts
- The failure of the Plan to align with strategic spatial principles and environmental protections

***Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.***

**For details of our data privacy policy please see:**

<https://www.medway.gov.uk/info/200133/planning/714/planning-service-privacy-statement>



## Model Representation Form for Local Plans



### Local Plan Publication Stage Representation Form

Ref:

(For  
official  
use only)

Name of the Local Plan to which this  
representation relates:

Medway Local Plan

Please return to Medway Council Planning Service by 11<sup>th</sup> August 2025

Email: [planning.policy@medway.gov.uk](mailto:planning.policy@medway.gov.uk) or post to:

Planning Policy, Medway Council, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

### Part A

#### 1. Personal Details\*

*\*If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

#### 2. Agent's Details (if applicable)

Title	<input type="text" value="Mrs"/>	<input type="text"/>
First Name	<input type="text" value="Melanie"/>	<input type="text"/>
Last Name	<input type="text" value="Fooks"/>	<input type="text"/>
Job Title (where relevant)	<input type="text" value="Clerk &amp; RFO"/>	<input type="text"/>
Organisation (where relevant)	<input type="text" value="Bredhurst Parish Council"/>	<input type="text"/>
Address Line 1	<input type="text" value=""/>	<input type="text"/>
Line 2	<input type="text" value=""/>	<input type="text"/>
Line 3	<input type="text" value=""/>	<input type="text"/>
Line 4	<input type="text" value=""/>	<input type="text"/>
Post Code	<input type="text" value="ME7"/>	<input type="text"/>
Telephone Number	<input type="text" value=""/>	<input type="text"/>
E-mail Address (where relevant)	<input type="text" value=""/>	<input type="text"/>

---

## Part B – Please use a separate sheet for each representation

---

Name or Organisation: Bredhurst Parish Council

3. To which part of the Local Plan does this representation relate?

Paragraph  Policy  Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input type="text"/>	No	<input checked="" type="text"/>
4.(2) Sound	Yes	<input type="text"/>	No	<input checked="" type="text"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="text"/>	No	<input checked="" type="text"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

**Bredhurst Parish Council welcomes the chance to comment but has serious concerns about legal compliance, soundness, and cross-boundary impacts of the Plan.**

**Duty to Co-operate**

- Medway has not demonstrated how unmet housing need from neighbouring authorities will be addressed, nor provided evidence it can meet its own need without adverse impacts.
- Limited collaboration with adjacent authorities (e.g., Maidstone BC) on housing, transport, environment, and health.
- Transport impacts on the A229 and M2 junctions already under pressure have not been fully assessed.
- Environmental cooperation is inadequate, particularly near the Kent Downs National Landscape and ancient woodland.
- The Duty to Co-operate Statement lacks clear evidence of outcomes.

**Soundness – Capstone Valley Allocation**

We object to large-scale residential development in Capstone Valley due to:

1. **Not Justified** – Long-recognised strategic landscape and ecological value; no credible reason for reversing past protection.
2. **Not Effective** – Reliance on major infrastructure (roads, public transport, schools, health) without clear deliverability or funding.
3. **Not Consistent with National Policy** – Conflicts with NPPF requirements to protect valued landscapes, safeguard biodiversity, and promote sustainable locations.

#### **Environmental & Technical Concerns**

- Air quality along A229/M2 already poor; development would worsen it.
- Risk of flooding, biodiversity loss, and landscape harm.
- Increased traffic in Bredhurst and Boxley.

#### **Specific Site Concerns**

- LW8 Millfields Fields and LW4 Shawstead Farm would damage green corridors, habitats, and scenic views.
- Both sites appear absent from transport modelling.
- M2 J4 improvement scheme is unviable as proposed; both Medway and Maidstone plans rely heavily on it.
- No policy or funding mechanism for required Medway Hospital improvements.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

#### **Recommendations**

- Remove or reduce Capstone Valley housing allocation.
- Prioritise brownfield regeneration in Chatham, Gillingham, Rochester.
- Focus growth in sustainable, infrastructure-rich areas.
- Strengthen cross-boundary collaboration with Maidstone BC, Boxley and Bredhurst Parishes.

(Continue on a separate sheet /expand box if necessary)

*Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

*After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.*

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

☐

**No**, I do not wish to participate in hearing session(s)

☒

**Yes**, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

#### **Hearing Request**

We wish to appear at the Examination in Public to present evidence on

- Capstone Valley allocation
- cross-boundary impacts, and
- strategic/environmental compliance.

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

**For details of our data privacy policy please see:**

<https://www.medway.gov.uk/info/200133/planning/714/planning-service-privacy-statement>





## Allhallows Parish Council

. ME3

[www.allhallowskent-pc.gov.uk](http://www.allhallowskent-pc.gov.uk)

### **Submission under the Town and Country Planning (Local Planning) (England) Regulations 2012**

On behalf of Allhallows Parish Council, we appreciate the opportunity to comment on the Local Plan as part of the Regulation 19 consultation process. Our response has been prepared with careful regard to the statutory requirements and the broader objectives underpinning effective, sustainable plan-making. We acknowledge the importance of this stage in shaping future development, infrastructure, and community wellbeing within the local authority area.

Our submission is structured to address both the soundness and legal compliance of the proposed Local Plan. Drawing on relevant evidence, policy context, and local insight, we set out detailed representations on key matters where we believe the Plan can be strengthened to better serve the needs of all stakeholders.

We welcome the publication of the Local Plan after over 20 years of uncertainty and previous attempts to update the plan led to their withdrawal at the final stages. The National Planning Policy Framework (NPPF) changes have meant that housing requirements for a Local Plan area have changed throughout its preparation and the addition of required rate of building have put pressure on the Local Plan area and led to developers putting forward proposals in areas that have significant impacts on the local area.

Developments in the parish council area have led to significant disruption over a prolonged period with road closures and other traffic management restrictions (Turners Group – Kingsmead Park extension and British Pilot). These developments were allowed based on community infrastructure improvements but after prolonged development have failed to deliver the community facilities identified in their planning applications):

**British Pilot (loss of last village pub, open to all)** provision of additional supermarket not delivered.  
**Kingsmead extension (loss of golf course)** provision of significant s106 contribution to provide an extension to the Cross Park Pavilion (Community facility for new and existing residents, planning permission granted and extensive costs arisen). Development is now on a reduced scale and S106 payment release points are unlikely to be reached.

The development of Haven (Kent Coast holiday park) now has a peak summer population of 10,000. Although this has meant some summertime employment, the impact on the road network is severe and access local residential policies impacted. There is no Local Plan reference to the site and its impacts.

### **Local Plan Response to Regulation 19**

#### *Formal Representation and Key Considerations*

##### **Introduction**

This document presents a formal response to the Local Plan under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Regulation 19 marks a critical stage in the Local Plan process, where the proposed submission version of the Plan is published for public consultation before being submitted to the Secretary of State for independent examination. The purpose of this response is to provide considered representations on the Plan's soundness and legal compliance, ensuring that it aligns with national policy and meets the needs of local communities.

##### **Background: Understanding Regulation 19**

Regulation 19 is an essential part of the plan-making process. At this stage, Local Planning Authorities invite stakeholders—including residents, community organisations, developers, landowners, and statutory bodies—to comment on the final draft of the Local Plan. The focus is on whether the Plan is "sound" as defined by the National Planning Policy Framework (NPPF) and whether it has been prepared in accordance with legal and procedural requirements. The tests of soundness include whether the Plan is:

- Positively prepared.
- Justified
- Effective
- Consistent with national policy

## 1. Legal Compliance

A Local Plan must be prepared in accordance with relevant legislation, including the 2004 Planning and Compulsory Purchase Act and the 2012 Regulations. Key points of legal compliance include:

- Proper consultation at all stages
- Sustainability Appraisal and Strategic Environmental Assessment
- Compliance with the Duty to Cooperate with neighbouring authorities and statutory bodies.
- Consideration of equalities and human rights

We acknowledge the Legal Compliance of the Medway Local Plan 2041, although consultation at Regulation 19 has been reduced to a minimum and not allowed full investigation of significant changes that were introduced for the first time at this stage.

## 2. Soundness

The Plan must be:

- **Positively prepared:** Based on a strategy that meets objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring areas.
- **Justified:** Founded on a robust and credible evidence base, considering reasonable alternatives, and the most appropriate strategy when judged against the alternatives.
- **Effective:** Deliverable over the plan period, with clear mechanisms for implementation and monitoring, and flexible enough to adapt to changing circumstances.
- **Consistent with national policy:** In line with the NPPF and capable of delivering sustainable development.

We recognised that the plan still has missing evidence-based documentation that will need to be completed before the submission to the planning inspector, we have been assured by the Medway Local Plan team that this will be done, although not available at Regulation 19.

### Regulation 19 Response

- The delay in adoption of the Local Plan has led to uncertainty and concern to residents. A development bordered by Binney Road/Stoke Road (Allhallows), 350 dwellings, has led to some concern regarding local impacts. Pre-planning consultation has been carried out, but we welcome the lack of site allocation in the Plan. **Policy T11 Small sites and SMR housebuilders** identifies a threshold of 60-units and other applicable criteria.

- **Transport Policies**

The proposed commercial/employment developments at Kingsnorth and Grain alongside the proposed housing expansion of Hoo, Chattenden and High Halstow will lead to further congestion on the Four Elms Hill/Roundabout – the only practical road access to the Hoo Peninsula, The geographical location of this junction and the layout of the Wainscott Northern Bypass severely limits to scope to increase the capacity of this junction (eg. Flyover for traffic to/from Medway Tunnel). Local Plan Vision for a Bus Rapid Transit Corridor are lacking detail and will use the same road junction.

Policies DM17 Grain Branch and the extension of the use of the existing freight line with potential for a passenger station are welcome but no indication of funding or timescales appear to be identified. The acquisition of battery capable trains by South Eastern in 2027 does reduce the cost of bringing this line into passenger use – station/transport hub development will be required. There will need to be significant retail development to reduce the need to travel into the Medway Towns for main shopping (Policy SA8: Hoo St Werburgh and Chattenden).

There have been discussions in recent years about the provision of a Transport Hub for the Hoo Peninsula – there appears to be little specific policy and site allocation to support this, only limited to the potential use of the freight line for passenger traffic.

- We support the environmental policies and objectives of the plan.
- The Parish Council would wish to participate at the examination.



## **Regulation 19 Local Plan Consultation Response**

### ***Submission under the Town and Country Planning (Local Planning) (England) Regulations 2012***

On behalf of Cliffe and Cliffe Woods Parish Council, we appreciate the opportunity to comment on the Local Plan as part of the Regulation 19 consultation process. Our response has been prepared with careful regard to the statutory requirements and the broader objectives underpinning effective, sustainable plan-making. We acknowledge the importance of this stage in shaping future development, infrastructure, and community wellbeing within the local authority area.

Our submission is structured to address both the soundness and legal compliance of the proposed Local Plan. Drawing on relevant evidence, policy context, and local insight, we set out detailed representations on key matters where we believe the Plan can be strengthened to better serve the needs of all stakeholders.

We welcome the publication of the Local Plan after over 20 years of uncertainty and previous attempts to update the plan led to their withdrawal at the final stages. The National Planning Policy Framework (NPPF) changes have meant that housing requirements for a Local Plan area have changed throughout its preparation and the addition of required rate of building have put pressure on the Local Plan area and led to developers putting forward proposals in areas that would otherwise have conflicted with Neighbourhood Plan Policies (Cliffe and Cliffe Woods Neighbourhood Plan adopted in May 2023) that had overwhelming support in a local referendum.

