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10 South Colonnade  
Canary Wharf  
London E14 4PU  
  
[www.property.nhs.uk](http://www.property.nhs.uk)

12 August 2025

BY EMAIL ONLY

**RE: Consultation on Medway Local Plan (Regulation 19)**

Thank you for the opportunity to comment on the above document. The following representations are submitted by NHS Property Services (NHSPS).

**NHS Property Services**

NHS Property Services (NHSPS) manages, maintains and improves NHS properties and facilities, working in partnership with NHS organisations to create safe, efficient, sustainable and modern healthcare environments. We partner with local NHS Integrated Care Boards (ICBs) and wider NHS organisations to help them plan and manage their estates to unlock greater value and ensure every patient can get the care they need in the right place and space for them. NHSPS is part of the NHS and is wholly owned by the Department of Health and Social Care (DHSC) – all surplus funds are reinvested directly into the NHS to tackle the biggest estates challenges including space utilisation, quality, and access with the core objective to enable excellent patient care.

**General Comments on Health Infrastructure to Support Housing Growth**

The delivery of new and improved healthcare infrastructure is significantly resource intensive. The NHS as a whole is facing significant constraints in terms of the funding needed to deliver healthcare services, and population growth from new housing development adds further pressure to the system. New development should make a proportionate contribution to funding the healthcare needs arising from new development. Health provision is an integral component of sustainable development – access to essential healthcare services promotes good health outcomes and supports the overall social and economic wellbeing of an area.

Residential developments often have very significant impacts in terms of the need for additional primary healthcare provision for future residents. Given health infrastructure's strategic importance to supporting housing growth and sustainable development, it should be considered at the forefront of priorities for infrastructure delivery. The ability to continually review the healthcare estate, optimise land use, and deliver health services from modern facilities is crucial. The health estate must be supported to develop, modernise, or be protected in line with integrated NHS strategies. Planning policies should enable the delivery of essential healthcare infrastructure and be prepared in consultation with the NHS to ensure they help deliver estate transformation.

## Detailed Comments on Draft Local Plan Policies

Our detailed comments set out below are focused on ensuring that the needs of the health service are embedded into the Local Plan in a way that supports sustainable growth. When developing any additional guidance to support implementation of Local Plan policies relevant to health, for example in relation to developer contributions or health impact assessments, we would request the Council engage the NHS in the process as early as possible.

### Draft Policies T27: Reducing Health Inequalities and Supporting Health and Wellbeing and T29: Community and Cultural Facilities

Draft Policy T27 focuses on protecting and supporting development which contributes to healthier communities, including the provision and redevelopment of existing health facilities. Draft Policy T29 also concerns the loss of community facilities, which includes health facilities, and requires demonstration of a set criterion. NHSPS acknowledge the changes taken forward following our response at Regulation 18 stage, but do not consider the proposed policy approach to be positively prepared and effective in its current form and would request further amendments be made to ensure the consistent and accurate interpretation of both policies in relation to the loss of existing health facilities.

As drafted, Policy T29 has included wording specifically pertaining to healthcare facilities which allows for the demonstration of such facilities being declared surplus as part of a published estates strategy or transformation plan of the NHS to justify the loss of a healthcare facility. As currently drafted, it is unclear whether healthcare facilities are subject to the full criterion of the policy alongside the additional criterion specific to healthcare facilities. For the avoidance of doubt and to ensure clarity within the implementation of the policy, NHSPS recommend that the policy and supporting text clearly sets out that where health facilities have been declared by the NHS as surplus to requirements, or will be changed as part of wider NHS estate reorganisation and service transformation programmes, that this will sufficiently satisfy the requirements of the policy.

Draft Policy T27 also addresses the loss or change of use of existing health facilities. As drafted, the policy requires demonstration of criterion (a.) and (b.) to justify the loss of the existing health use of a facility. To ensure consistency across policies within the Local Plan, we would request for Draft Policy T27 to reflect and incorporate the wording in line with Policy T29 pertaining to the loss of healthcare facilities and ensure clarity in the implementation of policy requirements.

Where it can be demonstrated that health facilities are surplus to requirements or will be changed as part of wider NHS estate reorganisation and service transformation programmes, it should be clearly accepted that a facility is neither needed nor viable for its current use, and policies within the Local Plan should support the principle of alternative uses for NHS sites with no requirement for demonstration of further criterion and onerous requirements. To ensure the Plan is positively prepared and effective, NHSPS are seeking the following modification (*shown in red italics*) to Draft Policies T27, T29 and relevant supporting paragraphs.

#### Proposed Modification to Draft Policy T27:

- “In exceptional circumstances, health, social care, community, sport and leisure facilities may be replaced by another appropriate use of lose where there is a demonstrated overprovision. This must be justified and supported by evidence showing the use is not needed, demonstrating the following:

- a) Community engagement has been undertaken to inform the preferred use within the proposal's red line boundary of the development area as a replacement.
- b) Consideration has been given to repurposing the built form or providing new facilities to support health objectives with priority given firstly to health, social care, community and cultural activities, sports and leisure facilities.
- c) *In the case of healthcare facilities, where these are declared as surplus to the operational healthcare requirements, as part of a published estates strategy or transformation plan of the NHS, the requirements listed under parts (a.) and (b.) of the Policy will not apply.*

Proposed Modification to Draft Policy T29 [addition and strikethrough]:

"Any proposal which would result in the loss of a community or cultural facility will not be permitted unless: ...

- In the case of healthcare facilities, *where* these are declared as surplus to the operational healthcare requirements, as part of a published estates strategy or transformation plan of the NHS, *the requirements in the above points of the Policy will not apply.*
- Proposals for new community facilities should: ...
  - ~~Healthcare facilities are formally declared surplus to the operational healthcare requirements of the NHS or identified as surplus as part of a published estates strategy or service transformation plan.~~

Proposed modification to Supporting Paragraph 10.4.7:

"For proposals that involve the loss of community (including shops), health and cultural facilities, the Council will require evidence firstly that an alternative facility or facilities can be found within easy walking distance, where planning permission is required. Evidence will need to demonstrate that there is at least one such facility which offers services and an environment comparable to that of the facility subject to the proposal. *In the case of healthcare facilities, where these are declared as surplus to the operational healthcare requirements, as part of a published estates strategy or transformation plan of the NHS, there will be no requirement for demonstration of further additional evidence.*

## Draft Policies S24: Infrastructure Delivery and T29: Community and Cultural Facilities

Draft Policy S24 states that all new development will be required to provide for the necessary on-site or off-site infrastructure requirements to mitigate the impact of development. Specific to community facilities, including health facilities, Draft Policy T29 sets a threshold of seeking developer contributions for all development of more than 10 homes towards upgrading community facilities.

In line with our previous response, we welcome the Council's continued engagement with the NHS to further refine the identified healthcare needs and proposed solutions to support the level of growth proposed by the Local Plan, as identified in the IDP, prior to submission, particularly for larger strategic allocations.

Healthcare providers should have flexibility in determining the most appropriate means of meeting the relevant healthcare needs arising from a new development. Where new developments create a demand for health services that cannot be supported by incremental extension or internal modification of existing facilities, this means the provision of new purpose-built healthcare infrastructure will be required to provide sustainable health services. Options should enable financial contributions, new-on-site healthcare infrastructure, free land/infrastructure/property, or a combination of these. It should be clarified that the NHS and its partners will need to work with the council in the formulation of appropriate mitigation measures.

### **Draft Policy T27: Reducing Health Inequalities and Supporting Health and Wellbeing**

Draft Policy T27 sets out the Council's commitment to making sure that new developments promote healthier lifestyles and improve overall health and wellbeing. NHSPS welcomes and supports the inclusion of policies that support healthy lifestyles, and the requirement for Health Impact Assessment on major development proposals. There is a well-established connection between planning and health, and the planning system has an important role in creating healthy communities. The planning system is critical not only to the provision of improved health services and infrastructure by enabling health providers to meet changing healthcare needs, but also to addressing the wider determinants of health.

### **Site Allocations – Policy SA5: Strood Town Centre and Surrounds**

Draft Policy SA5 details the level of development and growth that is planned for the Strood Town Centre area, which includes a residential-led allocation on Site Ref. 'SNF20 Medical Centre, North of Gun Lane' with a potential to deliver a Healthy Living Centre (Point 8). Site SNF 20 is currently occupied by 'Keystone Health Centre', to which NHSPS own the freehold for.

NHSPS welcomes the in-principle allocation of site ref. SNF 20. For clarity and to ensure effective implementation of the policy, the type and quantum of development to be delivered on the Site is a decision which will be determined by the local health commissioners (the Integrated Care Board) – including that required for continued health services, and any part of the site which may no longer be needed for the delivery of health services (and therefore available for alternative uses).

### **Evidence Base: Local Plan Viability Assessment Update (2025)**

The draft policy requirements identified in the Plan are supported by the Local Plan Viability Assessment Update. Having reviewed the report, we note that where contributions towards healthcare have been identified in the policy requirements for site-specific testing, the assessment tests a lump sum for S106 contributions of £17,786.93 per unit, which includes a specific allowance for contributions towards healthcare totalling to £869.11.

NHSPS welcome that a separate cost input has been applied for health but would request that any applied figures as part of any viability assessments would be subject to discussion with and confirmation by the ICB.

## **Conclusion**

NHSPS thank Medway Council for the opportunity to comment on the Medway Local Plan. We trust our comments will be taken into consideration, and we look forward to reviewing future iterations of the Plan. Should you have any queries or require any further information, please do not hesitate to contact me.

NHSPS would be grateful to be kept informed of the progression of the Local Plan and any future consultations via our dedicated email address, [REDACTED].

Yours faithfully,

**Hyacinth Cabiles**  
**Town Planner**

E: [REDACTED]

**For and on behalf of NHS Property Services Ltd**

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07 August 2025

Medway Local Plan - Regulation 19 Consultation  
Planning Service,  
Medway Council,  
Gun Wharf,  
Chatham,  
Kent,  
ME4 4TR

By email: [planning.policy@medway.gov.uk](mailto:planning.policy@medway.gov.uk)

Dear Sir or Madam,

**Proposed Submission Draft, Regulation 19, Medway Local Plan 2041<sup>1</sup>  
Response from South East Waste Planning Advisory Group**

The South East Waste Planning Advisory Group (SEWPAG) was formed in 2011 to help WPAs plan for waste management taking account of the wider strategic cross boundary waste issues in the south east and, in doing so, helping them fulfil their statutory plan making 'Duty to Co-operate' responsibilities; giving effect to the Government's stated intention to encourage WPAs to work together in groups in order that they may carry out their individual responsibilities more effectively. The Medway Local Plan (the Plan) is located wholly within the area covered by SEWPAG.

The overall aim of SEWPAG is to help ensure meaningful, collaborative joint working between WPAs, the Environment Agency and the waste industry (represented by the ESA) within the South East of England, on strategic waste management issues is undertaken diligently and on an ongoing basis for the mutual benefit of its members. The terms of reference for SEWPAG are included in Appendix 1.

SEWPAG's comments on the the Plan are provided below. These comments have been agreed by members of SEWPAG and are submitted by Hampshire County Council which provides Secretariat services to SEWPAG. Please note that this submission represents an officer level, technical response only and is made without prejudice to any comments that individual members of SEWPAG may make on the Plan.

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<sup>1</sup> Consultation webpage -  
[https://www.medway.gov.uk/info/200542/medway\\_local\\_plan\\_2041/2006/medway\\_local\\_plan\\_regulation\\_19\\_consultation/2](https://www.medway.gov.uk/info/200542/medway_local_plan_2041/2006/medway_local_plan_regulation_19_consultation/2)

## **Principles**

SEWPAG notes that the Plan has a comprehensive consideration (type and arisings quantity) of all the current represented waste streams in the area. It also aims at waste minimisation, moving waste management up the Waste Hierarchy and overall net self-sufficiency (though not applicable to hazardous wastes). It is considered that the Plan fully accords with the relevant national planning policy and is therefore soundly based on which to assess further needs to achieve and maintain these objectives, that include carbon emission abatement in line with governmental strategies.

In particular, SEWPAG agrees with the **Vision for Waste Management** and the principles of minimising waste production, managing waste in accordance with the Waste Hierarchy and supporting suitable facilities and capacity. The requirement for a Circular Economy Statement in paragraph **12.3.3** is also supported, as a reasonable tool for ensuring policy compliance.

Furthermore, SEWPAG supports **Policy DM23: Waste Prevention** and its integration of the waste and local plan responsibilities of Medway Council, a policy gap that is often otherwise an issue in fully driving waste management up the Waste Hierarchy.

## **Cross Boundary Movement of Waste - Duty to Cooperate**

SEWPAG is in agreement with paragraph **12.1.10** and the principles of 'net self-sufficiency'

SEWPAG can confirm that Medway Council is an active member of SEWPAG and that this has helped facilitate Duty to Cooperate engagement.

## **Planning for Sufficient Waste Management Capacity**

SEWPAG supports the approach in the Plan of planning on the basis of net self-sufficiency, as noted in **paragraph 12.1.10**.

This is consistent with the SEWPAG Statement of Common Ground, referenced in the Plan, that states:

*'The Parties agree that they will plan for net self-sufficiency which assumes that within each waste local plan area the planning authority or authorities will plan for the management of an amount of waste which is equivalent to the amount arising in that plan area.'*

The Plan then goes on to look into waste management capacity needs for the different types of waste. **Policy T35: Provision of Additional Waste Management Capacity** is supported as a reasonable approach to providing further waste management capacity. The methodologies used in the various Waste Needs

Assessments are based on national or regional methodologies and are one of the commonly accepted ways of calculating waste arisings and capacities. While it helps the ongoing relevance of the plan to avoid having any figures in the policy itself, it is **recommended** to make the Policy T35's "targets specified in [the] Plan" more easily identifiable.

The Plan's waste locational policy (**Policy T36: Location of Waste Management Facilities**) is a supportive criteria-based policy that addresses all the usual potentially suitable locations for the various types of waste management development. This is in alternative to specific waste management allocations or 'Areas' or 'Locations of Search' that define in principle acceptable locations. This approach may be regarded as affording less certainty to the industry. However, it also offers greater flexibility and is particularly applicable in situations where waste sites have not been proposed or are not immediately needed for allocation. Therefore the policy is supported.

The principles of **Policy T37: Other Recovery** are also supported as the continued sustainability of Energy from Waste facilities in the future is closely related to their ability to fully utilise surplus heat and address the issue of carbon emissions. In order to better support this purpose, it is **recommended** that all carbon emissions, not just non biogenic ones are captured, utilised and, failing that, stored

## Landfill



SEWPAG notes that the Plan correctly recognises that non-hazardous landfill is an important type of waste management that needs to be planned for.

The issues relating to non-hazardous landfill in the south east have been recognised by SEWPAG and this leads to a joint position statement and subsequent statement of common ground.

**Policy T38: Non-inert Landfill** of the Plan provides for a criteria based approach for sites to come forward in the future. While additional landfill capacity will be needed, SEWPAG considers that, while providing less certainty, not allocating land in the Plan and relying on criteria-based policy is justified by the reasons provided and so the policy is supported.

**Policy T38: Beneficial Use of Inert Waste by permanent Deposit** is consistent with the SEWPAG 'Joint Position Statement: Permanent Deposit of Inert Waste on Land in the South East of England' and is supported.

## Safeguarding Waste Management Capacity

SEWPAG notes that the Plan recognises the need to protect existing waste management capacity from redevelopment for other non waste uses. SEWPAG supports the approach of safeguarding existing waste management capacity. This is an important consideration, especially in an area where there is a need to find suitable



land to alleviate other development pressures and as the Plan does not allocate specific parcels or areas of land for the development of new waste management facilities.

Related policy is set out in **Policy T34: Safeguarding of Existing Waste Management Facilities** and this policy is considered necessary and supported.

SEWPAG hope these comments are of use. Please do not hesitate to contact me if you wish to discuss further.

Yours sincerely,

Ilina Todorovska

Secretariat, South East Waste Planning Advisory Group

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## Appendix 1

### SOUTH EAST WASTE PLANNING ADVISORY GROUP (SEWPAG)

#### TERMS OF REFERENCE

Version 3.0 (Final)

January 2018

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#### **GENERAL**

The South East Waste Authority Planning Advisory Group (SEWPAG) comprises Waste Planning Authorities (WPAs) in the south east of England<sup>2</sup>, the Environment Agency, representatives from similar fora in London and the east of England and waste industry representation through the Environmental Services Association (ESA). It is a non-executive body, funded directly by the WPA members.