Developments in the parish council area have led to significant disruption over a prolonged period with road closures and other traffic management restrictions. These developments have led to minimal community infrastructure improvements as the pressure to meet housing requirements has overridden the need to fill gaps in local community facilities or even the full assessment of needs as identified in the Neighbourhood Plan.

## **Local Plan Response to Regulation 19**

### ***Formal Representation and Key Considerations***

#### **Introduction**

This document presents a formal response to the Local Plan under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Regulation 19 marks a critical stage in the Local Plan process, where the proposed submission version of the Plan is published for public consultation before being submitted to the Secretary of State for independent examination. The purpose of this response is to provide considered representations on the Plan's soundness and legal compliance, ensuring that it aligns with national policy and meets the needs of local communities.

#### **Background: Understanding Regulation 19**

Regulation 19 is an essential part of the plan-making process. At this stage, Local Planning Authorities invite stakeholders—including residents, community organisations, developers, landowners, and statutory bodies—to comment on the final draft of the Local Plan. The focus is on whether the Plan is "sound" as defined by the National Planning Policy Framework (NPPF) and whether it has been prepared in accordance with legal and procedural requirements. The tests of soundness include whether the Plan is:

- Positively prepared.
- Justified
- Effective
- Consistent with national policy

## 1. Legal Compliance

A Local Plan must be prepared in accordance with relevant legislation, including the 2004 Planning and Compulsory Purchase Act and the 2012 Regulations. Key points of legal compliance include:

- Proper consultation at all stages
- Sustainability Appraisal and Strategic Environmental Assessment
- Compliance with the Duty to Cooperate with neighbouring authorities and statutory bodies.
- Consideration of equalities and human rights

We acknowledge the Legal Compliance of the Medway Local Plan 2041, although consultation at Regulation 19 has been reduced to a minimum and not allowed full investigation of significant changes that were introduced for the first time at this stage.

## 2. Soundness

The Plan must be:

- Positively prepared: Based on a strategy that meets objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring areas.
- Justified: Founded on a robust and credible evidence base, considering reasonable alternatives, and the most appropriate strategy when judged against the alternatives.
- Effective: Deliverable over the plan period, with clear mechanisms for implementation and monitoring, and flexible enough to adapt to changing circumstances.
- Consistent with national policy: In line with the NPPF and capable of delivering sustainable development.

We recognised that the plan still has missing evidence-based documentation that will need to be completed before the submission to the planning inspector, we have been assured by the Medway Local Plan team that this will be done, although not available at Regulation 19.

### Regulation 19 Response

- The delay in adoption of the Local Plan has led to uncertainty and concern to local residents. Developments to the west of Town Road, south of View Road in Cliffe Woods and just some of the Trenport land in Cliffe (East and West of Church Street) have failed to meet local requirements and contributed very little to the local community infrastructure whilst adding further pressures on the traffic problems (at peak times) locally and at the A289 junction with the B2000 and the Four Elms Roadabout (Hoo Peninsula, Medway Tunnel etc.)
- The policy adopted for the Local Plan at previous stages has assumed that the parish council area is part of the Hoo Peninsula, but is geographically separated from the core peninsula by local roads (Wainscott, Hollywood Road and a minor, congested part of the Four Elms Roundabout), The policy has been to concentrate community facilities on the Hoo St Werburgh area, but this of little use for our local parish area. There is no public transport links, apart from school buses and relies on the use of the private car on roads that already suffer congestion. This has led to further car-based developments in our area, that already suffers as a consequence.
- We support the environmental policies and objectives of the plan but note that a reduced buffer zone was allowed on the western boundary of the SSSI Chattenden Woods in Cliffe Woods from adjacent developments. The opportunity to extend Public Rights of Way on developments to the south of Cliffe Woods was missed.
- There is still pending details of the Trenport (East and West of Church Street, Cliffe including the proposed relocation of the APCM sports field), addition of additional land at Cliffe Woods (SR4, erroneously described as North Little Church Road, West of Town Road, Cliffe Woods) for up to 130 new homes early in the Local Plan period (year 1-5) should not be included at this stage, there has been no pre-planning discussion with the parish council/neighbourhood plan area. Neighbourhood Policies (that was the most recent public referendum) that apply to this site include: -
  - POLICY SUSDEV5: Infrastructure Sufficiency Statements)



- POLICY H1: Housing on Greenfield Sites
- POLICYH3: Rural Exception sites
- And others
- Suggested modification – delete site SR4.
- The Parish Council would wish to participate at the examination.

Cllr Chris Fribbins, Chair Planning Committee Cliffe and Cliffe Woods Parish Council

# HALLING PARISH COUNCIL

The Community Centre, High Street, Lower Halling, Rochester, Kent. ME2 1BS

Clerk: Mr C Fribbins Telephone [REDACTED]

Email: [REDACTED]

Website [www.halling-pc.gov.uk](http://www.halling-pc.gov.uk)

Assistant Clerk Mr N Miners



## **Regulation 19 Local Plan Consultation Response**

### *Submission under the Town and Country Planning (Local Planning) (England) Regulations 2012*

On behalf of Halling Parish Council, we appreciate the opportunity to comment on the Local Plan as part of the Regulation 19 consultation process. Our response has been prepared with careful regard to the statutory requirements and the broader objectives underpinning effective, sustainable plan-making. We acknowledge the importance of this stage in shaping future development, infrastructure, and community wellbeing within the local authority area.

Our submission is structured to address both the soundness and legal compliance of the proposed Local Plan. Drawing on relevant evidence, policy context, and local insight, we set out detailed representations on key matters where we believe the Plan can be strengthened to better serve the needs of all stakeholders.

We welcome the publication of the Local Plan after over 20 years of uncertainty and previous attempts to update the plan led to their withdrawal at the final stages. The National Planning Policy Framework (NPPF) changes have meant that housing requirements for a Local Plan area have changed throughout its preparation and the addition of required rate of building have put pressure on the Local Plan area and left the area open to developers putting forward proposals.

Developments in the parish council area have led to significant disruption over a prolonged period with road closures and other traffic management restrictions. These developments have led to minimal community infrastructure improvements as the pressure to meet housing requirements has overridden the need to fill gaps in local community facilities or even the full assessment of needs as identified in the Neighbourhood Plan.

## **Local Plan Response to Regulation 19**

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#### **Introduction**

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Regulation 19 is an essential part of the plan-making process. At this stage, Local Planning Authorities invite stakeholders—including residents, community organisations, developers, landowners, and statutory bodies—to comment on the final draft of the Local Plan. The focus is on whether the Plan is "sound" as defined by the National Planning Policy Framework (NPPF) and whether it has been prepared in accordance with legal and procedural requirements. The tests of soundness include whether the Plan is:

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- Justified
- Effective

- Consistent with national policy

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- Compliance with the Duty to Cooperate with neighbouring authorities and statutory bodies.
- Consideration of equalities and human rights

We acknowledge the Legal Compliance of the Medway Local Plan 2041, although consultation at Regulation 19 has been reduced to a minimum and not allowed full investigation of significant changes that were introduced for the first time at this stage.

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- Effective: Deliverable over the plan period, with clear mechanisms for implementation and monitoring, and flexible enough to adapt to changing circumstances.
- Consistent with national policy: In line with the NPPF and capable of delivering sustainable development.

We recognised that the plan still has missing evidence-based documentation that will need to be completed before the submission to the planning inspector, we have been assured by the Medway Local Plan team that this will be done, although not available at Regulation 19.

### Regulation 19 Response

- The delay in adoption of the Local Plan has led to uncertainty and concern to local residents. Traffic issues and lack of parking on our main streets have been an issue.
- We note there are no housing allocations in the parish, but may still be affected by developments in Tonbridge and Malling/Snodland and will need to monitor that situation.
- There is also significant pressure on the A228 through our parish and additional pressures are expected following the development and operation of the Lower Thames Crossing and any major works on Bluebell Hill which are likely to have a major impact on our parish.
- In addition to the North Downs National Landscape to the west/north/south and welcome the protection in the Local Plan. We also have the Halling Marshes to the East, down to the River Medway which, although covered within the environmental sensitive areas (Sites of Special Scientific Interest (SSSI) are also worthy of specific mention and protection.
- We support the environmental policies and objectives of the plan.
- The Parish Council would wish to participate at the examination if necessary at that time.

Chris Fribbins, Clerk, Halling Parish Council

**From:** [REDACTED]  
**To:** [policy\\_planning](#)  
**Cc:** [REDACTED]  
**Subject:** Formal Representation on Medway Local Plan 2041 from Princes Park Ward Councillors  
**Date:** 11 August 2025 20:09:32

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Dear Sir/Madam,

## **Formal Representation on Medway Local Plan 2041 from Princes Park Ward Councillors**

We write as the elected ward councillors for Princes Park to submit our formal representation on the Medway Local Plan 2041 (Regulation 19 consultation), specifically in relation to paragraph 14.8 – Capstone Valley.

It is our view that the Local Plan is neither legally compliant nor sound in respect of the proposed development in Capstone Valley and its impact on Princes Park ward for the following reasons:

### **1. Loss of one of the last remaining areas of untouched farmland and open countryside in Medway**

Capstone Valley is widely regarded as the ‘green lung’ of our towns, providing a vital natural buffer between Chatham, Lordswood, Hempstead, and Princes Park. The proposed large-scale development will irreversibly destroy this landscape, contrary to the plan’s own stated aims of protecting green infrastructure.

### **2. Severe impact on the character and quality of life in Princes Park**

The development site borders our ward and will lead to significant changes in its setting. Princes Park currently benefits from the open, rural outlook of Capstone Valley, which offers walking routes, wildlife habitats, and a break from the urban environment. This will be lost permanently if the proposal proceeds.

### **3. Lack of infrastructure to support additional housing**

The plan fails to demonstrate that there will be adequate transport, healthcare, education, and community facilities to accommodate the increased population. Local roads are already at capacity, and public transport links are poor. The additional traffic will exacerbate congestion, pollution, and safety concerns.

### **4. Failure to meet legal compliance requirements for evidence and consultation**

We have serious concerns that the infrastructure evidence base is inadequate and does not reflect the cumulative impacts of other planned developments across Medway. Consultation with affected communities in Princes Park has been limited and does not meet the spirit of early and meaningful engagement required under the Local Plan regulations.

### **5. Contradiction with national policy objectives on climate change and biodiversity**

The proposed development will destroy habitats, reduce biodiversity, and increase carbon emissions through loss of natural carbon sinks, directly conflicting with the National Planning Policy Framework (NPPF) guidance on sustainable development.



**Requested Modifications:**

- Remove Capstone Valley from the list of proposed development sites and designate it as a protected green space in recognition of its environmental, health, and amenity value.
- Conduct a full and transparent infrastructure capacity study for Princes Park and surrounding wards before allocating any additional housing sites.
- Undertake genuine community engagement with Princes Park residents to identify suitable, sustainable development options.
- Update the Local Plan to prioritise brownfield development and urban regeneration before considering the loss of high-quality agricultural and greenfield land.

We request the opportunity to participate in the examination hearing sessions to represent the views of Princes Park residents directly, as this issue will fundamentally and permanently affect our community.

Yours faithfully,

Cllr Alex Hyne  
Cllr Robbie Lammas

Princes Park Ward Councillors  
Medway Council



## **Frindsbury Extra Parish Council Representation in response to Medway Council's Regulation 19 pre-submission draft Local Plan.**

Dear Local Planning Authority,

Frindsbury Extra Parish Council (FEPC) writes on behalf of the communities of Wainscott, Frindsbury, and Upnor in response to the draft Local Plan consultation and wishes for our representation to be passed to the Independent Inspector when the plan is submitted. We would also like to express our wish to participate in any future hearing sessions.