#### **SCOPE OF THE GROUP**

SEWPAG exists to help WPAs to plan for waste management taking account of the wider strategic cross boundary waste issues in the south east and in doing so helps them fulfil their statutory plan making 'Duty to Co-operate' responsibilities<sup>3</sup>; giving effect to the Government's stated intention to encourage WPAs to work together in groups in order that they may carry out their individual responsibilities more effectively.

#### **AIM**

The overall aim of SEWPAG is to ensure that meaningful, collaborative joint working between WPAs, the Environment Agency and the waste industry (represented by the ESA) within the South East of England on strategic waste management issues is undertaken diligently and on an ongoing basis for the mutual benefit of those authorities.

#### **OBJECTIVES**

- To ensure that policies and plan preparation takes full account of the strategic and cross boundary issues associated with the management of waste (not just within the south east) and ensuring that these are addressed in the most appropriate manner as part of the Duty to Co-operate.
- To develop and share best practice and initiate joint working to aid the process of preparing and reviewing emerging waste policy and relevant Waste Local Plans.
- To provide a wider response to relevant consultations e.g. on neighbouring areas' plans for waste management.
- To maintain an information exchange and communication link with other relevant forums (including other similar regional waste planning groups etc.) to further the groups' interests and action plans.

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<sup>2</sup> See Appendix A

<sup>3</sup> Section 110 of the Localism Act

- To keep abreast and share information on issues and best practice outside of the South East of England, and on policy development and implementation in such areas that will have an impact on the South East.
- To provide a forum for sharing general information and experience on policy issues.
- In order to provide an information base for strategy and the preparation of Waste Local Plans, in conjunction with the Environment Agency, SEWPAG will:
  - Assemble and collate information for the South East of England on arisings, movements (within and into/out of the South East), management and disposals of waste and on existing and proposed provision of waste management facilities;
  - Identify gaps in information requirements and co-ordinate any necessary survey work (subject to available resources);
  - As appropriate, and to the extent that resources allow, provide advice on future waste management requirements in the South East, and identify and evaluate options for meeting those requirements in terms of likely quantities of waste and the nature and distribution of waste management capacity, in accordance with the National Planning Policy for Waste (NPPW), National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG), and having regard to:
    - likely trends in waste arisings, movements, deposits and management practices;
    - changes in waste management practice;
    - the adequacy of existing and proposed waste management capacity;
    - strategies and planning policies for waste management and Environment Agency policies;
    - cross-boundary waste movements and management provision and the waste strategies of adjoining areas;
    - the SEWPAG Memoranda of Understanding on planning for waste management in the South East; and
    - any apparent disparity between requirements and provisions for waste management within the South East.
- To monitor annually changes in waste management within each authority area using any best practice agreed by SEWPAG and report back on wider trends within the South East of England through the forum.

## **MEMBERSHIP**

Formal membership of SEWPAG shall comprise nominated officer representatives from the following organisations:

- Waste Planning Authorities (see Appendix A);
- Central Government (Department of Communities and Local Government) – 1 representative;
- Environment Agency – 1 representative;
- Waste Management Industry – 1 representative from The Environmental Services Association;
- East of England Waste Technical Advisory Body – 1 observer representative;
- London Waste Planning Forum – 1 observer representative.

Representatives from other organisations (e.g. Environmental Services Association (ESA)) and additional representatives from constituent organisations may be co-opted as and when particular input or expertise is required.

## **ADMINISTRATION**

### *Chair*

The Chair of the group is provided via a consultancy agreement initially contracted on an annual basis with the option of extending for a further 2 years in annual increments. The chairperson fulfils the duties of chair, supporting the functions and purposes of SEWPAG.

### *Project Management Subgroup*

A Project Management Subgroup of constituent WPAs will oversee the management of SEWPAG including its budget and priorities.

### *Business Plan*

SEWPAG's priorities are reviewed and set on an annual basis by the Project Management Subgroup in an annual 'business plan'. The deliverables of these priorities are reviewed and endorsed by the Subgroup the following quarter, and progress reviewed on a quarterly basis. Priorities may be subject to change in light of any national policy or legislation requirements which arise.

## **WORKING GROUPS**

Working groups may be set up from time to time to research, consider and report back to SEWPAG on specific issues. Such working groups may include nominated co-opted representatives in addition to SEWPAG members.

## **CONSULTATION**

Consultation shall be carried out with appropriate stakeholders in waste management, such as waste disposal authorities, waste collection authorities, other waste management industry interests, and voluntary, environmental and community interest groups through the preparation of individual local plans using any relevant best practice; to ensure that relevant interests are taken into account, particularly in identifying and considering options for future strategy and for meeting future waste management requirements.

## **MEETINGS**

Meetings of SEWPAG will not normally be open to the press and members of the public, but minutes of meetings will be made public. Agenda papers and minutes will be circulated to those constituent WPAs within the South East that are not directly represented on SEWPAG.

Meetings will generally be held on a quarterly basis. The frequency of meetings may change in light of business plan requirements.

Meetings will be generally be hosted by constituent WPAs on a voluntary basis. Meetings may be combined with visits to sites of interest.

## **ANNUAL REVIEW**

This terms of reference including arrangements for chairing and administering SEWPAG and a review of membership and its effectiveness will be reviewed annually, towards the end of each year by the Project Management Subgroup.

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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	Ms	
First Name	Ilina	
Last Name	Todorovska	
Job Title (where relevant)	SEWPAG Secretariat	
Organisation (where relevant)	SEWPAG	
Address Line 1	H2050	
Line 2	EII Court North	
Line 3	The Castle	
Line 4	Winchester	
Post Code	SO23 8UD	
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:

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 type="text"/>
4.(2) Sound	Yes	<input type="text" value="x"/>	No	<input type="text"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="text" value="x"/>	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.

Please see attached document for full SEWPAG response.

(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 see attached document for full SEWPAG response.

(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>



Our Ref: 105181-024

05 August 2025

Fisher German LLP  
The Estates Office  
Norman Court  
Ashby de la Zouch  
LE65 2UZ

fishergerman.co.uk

Medway Council  
[planning.policy@medway.gov.uk](mailto:planning.policy@medway.gov.uk)  
via email only

Dear Sir /Madam,

## **Medway Local Plan Regulation 19 Consultation June – August 2025 Representations on behalf of National Grid Electricity Transmission (NGET)**

National Grid Electricity Transmission has appointed Fisher German LLP to review and respond to local planning authority Development Plan Document consultations on its behalf. We are instructed by our client to submit the following representation with regard to the current consultation on the above document.

### **About National Grid Electricity Transmission (NGET)**

National Grid Electricity Transmission plc (NGET) owns and maintains the electricity transmission system in England and Wales. NGET manage not only today's highly complex network but also to enable the electricity system of tomorrow. Their work involves building and maintaining the electricity transmission network – safely, reliably and efficiently. NGET connect sources of electricity generation to the network and transport it onwards to the distribution system so it can reach homes and businesses.

National Grid Electricity Distribution (NGED) are the electricity distribution division of National Grid and are separate from National Grid Electricity Transmission's core regulated businesses. Please also consult with NGED separately from NGET.

National Grid no longer owns or operates the high-pressure gas transmission system across the UK. This is the responsibility of National Gas Transmission, which is a separate entity and must be consulted independently.

National Grid Ventures (NGV) develop, operate and invest in energy projects, technologies, and partnerships to help accelerate the development of a clean energy future for consumers across the UK, Europe and the United States. NGV is separate from National Grid's core regulated businesses. Please also consult with NGV separately from NGET.

National Energy System Operator (NESO) has taken over the electricity and gas network planning responsibility from National Grid Electricity System Operator Limited (NGESO) as of 1st October 2024. Please also consult with NESO separately from NGET.

### **Proposed development sites crossed or in close proximity to NGET assets**

Following a review of the above Development Plan Document, we have identified that one or more proposed development sites are crossed by or in close proximity to NGET assets. Details of the sites affecting NGET assets are provided below.

Development Plan Document Site	Asset Description
Policy SA8: Hoo St Werburgh and Chattenden (HHH22 & HHH31 (Land either	4VG ROUTE TWR (002 - 042): 400Kv Overhead Transmission Line route: GRAIN – KINGSNORTH and KINGSNORTH – TILBURY  4YN ROUTE TWR (001 - 050): 400Kv Overhead Transmission Line route: KINGSNORTH - NORTHFLEET EAST and KINGSNORTH - SINGLEWELL

side of Roper's Lane, Hoo St Werburgh	
Policy SA8: Hoo St Werburgh and Chattenden (HHH33 Land south of Stoke Road adjacent Jacob's Lane)	4VG ROUTE TWR (002 - 042): 400Kv Overhead Transmission Line route: GRAIN – KINGSNORTH and KINGSNORTH – TILBURY  4YN ROUTE TWR (001 - 050): 400Kv Overhead Transmission Line route: KINGSNORTH - NORTHFLEET EAST and KINGSNORTH – SINGLEWELL
Policy SA14: Employment Sites (HHH35 Kingsnorth Expansion Area)	4VG ROUTE TWR (002 - 042): 400Kv Overhead Transmission Line route: GRAIN – KINGSNORTH and KINGSNORTH – TILBURY  4YN ROUTE TWR (001 - 050): 400Kv Overhead Transmission Line route: KINGSNORTH - NORTHFLEET EAST and KINGSNORTH – SINGLEWELL
Policy SA14: Employment Sites (HHH36 Medway One (Former Kingsnorth Power Station))	4VG ROUTE TWR (002 - 042): 400Kv Overhead Transmission Line route: GRAIN – KINGSNORTH and KINGSNORTH – TILBURY  4YN ROUTE TWR (001 - 050): 400Kv Overhead Transmission Line route: KINGSNORTH - NORTHFLEET EAST and KINGSNORTH – SINGLEWELL

A plan showing details of the site locations and details of NGET assets is attached to this letter. Please note that this plan is illustrative only. NGET also provides information in relation to its assets at the website below.

<https://www.nationalgrid.com/electricity-transmission/network-and-infrastructure/network-route-maps>

NGET advocates the high standards of design and sustainable development forms promoted through national planning policy and understands that contemporary planning and urban design agenda require a creative approach to new development around high voltage overhead lines and other NGET assets.

Without appropriate acknowledgement of the NGET assets present within or in close proximity to the sites, these policies should not be considered effective as they cannot be delivered as proposed; unencumbered by the constraints posed by the presence of NGET infrastructure.

We propose modifications to the above site allocation policies to include wording to the following effect. We propose that these modifications are applied to each of the aforementioned site allocations affected by NGET assets.

## HHH22 & HHH31, HHH33, HHH35 and HHH36 Allocations and associated Safeguarded Land for Transport Scheme

The above allocations interact with or are in close proximity to NGET assets as listed above. For the associated policies to be effective the following wording, or wording to the same effect, is required to be included within each relevant policy to ensure conflict between the assets and proposals is avoided:

*“Development will include a strategy for responding to the NGET Overhead Cable Route present within the site which demonstrates how the NGET Design Guide and Principles have been applied at the masterplanning stage and how the impact of the assets has been reduced through good design.”*

Without this or equivalent wording being added, we must **object** to the policies as currently drafted.

## New Infrastructure

Currently there are no known new infrastructure interactions within the area, however demand for electricity is expected to rise as the way NGET power our homes, businesses and transport changes. As the nation moves towards net zero, the fossil fuels that once powered the economy will be replaced with sources of low-carbon electricity, such as offshore wind farms.

The UK Government has committed to reach net zero emissions by 2050. This means achieving a balance between the greenhouse gases put into the atmosphere and those taken out. Decarbonising the energy system is vital to this aim.

NGET's infrastructure projects in England and Wales will support the country's energy transition and make sure the grid is ready to connect to more and more sources of low carbon electricity generated in Britain.

The way NGET generate electricity in the UK is changing rapidly, and NGET are transitioning to cheaper, cleaner and more secure forms of renewable energy such as new offshore windfarms. NGET need to make changes to the network of overhead lines, pylons, cables and other infrastructure that transports electricity around the country, so that everyone has access to clean electricity from these new renewable sources. These changes include a need to increase the capability of the electricity transmission system between the North and the Midlands, and between the Midlands and the South. It is also needed to facilitate the connection of proposed new offshore wind, and subsea connections between England and Scotland, and between the UK and other countries across the North Sea.

Accordingly, we request that the Council is cognisant of the above.

### Further Advice

NGET is happy to provide advice and guidance to the Council concerning their networks. Please see attached information outlining further guidance on development close to National Grid assets.

If we can be of any assistance to you in providing informal comments in confidence during your policy development, please do not hesitate to contact us.

To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, NGET wishes to be involved in the preparation, alteration and review of plans and strategies which may affect their assets. Please remember to consult NGET on any Development Plan Document (DPD) or site-specific proposals that could affect our assets.

We would be grateful if you could add our details shown below to your consultation database, if not already included:

### Angela Brooks MRTPI, Partner

[REDACTED]  
Fisher German LLP  
The Estates Office  
Ashby de la Zouch  
LE65 2UZ

### Tiffany Bates, Development Liaison Officer

[REDACTED]  
National Grid Electricity Transmission  
National Grid House  
Warwick Technology Park  
Gallows Hill  
Warwick  
CV34 6DA

If you require any further information in respect of this letter, then please contact us.

Yours faithfully,

[REDACTED]  
**Angela Brooks MRTPI**  
**Partner**

For and on behalf of Fisher German LLP

### Further Guidance

NGET is able to provide advice and guidance to the Council concerning their networks and encourages high quality and well-planned development in the vicinity of its assets.

Developers of sites crossed or in close proximity to NGET assets should be aware that it is NGET policy to retain existing overhead lines in-situ, though it recognises that there may be exceptional circumstances that would justify the request where, for example, the proposal is of regional or national importance.

NGET's 'Design guidelines for development near pylons and high voltage overhead power lines' promote the successful development of sites crossed by existing overhead lines and the creation of well-designed places. The guidelines demonstrate that a creative design approach can minimise the impact of overhead lines whilst promoting a quality environment. The guidelines can be downloaded here: <https://www.nationalgrid.com/document/345326/download>

The statutory safety clearances between overhead lines, the ground, and built structures must not be infringed. Where changes are proposed to ground levels beneath an existing line then it is important that changes in ground levels do not result in safety clearances being infringed. National Grid can, on request, provide to developers detailed line profile drawings that detail the height of conductors, above ordnance datum, at a specific site.

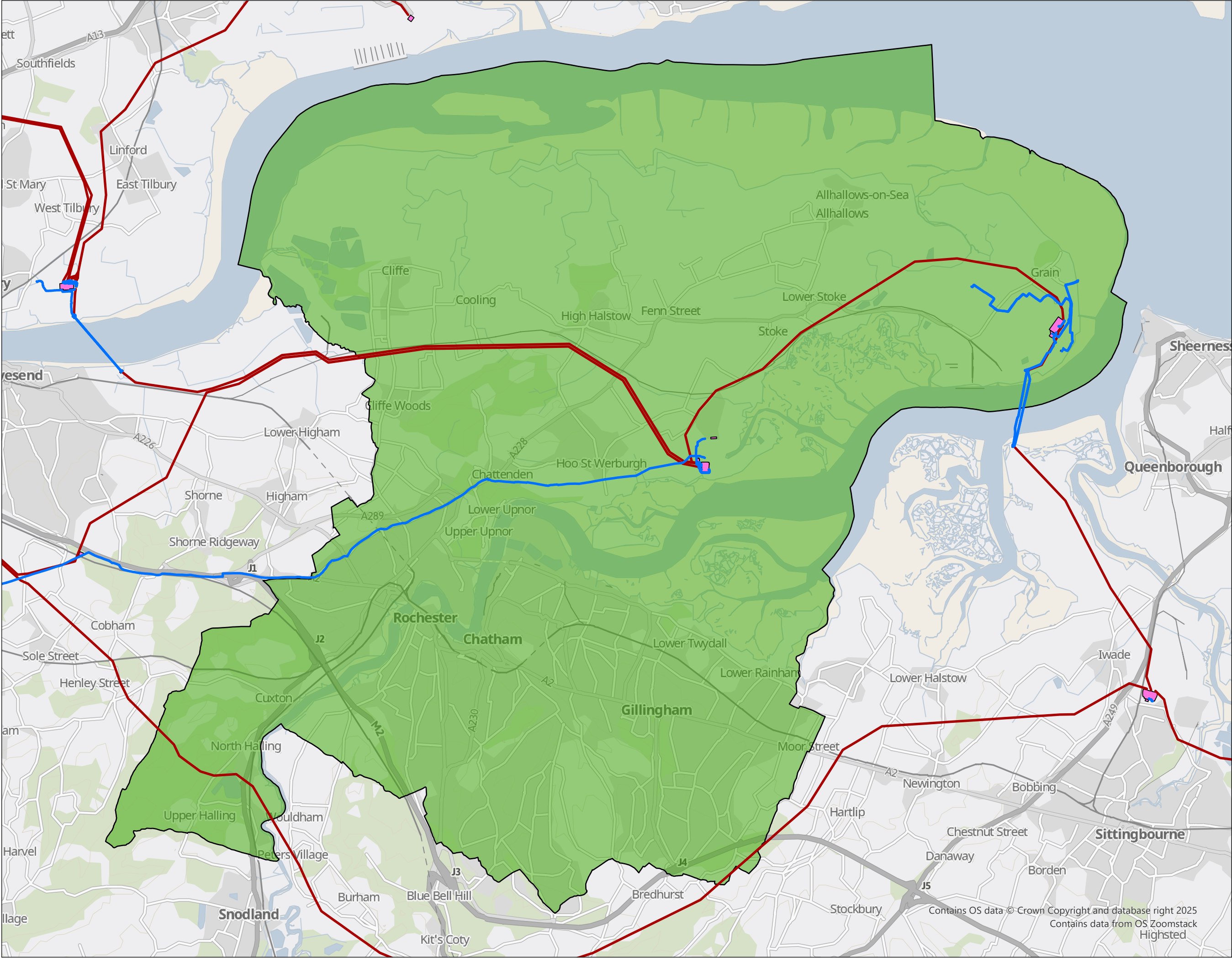
NGET's statutory safety clearances are detailed in their Technical Guidance Note 'Third-party guidance for working near National Grid Electricity Transmission equipment', which can be downloaded here: <https://www.nationalgrid.com/document/349291/download>

### How to contact NGET

If you require any further information in relation to the above and/or if you would like to check if NGET's transmission networks may be affected by a proposed development, please visit the website: <https://lsbud.co.uk/>

For local planning policy queries, please contact [REDACTED]





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SCHEME: PLANNING INTERACTION

TITLE: LPA ASSET INTERACTION

FP: 105181-024

SCALE: 1:79,000 @ A3

DATE: 20/05/2025

Licensed Mapping

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**fisher  
german**

The Estates Office, Norman Court  
Ashby de la Zouch,  
Leicestershire, LE65 2UZ  
01530 412821  
fishergerman.co.uk

DRAWING REF:  
NG-2025-03-MT-OP-LPA- Medway

## Model Representation Form for Local Plans

	<b>Local Plan</b> Publication Stage Representation Form	Ref:  (For official use only)
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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="Mr"/>	<input type="text"/>
First Name	<input type="text" value="Michael"/>	<input type="text"/>
Last Name	<input type="text" value="Atkins"/>	<input type="text"/>
Job Title (where relevant)	<input type="text" value="Senior Planner"/>	<input type="text"/>
Organisation (where relevant)	<input type="text" value="Port of London Authority"/>	<input type="text"/>
Address Line 1	<input type="text" value="London River House"/>	<input type="text"/>
Line 2	<input type="text" value="Royal Pier Road"/>	<input type="text"/>
Line 3	<input type="text" value="Gravesend"/>	<input type="text"/>
Line 4	<input type="text" value="Kent"/>	<input type="text"/>
Post Code	<input type="text" value="DA12 2BG"/>	<input type="text"/>
Telephone Number	<input type="text"/>	<input type="text"/>
E-mail Address (where relevant)	<input type="text" value="[REDACTED]"/>	<input type="text"/>

---

## 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 type="text" value="√"/>	No	<input type="text"/>
4.(2) Sound	Yes	<input type="text"/>	No	<input type="text"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="text" value="√"/>	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.

The Port of London Authority welcomes and supports the proposed changes to Policy T20: Riverside Path wording with regard to the need for development proposals to include riparian lifesaving equipment and appropriate suicide prevention measures where necessary.

(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>



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

Name or Organisation:

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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.

The Port of London Authority welcome and support the proposed changes to Policy T21: Riverside Infrastructure which recognises the importance of the Agent of Change principle whereby existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established, and where the operation of an existing business or facility could have a significant adverse effect on new development in its vicinity, the applicant should to provide suitable mitigation to address these matters. that proposals for new development, known as the 'agent of change', should ensure that the intended development does not unreasonably restrict an existing business' lawful operation.

(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)

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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>

Medway Council  
Planning Policy

**Our ref:**  
**Your ref:**

KT/2006/000047/CS-09/PO1-L01

Sent via email

**Date:** 7 August 2025

Dear Planning Policy Team,

### **Medway Local Plan 2041 - Regulation 19 Consultation, July 2025**

Thank you for consulting us on your Regulation 19 document 'Medway Local Plan 2041' and the associated evidence base.

#### **Environment Agency position**

We currently find the document "**Unsound**" for the following reasons. We have provided detailed comments on matters of interest to us.

#### **REASONS:**

##### **General flood risk comments summary**

Overall, from a strategic flood risk management perspective, we have found that this draft development plan is unsound for the following reasons:-

- The Strategic Flood Risk Assessments (June, 2025) does not include or use the latest flood risk information from the North Kent Coast flood Domain 2 model (2024) to inform the Sequential and Exception tests.
- The SFRAs, Flood Risk Sequential Test Report and the Sustainability Appraisal do not clearly demonstrate how high and medium flood risk site allocations have been selected and justified by applying the Sequential Test, and where appropriate, the Exception Test. There remain some site allocations located in areas at high risk of flooding (either existing or in the future) which are inappropriate and go against both national planning policy and guidance.
- Generic and weak policy wording in places, means that it is not clear how proposed development sites will manage their flood risk if they are reliant on the delivery of flood defence infrastructure (particularly if they are on third party land) and/or how they will appropriately safeguard land that is required to maintain and improve flood risk management infrastructure in the future. Strategic flood defences are likely to be required before the site allocations in the following areas will be permitted. It is unclear how the delivery and funding of strategic flood defence works will enable the safe development of the site allocations within the following flood cell areas:
  - Strood Town Centre and Surrounds
  - Chatham Town Centre and Surrounds
  - River Waterfront
  - Kingsnorth Expansion Area
  - Frindsbury Peninsula Opportunity Area

In addition, the draft development plan requires further clarifications relating to:

- how flood defence infrastructure is delivered for some allocated sites e.g. via developers or another risk management authority
- how flood defence infrastructure or site mitigation will affect the assumed site housing number allocations within the plan
- the dependency and mechanism of financial contributions from developers and third parties to support the timely planning, design and construction of strategic flood defence schemes from which many site allocations at flood risk will benefit. Most of

- the MEAS schemes identified in the Environment Agency's MEAS Strategy (2019) and TE2100 Plans (2012) have low partnership funding scores.
- the benefit associated with how the MLP contributes to reducing flood risk for existing communities.

Flood risk and coastal change are natural processes that also pose a risk to the safety of people and property. Climate change is expected to increase the probability and consequences of flooding and coastal change. Medway Council's emerging Local Plan needs help to ensure that new developments are resilient over their lifetime and help improve sustainability of existing communities. Managing flood risk and coastal change can also improve economic prospects for communities and improve the environment. Therefore, it is important that local plans and their supporting evidence base take account of and address the risks associated with flooding and coastal change.

In particular, the Medway Estuary and Swale Strategy (MEAS, 2019) and the Thames Estuary 2100 Plan (TE2100) sets out how the Environment Agency and partners can work together to manage tidal flood risk in the Thames Estuary, from now until the end of the century. They are adaptive plans, ensuring current standards of flood protection provided by the existing tidal defence system are maintained or improved, taking into account the effects of climate change, i.e. sea level rise. To do this, existing flood defences will need to be maintained and improved, and in many places raised in height by up to 1.5 metres. Where riverside development is proposed, there should be strong policies to both justify site allocations and identify mitigation measures needed to ensure development sites are safe for their lifetime.

### **Strategic Flood Risk Assessment (SFRA)**

The Environment Agency has not previously been consulted on the recently updated Level 1 and Draft Level 2 SFRA's which support the Draft Local Plan and proposed site allocations. There are a number of inaccuracies and inconsistencies in the documents which undermine the outcomes of the site allocations overall.

#### **Level 1 – SFRA**

The Level 1 SFRA does not use the latest flood risk information from the North Kent Coastal model (Domain 2, 2024). The SFRA should also consider the New National Modelling and National Coastal Erosion Risk Mapping that the Environment Agency has produced and how it is reflected in the most up to date Flood Zones and Shoreline Management Plans.

In addition, the SFRA suggests the use of temporary flood defences (Section 4.4.3) and resistance and resilience (4.4.5) to justify site allocations at flood risk. However, these should not be used to justify new development in inappropriate flood risk areas, and the Sequential Test should steer development sites to areas of lowest flood risk first.

#### **Level 2 SFRA is unsound for the following reasons: -**

The Level 2 SFRA is currently in draft and relies on outdated flood risk evidence from the Level 1 SFRA to support the application of the Sequential and Exception tests for the proposed site allocations.

There are a number of 'more vulnerable' residential site allocations that are located in Flood Zone 3a and 3b e.g. site allocation CHR14. This is against NPPF and is not clear from the SFRA how it's passed both the Sequential and Exception tests.

Consideration should be given to our comments above regarding the sites that are listed within the SFRA.

## Flood Risk Sequential Test Report

We have not previously reviewed the Flood Risk Sequential Test Report. We find it unsound for the following reasons:-

- The Strategic Flood Risk Assessment (June, 2025) is in Draft and does not include the latest flood risk information from the North Kent Coast flood model (Domain 2, 2024). The SFRA should also consider the New National Modelling and National Coastal Erosion Risk Mapping that the Environment Agency has produced and how it is reflected in the most up to date Flood Zones and Shoreline Management Plans.
- Of the 37 sites located in Flood Zone 3 were taken forward to the SFRA L2 assessment (section 7.3, page 13), 23 sites are located within or partially within Flood Zone 3b. It is clear from assessing the individual site allocations and the SFRA2 (draft) that some of these sites taken forward to the Exception text are unsuitable for development and incorrect assumptions about new flood defence infrastructure removing every site out of Flood Zone 3b. It is not clear what alternative sites at lower flood risk have been disregarded through the application of the Sequential Test in the development of the local plan. The National Flood Risk Vulnerability Classification within the National Planning Practice Guidance says that more vulnerable development in Flood Zone 3b should not be permitted.

In addition, we have the following points of clarification:

- Section 6 – does not acknowledge the coastal Medway Estuary and Swale strategy (2019) which is a key strategic flood risk plan for the area, which proposes the nature and timing of flood risk interventions for managing tidal flood risk.
- Section 7. *Application of Sequential Test* we would like to draw your attention to the more detailed site-specific comments we have made for the sites that are listed in the Level 2 SFRA and displayed within the Policies Maps.

## Sustainability Appraisal

### Volume 1

Within Section 7: Likely Significant effects on the environment, Table N.7.1: Summary of identified impacts, mitigation and residual effects of the Medway Local Plan on page N36 makes reference to the following Policies: DM1 (Flood and water management); S1(Planning for Climate Change); SA4 (River Waterfront) and SA13 (Frindsbury Peninsula Opportunity Area) all of which we have commented on in detail in our comments in response to the Medway Local Plan (Regulation 19) document. It is not clear how the Spatial delivery options identified by Medway Council.

Within the same table, the summary of residual effects column states that 'Subject to achieving the recommendations set out in the SFRA, it is likely that the MLP will have a negligible effect on flooding.'. However, it is not clear where the evidence is to support this statement, as there are many site allocations within high flood risk areas.

### Volume 2

Section 9.1.12 on page 70 of the report references the MEAS strategy, however no reference is made to TE2100.

Within Section 9: Climatic Factors, Table 9.2: Summary of Identified effects of the MLP on climatic factors on page 74 makes reference to allocated sites within Flood Zone 1, 2 and 3. Making specific reference to sites that lie wholly within Flood Zone 3, and noting that a further 14 sites where more than 50% of the site area lies within Flood Zone 3. Please note we have

made site specific comments, on sites allocated within the Policies Map documents and SFRA Level 2.

### **Infrastructure Delivery Plan (IDP)**

The IDP hasn't considered the required flood defence works identified within the Level 2 Strategic Flood Risk Assessment (Draft). These works have not already been delivered and have not been costed in the Infrastructure Delivery Plan. The IDP is therefore underestimating the cost and deliverability of implementing the MLP site allocations in flood risk areas.

In addition, the costs of the flood defence works identified in the SFRA level 2 document are high level and don't take account of the viability of the proposed flood defence works for each location. It is therefore likely to be underestimating the actual cost of undertaking the required flood defence works for many areas a high and medium flood risk.

Within the IDP, there is no descriptive reference to the Thames Estuary 2100 Plan and associated flood defence plans between Cliffe and the Isle of Grain.

### **Response to Policies in Reg 19 document**

#### **4 – Natural Environment, page 28**

##### **Policy S1: Planning for Climate Change**

**Comments:** There is currently no reference for the need to plan and implement flood risk management projects to adapt to climate change. For instance, the latest coastal climate change allowances mean that in the Medway Estuary and Swale area, we need to plan for 1.4m of sea level rise over the next 100 years. The suggested additional bullet points need to be added to this policy to reflect the flood defence needs in planning, mitigating and adapting to climate change, as there are many proposed development sites that will be at significant flood risk in the future.

Therefore, we suggested Policy S1 updates required:-

- Taking into account climate change and sea level rise, there are some development sites that are at increasing flood risk and will rely on future flood defence infrastructure improvements/replacements in order to be safe for their lifetime of their development.
- Riverside development should provide the space enable the flood risk infrastructure and space required to maintain, setback or raise flood defences in response to climate change.

##### **Policy S1: Planning for Climate Change, Effective spatial planning and placemaking, Paragraph 4, Page 29**

'Existing surface water flow routes and drainage features within the site should be identified and preserved wherever these contribute to sustainable drainage, e.g. ditches, seasonally dry watercourses or historic ponds.'

**Comments:** Supportive of this protection of existing surface water flow routes and drainage features, providing there is no potential deterioration of the water quality.

##### **Policy S1: Planning for Climate Change, Adaptation to climate change, Paragraph 6, Pages 29 and 30**

'Reducing water consumption using water re-use measures including rainwater harvesting, surface water harvesting and/or grey water recycling systems. Personal water consumption per day for new buildings should not exceed the Building Regulations recommended standard for water efficiency in water stressed regions.'



**Comments:** We would support and find the policy to be sound if it was strengthened by adding in a statement about mitigating against the impact of climate change on surface water quality through effective collaboration with key stakeholders and developers to implement measures that will ensure water bodies are more resilient to the effects of climate change.

**Paragraph 4.2.7, page 30**

‘Under the Water Framework Directive, it is the statutory duty of local authorities to deliver objectives under the Water Environment Regulations (2017)’

**Comments:** We are pleased to see the importance of the Water Environment (Water Framework Directive) (England and Wales) Regulations (2017) highlighted; however, the wording should be amended for accuracy.

**Suggested wording:**

**It is the statutory duty of local authorities to deliver objectives under the Water Environment (Water Framework Directive) (England and Wales) Regulations (2017).**

**Paragraph 4.2.8, page 30**

‘To be resilient to the evolving impacts of climate change, we must ensure that rainwater is separated from wastewater in the design and construction of our communities. During heavy rain, local sewer networks’ drainage capability can be exceeded by the amount of rainwater entering pipes and storage tanks connected via roads, roofs and paved areas. When these fill up, storm overflows release excess water through outfalls into rivers and the sea to prevent flooding of homes and businesses. Storm overflows are part of the network’s original design and are regulated by the Environment Agency. Over time, the expansion of urban settlements as well as ‘urban creep’ (home extensions, conservatories and paving over front gardens for parking) have incrementally added to the amount of rainwater entering sewers, resulting in increased releases from storm overflows. Rainwater management through SuDS is the preferred approach.’

**Comments:** The wording should be strengthened to ensure that SuDS is always prioritised as a first option, and that any alternative options should also prevent the deterioration of water quality in receiving water bodies.

**Suggested wording:**

**‘Rainwater management through SuDS is the preferred approach, with alternatives used only where SuDS is proven to be an unsuitable option. Any alternative option chosen should also limit the amount of water entering the sewers and prevent the deterioration of water quality in receiving water bodies.’**

**Policy S2: Conservation and Enhancement of the Natural Environment page 32**

**Comments:** There are opportunities while replacing, maintaining and raising defences for intertidal habitat to be enhanced or created where appropriate. Some of these are legal duties, in relation to the Habitat Regulations for example, and some are needed to meet Environment Agency policy requirements.