The Parish Council acknowledges the importance of Medway Council adopting a comprehensive Local Plan and, in principle, supports the development of such a framework. However, in its current form, the draft raises significant concerns in several key areas including housing provision, infrastructure funding, healthcare capacity, air quality, highways, and education. These unresolved issues call into question whether the plan is legally compliant and whether it can be considered 'sound'.

Noted below are sections of the Local Plan the Parish Council feel are not legally compliant or sound and wish for our representations to be considered.

### **Funding**

Upon reviewing the overall Regulation 19 proposal, it is evident that significant early-stage capital investment will be required to deliver the necessary infrastructure, educational, and community facilities to support the development. However, the plan lacks clarity regarding how and where these essential funds will be sourced.

While it is apparent that housing development will rely on Section 106 contributions, this alone will be insufficient. Assuming a contribution of £20,000 per housing unit, the total secured through Section 106 could be approximately £490 million. This figure falls substantially short of what is required to deliver the full scope of infrastructure needed for the Hoo Peninsula and surrounding areas. Furthermore, there is little information on how other development proposals will be funded.

The plan relies heavily on ongoing discussions between Medway Council and central government to secure funding for infrastructure, highways, education, and community services. However, given the current economic climate, there is no guarantee that central government will commit the necessary financial support. Moreover, Medway Council is not in a financial position to forward-fund the critical infrastructure required to enable both existing and proposed housing and employment allocations, which are essential to delivering a sustainable and viable environment.

In conclusion, the delivery of housing over a 15-year period means that Section 106 funding will be delayed and will not be available in time to support the early delivery of key infrastructure. In the absence of a clear and committed funding strategy, the plan cannot be considered sound or deliverable.

### **14.7 Strood West**

This proposal to turn green belt land into a housing development appears to be advanced on the assumption that Gravesham Borough Council will bring forward regarding Chapter Farm, land that sits in

Gravesham to the west of Gravesend Road as a residential development allocation, thereby justifying the release of adjoining Green Belt land. However, residents of Medway have contacted Gravesham councillors seeking clarification on the status of Chapter Farm, and in most cases have been informed that no final decision has been made and that the allocation is unlikely to proceed.

Given the current uncertainty, Frindsbury Extra Parish Council strongly recommends that until such time as Gravesham formally allocates Chapter Farm for development, the adjacent land within Medway should continue to be considered as serving a significant Green Belt function and be afforded full protection from development. The land within the Medway Council boundary is Grade 1 agricultural land and thus pursuing this site allocation without first looking for alternative sites, that are lower grade agricultural land or brownfield sites is a **contradiction the council's own Policy T14**.

Should Gravesham Council proceed with the allocation of Chapter Farm, and the proposed West Strood development also come forward, the Parish Council would expect to see substantial and deliverable highway infrastructure improvements as a precondition. Specifically, this includes major enhancements to the junction of the B2000 and the Wainscott Bypass, including the delivery of both an on-slip and off-slip road to and from the Medway Tunnel and the A2. These improvements are essential to prevent further traffic congestion and reduce the risk of “rat running” along Hollywood Lane—a route that has already been the site of serious accidents, including fatalities.

In addition to the above, the Parish would seek meaningful investment in local community infrastructure, including the provision of:

- New or enhanced playing pitches and recreational facilities such as a sports centre.
- Allotments and publicly accessible green spaces
- A new primary, secondary and Special Needs Provision which is severely lacking in the area.
- A full-time GP surgery, which is currently lacking in the Parish and will become critical as the local population grows

Although policy SA6 does mention the implementation of a primary and secondary provision no timeline has been given and given the current lack of school spaces in the Parish this would need implementing before any housing is considered. The Parish Council has approached local schools such as Wainscott Primary and Maritime Academy who have both confirmed they are at capacity every year for year 7, with Maritime having to take on an extra 60 pupils in the last year which they have confirmed they will not be able to accommodate again going forward. The Secondary provision will have to be large enough as villages such as Cliffe Woods and Cliffe will also need to be accommodated for as this would be their nearest secondary option as those children are currently being turned away from Maritime Academy due to distance, but it is their nearest secondary and the school being at capacity from local children in Strood and Wainscott. Also, no additional special needs provisions have been mentioned. The only local authority secondary special needs provision this side of the river Medway is Abbey Court but this provision is mainly for those with severe learning difficulties or profound multiple learning difficulties. A primary and secondary special needs provision is desperately needed in the area.

Finally, in accordance with the aspirations of this Local Plan, any development on this site must be of a high design quality and of a scale and density that is sensitive to its edge-of-countryside setting.

#### **14.14 Frindsbury Peninsula Opportunity Area**

Frindsbury Peninsula Opportunity area is located on the current Medway City Estate. Proposing to change from a business estate to establish a mixed-use regeneration area is noted, the proposed timescales towards the end of the Local Plan period are concerning. This prolonged horizon will likely leave existing businesses in a prolonged state of uncertainty, discouraging much-needed investment in both business operations and premises over the next 10 to 15 years.

In order for this proposal to have any realistic prospect of success, a far more significant catalyst will be required than the redevelopment of the Veetee sites alone. The scale of investment needed would demand substantial public sector funding either directly through Medway Council or a dedicated development corporation. However, given current financial constraints, it appears highly unlikely that Medway Council would be able to act as the principal driver of such a complex regeneration scheme.

Furthermore, the scale and location of the Hoo Peninsula may not meet the threshold required for government intervention through a national development corporation.

It has been suggested that Kingsnorth in Hoo, off the Four Elms Hill could serve as an alternative relocation site for displaced businesses. However, this location presents a number of disadvantages, including inadequate transport infrastructure, poor public transport links, poor air quality area and a relative disconnect from the main urban centres of the Medway Towns.

While parts of the existing estate may appear dated, it supports a wide range of business units and diverse uses, providing affordable premises for both established firms and new start-ups. These businesses make a valuable contribution to the local economy and benefit from proximity to the urban area, workforce, and customers.

There is also concern as no local facilities such as nurseries, schools or healthcare facilities have been mentioned in the document or policy SA13. Local schools such as Wainscott Primary and Maritime Academy have both confirmed to the Parish Council they are at capacity year on year with Maritime even taking on an extra 60 pupils in the last year which they have confirmed they will not be able to accommodate again going forward.

Frindsbury Extra Parish Council is therefore concerned that, without a clear, well-funded delivery framework and suitable relocation alternatives, this regeneration proposal risks displacing viable businesses, undermining local economic resilience, and leaving the area in prolonged decline. Should the council still want to pursue this policy then it is our view that the change of use to residential should start adjacent existing residential areas in Strood and Frindsbury in order to prevent ghettoisation. Thus, site allocations for residential areas should be better identified on the Urban Core Policy Map, showing an evolutionary change over the period of the Local Plan.

## **9 Transport**

Neither the Infrastructure Delivery Plan (IDP) nor the Strategic Transport Assessment (STA) have been supplied as part of the consultation. Thus, it is difficult to make precise criticisms as there is not the information made available to do so. Again, it is not possible to critique the mitigation strategy, as we await the outcome of the Medway-wide Monitor and Manage Mitigation Strategy.

The two policy maps, the North West Policy Map and South West Policy Map, do not show future infrastructure plans, particularly upgrades to highways. This of particular concern as the A289 passes through FEPC, almost circumventing Wainscott. The dual carriageway is a vital east-west route north of Medway's main conurbations. The three roundabouts on the A289 within FEPC are regularly over capacitated at peak times. The traffic flows at these roundabouts needs to be improved, this would also assist in lowering air pollution. It is extremely disappointing as there have been numerous conversations over recent years for a slip road from the A289 up to A228 Four Elms Hill. Yet all that are shown are two safeguarding areas for future improvement of Four Elms and Sans Pareil roundabouts. However, we believe that the only way to significantly improve Four Elms Roundabout to facilitate current and projected growth, is to construct a grade separated junction. This may need to be also done at the Sans Pareil Roundabout, which does have the advantage of the natural form to permit a grade separated junction.

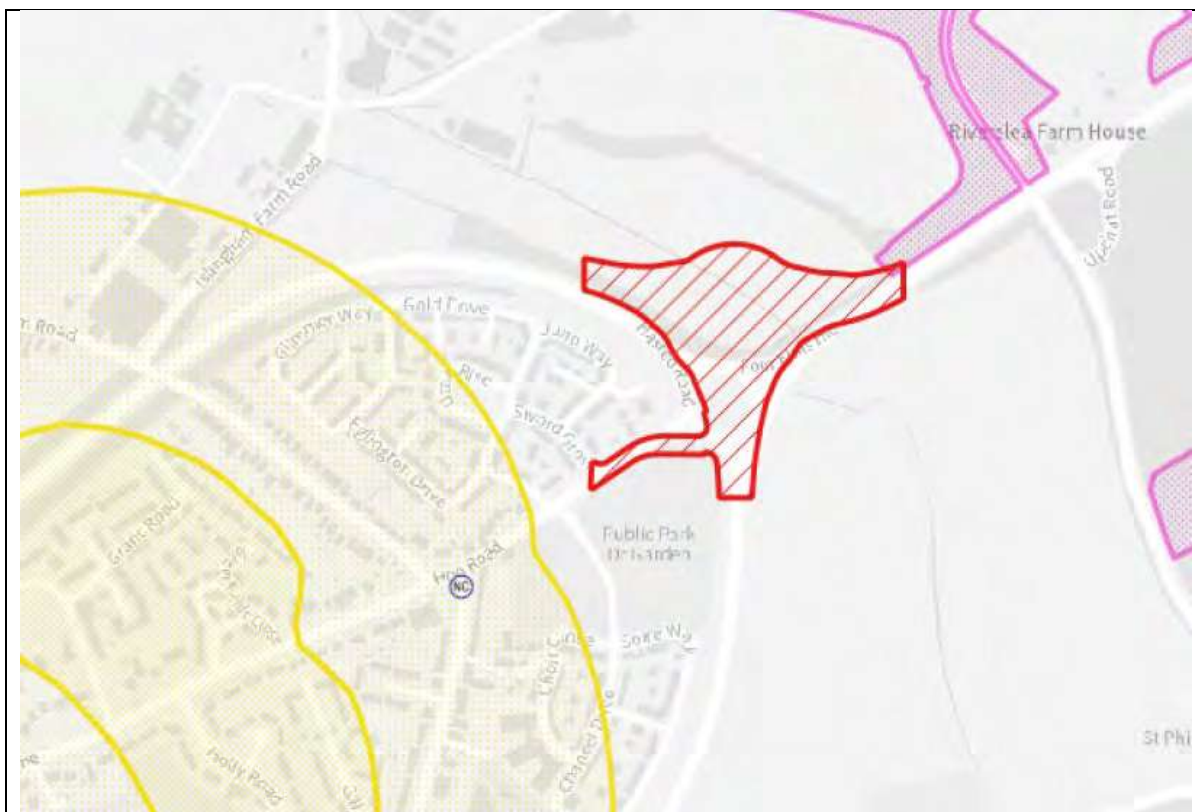
The South West Policy Map covers the more urban part of FEPC, however it does not show cycling routes nor improvements for public transport.

The IDP is mentioned in Policy DM15. The policy described how it is to be funded, but to as to what the plan contains is not available.