Flood defence owners should create connected habitats as flood defences are upgraded. Connected habitats do not only have to be on the waterside of defences; land habitat connectivity is also important. This should align with local nature recovery strategies.

Local communities and river users should have quality and uninterrupted access to the riverside so that they remain connected to the river and are not cut off by higher flood walls.

Being able to see and access the river has huge social and environmental benefits. By incorporating access to the river in development plans it will help in maintaining and enhancing protected and valued views of the river.

For Hoo Peninsula Strategic Environmental Programme – and specifically the Hoo, as outlined in Policy S2, should be noted that this is an area of potential coastal change, where setback flood defences to provide coastal squeeze intertidal habitat compensation (as outlined by the MEAS strategy - 2019), and areas of 'No Active Intervention' where Environment Agency maintenance of coastal defences may be withdrawn from around 2040. This is also referenced in the Interim Habitats Regulations Assessment (7.2.18). For this policy, it's essential that the Environment Agency is part of the partnership discussions to establish a strategic environmental programme on the Hoo Peninsula.

#### Paragraph 1, page 32

We support the policy. However, it needs to be clarified if the 'saltmarsh' in your district is "irreplaceable" habitat. [Irreplaceable habitats and BNG: what you need to know – Environment](#), describes *Varieties of saltmarsh*. In it, 'salt marsh' is irreplaceable if it is 'Spartina saltmarsh swards' and 'Mediterranean saltmarsh scrub' but all other types of salt marsh habitat are considered replaceable.

#### Paragraph 3, page 32

We recommend the following wording for clarification purposes.

**'Through the Local Plan, the Council will conserve, restore and enhance Medway's rich and diverse environmental assets, including statutory and non-statutory designated sites, priority habitats and species, and protected species.** The Council will seek opportunities, including through development, to support the implementation of the Kent and Medway Local Nature Recovery Strategy to strengthen biodiversity and the wider natural environment.'

#### Paragraph 9, page 32

**Comments:** We are supportive of this paragraph and are pleased to see river restoration has been included within the policy. We would also recommend that this policy should be linked also to be linked in with key legislation Water Environment Regulation 2017.

#### Suggested wording:

'Development should safeguard features of the natural environment and nature conservation interest and make nature-based solutions part of the plans to tackle the climate emergency. Where there is an opportunity for river restoration enhancements, re-meandering, or the restoration of culverted watercourses to open channels, this should be actively pursued. If and where the watercourse is toe-boarded or engineered, opportunities for removal and restoration to a more natural state should be considered. **These measures should not only prevent deterioration but also actively enhance the natural environment, thereby supporting the achievement of 'good ecological and chemical status' for all water bodies, as mandated by the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.** There may be requirements for development to contribute to strategic environmental management and/or flood defence schemes to ensure an effective mitigation approach in particularly sensitive locations, such as in close proximity to designated sites and areas of significant flood risk, either now or in the future.'

#### Paragraph 14: Hoo Peninsula Strategic Environmental Programme, page 33

'Development should support the conservation, enhancement and Lodge Hill SSSI, and the Medway Estuary and Marshes SPA, Ramsar site and SSSI'



**Comment:** This paragraph is unclear.

**Suggested wording:**

'Development should support the conservation **and** enhancement of Lodge Hill SSSI, and the Medway Estuary and Marshes SPA, Ramsar site and SSSI'

**Biodiversity Net Gain (BNG)**

**Comments:** Despite the council suggesting that an uplift of 10% in BNG at sites where it is legally required is not an ambitious target and advising that Kent Nature Partnership in their documents had assessed the relative ease by developers of delivering 20% uplift, it is disappointing to see that the figure in this plan remains at least 10%, this will not encourage developers to be more ambitious.

Given that there is no real justification for not setting the requirement for BNG to be 20%, we would recommend the target be increased to at least 20%, unless a lesser figure can be justified by a developer.

**4.4. Sites of international importance for nature conservation, page 34**

**Comments:** Additional context should be added regarding coastal flood risk management. Habitats along the length of the Tidal Thames and the Medway Estuary and Swale are threatened by sea level rise, "coastal squeeze" and erosion due to the presence of shoreline defences which prevents the intertidal habitats migrating on-shore to higher elevations on the natural floodplain. Adaptation of the coast is documented in the Environment Agency's Medway Estuary and Swale Strategy (2019) and the Thames Estuary 2100 Plan (2012 and reviewed in 2023).

**Policy S3: North Kent Estuary and Marshes designated sites**

**Page 36**

We support the inclusion of paragraph 3 within this policy.

'Greater mitigation measures will be required for development within 16 metres of the designated sites, such as a setback intertidal flood defence and/or off-site mitigation where new salt marsh can be created.'

**Comments:** Suggest the reference to the Environment Agency's Medway Estuary and Swale Strategy (2019) and the Thames Estuary 2100 Plan (2012 and reviewed in 2023) and the need to adapt the coastline and provide compensation for designated habitat change.

**Policy S5: Securing Strong Green and Blue Infrastructure**

**Page 43**

**Comments:** We would support and find this policy to be sound if it was strengthened by including more focus on the protection and enhancement of blue infrastructure, as currently the main focus is predominantly on green infrastructure.

**4.8. Flood and water management, page 47**

**Paragraph 4.8.4, page 48**

This section doesn't currently reflect the wider role of the SFRA and Local Development Plans which Medway council are responsible for, which is covered by the Policy DM1. Suggest adding the following bullet point:

- Ensure that Local Plans with their associated policies and site allocations ensure:-
  - no inappropriate development is located in areas at high risk of flooding (whether existing or future).

- development in areas at risk of flooding will be safe for its lifetime without increasing flood risk elsewhere.
- any residual flood risk can be safely managed and policies contribute to improving flood resilience and management future flood risk in the context of climate change.
- development contributes to reducing flood risk for existing communities.

**Paragraph 4.8.9, page 49**

**Comments:** We support the inclusion of water resources, and the pressures associated with additional development.

**Paragraph 4.8.10, page 49**

**Comments:** We support the inclusion of water resources, and the pressures associated with additional development.

**Paragraph 4.8.11, page 50**

'There is an established network of sewerage facilities throughout Medway. The majority of Wastewater Treatment Works (WwTW) have capacity to accept wastewater from the proposed growth without the need for improvements to existing facilities. However, it is important to recognise that if significant spare capacity is not maintained at WwTWs due to the need to maintain efficiency, upgrades may be required to serve growth. Existing water infrastructure will need to become more resilient to climate change. A significant increase in flood risk, storm overflow events and other climate change impacts is likely to seriously impact the efficiency of existing potable and wastewater infrastructure.'

**Comments:** We are not supportive of this statement based partly on the evidence in the supporting document 'Waste Needs Assessment – Scoping Review of Other Waste Streams'.

This document seems to contradict the above statement, as it suggests within the 'Wastewater Treatment Capacity' section under 'Chapter 2 Wastewater', that Southern Water have confirmed its intention to increase capacity at five of the WWTWs: Northfleet, Stoke and Whitewall Creek in AMP8 (2025-2030), and Motney Hill and Gravesend in AMP9 (2030-2035). Stoke WWTW is already over capacity and Motney Hill WWTW is close to capacity.

AMP9 actions are subject to funding agreement by Ofwat during the PR29 process and are therefore yet to be confirmed and cannot be relied upon and isn't certain enough to justify stating that the capacity will be available. The evidence available suggests that there will potential capacity issues in the near future.

Medway Council will need to check with the water companies in regard to potential developments to confirm facilities are able to cope with increasing demand.

**Paragraph 4.8.12, page 50**

'Southern Water is the primary provider for wastewater disposal within Medway and developed Drainage and Wastewater Management Plans across their catchments, including Medway. Drainage and Wastewater Management Plans are long-term plans that will provide an opportunity to improve water quality and drainage systems and will address pollution and flooding for the benefit of communities and the environment. These longterm plans take into account projected growth over the Local Plan period.'

**Comments:** We are supportive of use for Drainage and Wastewater Management Plans (DWMPs) but would like the wording to clarify that the DWMP include short term and medium term goals as well.

**Suggested wording:**

**Drainage and Wastewater Management Plans will provide an opportunity to improve water quality and drainage systems and will address pollution and flooding for the benefit of communities and the environment. DWMPs include short term (1-5 years), medium term (5-15 years) and long term (15-25+ years) goals to ensure the resilience and sustainability of wastewater infrastructure, and take into account projected growth over the Local Plan period.**

**Paragraph 4.8.14, page 50**

‘Surface and groundwater water quality is vitally important for water supply, general amenity, recreation, fisheries and nature conservation supporting domestic, industrial and agricultural uses. In Medway there are several groundwater sources that are predominantly in the urban area and Medway Valley. These are highlighted via the Environment Agency Ground Water Source Protection Zones that aim to protect the water quality of groundwater sources. In addition, Southern Water has produced guidance on SuDS in Source Protection Zones.’

**Comments:** We support this paragraph.

**Paragraph 4.8.15, page 50**

‘Development proposals should reference the Environment Agency’s Groundwater Protection guidance documents to ensure that any impact of development on groundwater quality in the area is managed appropriately.’

**Comments:** We support this paragraph.

**Paragraph 4.8.17, page 50**

‘SuDs comprise a suite of water management techniques that replicate natural drainage processes, for example via the use of permeable paving, swales and attenuation ponds. SuDs provide an opportunity to achieve multi planning benefits and contribute towards several planning policies including reduced flood risk, improved water quality, increased biodiversity via contribution to open space and landscaping and reduced use of potable water supplies.’

**Comments:** We support the explanation of SuDs

**Policy DM1: Flood and Water Management pages 51-54**

**Flood Risk Management**

We suggest the following change to policy wording, as the current text is not specific, measurable, achievable, relevant or timebound:-

Ensure there is appropriate space safeguarded for future maintenance and the raising of flood risk management infrastructure, in light of climate change and the relevant local flood risk management plans e.g. Thames Estuary 2100 Plan (reviewed in 2023) and the Medway Estuary and Swale Strategy (2019). Development should not encroach within a minimum of 16m to tidal main rivers, or 8m of other watercourses, unless justified by evidence at planning application stage, and agreed in consultation with the relevant risk management authority.

Within Policy DM1 it states that flood risk management infrastructure will ‘contribute to the Environment Agency’s flood risk management programme’, this statement should instead read ‘contribute towards flood risk infrastructure’. The policy then goes on to state, ‘Medway Council will identify an appropriate mechanism such as planning obligations / S106 agreements, or other approaches to support flood risk works under the MEAS and TE2100 programmes.’. However, it is not clear what mechanism will be put into place and how this will be enforced. There either needs to be a commitment to produce a supplementary guidance

or a detailed policy which covers this off, or a need to be more specific about the approach required by Medway Council within this policy. It would need to identify and implement appropriate delivery and funding mechanisms such as planning obligations, Section 106 agreements, or other approaches to support flood risk works, including the Medway Estuary and Swale or the Thames Estuary 2100 delivery programmes from the Environment Agency.

### **Adaptation to Climate Change**

We are pleased to see 'Adaptation to Climate Change' included in Policy DM1, and support the inclusion of the measure bullet point (4<sup>th</sup> bullet point).

However, this section doesn't reference the need for flood defence improvements and/or adaption to climate change, as, for instance, over the next 100 years we need to plan for over 1.4m of sea level rise. This doesn't just affect people and properties, but also the provision of essential infrastructure that will also be affected by climate change, such as clean water, wastewater treatment and power supply networks.

The Environment Agency is promoting the development of riverside vision's or strategies, so that developers, landowners and planning authorities can realise the potential to achieve significant public realm and environmental improvements when undertaking flood defence work. This involves:

- Recognising that land may be needed to meet flood defence needs in the future and can enable delivery of associated social and environmental benefits.
- Setting out a vision of what you want the riverside to look like, so that when development or other construction takes place, the vision is used as a guide for how to shape and improve the riverside while raising defences or leaving room for future raising. This could be developed by any key stakeholder but needs to be clear about what is desired for the riverside.
- Making the vision a requirement in planning policy.

We suggest that the following sentence "Development should not encroach within a minimum of 16m to tidal main rivers" within Policy DM1 should be moved further up in the policy to go alongside the 'ensuring there is appropriate space safeguarded' section.

We also suggest that the sentence "Appraising and mitigating the risks of climate change on flooding in site specific flood risk assessments" in policy DM1 should be a separate bullet point under the heading "Adaptation to Climate Change".

### **Water supply**

The following policy wording should be amended for clarification purposes.

- Development within Groundwater Source Protection Zones and Principal Aquifers will only be permitted provided that it has no adverse impact on the quality **or quantity** of the groundwater resource, and it does not put at risk the ability to maintain a public water supply. Proposals must have regard to the Water Resources Management Plans published by South East Water and Southern Water.
- Development within these areas will only be permitted provided suitable risk assessments are included, which outline that the development has no adverse impact on the quality of groundwater resources and does not put at risk the ability to maintain a public water supply.

These change complement text in paragraphs 4.8.9 and 4.8.10 regarding the protection of groundwater supplies and resources for water supply.



### Wastewater/Foul water drainage

- 'If a non-mains drainage solution is proposed, an applicant must demonstrate that it is not practicable to connect to the public sewer. Sufficient information to understand the potential implications for the water environment of non-mains drainage must be submitted, including the Environment Agency's Foul drainage assessment form (FDA1). **Permitting requirements should be understood and if one is required, applications should be made early/in tandem with planning applications.**

The hierarchy of non-mains alternative solutions must be followed:

- package sewage treatment plants (which **should** be offered to the sewerage undertaker for adoption in the first instance), where effluent goes through a wetland prior to discharge into the watercourse/ground **where it is proven to be appropriate to do so.**
- septic tanks; then
- in the last instance, a cesspool if no other solution is possible'

We would like to highlight that whilst constructed wetlands can provide additional environmental and water quality benefits, they may not always be suitable. Including the blanket requirement for a wetland in this step of the hierarchy could create confusion and result in an increase in the use of septic tanks, which may not provide the same level of treatment.

### Water quality and groundwater protection

- 'All new development should have regard to the actions and objectives of appropriate River Basin Management Plans (in Medway, this is the Thames River Basin District) in striving to protect and improve the quality and resources of water bodies in and adjacent to the district. Developers shall undertake thorough risk assessments of the impact of proposals on surface and groundwater systems and incorporate appropriate mitigation measures, where necessary. **Developers must,**
- **demonstrate an understanding of the Reasons for Not Achieving Good WFD status for all WFD water bodies within and crossing the boundary, in line with the Water Environment (WFD) (England and Wales) Regulations 2017;** and
- undertake thorough risk assessments of the impact of proposals on surface and groundwater systems and incorporate appropriate mitigation measures **that will protect and enhance water bodies and obtain any permits or permissions required.'**

### Sustainable Urban Drainage

- 'For infiltration SuDS within source protection zones, as part of their planning application, developers should provide evidence of having consulted the statutory water company responsible for the SPZ **and the Environment Agency**, to confirm the proposed SuDS design is appropriate to this sensitive hydrogeological location.'

## 4.9, Contaminated Land

### Page 55

Contaminated land has a legal definition. It would be more accurate to replace this phrase with 'land that is contaminated' or 'land affected by contamination'.

### Paragraph 4.9.3, Page 55

Suggested rewording for clarification purposes:

‘Works **on contaminated sites** have the potential to contaminate **groundwater, including aquifers and Source Protection Zones (SPZ’s)**. Therefore, investigations, assessments, remediation and monitoring must also consider contamination of **groundwater**.’

## **Policy DM2: Contaminated Land**

### **Page 56**

This policy wording should be amended for clarification purposes.

‘All land affected by contamination will be remediated prior to development and/or during construction to an appropriate level to its proposed use. Investigations and assessments of all sites situated on, or in close proximity, **to land affected by contamination** will be required in conjunction with relevant development proposals and a preliminary risk assessment (PRA) should be submitted at the earliest opportunity. This will identify potential risks to human health and the environment and where relevant, inform remedial measures and future monitoring to mitigate and monitor the risk. All investigations should be carried out in accordance with legislation, such as part 2A of the Environmental Protection Act, Building Regulations, and complying with established procedural guidelines. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development will rest with the developer and/or landowner.’

Source Protection Zones must be considered when assessing potential environmental pollution risks, particularly those which may pose a risk to groundwater. This includes proposals that have the potential to release hazardous substances to ground, the potential to mobilise existing contamination, activities that involve effluent discharge to ground, or that will physically disturb an aquifer.’

## **5 – Built environment**

### **Policy T1: High Quality Design and Amenity, page 66**

This policy should include a bullet point to acknowledge flood risk and how riverside development in heritage areas should adapt to increased flood risk over time. These areas will need to incorporate raised flood defences without adversely affecting the landscape and heritage features of the existing areas. For instance, some areas will need flood defences raising on top of existing defences; others will need replacement of existing defences (with opportunities to redesign them), or the consideration of a setback defence line further inland.

### **5.4: Sustainable Design and Construction**

#### **Paragraph 5.4.3, Page 70**

Suggested change to wording for clarification purposes:

‘New homes currently must meet a national Building Regulations standard for water efficiency of 125 litres/person/day with planning authorities having the option to reduce this to 110 litres. **Southern Water’s Target 100 programme aims to reduce usage to 100 litres by 2040.** New residential development in Medway must meet **or improve on** current buildings regulations.’

We welcome the policy for greater water efficiency and support tighter standards that would help the water company to achieve their target and also reduce the impact that future demand will have on limited water resources in North Kent.

### **DM6: Sustainable Design and Construction, page 71**

This policy should include a bullet point to acknowledge flood risk and how riverside development in heritage areas should adapt to increased flood risk over time. These areas will need to incorporate raised flood defences without adversely affecting the landscape and

heritage features of the existing areas. For instance, some areas will need flood defences raising on top of existing defences; others will need replacement of existing defences (with opportunities to redesign them), or the consideration of a setback defence line further inland.

## **6 – Housing , page 82**

### **Policy T2: Housing Mix**

#### **Paragraph 3, page 83**

'The mix must be appropriate to the size, location and characteristics of the site as well as to the established character and density of the neighbourhood.'

**Comments:** There is no mention of SuDs or wastewater management requirements for these developments. Developments will need to ensure that their wastewater requirements do not exceed the capacity of local treatment works e.g. a block of flats may take up the same ground space as a bungalow but will have a significantly bigger impact on the local Sewerage treatment works. This policy should refer to the 'hierarchy of non-mains alternative solutions' in policy DM1.

### **Policy T5: Student Accommodation**

#### **Page 93**

**Comments:** Student housing will likely be multistorey buildings, likely to impact on the wastewater treatment works. There is no mention of SuDs or wastewater management requirements for these developments. Developments will need to ensure that their wastewater requirements do not exceed the capacity of local treatment works e.g. a block of flats may take up the same ground space as a bungalow but will have a significantly bigger impact on the local Sewerage treatment works. This policy should refer to the 'hierarchy of non-mains alternative solutions' in policy DM1.

### **Policy T6: Mobile Home Parks**

#### **Paragraph 2, page 94**

'The Council seeks to protect existing parks from competing uses and restrict their expansion outside designated areas to limit adverse environmental impacts to the surrounding green and open spaces. It will restrict intensification beyond density guidelines and seek opportunities to enhance the design and visual impact on the surrounding area, particularly those near areas of sensitive environmental interests.'

**Comments:** No consideration of wastewater and how foul sewerage will be disposed of. This policy should refer to the 'hierarchy of non-mains alternative solutions' in policy DM1.

### **Policy T7: Houseboats**

#### **2 Bullet point, page 96**

'Provide for the amenity and wellbeing of residents through requiring appropriate foul water disposal in proposals for new houseboats. '

**Comments:** We support that foul water disposal is being considered. We would like to highlight that disposal of grey water is not mentioned in this paragraph. Grey water disposal is not currently regulated and could potentially cause damage to the water environment.

#### **4<sup>th</sup> Bullet point, page 96**

'Potential developments will only be supported where there are no adverse environmental impacts upon the health of the designated marine and supporting habitats of the estuaries and rivers. '

**Comments:** We support that foul water disposal is being considered. We would like to highlight that disposal of grey water is not mentioned in this paragraph. Grey water disposal is not currently regulated and could potentially cause damage to the water environment.

**6th Bullet Point, page 96**

**Comment:** We support this point.

**Policy T9: Self-build and Custom House building**

**Page 101**

**Comments:** There is a risk that self-building could lead to an increase in environmental incidents such as silt pollution due to lack of understanding and knowledge. There is no mention of SuDs or wastewater management requirements for these developments. Developments will need to ensure that their wastewater requirements do not exceed the capacity of local treatment works e.g. a block of flats may take up the same ground space as a bungalow but will have a significantly bigger impact on the local Sewerage treatment works. This policy should refer to the 'hierarchy of non-mains alternative solutions' in policy DM1.

**Policy T10: Gypsy, Travellers & Travelling Showpeople**

**Paragraph 10, Section: New site, page 107**

**Comments:** We recommend the 'New sites' section of Policy T10 is amended to mention of the requirements for foul drainage. Under the 'Safeguarding existing sites' section, foul drainage to a public sewer is mentioned as a preference, and this should also be the case for new sites. Policy T10 needs to be clear that foul drainage to a public sewer should be provided as a first preference, with suitable alternative facilities considered based on the evidence provided.

We also previously recommend, as part of our response to the Regulation 18 consultation, that the impacts of climate change are taken into consideration before permission is granted for sites that are currently in flood risk zone 1. The Strategic Flood Risk Assessment (SFRA) should indicate areas that will move to higher flood risk classifications due to climate change. These outputs should be used to avoid designating sites that will be at a higher risk of flooding in the future.

**8 – Retail and Town Centres page 126**

**8.4 Sequential Assessment, page 133**

We find Policy T15: Sequential Assessment **unsound**.

**Comments:** At present the Strategic Flood Risk Assessment is currently in draft and needs to be updated to include the latest North Kent Coast (Domain 2, 2024). This should be used to support the sequential assessment of sites and inform where sites are to be appropriately allocated.

**8.7 Chatham Town Centre**

**Policy S17: Chatham Town Centre, page 140**

**Comments:** We suggest that the section on page 156, that states that development will be 'supported by the appropriate level of enabling infrastructure', is supported by a bullet point with the following wording: Proposals within areas at flood risk should be guided by the development of strategic flood management infrastructure.

**8.10 Strood district centre, page 143**

**Policy S20: Strood District Centre, page 145**

**Comments:** Whilst we recognise that 'Proposals for growth of the centre will be guided by the following: The development of strategic flood management infrastructure', updated modelling



of the North Kent Coast (Domain 2, 2024) has highlighted the need for strategic flood management infrastructure within the flood cell of Strood. The current policy does not give a mechanism for strategic flood risk infrastructure to be in place before development takes place. A policy within the MLP must identify how strategic flood management is going to be implemented before any development sites can be found to be sound.

## **9 – Transport, page**

### **Policy T22: Marinas and Moorings**

#### **Paragraph 2, bullet points 4, 5 and 6, page 171**

‘Planning permission for marinas and moorings will be granted if the application demonstrates how the proposed development: ...

- Will have adequate land-based utility infrastructure and supporting facilities, including sewage, waste, water, secure storage and washing.
- Will not conflict with neighbouring uses, have a significant adverse impact or result in unacceptable environment consequences. A detailed Habitats Regulations Assessment may be required.
- Has specific regard to the SPAs, Ramsar sites, Sites of Special Scientific Interest and the Marine Conservation Zone.’

**Comments:** Support the inclusion of the above statements.

#### **Paragraph 9.12.13, page 183**

‘To be resilient to the evolving impacts of climate change, we must ensure that rainwater is separated from wastewater in the design and construction of our communities. During heavy rain, local sewer networks’ drainage capability can be exceeded by the amount of rainwater entering pipes and storage tanks connected via roads, roofs and paved areas. When these fill up, storm overflows release excess water through outfalls into rivers and the sea to prevent flooding of homes and businesses. Storm overflows are part of the network’s original design and are regulated by the Environment Agency. Over time, the expansion of urban settlements as well as ‘urban creep’ (home extensions, conservatories and paving over front gardens for parking) have incrementally added to the amount of rainwater entering sewers, resulting in increased releases from storm overflows. Rainwater management through SuDS is the preferred approach.’

**Comments:** Support the inclusion of SuDs as the preferred approach

## **10 – Health, Communities and Infrastructure, page 185**

### **10.2 - Health and wellbeing, page 185**

This section could identify the opportunity to maximise wider benefits for development sites in planning and implementing flood risk management schemes adjacent to the river/coast. These can include improvements for recreation, amenity, water quality and biodiversity (contributing to achieving River Bain Management Plan (RBMP) objective); as well as addressing the impacts of climate change, including new or improved green blue infrastructure. There is an opportunity to incorporate this information into **Policy T27: Reducing Health Inequalities and Supporting Health and Wellbeing**.

## **12 – Waste Management, page 216**

### **Paragraph 12.1.33, page 221**

‘Wastewater that is channelled to wastewater treatment works (WTW) for treatment should include sewage effluent discharged from domestic toilets. Due to the combined effects of urban expansion and climate change, this effluent is increasingly diluted with volumes of rainwater that should not need to be pumped and then treated by WTW.’

**Comment:** The statement is unclear and gives the impression that foul sewerage diluted by rainwater does not need to be treated. This needs to be reworded clarify that the wastewater will still need to be treated and that rainwater in sewerage should be avoided.

**Suggested wording:**

**'Effluent is increasingly diluted with volumes of rainwater due to the combined effects of urban expansion and climate change. This increases the volume of water being pumped and treated by WTW and reduces the overall capacity. Steps should be taken to reduce the amount of rainwater going into foul sewer.'**

**Paragraph 12.1.34, page 221**

'In Medway Southern Water is the statutory wastewater provider operating and maintaining the assets needed to treat Medway's wastewater and sewage sludge. The principal wastewater treatment works is at Motney Hill, Rainham, Gillingham, which lies to the north west of the Plan area, on the southern side of the Medway estuary. The works include an anaerobic digestion plant where sludges from other wastewater treatment works may be taken for processing. One of the by-products of anaerobic digestion is a flammable biogas that can be used as an energy source. Southern Water also operates a wastewater treatment works at Whitewall Creek near Upnor.'

**Comment:** Statement does not match with current understanding of wastewater treatment works in Medway.

**Paragraph 12.5.30, page 234**

'There is currently sufficient wastewater treatment capacity to meet current and future growth. The implications of proposed development on requirements for wastewater treatment in the Medway area will be assessed to ensure sufficient 'headroom' exists.'

**Comments:** As mentioned in the comments for paragraph 4.8.11 in chapter 4 on page 50, there is evidence that some of the wastewater treatment works, particularly those at Stoke and Motley are close to or exceeding capacity.

Medway Council will need to check with the water companies to confirm facilities are able to cope with increasing demand.

**Paragraph 12.10.2, page 243**

'The Council will work with Southern Water and the Environment Agency to ensure wastewater arising in Medway is treated to at least the standards required by relevant legislation.'

**Comments:** Supportive of this statement.

**Policy T40: Wastewater Treatment**

**Page 244**

**Comments:** Supportive of this policy, particularly the inclusion of 'required to meet current or prospective environmental standards...'

**14 – Site Allocations, page 249**

**14.2 Chatham Town Centre and Surrounds, page 250**

**Policy SA1: Chatham Town Centre and Surrounds**

This policy states that 'Proposals must demonstrate appropriate mitigations and adaptations to the risk of flooding', whilst this may be appropriate for development of certain brownfield sites, we suggest that the following wording is added "Proposals within areas at flood risk should be guided by the development of strategic flood management infrastructure to protect

both the allocated development sites and the existing Chatham town centre community at tidal flood risk”.

This is because existing tidal flood defences are reaching the end of life, and don't currently offer the required standard of protection to ensure development is safe for its lifetime. The allocated sites that this affects include FP14, CC88, CC87, CC615, CCB21, CCB24, CCB27.

While we acknowledge a line for flood defence infrastructure has been placed in the infrastructure delivery plan, it is not clear that improved and raised flood defence infrastructure would be a pre-condition to enable these development sites to be viable.

We have made site specific comments in response to the Policies Maps and the Level 2 SFRA.

### **14.3 Heritage-led Sites, page 253**

#### **Policy SA2: Heritage-led sites**

This policy includes a list of sites to which the policy applies. We have made site-specific comments in response to the Policies Maps and the Level 2 SFRA, we would like to draw your attention to our comments on FP11 and CCB25, both of which we will only find sound if our flood risk comments are taken into consideration. It is an important consideration for heritage-led sites at flood risk in terms of how they should incorporate raised flood defences without adversely affecting the landscape character of the existing areas. Some areas will need flood defences raising on top of existing defences; others will need replacement of existing defences with new defences (with opportunities to redesign them), or the consideration of setback of the defence line further inland.

#### **Policy SA4: River Waterfront, page 260**

##### **Paragraph 5, page 260**

'5. The waterfront sites sit in a very hard, urban context with little green infrastructure particularly along the rivers edge. The development sites present an opportunity, as a transition zone, to bring in green infrastructure from north of Pier Road and blending in between the built form of proposals toward the rivers edge. This will help reverse the potentially unwelcoming riverside façade and enable the provision of an attractive riverside walk.'

**Comments:** Supportive of the opportunity to bring in green infrastructure, particularly up to the river's edge, as this will potentially help to achieve mitigation measures.

**Point 10** refers to site GN15, which we find **unsound**. There are significant parts of the proposed site allocation that lie within Flood Zone 3b. More vulnerable development in flood zone 3b is contrary to NPPF. The site will only be deemed as being sound if the area in flood zone 3b is limited to water compatible development. The Strategic Flood Risk Assessment Level 2 document (draft) makes the wrong assumption that recent flood defence works have taken these sites out of Flood Zone 3b. Point 10 of the policy states that 'the scale of housing on GN15 will require land reclamation', for this reason we also find the policy to be unsound as encroachment into the estuary is against the Environment Agency's National Encroachment Policy.

In addition, there isn't a line in the MLP Infrastructure Delivery Plan for River Waterfront for flood defence infrastructure. Improved and raised flood defence infrastructure and/or land raising would be a pre-condition for these allocated sites which are currently high flood risk.

We have made site-specific comments in relation to the Policies Maps, that detail comments on sites SMI6, GN3, GN15 and GN16.

#### 14.6 Strood Town Centre and Surrounds

**Policy SA5: Strood Town Centre and Surrounds** identifies a number of sites which we find to be **unsound** due to them being located in Flood Zone 3b. The Strategic Flood Risk Assessment Level 2 document (draft) makes the wrong assumption that recent flood defence works have taken these sites out of Flood Zone 3b. Site-specific comments can be found in response to the Policies Maps. In addition, point 12 within the policy states that 'flood risk is appropriately mitigated and managed to support development'. However, it does not state how flood risk will be appropriately mitigated and managed to support development. This should be detailed within the policy, alongside the mechanism for delivery before development on sites is able to take place. While there is a line in the MLP Infrastructure Delivery Plan for Strood flood defence infrastructure, it should be made clear that improved and raised flood defence infrastructure would be a pre-condition for these allocated sites to be acceptable, as they are currently in areas of high flood risk.

#### 14.9 Hoo St Werburgh and Chattenden

**Policy SA8: Hoo St Werburgh and Chattenden**, the site HHH12 is allocated for residential (and community facility uses), at present we find the proposed site allocation **unsound**, because the area will be impacted by coastal change. However, the proposal could be deemed as sound if a coastal vulnerability assessment identifies land that is resilient to coastal change and development is restricted to this area. Within the Southeast and Northwest Policy Maps the area is shown to be entirely residential. However, point 16 within Policy SA8, states that 'Growth will be directed within a strategic environmental framework that will define the outward development of Hoo and Chattenden. This will provide an effective buffer to sensitive habitats and connect people to the countryside and coast.'. There needs to be a consistency within the Regulation 19 and the supporting documents.

It should also be noted that Hoo Wetlands Reserve is in an area of potential coastal change, where setback flood defences and areas of No Active Intervention are planned over the next 15 years as part of the Medway Estuary and Swale Strategy (2019). The Environment Agency needs to be a strategic partner in the planning and development of the Wetlands reserve to ensure the objectives of the site are not undermined in the future by coastal change.

#### 14.12 Rural Settlements

**Policy SA11: Rural Settlements** detailed to be **unsound**. This is due to the site CHR14 being allocated as part of the policy. A large section of the site lies within Flood Zone 3b, and therefore more vulnerable development on this section of the site would be contrary to NPPF. The Strategic Flood Risk Assessment Level 2 document (draft) makes the wrong assumption that recent flood defence works have taken these sites out of Flood Zone 3b. The site will only be sound if the area within 3b is restricted to water compatible development. This change must also be reflected in Policy SA11: Rural Settlements, before it can be found to be sound.