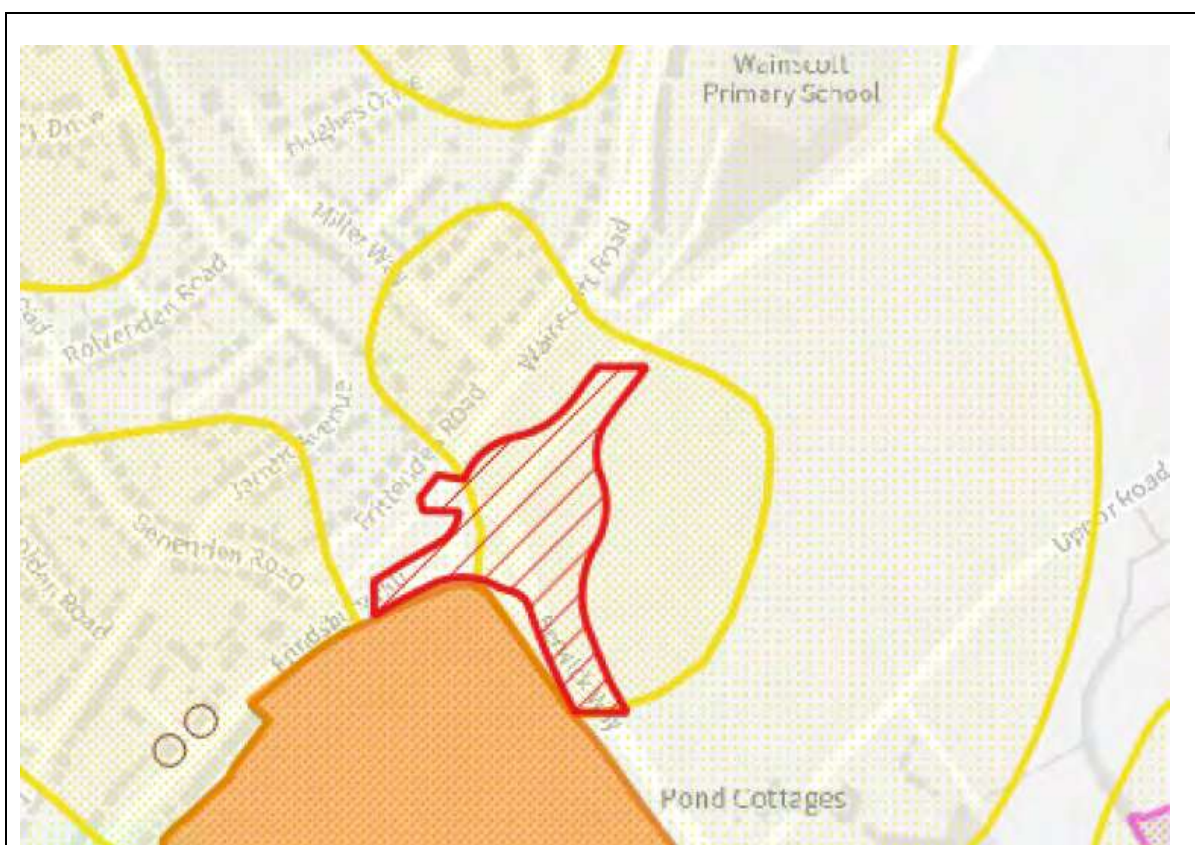
We remain firmly against the proposal to exempt urban centres from the managing and monitoring, as the areas need to comply with all the policies to even be given consideration for exemption.

We support the concept of providing a Bus Rapid Transit corridor, connecting Hoo St Werburgh and Strood town centre.





Extract from North West Policy Map showing the safeguarded area for a future enlarged Four Elms roundabout



Extract from South West Policy Map showing the safeguarded area for a future enlarged Sans Pareil roundabout

We support Policy DM18: Transport Assessments, Transport Statements and Travel Plans, but there needs to be more clarity on how the frameworks are setup and how the milestones are achieved for future projects.

## **10 Health, Communities and Infrastructure**

The National Planning Policy Framework, a keystone in local plan development, addresses issues which a Local Authority must consider meeting the on-going health needs of the community. Of relevance from the policy document:

- Planning Policies and decision should aim to achieve healthy and safe places (p96)
- To ensure faster delivery of health infrastructure local planning authorities should work proactively with promoter, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues **before applications are made.**

Healthcare Infrastructure is an essential component of the Local Plan development, ensuring that new developments are supported by adequate healthcare facilities. Frindsbury Extra Parish Council are proactive in communicating with residents on many issues. We are currently drafting our Neighbourhood Plan. During these engagements the primary concern of our community is healthcare provision, mainly having only one hospital serving Medway and Swale. It is therefore with interest we have read Medway Infrastructure Delivery Plan specifically Section 3.5 Health and Social Care. In this it is stated that NHS Kent and Medway are currently undertaking a review of the proposed Local Plan growth in order to assess the impact on primary, community and acute healthcare. We would have expected this review to be available at this point in the consultation to shape the ongoing plan.

We would have also liked to see results on engagement direct with the PCN's as these consist of clinicians across the healthcare systems who can offer invaluable advice into community needs and how development is likely to affect them.

Other healthcare providers include Kent and Medway NHS and social care partnership trust. This trust provides a wide range of adult mental health and disability learning services for Medway residents. It is worth noting that whilst Medway residents use these services they must travel out of Medway to use them because they have no locations in within Medway. There is no increased provision or locations for social care in the plan.

Finally and most importantly Medway NHS Acute trust have themselves stated in the Medway Infrastructure Delivery Plan PG 63 states:

“Acute services are currently delivered from Medway Maritime Hospital in Gillingham, which serves Medway and some residents of Swale. Services are currently stretched and the **anticipated increase in the local population of both Medway and Swale will not be able to be accommodated within the existing infrastructure.**”

There is nothing in this plan to mitigate this, or any of the other issues raised. Measures need to be put in place for the safety of current and future residents specifically in allocating a site for a second hospital for Medway and Swale which is desperately needed.

### **4.3 Conservation and enhancement of the natural environment and 4.4 Sites of international importance for nature conservation**

The Parish Council was very disappointed that an extremely important and rare site is missing from the local plan document. A chalk stream which runs from Chattenden Woods down through Upnor and into the River Medway. There are just over 200 in the world. England has 98% of them and the other 2% are found in France which shares our chalk-based geology. Chalk streams are recognised by the World Wide Fund for Nature (UK) as having high conservation value.

The stream rises from a spring in Chattenden Woods, flowing from the junction of the clay beds then flowing over the chalk bedrock through Islingham Farm under Four Elms Hill dual carriageway, adjacent west side of Upnor and finally into White Wall Creek.

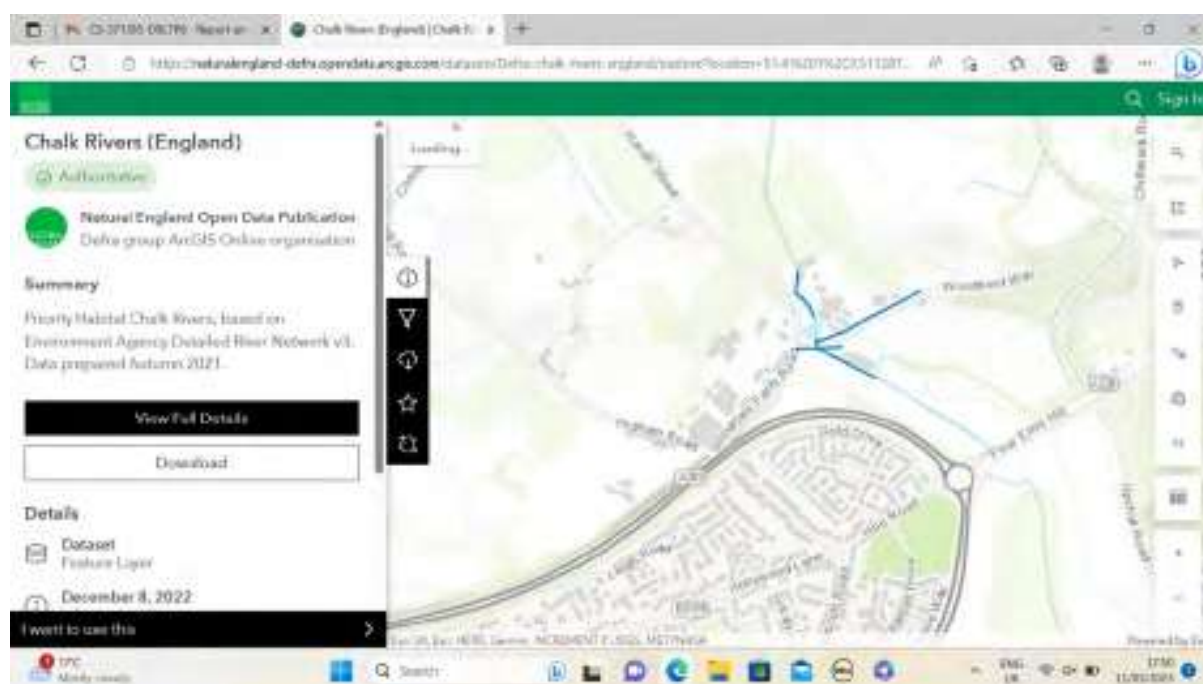
The Parish Council has been looking at how it could increase its profile within the community and promote local interest vital for its preservation. Any further developments close to the stream could damage or even destroy this unique habitat. The Parish worked alongside University of Greenwich to survey the lower part of the river. The study formed part one of their student's project for her degree course. The stream has not been subject to much conservation, only some removal of overgrowth when it has restricted its flow. Even this has damaged the riverbed and removed some of the environment that offers cover for small insect larvae which in turn would support larger animals and birds.

The Parish Council thought it would be worth investigating historical records to see if the stream had a name that was used in the past. The ordinance survey did not record such a name for the stream. There is mention of the stream throughout our local history dating back to Anglo Saxon times, but no name was found. The Parish Council spoke to several local people who grew up in the area including our local MP. There was a surprising response most local people said it was known as the River Wain. The Arethusa Venture centre when it was operating employed local people as its instructors and they regularly surveyed the stream and they too referred to it as the Wain.

The Parish Council contacted the Ordinance Survey and raised a query about the name of the stream. We had a very positive response and within a short time they agreed that they would document our local chalk stream on their maps as the River Wain.

The River Wain now has its own identity. It is also recognised as a chalk stream by Natural England and DEFRA and can now be included in the Local Plan regarding environmental conservation.

Map below showing River Wain has been registered as a chalk stream.



## 4.10 Air Quality

*4.10.1 Clean air is an important factor in human, environmental and ecological health. Medway has areas of good air quality, which should be maintained, and areas with recognised poor air quality, which the Council seeks to improve. Areas of poor air quality are managed and designated by Air Quality Management Areas (AQMAs) to bring pollutant levels below national objectives. The Local Plan's strategic objectives aim to support people to lead healthy lives, and to prepare Medway for a sustainable and green future and managing air quality contributes towards these. The Local Plan recognises that air quality is an important consideration when making decisions with regards to future developments, transport, and pollution control issues.*

Medway Council has acknowledged the existence of poor air quality within designated Air Quality Management Areas (AQMAs); however, it has not provided sufficient detail regarding the severity of the pollution in these areas. According to the World Health Organization's air quality guidelines, the recommended maximum concentrations for nitrogen dioxide (NO<sub>2</sub>) are 25 µg/m<sup>3</sup> for the 24-hour mean and 10 µg/m<sup>3</sup> for the annual mean.

The table below, taken from the Kent Annual Air Quality Report 2024 and reflecting data from January to December 2023, presents annual mean NO<sub>2</sub> levels recorded on roads in and around the Frindsbury Extra Parish Council area. The data demonstrates that recorded levels significantly exceed the WHO

recommended thresholds—often by more than double—raising serious concerns about the health and environmental implications for local residents.

DT ID	X OS Grid Ref (Easting)	Y OS Grid Ref (Northing )	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual Mean: Raw Data
DT12 Frindsbury Road															
DT12	573865	169646	35.2		28.3	34.9		33.7			27.8	27.8		24.0	30.2
DT21 Spire Way															
DT21	574999	170882	23.6	27.0	19.9	22.4		19.7		21.2	19.3	21.2		16.3	21.2
DT22 Joy Lodge Four Elms															
DT22	575488	171616	37.6	37.6	26.0	31.9		27.2		29.7	22.3	42.2		28.3	31.4
DT49 Higham Road															
DT49	574554	171351	32.1		20.7										-
DT50 Higham Road															
DT50	574568	171357	36.6												-
DT51 Benenden Road															
DT51	574521	170426	27.2		25.1										-
DT52 Frittenden															
DT52	574562	170497	28.2												-
DT53 Four Elms Hill															
DT53	575924	171839	51.5			22.7									-
DT54 Four Elms Hill															
DT54	575970	171860	46.5		41.4	41.4		45.7		53.8	43.8				45.4

The proposal to introduce additional residential development in and around the A289 and Four Elms Hill—areas already experiencing dangerously poor air quality—poses a serious risk to the health and wellbeing of both current and future residents. This approach raises significant public health concerns, particularly given the existing exceedances of safe air quality thresholds.

Furthermore, the draft Local Plan and associated policy documents provide insufficient evidence of how Medway Council intends to mitigate the anticipated increase in air pollution, nor is there a clear indication of how such measures would be funded or implemented. This omission is particularly concerning in light of the Council's statutory duties.

Under the Environment Act 1995, local authorities are legally required to review and assess local air quality and take action where national air quality objectives are not being met. Failure to properly assess and mitigate the air quality impacts of proposed development may render the Local Plan unsound under the tests of soundness set out in national planning policy—particularly in terms of "justified," "effective," and "consistent with national policy" criteria.

*4.10.2 Large, potentially polluting developments which generate a significant amount of vehicle movements have the potential to significantly affect air quality. Therefore, air quality impact assessments must be completed and mitigation measures provided, in accordance with local air quality guidance.*

Two large-scale and potentially high-emission developments are proposed within the draft Local Plan—namely at Strood West and Medway City Estate. Both are expected to generate significant additional vehicle movements, which will further degrade air quality in an area already identified as having serious pollution concerns. Despite this, there appears to be no evidence that site-specific air quality assessments have been undertaken as part of the plan-making process.

Frindsbury Extra Parish Council strongly believes that, prior to allocating such sites for development, the localised impact on air quality and public health must be properly assessed. In this instance, the absence of such analysis raises serious concerns about the suitability and viability of these proposed developments within the Parish.

The Medway Air Quality Action Plan 2024 clearly identifies road traffic as the main source of nitrogen dioxide (NO<sub>2</sub>) pollution in the area, particularly from major roads such as the A289 and City Way. While the Action Plan proposes several mitigation measures, including:



- Bus fleet electrification
- Implementation of Medway's Electric Vehicle Strategy
- Transitioning the Council's fleet to low-emission vehicles
- Increased uptake of active travel

None of these measures are likely to sufficiently reduce emissions along the A289 to counteract the cumulative impact of the proposed developments. In particular, a large proportion of the new housing is expected to appeal to commuters travelling to London, yet there is no rail station on the Hoo Peninsula and no confirmed funding for sustainable transport infrastructure. Consequently, new residents will almost certainly rely on private vehicles, further increasing traffic volumes on Four Elms Hill and the A289.

Moreover, the Local Plan does not provide clear or robust evidence of how the proposed mitigation measures will be funded or delivered. Without this, such measures cannot be considered credible or effective and therefore cannot be relied upon to address the additional air quality impacts arising from these developments.

*4.10.6 The Medway Air Quality Action Plan 2015 was adopted in December 2015, and the Four Elms Air Quality Action Plan in 2022. The Medway Air Quality Planning Guidance, 2021 has been prepared to set out the measures which will be taken to help reduce emissions which occur as a result of development proposals. It provides advice for the design and layout of schemes and potential mitigation measures. The guidance applies across the whole borough to improve air quality and avoid worsening air quality in existing AQMAs or resulting in the designation of further AQMAs.*

The Four Elms Air Quality Action Plan (2022) is cited within the draft Local Plan to support projected improvements in air quality and emissions reduction. However, this document is now outdated and relies on mitigation measures that are no longer viable. The assumptions and modelling scenarios within the Action Plan are fundamentally based on infrastructure improvements funded through the Housing Infrastructure Fund (HIF), a project that was quashed by central government in October 2023. As such, the Four Elms AQAP can no longer be considered a reliable or evidence-based foundation for planning policy or for assessing the air quality impacts of proposed development.

The Plan itself explicitly states:

“As part of the implementation of the Local Plan, a large area of residential and employment land has been attributed for development on the Hoo Peninsula, which will lead to additional traffic on Four Elms Hill.”

It continues:

“As part of the Housing Infrastructure Fund (HIF), £170 million of funding has been secured to deliver strategic transport and environmental projects on the Hoo Peninsula...”

These statements are now inaccurate, given the HIF funding was removed by central government. Yet, the modelling assumptions in the AQAP are entirely contingent on those upgrades being delivered. The plan even acknowledges that:

“Scenarios were modelled with EFT emissions and background concentrations for 2024 in line with the HIF relief road initially proposed opening year...”

“In 2024 with the Local Plan and the HIF Relief Road implemented, exceedances of the NO<sub>2</sub> annual mean AQO of 40 µg/m<sup>3</sup> are predicted at over half of the modelled receptors... In 2030... two exceedances... are predicted, the highest concentration being 51.9 µg/m<sup>3</sup>.”

These results are deeply concerning, even under optimistic modelling assumptions. The modelling reveals that air quality levels would continue to exceed legal thresholds for NO<sub>2</sub> even *with* the HIF-funded infrastructure, which is no longer going ahead. Without that mitigation, the actual outcomes are likely to be significantly worse.

Despite this, the Local Plan continues to reference the Four Elms AQAP as a credible evidence base. This calls into question the robustness of the Local Plan's environmental and health impact assessments,



particularly in relation to air quality in areas already designated as Air Quality Management Areas (AQMAs).

The health implications of this are serious. As highlighted in the Medway Air Quality Action Plan (2015):

“NO<sub>2</sub> has been identified as having various adverse health effects, particularly on the respiratory system... It has been estimated that poor air quality in the UK causes more than 50,000 deaths per year... and may reduce life expectancy by 7–8 months.”

Furthermore, the draft 2025 Medway Pharmaceutical Needs Assessment (PNA) notes that:

“The Hoo Peninsula asthma prevalence (6.9%) exceeds the local and national average.”

The evidence presented demonstrates that the draft Local Plan relies heavily on outdated documents and modelling scenarios, particularly those associated with the now-defunct Housing Infrastructure Fund (HIF). As this infrastructure will not be delivered, the continued reliance on these assumptions undermines the robustness and credibility of the Local Plan’s evidence base. This raises serious questions regarding the Plan’s soundness under national planning policy.

We therefore strongly urge that Medway Council cease using the Four Elms Air Quality Action Plan 2022 as part of its evidence base, and instead undertake a revised, updated air quality assessment that reflects the current funding context, transport realities, and health vulnerabilities in the area.

Furthermore, monitoring data clearly shows that current pollution levels, particularly for nitrogen dioxide (NO<sub>2</sub>), significantly exceed the World Health Organization’s recommended limits. Any future large-scale developments on the Hoo Peninsula will inevitably exacerbate air quality issues along the A289 and Four Elms Hill, directly impacting the health and wellbeing of both existing and future residents.

In light of the increasing volume of residential development on the Peninsula, as well as expanding industrial activity (including large-scale operations such as Amazon and Kingsnorth), the Parish Council strongly recommends that tangible, site-specific mitigation measures be implemented, and where necessary, required as planning conditions, prior to further approvals being granted. Examples include:

- Installation of reed beds, which are proven to reduce nitrogen oxides (NO<sub>x</sub>)—a major pollutant from diesel emissions. A potential location for such intervention is the southern side of Four Elms Hill.
- Planting of native hedgerows and trees along key road corridors to create a natural environmental barrier. These would contribute to carbon capture, reduce particulate matter, and serve as sound barriers to mitigate traffic noise.

While the Local Plan states its intention to promote “healthy communities,” the continued allocation of housing in already overburdened and polluted areas fundamentally contradicts this objective.

Crucially, the Local Plan provides no clear evidence or strategy for how the substantial infrastructure improvements required to address air quality and public health concerns will be funded or delivered. Without such a framework, the Plan lacks both credibility and feasibility in its current form

## **Summary**

As described above, Frindsbury Extra Parish Council recognises the importance of Medway Council adopting a comprehensive and effective Local Plan. However, for the reasons previously stated, we do not believe the current version of the Plan is either *sound* or legally compliant.

We are concerned that the Council appears to be progressing the Local Plan primarily to meet housing targets, without adequately planning for or securing the essential funding, infrastructure and supporting measures required to ensure the safe and sustainable delivery of development. This approach risks compromising the well-being of both existing and future residents.

We strongly urge Medway Council to fully consider the views of the Parish Council representing the most localised tier of government and to make the necessary amendments to the Plan. We call on the Council to provide clear, evidence-based assurances that the infrastructure, services, and funding required to support the proposed growth will be delivered in a timely and sustainable manner, in line with Medway’s stated ambitions.

Thank you and Kind Regards

Frindsbury Extra Parish Council

# High Halstow Parish Council

ME2

Dear Planning Policy Team,

The Climate Change and Environment Working Group in High Halstow support the submission to the Regulation 19 Local Plan from High Halstow and St Mary Hoo Parishes

We welcome the inclusion of climate change as a core strategic issue in Medway's Local Plan and the Council's ambition to support the transition to net zero. The plan rightly reflects many aspects of the National Planning Policy Framework (NPPF), particularly paragraphs 152–158, which require local plans to mitigate and adapt to climate change in line with the Climate Change Act.

However, we believe the plan could be further strengthened to ensure it is both **sound and legally compliant** in addressing the climate emergency.

- While the Plan supports carbon reduction by 2041, it should more explicitly commit to achieving **net zero emissions across all sectors**, in line with the national 2050 target.
- We recommend adding a policy commitment to **whole-life carbon assessments** for major developments, as encouraged by the UKGBC and the London Plan
- **Most importantly** all new housing developments should be compliant with **Future Home Standards (2025)**
- The Plan is currently vague on the delivery of **renewable energy**. We recommend:
  - Designating suitable areas for **solar or wind generation**.
  - Introducing clearer support for **community-owned renewable energy projects**.
  - Requiring new developments to include **on-site renewable energy generation** or significantly contribute to off-site provision
- While the plan encourages low-carbon energy sources, care should be taken that biomass or EfW projects do not exacerbate **local air quality** or undermine **net-zero objectives**.
- The Plan should introduce **clear criteria** for such technologies, ensuring best available techniques (BAT) are used and that any schemes are **carbon-beneficial**
- We are not convinced that the Local Plan's flood risk evidence is robust enough to meet national policy. We would suggest an update on the flood risk evidence that clearly documents the Sequential and Exception tests for all allocations in Medway using latest EA data and climate projections, with plan-stage solutions for safe access/egress
- We support the integration of green roofs, natural shading, and permeable surfaces but encourage:
  - A **mandatory biodiversity net gain target above the national 10% minimum**.