#### 14.13 Other Sites

**Policy SA12: Other sites** we find **unsound**. This is due to the site RWB2 being allocated as part of the policy. A large section of the site lies within flood zone 3b. The Strategic Flood Risk Assessment Level 2 document (draft) makes the wrong assumption that recent flood defence works have taken these sites out of Flood Zone 3b. More vulnerable development in flood zone 3b is contrary to the NPPF. The site will only be sound if the area within Flood Zone 3b is restricted to water compatible development. This change must also be reflected in Policy SA12: Other sites, before it can be found to be sound.



#### **14.14 Frindsbury Peninsula Opportunity Area**

14.14.7 – This section begins by stating that ‘Representations from the Environment Agency have highlighted the need to deliver strategic flood risk infrastructure’ which is a statement that we would support.

The section then states that the ‘northwestern and southern end are within Flood Zone 3. These areas could be designed to flood. This could avoid the need for ‘hard’ flood risk infrastructure to protect Chatham and Strood town centres’.

There is no evidence to support this statement and it is very likely that ‘hard’ flood defence infrastructure will always be needed to protect Chatham and Strood town centres from the risk of flooding. However, there is an identified opportunity to look at setback defences and/or land raising to allow space for water which could support wider regeneration aspirations outlined in the MLP, which includes flood defence raising elsewhere i.e. flood storage compensation. It is important to consider the level of protection that these town centres will need for the lifetime of the proposed developments, including the impact of climate change.

Consideration should also be given to the appropriateness of this frontage to be floodable, as Figure 16: Frindsbury Peninsula Concept Plan shows areas of residential development across the peninsula, including in areas of Flood Zone 3. Development sites should take a sequential approach, placing development in areas of the lowest flood risk.

Policy SA13: Frindsbury Peninsula Opportunity Area, states the delivery of strategic flood risk infrastructure will be part of the subsequent design principles. Strategic flood risk infrastructure needs be planned and delivered prior to the initial phase of development, especially if there is an aspiration to develop ‘up to 690 new homes within the plan period as part of a large-scale, mixed-use regeneration area’.

The Frindsbury Peninsula Planning Framework needs to include a detailed a strategic flood risk management plan or study is required in advance of developing the Frindsbury Peninsula Opportunity area.

#### **14.15 Employment sites**

In the Kingsnorth expansion area (HHH35) the preferred option of the MEAS Strategy will include a new embankment along Jacob’s Lane. A small part of this site will benefit from this proposed embankment. This strategic flood defence infrastructure, including the refurbishment of the existing flood defences which are reaching the end of residual life would be a requirement to support the employment allocations at Kingsnorth. This has been identified in the MLP Infrastructure Delivery Plan and could a pre-condition for these allocated sites which have a high residual flood risk. Delivery of flood risk management works could be led by the developer, or may be dependent on contributions from third parties to the relevant risk management authority. There is currently a lack of clarity in the MLP about how such flood defence dependencies will affect the deliverability of the site allocations in areas of flood risk.

Before a detailed proposal is to come forward for St Mary’s Island employment site SMI6, a site-specific Flood Risk Assessment should be submitted with the latest flood risk modelling of the North Kent Coast.

Please see below the flood risk comments in response to the proposed sites within the Policies Maps and SFRA, which can be found in the table below. A number of the sites from the second round of sites are within the MEAS area and flood risk have a direct impact. There may be other sites not identified for which flood risk has no direct impact but there may be indirect impacts due to the close proximity to the tidal estuary.

### General flood risk comments

For site allocations that have passed the Sequential test, the **sequential approach** should be applied to locating and designing development on a site-based scale.

Any development within 16 metres of the landward toe of a tidal flood defence is subject to Environment Agency permitting for Flood risk activities: environmental permits. This includes development within 16m of underground structures such as tie rods. An environmental permit is separate to and in addition to any planning permission granted. For riverside development sites, a minimum “no build zone” of 16m should be maintained from the landward toe of an existing flood defence or river wall to cater for flood defence maintenance and future raising works. However, it should be noted that the width of land that should be secured for future flood risk management interventions could be more than 16 metres and a minimum distance would need to be demonstrated by a site-specific flood risk assessment.

We support the following statement ‘In line with EA advice, development within 20m of the toe of a proposed/existing flood defence is considered unlikely to be able to safeguard the viability of future flood defences and has potential to increase future flood risk in the Plan area.’ which is made in Table 9.2: Summary of the identified effects of the MLP on climatic factors. In the same table 14 allocated sites are identified to lie within 20m of the toe of a proposed/existing flood defence. In particular, the following allocations should consider their proximity to flood defences or the bank of the river, these are: SNF41, RWB25, SR53, CCB25, FP11, GN15, GN16, HHH12, CHR14, RWB2, SR48 and SMI6. This is likely to affect the viability of the sites to deliver the housing numbers, if a sufficient buffer zone has not previously been considered.

### Site Specific

Please see below the flood risk comments in response to the proposed sites within the Policies Maps, which can be found in the table below. A number of the sites from the second round of sites are within the MEAS area and flood risk have a direct impact. There may be other sites not identified for which flood risk has no direct impact but there may be indirect impacts due to the close proximity to the tidal estuary and so future occupiers would benefit from the MEAS infrastructure.

Reference	Policy Map	Use	Flood Risk Comments	Soundness
RWB25	Urban Core	Residential led	A section of the site lies within Flood Zone 3b and so this area should be restricted for water compatible development. For the remainder of the site more vulnerable development will only be acceptable, if appropriate flood defence works take place. Any proposed development must also demonstrate that the proposed development is set back from the tidal Medway and provides an adequate access margin to the flood defence, to undertake future maintenance. A FRAP will be required for any works within 16m from the landward toe of	We find the site allocation to be unsound, as a section of the site lies within flood zone 3b. More vulnerable development is not compatible with Flood Zone 3b, and therefore contrary to NPPF.





			the defence. This, together with the extent of Flood Zone 3b may place significant constraints on development at this site.	
SNF35	Urban Core	Residential led	We are aware that planning permission exists to undertake land raising and flood defence works, to minimise flood risk to the site. However, flood risk remains surrounding this site allocation which would impact access and egress without further improvements to existing flood defences. As such we have no objection in principle.	We find the site allocation to be sound.
SNF34	Urban Core	Residential led	Strategic flood defences in this area will be required, if these works are not undertaken for this site developer contributions would be required. Before any works to develop the site take place, suitable flood defences must be in place to keep the development safe for its lifetime. Safe access and egress should also be considered by the local planning authority before this site is considered for development.	We would only find the site allocation sound if our flood risk comments are taken into consideration.
SNF38	Urban Core	Residential led	The entirety of the current site sits within flood zone 3b. We recognise that this is a previously developed site and so the LPA should have regard to Table 2: flood risk vulnerability and flood zone incompatibility of the flood risk planning policy guidance. It would only be suitable for more vulnerable development once a strategy for appropriate flood protection has been confirmed and the scheme implemented.	We would only find the site allocation sound if our flood risk comments are taken into consideration.
SNF41	Urban Core	Residential led	A small section of the site lies within flood zone 3b. We would object in principle to any more vulnerable	We find the site allocation unsound, because a small section of the site

			development proposals within the functional floodplain. Any development on the proposed site should take a sequential approach, steering development to areas of the lowest risk. Strategic flood defences in this area will be required, if these works are not undertaken for this site developer contributions would be required.	lies within the functional flood plain. We would only deem the site sound if the area within flood zone 3b is kept as water compatible development.
SNF15	Urban Core	Residential led	A considerable section of the site lies within flood zone 3b. We would object in principle to any more vulnerable development proposals within the flood zone 3b, as it is contrary to guidance in the NPPF.  Strategic flood defences in this area will be required, developer contributions would be required.	We find the site allocation to be unsound, because a considerable section of the site lies within flood zone 3b.
SNF17	Urban Core	Residential led	Any development on the proposed site should take a sequential approach, steering development to areas of the lowest risk.  Strategic flood defences in this area will be required, developer contributions would be required.	We find the site allocation to be sound.
SNF9	Urban Core	Residential led	Strategic flood defences in this area will be required, we recommend contributions are sought from the developer.	We find the site allocation to be sound.
SNF20	Urban Core	Residential led	Strategic flood defences in this area will be required, we recommend contributions are sought from the developer.	We find the site allocation to be sound.
SNF27	Urban Core	Residential led	Strategic flood defences in this area will be required, we recommend contributions are sought from the developer.	We find the site allocation to be sound.
SNF32	Urban Core	Residential led	Strategic flood defences in this area will be required, we recommend contributions are sought from the developer.	We find the site allocation to be sound.



SNF23	Urban Core	Residential led	Strategic flood defences in this area will be required, we recommend contributions are sought from the developer.	We find the site allocation to be sound.
SNF24	Urban Core	Residential led	This site lies entirely within Flood Zone 3. Strategic flood defences in this area will be required, we recommend contributions are sought from the developer.	We find the site allocation to be sound.
SNF30	Urban Core	Residential led	This site lies entirely within Flood Zone 3. Strategic flood defences in this area will be required, we recommend contributions are sought from the developer.	We find the site allocation to be sound.
SNF31	Urban Core	Residential led	Strategic flood defences in this area will be required, we recommend contributions are sought from the developer.	We find the site allocation to be sound.
SNF8	Urban Core	Residential led	Any development on the proposed site should take a sequential approach, steering development to areas of the lowest flood risk.  Strategic flood defences in this area will be required, we recommend contributions are sought from the developer.	We find the site allocation to be sound.
RWB11	Urban Core	Residential led	Flood Zone 1	We find the site allocation to be sound.
RWB12	Urban Core	Residential led	Flood Zone 1	We find the site allocation to be sound.
RWB18	Urban Core	Residential led	Flood Zone 1	We find the site allocation to be sound.
FP1	Urban Core	Residential led	Flood Zone 1	We find the site allocation to be sound.
FP6	Urban Core	Residential led	Flood Zone 1	We find the site allocation to be sound.
FP10	Urban Core	Residential led	Flood Zone 1	We find the site allocation to be sound.
FP12	Urban Core	Residential led	Flood Zone 1	We find the site allocation to be sound.
FP11	Urban Core	Residential led	A small section of the site lies within flood zone 3b. We would object to any more	We would only find the proposed site allocation sound if



			vulnerable development proposals within Flood Zone 3b. Any development on the proposed site should take a sequential approach, steering development to areas of the lowest flood risk. If this site is to be allocated flood defences would be required to enable this development, and should demonstrate in a detailed flood risk assessment that there is no increase to flood risk elsewhere.	our flood risk comments are taken into consideration.
FP14	Urban Core	Residential led	This area would benefit from strategic flood defences as proposed by the MEAS Strategy. Contributions should be sought from the developer.	We find the site allocation to be sound.
FP16	Urban Core	Residential led	This site lies within Flood Zone 1.	We find the site allocation to be sound.
FP25	Urban Core	Residential led	This site lies within Flood Zone 1.	We find the site allocation to be sound.
CCB1	Urban Core	Residential led	This site lies within Flood Zone 1.	We find the site allocation to be sound.
CCB4	Urban Core	Residential led	This site lies within Flood Zone 1.	We find the site allocation to be sound.
CCB49	Urban Core	Residential led	This site lies within Flood Zone 1.	We find the site allocation to be sound.
CCB12	Urban Core	Residential led	This site lies within Flood Zone 1.	We find the site allocation to be sound.
CCB3	Urban Core	Residential led	This site lies within Flood Zone 1.	We find the site allocation to be sound.
CCB20	Urban Core	Residential led	This area would benefit from strategic flood defences as proposed by the MEAS Strategy. Contributions should be sought from the developer.	We find the site allocation to be sound.
CCB19	Urban Core	Residential led	This site lies within Flood Zone 1.	We find the site allocation to be sound.
CCB30	Urban Core	Residential led	This site lies within Flood Zone 1.	We find the site allocation to be sound.



CCB39	Urban Core	Residential led	This site lies within Flood Zone 1.	We find the site allocation to be sound.
CCB37	Urban Core	Residential led	This site lies within Flood Zone 1.	We find the site allocation to be sound.
CCB31	Urban Core	Residential led	Flood Zone 1. The Southwest boundary is in Flood Zone 3, so any development layout should ensure there is site access into Flood Zone 1.	We find the site allocation to be sound.
CCB27	Urban Core	Residential led	This area would benefit from strategic flood defences as proposed by the MEAS Strategy. Contributions should be sought from the developer.	We find the site allocation to be sound.
CCB24	Urban Core	Residential led	This area would benefit from strategic flood defences as proposed by the MEAS Strategy. Contributions should be sought from the developer.	We find the site allocation to be sound.
CCB21	Urban Core	Residential led	Any development on the proposed site should take a sequential approach, steering development to areas of the lowest flood risk. This area would benefit from strategic flood defences as proposed by the MEAS Strategy. Contributions should be sought from the developer.	We find the site allocation to be sound.
CCB15	Urban Core	Residential led	This area would benefit from strategic flood defences as proposed by the MEAS Strategy. Contributions should be sought from the developer.	We find the site allocation to be sound.
CCB7	Urban Core	Residential led	Any development on the proposed site should take a sequential approach, steering development to areas of the lowest flood risk. This area would benefit from strategic flood defences as proposed by the MEAS Strategy. Contributions should be sought from the developer.	We find the site allocation to be sound.
CCB8	Urban Core	Residential led	Any development on the proposed site should take a sequential approach, steering	We find the site allocation to be sound.



			development to areas of the lowest flood risk. This area would benefit from strategic flood defences as proposed by the MEAS Strategy. Contributions should be sought from the developer.	
CCB25	Urban Core	Residential led	A small section of the site lies within Flood Zone 3b. We would object in principle to any more vulnerable development proposals within the functional floodplain. All development within flood zone 3b should be limited to water compatible development. Any development on the proposed site should take a sequential approach, steering development to areas of the lowest risk.	We would only find the proposed site allocation sound if our flood risk comments are taken into consideration.
CCB35	Urban Core	Non-residential led	Any development on the proposed site should take a sequential approach, steering development to areas of the lowest risk.	We find the site allocation to be sound.

Detailed comments regarding SR53 Frindsbury Peninsula (Medway City Estate) Opportunity Area have been made in response to Section 14.14 of the Medway Local Plan (Regulation 19) document.