# High Halstow Parish Council

ME2

- A requirement for developments to demonstrate **urban cooling** and **flood risk mitigation** measures as standard.
- Priority given to **tree planting, wetlands, and nature-based solutions** in strategic allocations.
- The plan rightly allows for future amendments under delegated authority. However, there should be:
  - A **clear annual reporting mechanism** on the Plan's performance in meeting climate objectives.
  - A review trigger if **national climate or building standards** significantly change (e.g. post-2025 Future Homes Standard updates).

Medway's Local Plan contains many positive elements on climate policy and aligns with key aspects of the NPPF. However, given the urgency of the climate crisis, these proposals need to be more specific, measurable, and enforceable to ensure delivery.

We urge the Council to incorporate these enhancements so the Medway Local Plan can be found **sound and compliant** with national policy.

In addition to the above hopefully, helpful suggestions as a group we need to highlight:

- Minutes of a Medway Cabinet meeting of February 2019 stated that no more than 1000 homes on the Hoo Peninsula could be brought forward without major infrastructure improvements.
- The minutes go on to say, "that without the Housing Infrastructure Funding to complete transport improvements in this area there will not be any capacity for further housing growth".
- As this funding has been withdrawn and there is little of evidence of likely delivery and monitoring of necessary infrastructure, how can the number of houses planned for the Hoo Peninsula be considered "sound"?
- Medway's "Authority Annual Monitoring Reports" show that between March 2019 and March 2024 **893** homes were built out. The figures for March 2024 until March 2025 are to be published in December 2025. According to Medway's own Planning Team the sustainable numbers of houses that can be built in this area are clearly very small indeed.

Yours faithfully,

Councillor Marilyn Stone High Halstow Parish Climate Change and Environment Working Group chair on behalf of the following members of the working Party: Councillor Matt Wenham, Mrs Chris Peek, Mrs Cora MacFarlane, Mr Stefan Davies and Mrs Louise Mason





## High Halstow and St Mary Hoo Parish Councils. Response to Local Plan Regulation 19 consultation

1. This is the response of the High Halstow and St Mary Hoo Parish Councils' to the Regulation 19 Draft Medway Local Plan. We apologise that we have found the online means of responding to the Regulation 19 consultation too difficult to use and so we have resorted to setting out our response to consultation on paper and by pdf. It is also on the Parish Council's web site.

2. The PCs welcome the Council's decision to publish a new draft Local Plan which seeks to overcome previous difficulties. In particular, the PCs strongly support the proposals for Deangate Community Parkland that is sited between the parishes of Hoo St Werburgh and High Halstow.

1. The spatial strategy is fundamentally flawed

3. We take the view that, while there are many positive proposals within the LP, the Local Plan is seriously flawed, both legally and procedurally. In general terms we consider that the current draft LP is flawed both substantively and procedurally. While we acknowledge that the Inspector may be able to address some of our concerns by means of minor and major modifications, other flaws are so seriously defective that we consider it unlikely that the shortcomings can be overcome without withdrawal of the current draft LP.

4. We agree and support the key findings and reasoning of the "Save the Hoo Peninsula's Representation" dated 18th July 2025 1,2,3,5,and 6 save that we make no submissions in respect of the alleged Non conformity with the Hoo St Werburgh & Chattenden Neighbourhood Plan.

5. In particular, we submit that the spatial strategy presented in the Medway Draft Local Plan (MDLP) is fundamentally unsound. It is not positively prepared, justified, effective, or consistent with the National Planning Policy Framework (NPPF) because it pursues a high-risk development strategy on the Hoo Peninsula that is undeliverable, unsustainable and irrevocably environmentally destructive. The infrastructure required to make the proposed housing development sites at High Halstow sustainable would be disproportionately expensive and would cause major harm to the countryside on the Peninsula.

2

6. The Hoo Peninsula is served by one strategic arterial road - a 2.8 mile dual carriage way running from the roundabout entrance at Four Elms Hill roundabout to Ropers Lane roundabout where it reverts to a single carriage way for a further 7.4 miles to the village of Grain at the Peninsula's extreme eastern end. Eight of the ten villages and all of the farming and industry on the Peninsula rely solely on this road for





access to the Medway towns and beyond.

7. The PC accepts that there is a substantial need for large numbers of new housing within the Medway area, and we support the Council's objective of meeting housing need by identification of suitable sites, starting with previously developed land within the urban area with a "brownfield first" approach. However, the spatial strategy is flawed in allocating large scale development in remote and isolated villages on the Peninsula.

2. Strategy Undermined by Lack of Infrastructure and Absence of Funding. The Strategy is Undeliverable and Not Justified:

8. Although preferred by developers, green field sites in the countryside are often the most expensive way of providing sustainable new homes, as they seldom provide the essential infrastructure needed to serve the new dwellings, leaving the provision of unaffordable transport infrastructure, services and facilities to underfunded and cash-strapped local authorities and government to make up the difference.

9. The difficulty of obtaining funding for the kind of major transport infrastructure from public funds is well illustrated previously in the doomed HIF capital funding, which was withdrawn leaving the entire strategy for the Hoo Peninsula high and dry.

10. A previous iteration of the Local Plan had allocated a higher quantum of housing to the peninsula, supported by a £170 million Housing Infrastructure Fund (HIF) grant from Homes England. This grant was critical for delivering the necessary infrastructure, including transport improvements, to support such large-scale development.

11. In 2022, this vital funding was withdrawn by the Department for Levelling Up, Housing and Communities (DLUHC) and Homes England, citing concerns over rising costs and deliverability. Medway Council leader, Vince Maple, has stated that the withdrawal of this funding meant that the previously planned new housing on the peninsula "could not be supported".

3

12. The revised Plan, while reducing the housing numbers, still proposes a level of growth that the Peninsula's infrastructure cannot sustain without significant investment. The Local Plan is being advanced without any clear, committed funding stream to replace the withdrawn £170m HIF grant. To proceed with a strategy that relies on non-existent funding for essential mitigation is unsound, irresponsible and likely to fail to meet even the lowest levels of sustainability. The plan fails the test of being deliverable, a key component of the National Planning Policy Framework (NPPF).

13. The PC had previously recognised that the HIF programme was misconceived and lacked sustainability, as it was largely aimed at provision of new roads and a railway station on the Peninsula. Even with a proposed £170 million grant, HIF did not provide sufficient capital to carry out the changes and would have failed to deliver sustainable





development.

14. The principal “benefits” from the Fund were new highway interchanges and junctions on the A288 and A 289 and an extra alternative route onto the Peninsula. The £170 million HIF fund turned out to be inadequate. The proposal rail link was not viable and was dropped from the HIF proposals at an early stage. The proposals caused uproar in the local rural communities.

15. The foundational pillar of the previous strategy—the £170 million Housing Infrastructure Fund (HIF) grant to mitigate the severe transport impacts on the Hoo Peninsula—has been withdrawn by the government. The current plan proceeds without any credible, confirmed funding mechanism to address this critical infrastructure deficit. It is therefore based on an invalidated evidence base and is not effective, as the proposed level of development cannot be delivered without causing unacceptable strain on the transport network.

16. We were not surprised when the government withdrew the funding for the HIF programme for the reasons given by the government. Medway accepted that “to realise the economic opportunities on the Peninsula, significant up front capital investment would be needed.”

17. The HIF debacle underlines the unlikelihood that the funding that would be necessary to deliver the essential infrastructure to support the major developments proposed for the Peninsula would be available.

4

18. If the Council genuinely believe that the essential transport provision could be delivered, the Plan should ensure new development is granted permission only where a negative “Grampian” condition is provided as a non-negotiable requirement of the proposed masterplan for development at High Halstow. Such a condition would require the infrastructure funding to be secured before any development takes place and delivered before development commences or occupancy reaches a certain stage.

19. The PC fully support a “brownfield first” approach as the basis for allocation of land for new housing, but there can be no justification for the proposed allocation of land for large scale general family housing (820 new homes by 2041 within the Plan period) at HH, where the candidate site is pure green field, high quality agricultural land, isolated and remote from key services, facilities and employment.

20. Sustainability is at the very heart of national planning policy. Paragraph 7 of the Framework states: “The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development and supporting infrastructure in a sustainable manner.”

21. No serious justification has been provided for promoting such large scale development in a location so lacking in sustainability; remote from basic services and so poorly served by adequate highways





and public transport.

22. Without generous public funding, the proposals for High Halstow<sup>1</sup> must be taken as meaning that large amounts of housing will be provided without essential community infrastructure, putting greater strain on the very limited existing facilities and services in HH and imposing significant and irreversible harm to the environment, biodiversity, loss of prime agricultural land, while increasing pollution and, at the same time, failing to provide any significant new facilities to meet what would be is, for HH, a doubling or tripling of demand. It is the worst kind of planning on the worst kind of site for new housing.

23. The most egregious example of this is the allocation of the Redrow site on land east of High Halstow.

## 1 Policy SA9

5

24. Contrary to popular belief, housing on open fields is the most costly, inefficient and unsustainable way to meet housing need while leading to impoverishment and deprivation of the local community, excessive reliance on the use of the motor car and widespread and irreversible damage to the natural environment. If the developer does not provide the essential infrastructure to serve the new housing, it will have to be found from the public purse. New housing in rural areas should be minimal and designed to meet specific local needs such as those identified in the PC's housing needs assessment.

25. The failure to accommodate the new housing within urban areas is a fundamental flaw in the Local Plan, as it results in promoting large scale new housing on the most isolated and unsustainable site allocated in the entire Plan – the land east of HH – the proposed allocation of the Redrow land and an adjoining site on Christmas Lane, High Halstow which is envisaged to deliver 450 houses in the initial period, rising to 820 in the long term..

26. High Halstow lacks basic infrastructure with only a primary school, no medical facilities (except prescription pickup), the very small village shop and post office, the village hall and sports ground. The local road network is hopelessly inadequate to serve the proposed new development, doubling traffic volumes, and lacking alternatives to the car, including cycle routes and public transport or to provide a residential environment to carry out everyday purposes and meet everyday needs.

27. The Draft Plan proposes a new centre for services and retail on the Hoo Peninsula, with two neighbourhood centres<sup>2</sup>. Presumably one of the new neighbourhood centres is the proposal for a new (Lidl's?) supermarket on open greenfield land at Deangate, on the wrong (north east) side of the Radcliffe Road/ Peninsula Way; potentially the worst possible location for a new large convenience store, no doubt providing extensive parking on a green field site, illuminated signage and no visual relationship to the rural character of the Deangate area.





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28. So far as its relationship to High Halstow is concerned, this proposal would create a new destination in the countryside, 1.5 miles from the village, only capable of being reached from High Halstow by car, encouraging more traffic from High Halstow onto the dangerous and inadequate Dux Court Road.

2 Policy S22 Hoo Peninsula

6

29. In requiring the customers to cross the A228 to access the supermarket on foot, the road through Hoo Village will become a new accident blackspot.

30. The enhancement of the existing shop and post office in the settlement of HH is the best way of meeting day to day convenience retail need for the HH community and all efforts should be made to protect and enhance the provision of convenience retail within the settlement of HH. The whole of the village envelope of HH is within easy walking distance of the existing village shop and post office, but the premises is very limited in scale and range of goods. It is not possible to buy a national daily newspaper in HH.

3. The Strategy Fails to Protect Irreplaceable Environmental Assets

31. The plan directs major development into an area of the highest environmental sensitivity, contrary to the core principles of the NPPF. The Hoo Peninsula is of international importance, forming a critical part of the East Atlantic Flyway for migratory birds and lying within the boundary of a proposed UNESCO World Heritage Site. It is surrounded by legally protected Special Protection Areas (SPAs) and extensive areas of marshland Ramsar sites as well as containing Lodge Hill SSSI, the UK's most important site for breeding nightingales. A strategy that focuses development here, on the Peninsula, rather than on less sensitive alternative locations, is fundamentally unjustified.

4. The Strategy Ignores Clear Evidence of Existing Harm:

32. The extent of the harms arising from development on the Peninsula, whether considered together or individually is not evident from the inadequate and incomplete SA, HRA and Transport Assessment. Most recently a substantial revised Transport Assessment has been published at the beginning of August 2025 and it has not been possible for the PCs to consider the new document and to respond.

33. Para 1.3.12 of the Plan states: "The HRA report supporting this Regulation 19 Plan is interim pending specific work on air quality assessment. The HRA will be updated and published for comments before the submission of the Draft Plan for examination." In other words there is no SA or HRA available to the public to support the Plan during the Reg 19 consultation period.

7

34. Evidence from government agencies, including Natural England





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and the multi-agency SAMMS reports, already demonstrates that recreational pressure from existing residential populations has caused a marked deterioration in the quality of the Medway and Swale SPA. The council's strategy knowingly proposes to intensify these pressures exponentially, directly threatening the integrity of these internationally protected sites in a way that mitigation cannot credibly prevent.

#### **Conclusion: Spatial strategy**

35. In conclusion, the spatial strategy compounds a critical infrastructure funding gap with an unacceptable assault on an internationally vital and demonstrably fragile ecosystem. It is a speculative and destructive approach.

#### **Exacerbation of a Public Health Crisis: The Four Elms Hill Air Quality Management Area**

36. The primary access to the Hoo Peninsula is the A228, which includes the Four Elms Hill Air Quality Management Area (AQMA) at the junction of Four Elms Hill and Main Road, Chattenden. This AQMA was declared due to concentrations of nitrogen dioxide exceeding UK air quality objectives, with traffic being the primary cause. Air pollution is a known contributor to serious health conditions such as heart disease and cancer, with the most vulnerable members of society being disproportionately affected.

37. The council's own evidence, the Four Elms Hill Air Quality Action Plan (AQAP), acknowledges the severity of the situation. Crucially, the air quality modelling within the AQAP's evidence base predicted that even with the construction of a new relief road, concentrations of nitrogen dioxide would still exceed the annual mean air quality objective at Four Elms Hill.

38. The proposed allocation of new homes and the expansion of Kingsnorth industrial site will inevitably lead to a substantial increase in traffic movements along the A228, directly through the AQMA. This will exacerbate the existing air pollution crisis, posing a direct and unacceptable danger to public health. This approach is the antithesis of the sound, sustainable planning that the NPPF demands.

8

39. In February 2023, Medway Council was awarded £279,000 from the Government's Air Quality Grant to implement measures such as installing new air quality sensors and monitoring vehicle emissions in the Four Elms Hill area. However, this funding is for monitoring and testing, not the large-scale infrastructure required to mitigate the impact of thousands of new homes.

#### **Disregard for Internationally Important Wildlife and Heritage**

40. The Hoo Peninsula is a landscape of great historic and natural beauty and immense ecological value. It forms a key part of the East Coast of England wetlands that have been added to the UK's Tentative List for UNESCO World Heritage status. This bid, led by the RSPB, highlights the area's "outstanding universal value" as one of the





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world's most important locations for migratory birds, supporting over 155 species. The Thames Estuary and Marshes, and Medway Estuary and Marshes Special Protection Area and Ramsar site surrounds the Peninsula. The Peninsula also hosts a National Nature Reserve at Northward Hill with almost 250 pairs of Grey Heron and Little Egrets nesting in the trees. Chattenden Woods and Lodge Hill Site of Special Scientific Interest (SSSI) is a nationally important area of ancient woodland and rare grassland that supports one of the largest populations of nightingales in the UK.

41. The proposed development and the associated increase in recreational disturbance traffic and air pollution present a direct threat to these sensitive habitats and the species they support. The plan's evidence base does not adequately address the mitigation of these impacts. The Strategy ignores clear evidence of existing harm: Evidence from government agencies, including Natural England and the multi-agency SAMMS reports, already demonstrates that recreational pressure from existing residential populations has caused a marked deterioration in the quality of the Medway and Swale SPA. The council's strategy knowingly proposes to intensify these pressures exponentially, directly threatening the integrity of these internationally protected sites in a way that mitigation cannot credibly prevent. We contend that the Local Plan is not legally compliant and therefore fails the test of soundness because it relies on an "Interim Report" for its Habitats Regulations Assessment (HRA). To present this plan supported by an HRA that is not final is a critical procedural failure.

42. The PC reserves its position in respect of Medway's failure to provide a legally compliant HRA.

9

43. The proposed development and the associated increase in traffic and pollution present a direct threat to these sensitive habitats and the species they support. The Plan's evidence base does not adequately address the mitigation of these impacts, particularly in light of the loss of infrastructure funding that could have supported green infrastructure and sensitive design.

**Overall Conclusion and Request to the Inspector**

44. The current spatial strategy for the Hoo Peninsula, as detailed in the Regulation 19 draft Local Plan, is unsound. It is based on a flawed premise that significant new housing development can be accommodated on the most remote rural sites in the Medway area and, in particular, the allocations in HH, without the necessary infrastructure to protect public health and the environment.

45. Specifically, the Plan:

- Fails the test of being positively prepared and justified: It does not present a sustainable strategy for the Hoo Peninsula, proposing development that will worsen a known public health issue in the Four Elms Hill AQMA.



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- Fails the test of being effective: It does not demonstrate how the required infrastructure to mitigate its impacts will be delivered, following the withdrawal of the £170m HIF grant.
- Is not consistent with national policy: It fails to adequately protect and enhance the natural environment, giving insufficient weight to an area of internationally recognised importance for wildlife that is a candidate for World Heritage Site status.

46. We respectfully request that the Inspector finds the Medway Local Plan unsound and requires the Council to fundamentally reconsider its spatial strategy for the Hoo Peninsula, and particularly the allocations HHH26 and HHH29 at High Halstow. A strategy is required that respects the unique environmental sensitivities of the area, prioritises the health of its residents, and is underpinned by a realistic and fully-funded and sustainable infrastructure delivery plan.

47. The Parish Councils would wish to participate in the forthcoming Examination in Public. If we can further assist the Examiner, they should not hesitate to contact us.

High Halstow Parish Council

St. Mary Hoo Parish Council

8th August 2025

*Linda Atkinson*

*Clerk and RFO*

*St Mary AOO P.C.*





## High Halstow and St Mary Hoo Parish Councils. Response to Local Plan Regulation 19 consultation

1. This is the response of the High Halstow and St Mary Hoo Parish Councils' to the Regulation 19 Draft Medway Local Plan. We apologise that we have found the online means of responding to the Regulation 19 consultation too difficult to use and so we have resorted to setting out our response to consultation on paper and by pdf. It is also on the Parish Council's web site.

2. The PCs welcome the Council's decision to publish a new draft Local Plan which seeks to overcome previous difficulties. In particular, the PCs strongly support the proposals for Deangate Community Parkland that is sited between the parishes of Hoo St Werburgh and High Halstow.

1. The spatial strategy is fundamentally flawed

3. We take the view that, while there are many positive proposals within the LP, the Local Plan is seriously flawed, both legally and procedurally. In general terms we consider that the current draft LP is flawed both substantively and procedurally. While we acknowledge that the Inspector may be able to address some of our concerns by means of minor and major modifications, other flaws are so seriously defective that we consider it unlikely that the shortcomings can be overcome without withdrawal of the current draft LP.

4. We agree and support the key findings and reasoning of the "Save the Hoo Peninsula's Representation" dated 18th July 2025 1,2,3,5,and 6 save that we make no submissions in respect of the alleged Non conformity with the Hoo St Werburgh & Chattenden Neighbourhood Plan.

5. In particular, we submit that the spatial strategy presented in the Medway Draft Local Plan (MDLP) is fundamentally unsound. It is not positively prepared, justified, effective, or consistent with the National Planning Policy Framework (NPPF) because it pursues a high-risk development strategy on the Hoo Peninsula that is undeliverable, unsustainable and irrevocably environmentally destructive. The infrastructure required to make the proposed housing development sites at High Halstow sustainable would be disproportionately expensive and would cause major harm to the countryside on the Peninsula.

2

6. The Hoo Peninsula is served by one strategic arterial road - a 2.8 mile dual carriage way running from the roundabout entrance at Four Elms Hill roundabout to Ropers Lane roundabout where it reverts to a single carriage way for a further 7.4 miles to the village of Grain at the Peninsula's extreme eastern end. Eight of the ten villages and all of the farming and industry on the Peninsula rely solely on this road for





access to the Medway towns and beyond.

7. The PC accepts that there is a substantial need for large numbers of new housing within the Medway area, and we support the Council's objective of meeting housing need by identification of suitable sites, starting with previously developed land within the urban area with a "brownfield first" approach. However, the spatial strategy is flawed in allocating large scale development in remote and isolated villages on the Peninsula.

2. Strategy Undermined by Lack of Infrastructure and Absence of Funding. The Strategy is Undeliverable and Not Justified:

8. Although preferred by developers, green field sites in the countryside are often the most expensive way of providing sustainable new homes, as they seldom provide the essential infrastructure needed to serve the new dwellings, leaving the provision of unaffordable transport infrastructure, services and facilities to underfunded and cash-strapped local authorities and government to make up the difference.

9. The difficulty of obtaining funding for the kind of major transport infrastructure from public funds is well illustrated previously in the doomed HIF capital funding, which was withdrawn leaving the entire strategy for the Hoo Peninsula high and dry.

10. A previous iteration of the Local Plan had allocated a higher quantum of housing to the peninsula, supported by a £170 million Housing Infrastructure Fund (HIF) grant from Homes England. This grant was critical for delivering the necessary infrastructure, including transport improvements, to support such large-scale development.

11. In 2022, this vital funding was withdrawn by the Department for Levelling Up, Housing and Communities (DLUHC) and Homes England, citing concerns over rising costs and deliverability. Medway Council leader, Vince Maple, has stated that the withdrawal of this funding meant that the previously planned new housing on the peninsula "could not be supported".

3

12. The revised Plan, while reducing the housing numbers, still proposes a level of growth that the Peninsula's infrastructure cannot sustain without significant investment. The Local Plan is being advanced without any clear, committed funding stream to replace the withdrawn £170m HIF grant. To proceed with a strategy that relies on non-existent funding for essential mitigation is unsound, irresponsible and likely to fail to meet even the lowest levels of sustainability. The plan fails the test of being deliverable, a key component of the National Planning Policy Framework (NPPF).

13. The PC had previously recognised that the HIF programme was misconceived and lacked sustainability, as it was largely aimed at provision of new roads and a railway station on the Peninsula. Even with a proposed £170 million grant, HIF did not provide sufficient capital to carry out the changes and would have failed to deliver sustainable





development.

14. The principal “benefits” from the Fund were new highway interchanges and junctions on the A288 and A 289 and an extra alternative route onto the Peninsula. The £170 million HIF fund turned out to be inadequate. The proposal rail link was not viable and was dropped from the HIF proposals at an early stage. The proposals caused uproar in the local rural communities.