Reference	Policy Map	Use	Flood Risk Comments	Soundness
SMI6	Southeast	Residential led	We would object to any more vulnerable development proposals within the Flood Zone 3b and measures should be in place to ensure that the lock gates remain functional including access. Any development on the proposed site should take a sequential approach, steering development to areas of the lowest risk. Before any works to develop the site take place, suitable flood defences must be in place to mitigate the risk of flooding to St Mary's Island including consideration of how flood risk assets around the site allocation (including the existing lock gates) will be raised, replaced or managed in the future.	We would only find the site allocation to be sound if the flood risk comments that we have made are taken into consideration in any proposals going forward.
SMI6	Southeast	Non-residential led	Any detailed proposals for the site must consider the latest flood risk modelling of the North Kent Coast, within their site-specific flood risk assessment.	We find the site allocation to be sound.
GN3	Southeast	Residential led	Any development on the proposed site should take a sequential approach, steering development to areas of the lowest risk.	We find the site allocation to be sound.
GN15	Southeast	Residential led	This site lies mainly within flood zone 3b and so areas within Flood Zone 3b should be restricted for water compatible	We find the site allocation to be unsound, as the site mainly lies



			development. We would object in principle to any more vulnerable development proposals within the functional floodplain. We recognise that this is a previously developed site and so the LPA should have regard to Table 2: flood risk vulnerability and flood zone incompatibility of the flood risk planning policy guidance. Any more vulnerable development proposals should be outside of flood zone 3b.	within Flood Zone 3b. More vulnerable development in flood zone 3b is contrary to NPPF. The site will only be deemed as being sound if the area in flood zone 3b is limited to water compatible development.
GN16	Southeast	Residential led	We would object in principle to any more vulnerable development proposals within the functional floodplain. Any development on the proposed site should take a sequential approach, steering development to areas of the lowest risk. If this site is to be allocated the LPA should be satisfied that there is safe access and egress.	We find the site allocation to be unsound, as a small section of the site lies within Flood Zone 3b. More vulnerable development in flood zone 3b is contrary to NPPF. The site will only be sound if the area within flood zone 3b is restricted to water compatible development.
HHH12	Southeast/Northwest	Residential led	The Medway Estuary and Swale Strategy states that this is a No Active Intervention frontage. This site has the potential to be a coastal change management area.	We find the proposed site allocation unsound, because of the area that will be impacted by



			<p>The southern portion of the site will be vulnerable to coastal erosion.</p> <p>Any allocation should be supported by a coastal vulnerability assessment.</p>	<p>coastal change. The proposal could be deemed sound if a coastal vulnerability assessment identifies land that be resilient to coastal change and development is restricted to this area.</p>
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Reference	Policy Map	Use	Flood Risk Comments	Soundness
CHR14	Southwest	Residential led	<p>Whilst part of the site of the site is flood zone 1, a significant part is flood zone 3b. We would oppose any development other than water compatible development within flood zone 3b. We would have no objection to residential development on the parts of the site within flood zone 1. Any development should include means of safe access and this may require appropriate on site flood mitigation to avoid increasing flood risk elsewhere.</p>	<p>We find the site allocation to be unsound, as a large section of the site lies within Flood Zone 3b. More vulnerable development in flood zone 3b is contrary to NPPF. The site will only be sound if the area within flood zone 3b is restricted to water compatible development.</p>
RWB2	Southwest	Residential led	<p>We would oppose any development other than water compatible development within flood zone 3b. Any development on the proposed site should take a sequential approach, steering development to areas of the lowest risk. Any flood risk assessment must demonstrate that there is no displacement of flood water, and that flood risk</p>	<p>We find the site allocation to be unsound, as a large section of the site lies within Flood Zone 3b. More vulnerable development in flood zone 3b is contrary to NPPF. The site will only be sound if the area within flood zone 3b is restricted to water</p>

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			is not increased elsewhere.	compatible development.
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Reference	Policy Map	Use	Flood Risk Comments	Soundness
SR48	Northwest	Residential led	Any development of the site should take the sequential approach, steering development towards the areas at the lowest risk.	We would only find the site allocation to be sound, if the flood risk comments that we have made are taken into consideration in any proposals going forward.
SR49	Northwest	Residential led	We have no objection in principle to development on this site. However, the site will become at flood risk during the lifetime of the development and therefore the proposal should be supported by a site-specific flood risk assessment. The SFRA should be used to inform suitable development sites.	We would only find the site allocation to be sound, if the flood risk comments that we have made are taken into consideration in any proposals going forward.
SR47	Northwest	Residential led	Flood Zone 1	We find the site allocation to be sound.
SR51	Northwest	Residential led	The site currently lies within Flood Zone 1. However, due to sea level rise and the potential for managed realignment in the area it is possible that the site could become surrounded by flood zones 2 and 3 in the future. The local authority should use their SFRA to inform the suitability of the site, in terms of access and egress.	We find the site allocation to be sound. However, the local planning authority should use their SFRA to inform the suitability of the site, in terms of access and egress.
HHH36	Northwest	Non-residential led	The area lies within flood zone 3. It is currently protected by existing flood defences maintained by the Environment Agency. However, flood defence infrastructure is likely to need	We find the site allocation to be sound, provided our flood risk comments are taken into consideration.



			replacing/improving before any works to develop the site take place due to aging flood defence infrastructure. If flood defences are not improved for the site by the developer then developer contributions would be required.	
HHH32	Northwest	Residential led	The site lies within flood zone 3. The preferred option of the Medway Estuary and Swale Strategy is for No Active Intervention in this area from around 2040 onwards. This will increase the risk of failure of the defences which will make the proposal unsafe during its lifetime.	We find the site allocation to be unsound, as the development will not be safe for its lifetime.
HHH22&HHH31	Northwest	Residential led	We would have no objection to residential development on this site in flood zone 1. Any development on the site should take a sequential approach, steering development to Flood Zone 1.	We find the site allocation to be sound provided the sequential approach is taken in any proposals going forward.
HHH35	Northwest	Non-residential led	The preferred option of the MEAS Strategy will include a new embankment along Jacob's Lane. A small part of this site will benefit from this proposed embankment and so contributions may be required towards flood defences from any proposed development here.	We find the site allocation to be sound.

Reference	Policy Map	Use	Flood Risk Comments	Soundness
AS25	Northeast	Residential led	This site lies within Flood Zone 1. However, the community if Grain risks becoming completely isolated and transport links do benefit from wider flood protection.	We find the site allocation to be sound.





			Consideration should be given to seeking contributions towards flood defence infrastructure for the wider community.	
AS28	Northeast	Residential led	This site lies within flood zones 1, 2 and 3. A site specific flood risk assessment would be required. The community of Grain risks becoming completely isolated and transport links do benefit from wider flood protection. Consideration should be given to seeking contributions towards flood defence infrastructure for the wider community.	We find the site allocation to be sound.

We hope you find our comments useful. We are happy to discuss our response with you.

Yours faithfully

**Ms Jennifer Wilson**  
**Planning Specialist**

Direct e-mail [REDACTED]



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Date 8 August 2025

Dear Sir or Madam

## Medway Local Plan 2041 Regulation 19 Consultation

Thank you for your email of 30 June 2025 inviting comments on the above consultation document.

As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages of the planning process. This includes formulation of local development policy and plans, supplementary planning documents, area and site proposals, and the on-going review of policies and plans.

There are many issues and matters in the consultation document that are beyond the remit and concern of Historic England and our comments are, as required, limited to matters relating to the historic environment and heritage assets. In our previous comments (by letters dated 30 October 2023 & 6 September 2024), Historic England focused on the objective of the National Planning Policy Framework to set out a positive strategy for the conservation and enjoyment of the historic environment (Paragraph 203, NPPF); and contain policies to sustain and enhance the significance of the heritage assets (Paragraph 203 a, NPPF).

We have a number of comments of detail relating to policy wording and or site allocation policies which if addressed will, in our view, help to clarify and strengthen the draft Local Plan.

### 5.7 Historic Environment

General observations:

There are individual policies for some designations but not all, this seems unusual. For example, there are registered parks and gardens within Medway but no specific policy. There are no policies also for local buildings at risk register or relating to the local list though both are mentioned in the preamble. We suggest including policy references to Registered Parks



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and Gardens, Heritage at Risk, and the Local List as the framework for future initiatives either as free-standing policies or within the current draft policy context.

Detailed comments:

## Policy DM9 Heritage Assets

The Policy does not differentiate between designated and non-designated heritage which means non-designated heritage would be subject to the same policy requirements as designated heritage. This seems disproportionate. **We recommend that a separate policy or a reference within the draft policy for non-designated heritage is developed.**

We suggest the revisions to wording below (addition = **bold**; deletion = ~~strike through~~):

“Development that causes the **total** loss or substantial harm to the significance of a designated heritage asset will only be permitted where it can be demonstrated that substantial public benefits will result that outweigh the harm or loss.”

“The ~~demolition or other loss~~ [suggest either **total demolition** or **total loss** – *other loss* is ambiguous] of a heritage asset will not be permitted unless it can be demonstrated that there are exceptional and overriding reasons; and that all possible methods of preserving the asset have been exhausted. In the exceptional circumstances where the **total** loss of a heritage asset can be fully and robustly justified, the ~~developer~~ **applicant** must make information about the heritage asset and its significance available to the Council and publicly, along with making it possible for any materials and features to be secured and safely stored.”

The policy does not explicitly allow for cases that cause less than substantial harm. We suggest this is made clearer in the policy perhaps with the following addition:

“Development proposals **for cases of less than substantial harm** shall demonstrate...”

## Policy S9 Star Hill to Sun Pier

We welcome reference to this in the local plan as this provides the policy context for decision making that flows from the framework.

## Site Allocations

Detailed comments:

### Policy SA2 Heritage Led sites

For 3. Star Hill to Sun Pier, we suggest addition of FF11 and F12 for **d (i)** on retention and reuse of historic buildings.

Suggest same as above for **d (ii)**

### Policy SA4 River waterfront (Chatham Docks)

This is a large strategic allocation of over 4000 residential homes in total and partly on land within the former historic dockyard. While there is no designated heritage within the site, there nevertheless remains some tangible aspects of its former functional use, including basic locks, the basins and potentially other features associated with its former role in the historic



dockyard. The western end of the allocation (i.e. the former dockyard) is also within the setting of many designated heritage assets of high significance which could be negatively impacted by development of any great scale. For this reason, **it is important that the strategic policy recognises the sensitive location of the allocation and its potential to enrich and celebrate an important part of Medway's history.**

We welcome reference to the historic environment in bullet point 14 but suggest it could be emphasised in different ways throughout the policy:

**bullet point 3** about reuse of buildings to minimise carbon emissions could **reference the historic environment** because existing buildings on the site may hold some intrinsic historic interest which can inform and be central to the character of a new place.

**bullet point 6** for example, could reference **historic** and natural landscapes (in relation to building heights and consideration of skyline).

There may be scope for an additional bullet point on **celebrating and reinforcing/enhancing the historic character and surviving historic features** within the site?

We would also emphasise again the value of screening the Chatham Waters site (SM16) which falls within this strategic policy to inform an understanding of the site's historic interest and value and help de-risk future development.

## Policy SA10 Lower Rainham

This proposed allocation for up to 750 units is in the setting of two conservation areas, Lower Tywdall and Lower Rainham, with the majority of the development focussed on land to the south of Lower Rainham. Both settlements are of medieval origin, linear in character and derive significance from their surroundings, both because they help reinforce their rural origins and because both, but especially Lower Tywdall contain farmsteads that likely farmed surrounding land.

We think the policy could be amended to provide a more positive strategy to manage the impact of the development on surrounding designated heritage, including the conservation areas and listed buildings within them. We would suggest:

**bullet point 9 is removed and replaced with the following additions:**

**Proposals should be informed by a thorough understanding of the historic environment including how the development site contributes to the significance of nearby designated and undesignated heritage**

**Proposals should seek to avoid and minimise harm and reinforce and reveal historic significance wherever possible**



## Policy SA5 Strood Town Centre and Surrounds

We welcome reference to a masterplan but suggest additional text requiring the masterplan to be informed by a thorough understanding of historic environment.

We note that some of the Town Centre sites could include unlisted historic buildings. Retention and reuse of historic buildings to reinforce historic character of Strood would be a helpful addition to the strategic policy.

## Policy SA13 Frindsbury Peninsula Opportunity Area

We have previously welcomed the Council's aspirations to create a new quarter on the Frindsbury Peninsula, a prominent parcel of land in the centre of Medway. As well as being within the setting of numerous highly graded buildings, the peninsula has the potential to fundamentally change the emphasis of Medway as a place with the creation of a new quarter that along with Chatham creates a focus of both residential and commercial development in Medway and new City Centre. Redevelopment of the peninsula in turn also places the river at the heart of Medway as a place.

We suggest replacing ~~have regard~~ with seek to avoid or minimise harm and reinforce and reveal the significance of....

Our comments on the Regulation 18 stage draft Local Plan largely have been addressed in the current Publication version or are, in our view, not now likely to affect the soundness of the Local Plan. The comments above are to enhance clarity and relate only to detailed text of the Submission draft Local Plan.

We welcome the inclusion of policies for the historic environment in the draft Medway Local Plan 2041 that meet the obligation for preparing the positive strategy required by the NPPF. The key test of the soundness of the plan and the achievement of sustainable development as defined in the NPPF in respect of the elements that relate to the historic environment (paragraph 203), in our view, have been met.

We should like to stress that this opinion is based on the information provided by the Council in its consultation. To avoid any doubt, this does not affect our obligation to provide further advice and, potentially, object to specific proposals which may subsequently arise where we consider that these would have an adverse effect upon the historic environment. We hope that these comments are useful.

*Yours sincerely*

**Alan Byrne**

Historic Environment Planning Adviser

Medway Site Reference	Dwellings Estimate	Floorspace Estimate (sqm)	Southern Water Comments
RN17	32	0	Southern Water potable water main infrastructure crosses parts of the site and will require easements or diversion
RN28	66	0	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated.
HW3	75	10000	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated. Southern Water potable water main infrastructure also crosses parts of the site and will require easements or diversion
HHH19	0	14400	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated. Southern Water potable water main infrastructure also crosses parts of the site and will require easements or diversion
HHH35	0	157000	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated. Southern Water potable water main infrastructure also crosses parts of the site and will require easements or diversion
HHH36	0	324450	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated. Southern Water potable water infrastructure (and what appears to be private wastewater network infrastructure) also crosses parts of the site and will require easements or diversion
FH1	0	46648	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated. Southern Water potable water main infrastructure crosses parts of the site and will require easements or diversion
RWB5	0	3693	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated.
CHR16	0	25300	Southern Water potable water main infrastructure crosses parts of the site and will require easements or diversion
CHR17	0	14600	Southern Water potable water main infrastructure crosses parts of the site and will require easements or diversion
CHR18	0	3500	
AS10	0	1810	Southern Water infrastructure crosses parts of the site and may require easements or diversion
AS11	10	1670	Southern Water infrastructure crosses parts of the site and may require easements or diversion
AS14	25	27190	
AS16	25	4720	
AS2	4	3410	Initial checks indicate this site is over 1000m from the wastewater network. Private infrastructure also appears to cross parts of the site and may require easements or diversion
AS25	34	12910	
AS28	9	12100	Initial assessments show this site is within 500m of Grain wastewater treatment works, therefore an odour assessment would be required to inform site layout and/or other odour mitigation.
AS6	40	23450	Initial checks indicate this site is over 800m from the wastewater network.



CCB1	12	2320	The land proposed for development contains brick arch sewers, these are old and sensitive assets. As these assets are deemed critical sewers, it is not permissible for a developer to build over them and they would need to liaise with Southern Water in regards to a sewer diversion, if viable. These assets need to be taken into account when designing the layout of the development. An easement width of 6 metres or more, depending on pipe size and depth, would be required, which may affect site layout. This easement should be clear of all proposed buildings and substantial tree planting.
CCB12	24	1760	The land proposed for development contains brick arch sewers, these are old and sensitive assets. As these assets are deemed critical sewers, it is not permissible for a developer to build over them and they would need to liaise with Southern Water in regards to a sewer diversion, if viable. These assets need to be taken into account when designing the layout of the development. An easement width of 6 metres or more, depending on pipe size and depth, would be required, which may affect site layout. This easement should be clear of all proposed buildings and substantial tree planting.
CCB15	60	3370	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated. Southern Water infrastructure also crosses parts of the site and may require easements or diversion.
CCB19	13	350	
CCB20	98	4980	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated. Southern Water infrastructure also crosses parts of the site and may require easements or diversion.
CCB21	14	350	
CCB24	0	210	The land proposed for development contains brick arch sewers, these are old and sensitive assets. As these assets are deemed critical sewers, it is not permissible for a developer to build over them and they would need to liaise with Southern Water in regards to a sewer diversion, if viable. These assets need to be taken into account when designing the layout of the development. An easement width of 6 metres or more, depending on pipe size and depth, would be required, which may affect site layout. This easement should be clear of all proposed buildings and substantial tree planting.
CCB25	150	27430	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated.
CCB27	20	620	The land proposed for development contains brick arch sewers, these are old and sensitive assets. As these assets are deemed critical sewers, it is not permissible for a developer to build over them and they would need to liaise with Southern Water in regards to a sewer diversion, if viable. These assets need to be taken into account when designing the layout of the development. An easement width of 6 metres or more, depending on pipe size and depth, would be required, which may affect site layout. This easement should be clear of all proposed buildings and substantial tree planting.
CCB3	13	260	
CCB30	21	750	
CCB31	179	7950	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated. Southern Water infrastructure crosses parts of the site and may require easements or diversion.
CCB35	79	27000	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated.
CCB37	200	13070	Southern Water infrastructure crosses parts of the site and may require easements or diversion

CCB39	24	570	
CCB4	50	2150	
CCB41	0	700	
CCB49	150	5450	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated. Southern Water infrastructure crosses parts of the site and may require easements or diversion.
CCB7	9	490	
CCB8	164	1570	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated. Southern Water infrastructure crosses parts of the site and may require easements or diversion.
CHR14	49	118590	Initial assessments show this site is within 500m of Motney Hill wastewater treatment works, therefore an odour assessment would be required to inform site layout and/or other odour mitigation. Checks also indicate that the land proposed for development contains a sealed pressurised sewer rising main pipe. As these assets are deemed critical sewers, It is not permissible for a developer to divert or build over/near them. Relocating these assets is not always viable, but developer could make a sewer diversion application to Southern Water to request this service.
FP1	28	6040	Water Mains crossing site
FP10	139	24560	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated. Southern Water infrastructure crosses parts of the site and may require easements or diversion.
FP11	123	5960	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated.
FP12	70	2840	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated. Southern Water infrastructure crosses parts of the site and may require easements or diversion
FP14	7	110	
FP16	0	170	
FP25	121	25900	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated. Southern Water infrastructure crosses parts of the site and may require easements or diversion.
FP6	102	7760	
GN15	1100	58690	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated.
GN3	176	12350	Southern Water infrastructure crosses parts of the site and may require easements or diversion
GN6	500	42720	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated.
GN8	17	1170	The land proposed for development contains brick arch sewers, these are old and sensitive assets. As these assets are deemed critical sewers, it is not permissible for a developer to build over them and they would need to liaise with Southern Water in regards to a sewer diversion, if viable. These assets need to be taken into account when designing the layout of the development. An easement width of 6 metres or more, depending on pipe size and depth, would be required, which may affect site layout. This easement should be clear of all proposed buildings and substantial tree planting.
GS14	6	260	Southern Water infrastructure crosses parts of the site and may require easements or diversion

GS19	57	1390	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated.
GS2	45	12800	Southern Water infrastructure crosses parts of the site and may require easements or diversion
GS23	0	340	
GS26	14	1350	
GS35	12	2130	
GS37	136	18980	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated. Southern Water infrastructure also crosses parts of the site and may require easements or diversion.
GS4	24	910	
GS7	0	740	Southern Water infrastructure crosses parts of the site and may require easements or diversion
GS8	6	200	Southern Water infrastructure crosses parts of the site and may require easements or diversion
HHH11	240	121020	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated.
HHH12	1801	1312770	The land proposed for development contains a sealed pressurised sewer rising main pipe. As these assets are deemed critical sewers, It is not permissible for a developer to divert or build over/near them. Relocating these assets is not always viable, but developer could make a sewer diversion application to Southern Water to request this service. Initial checks also indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated.
HHH15	5	4030	
HHH22 & HHH31	1700	727700	Initial checks indicate this site is over 500m from the wastewater network and has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated. Southern Water infrastructure also crosses parts of the site and may require easements or diversion.
HHH24	85	31830	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated.
HHH25	80	37810	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated. Southern Water infrastructure crosses parts of the site and may require easements or diversion.
HHH26	760	398130	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated.
HHH29	55	19100	Initial checks indicate this site is over 500m from the wastewater network and has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated. Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated.
HHH32	3	7870	
HHH33	330	235100	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated. Private infrastructure appears to cross part of the site and may require easements or diversion.
HHH41	25	9940	Private infrastructure appears to cross part of the site and may require easements or diversion.