15. The foundational pillar of the previous strategy—the £170 million Housing Infrastructure Fund (HIF) grant to mitigate the severe transport impacts on the Hoo Peninsula—has been withdrawn by the government. The current plan proceeds without any credible, confirmed funding mechanism to address this critical infrastructure deficit. It is therefore based on an invalidated evidence base and is not effective, as the proposed level of development cannot be delivered without causing unacceptable strain on the transport network.

16. We were not surprised when the government withdrew the funding for the HIF programme for the reasons given by the government. Medway accepted that “to realise the economic opportunities on the Peninsula, significant up front capital investment would be needed.”

17. The HIF debacle underlines the unlikelihood that the funding that would be necessary to deliver the essential infrastructure to support the major developments proposed for the Peninsula would be available.

4

18. If the Council genuinely believe that the essential transport provision could be delivered, the Plan should ensure new development is granted permission only where a negative “Grampian” condition is provided as a non-negotiable requirement of the proposed masterplan for development at High Halstow. Such a condition would require the infrastructure funding to be secured before any development takes place and delivered before development commences or occupancy reaches a certain stage.

19. The PC fully support a “brownfield first” approach as the basis for allocation of land for new housing, but there can be no justification for the proposed allocation of land for large scale general family housing (820 new homes by 2041 within the Plan period) at HH, where the candidate site is pure green field, high quality agricultural land, isolated and remote from key services, facilities and employment.

20. Sustainability is at the very heart of national planning policy. Paragraph 7 of the Framework states: “The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development and supporting infrastructure in a sustainable manner.”

21. No serious justification has been provided for promoting such large scale development in a location so lacking in sustainability; remote from basic services and so poorly served by adequate highways





and public transport.

22. Without generous public funding, the proposals for High Halstow<sup>1</sup> must be taken as meaning that large amounts of housing will be provided without essential community infrastructure, putting greater strain on the very limited existing facilities and services in HH and imposing significant and irreversible harm to the environment, biodiversity, loss of prime agricultural land, while increasing pollution and, at the same time, failing to provide any significant new facilities to meet what would be is, for HH, a doubling or tripling of demand. It is the worst kind of planning on the worst kind of site for new housing.

23. The most egregious example of this is the allocation of the Redrow site on land east of High Halstow.

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5

24. Contrary to popular belief, housing on open fields is the most costly, inefficient and unsustainable way to meet housing need while leading to impoverishment and deprivation of the local community, excessive reliance on the use of the motor car and widespread and irreversible damage to the natural environment. If the developer does not provide the essential infrastructure to serve the new housing, it will have to be found from the public purse. New housing in rural areas should be minimal and designed to meet specific local needs such as those identified in the PC's housing needs assessment.

25. The failure to accommodate the new housing within urban areas is a fundamental flaw in the Local Plan, as it results in promoting large scale new housing on the most isolated and unsustainable site allocated in the entire Plan – the land east of HH – the proposed allocation of the Redrow land and an adjoining site on Christmas Lane, High Halstow which is envisaged to deliver 450 houses in the initial period, rising to 820 in the long term..

26. High Halstow lacks basic infrastructure with only a primary school, no medical facilities (except prescription pickup), the very small village shop and post office, the village hall and sports ground. The local road network is hopelessly inadequate to serve the proposed new development, doubling traffic volumes, and lacking alternatives to the car, including cycle routes and public transport or to provide a residential environment to carry out everyday purposes and meet everyday needs.

27. The Draft Plan proposes a new centre for services and retail on the Hoo Peninsula, with two neighbourhood centres<sup>2</sup>. Presumably one of the new neighbourhood centres is the proposal for a new (Lidl's?) supermarket on open greenfield land at Deangate, on the wrong (north east) side of the Radcliffe Road/ Peninsula Way; potentially the worst possible location for a new large convenience store, no doubt providing extensive parking on a green field site, illuminated signage and no visual relationship to the rural character of the Deangate area.





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28. So far as its relationship to High Halstow is concerned, this proposal would create a new destination in the countryside, 1.5 miles from the village, only capable of being reached from High Halstow by car, encouraging more traffic from High Halstow onto the dangerous and inadequate Dux Court Road.

2 Policy S22 Hoo Peninsula

6

29. In requiring the customers to cross the A228 to access the supermarket on foot, the road through Hoo Village will become a new accident blackspot.

30. The enhancement of the existing shop and post office in the settlement of HH is the best way of meeting day to day convenience retail need for the HH community and all efforts should be made to protect and enhance the provision of convenience retail within the settlement of HH. The whole of the village envelope of HH is within easy walking distance of the existing village shop and post office, but the premises is very limited in scale and range of goods. It is not possible to buy a national daily newspaper in HH.

3. The Strategy Fails to Protect Irreplaceable Environmental Assets

31. The plan directs major development into an area of the highest environmental sensitivity, contrary to the core principles of the NPPF. The Hoo Peninsula is of international importance, forming a critical part of the East Atlantic Flyway for migratory birds and lying within the boundary of a proposed UNESCO World Heritage Site. It is surrounded by legally protected Special Protection Areas (SPAs) and extensive areas of marshland Ramsar sites as well as containing Lodge Hill SSSI, the UK's most important site for breeding nightingales. A strategy that focuses development here, on the Peninsula, rather than on less sensitive alternative locations, is fundamentally unjustified.

4. The Strategy Ignores Clear Evidence of Existing Harm:

32. The extent of the harms arising from development on the Peninsula, whether considered together or individually is not evident from the inadequate and incomplete SA, HRA and Transport Assessment. Most recently a substantial revised Transport Assessment has been published at the beginning of August 2025 and it has not been possible for the PCs to consider the new document and to respond.

33. Para 1.3.12 of the Plan states: "The HRA report supporting this Regulation 19 Plan is interim pending specific work on air quality assessment. The HRA will be updated and published for comments before the submission of the Draft Plan for examination." In other words there is no SA or HRA available to the public to support the Plan during the Reg 19 consultation period.

7

34. Evidence from government agencies, including Natural England





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and the multi-agency SAMMS reports, already demonstrates that recreational pressure from existing residential populations has caused a marked deterioration in the quality of the Medway and Swale SPA. The council's strategy knowingly proposes to intensify these pressures exponentially, directly threatening the integrity of these internationally protected sites in a way that mitigation cannot credibly prevent.

#### **Conclusion: Spatial strategy**

35. In conclusion, the spatial strategy compounds a critical infrastructure funding gap with an unacceptable assault on an internationally vital and demonstrably fragile ecosystem. It is a speculative and destructive approach.

#### **Exacerbation of a Public Health Crisis: The Four Elms Hill Air Quality Management Area**

36. The primary access to the Hoo Peninsula is the A228, which includes the Four Elms Hill Air Quality Management Area (AQMA) at the junction of Four Elms Hill and Main Road, Chattenden. This AQMA was declared due to concentrations of nitrogen dioxide exceeding UK air quality objectives, with traffic being the primary cause. Air pollution is a known contributor to serious health conditions such as heart disease and cancer, with the most vulnerable members of society being disproportionately affected.

37. The council's own evidence, the Four Elms Hill Air Quality Action Plan (AQAP), acknowledges the severity of the situation. Crucially, the air quality modelling within the AQAP's evidence base predicted that even with the construction of a new relief road, concentrations of nitrogen dioxide would still exceed the annual mean air quality objective at Four Elms Hill.

38. The proposed allocation of new homes and the expansion of Kingsnorth industrial site will inevitably lead to a substantial increase in traffic movements along the A228, directly through the AQMA. This will exacerbate the existing air pollution crisis, posing a direct and unacceptable danger to public health. This approach is the antithesis of the sound, sustainable planning that the NPPF demands.

8

39. In February 2023, Medway Council was awarded £279,000 from the Government's Air Quality Grant to implement measures such as installing new air quality sensors and monitoring vehicle emissions in the Four Elms Hill area. However, this funding is for monitoring and testing, not the large-scale infrastructure required to mitigate the impact of thousands of new homes.

#### **Disregard for Internationally Important Wildlife and Heritage**

40. The Hoo Peninsula is a landscape of great historic and natural beauty and immense ecological value. It forms a key part of the East Coast of England wetlands that have been added to the UK's Tentative List for UNESCO World Heritage status. This bid, led by the RSPB, highlights the area's "outstanding universal value" as one of the





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world's most important locations for migratory birds, supporting over 155 species. The Thames Estuary and Marshes, and Medway Estuary and Marshes Special Protection Area and Ramsar site surrounds the Peninsula. The Peninsula also hosts a National Nature Reserve at Northward Hill with almost 250 pairs of Grey Heron and Little Egrets nesting in the trees. Chattenden Woods and Lodge Hill Site of Special Scientific Interest (SSSI) is a nationally important area of ancient woodland and rare grassland that supports one of the largest populations of nightingales in the UK.

41. The proposed development and the associated increase in recreational disturbance traffic and air pollution present a direct threat to these sensitive habitats and the species they support. The plan's evidence base does not adequately address the mitigation of these impacts. The Strategy ignores clear evidence of existing harm: Evidence from government agencies, including Natural England and the multi-agency SAMMS reports, already demonstrates that recreational pressure from existing residential populations has caused a marked deterioration in the quality of the Medway and Swale SPA. The council's strategy knowingly proposes to intensify these pressures exponentially, directly threatening the integrity of these internationally protected sites in a way that mitigation cannot credibly prevent. We contend that the Local Plan is not legally compliant and therefore fails the test of soundness because it relies on an "Interim Report" for its Habitats Regulations Assessment (HRA). To present this plan supported by an HRA that is not final is a critical procedural failure.

42. The PC reserves its position in respect of Medway's failure to provide a legally compliant HRA.

9

43. The proposed development and the associated increase in traffic and pollution present a direct threat to these sensitive habitats and the species they support. The Plan's evidence base does not adequately address the mitigation of these impacts, particularly in light of the loss of infrastructure funding that could have supported green infrastructure and sensitive design.

**Overall Conclusion and Request to the Inspector**

44. The current spatial strategy for the Hoo Peninsula, as detailed in the Regulation 19 draft Local Plan, is unsound. It is based on a flawed premise that significant new housing development can be accommodated on the most remote rural sites in the Medway area and, in particular, the allocations in HH, without the necessary infrastructure to protect public health and the environment.

45. Specifically, the Plan:

- Fails the test of being positively prepared and justified: It does not present a sustainable strategy for the Hoo Peninsula, proposing development that will worsen a known public health issue in the Four Elms Hill AQMA.

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- Fails the test of being effective: It does not demonstrate how the required infrastructure to mitigate its impacts will be delivered, following the withdrawal of the £170m HIF grant.
- Is not consistent with national policy: It fails to adequately protect and enhance the natural environment, giving insufficient weight to an area of internationally recognised importance for wildlife that is a candidate for World Heritage Site status.

46. We respectfully request that the Inspector finds the Medway Local Plan unsound and requires the Council to fundamentally reconsider its spatial strategy for the Hoo Peninsula, and particularly the allocations HHH26 and HHH29 at High Halstow. A strategy is required that respects the unique environmental sensitivities of the area, prioritises the health of its residents, and is underpinned by a realistic and fully-funded and sustainable infrastructure delivery plan.

47. The Parish Councils would wish to participate in the forthcoming Examination in Public. If we can further assist the Examiner, they should not hesitate to contact us.

High Halstow Parish Council  
St. Mary Hoo Parish Council  
8th August 2025

M. NENTHAM

CHAIRMAN - HIGH HALSTOW PARISH COUNCIL.