HHH5	50	19640	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated.
HHH6	550	353230	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated. Southern Water infrastructure also crosses parts of the site and may require easements or diversion.
HHH8	450	308060	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated. Southern Water infrastructure also crosses parts of the site and may require easements or diversion.
HW11	60	33480	Initial checks indicate this site may be up to 600m from the wastewater network. Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated.
HW6	88	40040	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated. Southern Water infrastructure crosses parts of the site and may require easements or diversion.
L11	7	1330	Southern Water infrastructure crosses parts of the site and may require easements or diversion
L12	13	4140	
L7	6	350	
L9	22	3130	Southern Water infrastructure crosses parts of the site and may require easements or diversion
LW10	5	3100	
LW2	18	1300	Private infrastructure appears to cross part of the site and may require easements or diversion.
LW4	670	274120	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated. Southern Water infrastructure crosses parts of the site and may require easements or diversion.
LW5	5	1750	Southern Water infrastructure crosses parts of the site and may require easements or diversion
LW6	698	467970	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated. Private infrastructure appears to cross part of the site and may require easements or diversion.
LW7	450	232310	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated.
LW8	2000	877930	Initial checks indicate this site is up to 840m from the nearest connection point and has limited wastewater network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated. Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated.
REWW3	11	3410	
RN22	8	1030	
RN23	75	21850	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated.
RN24	9	630	
RN25	0	2220	
RN29	14	3800	

RN30	90	43070	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated. Southern Water infrastructure also crosses parts of the site and may require easements or diversion.
RN31	80	64400	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated.
RN32	0	20570	
RN9	800	512260	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated. Southern Water infrastructure also crosses parts of the site and may require easements or diversion.
RWB11	5	340	Southern Water infrastructure crosses parts of the site and may require easements or diversion
RWB12	3	1250	
RWB19	246	15670	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated. Southern Water infrastructure crosses parts of the site and may require easements or diversion.
RWB2	36	17780	
RWB25	132	5930	Southern Water infrastructure crosses parts of the site and may require easements or diversion
SMI6	2200	578590	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated.
SNF1	360	162010	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated.
SNF15	350	23680	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated. Southern Water infrastructure also crosses parts of the site and may require easements or diversion.
SNF17	0	240	Southern Water infrastructure crosses parts of the site and may require easements or diversion
SNF20	15	2340	Southern Water (and some private) infrastructure crosses parts of the site and may require easements or diversion.
SNF23	8	590	Southern Water infrastructure crosses parts of the site and may require easements or diversion
SNF24	0	520	Southern Water infrastructure crosses parts of the site and may require easements or diversion
SNF27	13	890	
SNF3	800	390240	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated. Southern Water infrastructure crosses parts of the site and may require easements or diversion.
SNF30	9	1120	Southern Water infrastructure crosses parts of the site and may require easements or diversion
SNF31	0	320	Southern Water infrastructure crosses parts of the site and may require easements or diversion
SNF32	0	250	Southern Water (and some private) infrastructure crosses parts of the site and may require easements or diversion.
SNF34	52	1720	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated. Southern Water infrastructure crosses parts of the site and may require easements or diversion

SNF35	171	26490	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated.
SNF38	12	690	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated.
SNF41	216	50010	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated. Southern Water infrastructure crosses parts of the site and may require easements or diversion.
SNF44	6	700	Private infrastructure appears to cross part of the site and may require easements or diversion.
SNF5	8	3530	
SNF8	19	2640	Southern Water infrastructure crosses parts of the site and may require easements or diversion
SNF9	40	4500	
SR14	49	51490	Southern Water infrastructure crosses parts of the site and may require easements or diversion
SR25	152	169540	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated.
SR30	102	5600	Initial assessments show this site is within 500m of Whitewall Creek wastewater treatment works, therefore an odour assessment would be required to inform site layout and/or other odour mitigation. Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated.
SR31	311	13860	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated.
SR38	150	13820	
SR4	130	62900	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated.
SR47	0	1320	
SR48	8	2450	Southern Water infrastructure crosses parts of the site and may require easements or diversion
SR49	6	2350	Southern Water (and some private) infrastructure crosses parts of the site and may require easements or diversion.
SR5	120	42180	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated. Southern Water infrastructure crosses parts of the site and may require easements or diversion
SR51	250	216220	Initial checks indicate this site has limited network capacity and phasing of development may be needed alongside network reinforcement prior to occupation of the total number of dwellings indicated. Southern Water infrastructure crosses parts of the site and may require easements or diversion
SR7	44	83600	
SW6	8	1360	Private infrastructure appears to cross part of the site and may require easements or diversion.
SW7	0	840	
T3	0	4320	
W3	0	3120	Southern Water infrastructure crosses parts of the site and may require easements or diversion
W4	5	260	
W7	21	3910	



Respondent	Contents Section	Number	Comment
Southern Water	Infrastructure Delivery in Strategic Growth Areas	2.8.4 – Developer Contributions in Strategic Growth Areas	Please note that these definitions of how strategic and non-strategic infrastructure is funded are different from the interpretation given in Southern Water wording (see comments below)
Southern Water	3.4 Utilities & Waste	Quality and capacity review	Needs update - following the first consultation, the regulators requested revisions to be made to the plan. We then held a second consultation on our revised draft Water Resources Management Plan (rdWRMP24) which ran from the 11th of September 2024 to the 4th of December 2024. In response to the feedback received, we have published a Statement of Response (SoR) and a final draft Water Resources Management Plan (fdWRMP24) both of which are published here - <a href="https://www.southernwater.co.uk/about-us/our-plans/water-resources-management-plan/">https://www.southernwater.co.uk/about-us/our-plans/water-resources-management-plan/</a>
Southern Water	3.4 Utilities & Waste	Quality and capacity review	Medway could add to this narrative by referring to the 'hierarchy for run-off destinations' provided in the National Standards for Sustainable Drainage (June 2025) and pointing to the top of that hierarchy - rainwater and grey-water harvesting for non-potable re-use (as part of developer delivery)?
Southern Water	3.4 Utilities & Waste	Proposed infrastructure	In future Southern Water also plans.

Southern Water	3.4 Utilities & Waste	Funding	this reads as a partial sentence in its present location at the start of this funding section - it perhaps duplicates some of the points below and may not be needed given this additional detail?
Southern Water	3.4 Utilities & Waste	Funding	Our (water industry) use of this term here might be confused with the Medway definitions (see above) of how Developers fund Strategic, but not local, infrastructure - developers do not contribute to strategic water company asset investment. If needed for clarity, please remove the strategic infrastructure reference and retain 'significant assets' (or instead you could edit to 'represent strategic water industry infrastructure'?)
Southern Water	3.4 Utilities & Waste	Wastewater Context	<p>Deletions as follows : <del>it operates three</del> wastewater treatment works (WwTW) servicing the district <del>Whitewall Creek, Stoke and Motney Hill WwTW</del>. Investment has been underway</p> <p>To service the district?</p> <p>AMP8 investment is planned at the following WTWs - Motney Hill, Whitewall Creek, Stoke and Grain on the Isle of Grain.</p>
Southern Water	3.4 Utilities & Waste	Wastewater : Context	This statement needs updating, as per general narrative shared. Or perhaps just delete the

			second sentence (not needed in light of AMP8 plans shared in this August 2025 IDP response)?
Southern Water	3.4 Utilities & Waste	Wastewater : Quality and capacity review	<p>We do not recognise the detailed analysis referred to as provided in April 2020, which now seems quite dated given agreement of AMP8 investment plans we've shared? (The next DWMP will soon be in development, but even the last one that informed AMP8 investment is more recent than any 2020.)</p> <p>Suggest this section needs new content and that these passages are removed - see comment below.</p>
Southern Water	3.4 Utilities & Waste	Wastewater : Quality and capacity review	<p>We do not recognise this content and without providing further explanation it seems unhelpful (and outdated, see previous comment above). Please either clarify the share provided or remove the passage - instead using explanations from water industry investment process provided, linking to relevant DWMP content where necessary?</p> <p>The Environment Agency determines where investment is needed to enhance treatment quality (and reduce nutrient loading) and this process is concluded as far as AMP8 investment plans are concerned. AMP9 plans will be</p>

			informed by the outcome of DWMP that LAs are consulted on.
Southern Water	3.4 Utilities & Waste	Wastewater : Proposed infrastructure	Growth project represents investment of £10m in value.
Southern Water	3.4 Utilities & Waste	Wastewater : Funding	You could reorder the wording for use with water (above) as well, eg - Upgrades to significant assets are funded through the water industry's 5 yearly investment plan which sets out spending requirements over the next 5-year period (AMP) using customer generated income. wastewater treatment works (WTWs) and water supply works are significant assets. WTWs treat wastewater collected from homes and businesses within their 'catchment' via a network of connecting pipes and pumping stations. The Environment Agency determines where new environmental permits are needed to enhance treatment quality as part of the Water Industry National Environmental Programme (WINEP).
Southern Water	3.4 Utilities & Waste	Wastewater : Funding	Perhaps add a further sentence - This is in line with the presumption in favour of sustainable development in the NPPF, and the National Standards for Sustainable Drainage (June 2025).
Southern Water	3.7 Green and blue infrastructure	Open spaces: Proposed infrastructure	Agreed - and so any community based SuDS planned by Southern Water should be listed in

			this section of the IDP as this will not deliver utilities infrastructure
Southern Water	3.7 Green and blue infrastructure	Open spaces: Proposed interventions	<p>Any community based SuDS planned by Southern Water should be listed in this section of the IDP (as this will act to mitigate flood and does not deliver utilities infrastructure)</p> <p>Southern Water received some information requests earlier in 2025 but have heard nothing more on the evolving SFRA - please consult us on this document when a draft is ready to share?</p>
Southern Water	3.7 Green and blue infrastructure	Open spaces: Proposed interventions	This is a very dated reference. The last DWMP is the latest assessment and older references than this should be removed, the next DWMP will soon be in development
Southern Water	3.7 Green and blue infrastructure	Open spaces: Proposed interventions	Sentence starting with..' These plans and ending application process...This is out-dated content, scheme proposals are included in our attached response and represent AMP8 investment plans - which is the outcome of drainage and wastewater management planning that we consulted Medway on alongside other authorities in AMP7.
Southern Water	Approaches to Infrastructure Delivery in Medway	4.2 Funding	Sustainable development also relies on comprehensive adherence to the National Standards for Sustainable Drainage (June 2025)

Southern Water		Project description table	Project description table Change utilities and waste to Utilities IDP Scheme
Southern Water		Project description table	Delivery body under utilities and waste - sewage network infrastructure :Network reinforcement plans will be provided as these come forward with development
Southern Water		Project description table	<p>Under timeframe for utilities and waste – wastewater treatment infrastructure: Strategic AMP8 investment plans include -</p> <ul style="list-style-type: none"> <li>- Growth at Motney Hill WTW (increasing treatment capacity - represents £33m investment).</li> <li>- Sludge Treatment and other enhancements at the works to improve performance and resilience (£6m investment)</li> <li>- Growth scheme at Whitewall Creek WTW (£10m investment)</li> <li>- Growth scheme at Stoke WTW (£3.8m)</li> <li>- enhanced resilience at Grain WTW (£0.4m)</li> </ul> <p>See Southern Water IDP response attachment</p>
Southern Water		Project description table	Green and blue infrastructure- We note the inclusion of flood mitigation infrastructure in this section - and therefore ask that Southern Water 'Clean Rivers and Seas' schemes are included in this section, as these represent community-



			<p>based flood mitigation infrastructure in the form of SuDS solutions (rather than utilities infrastructure).</p> <p>See Southern Water IDP response attachment</p>

Medway Council

**IDP response**

Date  
28 August 2025

Contact  
[REDACTED]

Your ref

Our ref

Dear Sir/Madam,

**Medway Regulation 19 Infrastructure Delivery Plan Review**

Thank you for consulting Southern Water on the Regulation 19 consultation draft of the Infrastructure Delivery Plan. Southern Water is the statutory wastewater undertaker for the district, and the water supplier for most of the district. In preparing our response we noted the IDP reference to Medway's Strategic Flood Risk Assessment (SFRA) that we received information requests on earlier in 2025 but have heard nothing further. Please could you consult us on the latest draft of the SFRA document once this is available to share?

In addition to providing results from our initial capacity checks for the latest set of sites proposed by Medway in the Regulation 19 consultation, we have reviewed the content of the draft IDP and attach a version with comments that requests updates to a number of dated passages and also links to our full response (below). Our response includes AMP8 (2025-2030) investment scheme information.

We hope that you find our response useful in your review of the IDP and would be happy to meet to discuss any queries you might have on our response. We look forward to being kept informed of progress.

Yours faithfully,

[REDACTED]

Catherine Adamson  
Strategic Planning Lead for Kent and East Sussex



## Requests for corrections/update

Please see the marked-up version of the IDP attached in which we highlight a number of paragraphs with comments. Our comments suggest updates or request removal/replacement of more dated sections that we do not recognise.

## AMP8 Plans for inclusion in the IDP Schedule and related explanations

Please see the key investment that will support growth listed below. Additional work will also be delivered across the period to improve network and treatment asset resilience and performance.

In the UK water industry asset investment periods (AMP) are financed through 5-year business plans agreed through a regulatory process currently led by Ofwat. The current investment period is referred to as AMP8 and covers the years 2025 to 2030. AMP9 will be 2030 to 2035 and so on.

Through each UK water industry 5-year period, we work to identify the asset investment priorities for the next investment period. Our work to produce the Drainage and Wastewater Management Plan and the Water Resources Management Plan are the main routes to assess and prioritise investment proposals. We consult broadly on the DWMP and WRMP to ensure that stakeholder input informs the development and implementation of these plans. Investment proposals prioritised through these processes are then fed into the next 5-year water industry business plan. Southern Water is now starting to develop the next Drainage and Wastewater Management Plan that will prioritise the wastewater asset investment proposals feeding into our AMP9 business plan (for the period covering 2030 to 2035).

All figures provided through LPA 5-year housing land supply is accounted for alongside other population growth estimates in our business planning processes. We use the available local plan information and growth data per 5-year period as evidence to support our strategic investment proposals for growth – planning certainty provides the strongest evidence for investment.

Any new growth data yet to be confirmed through local plan processes will usually be accounted for in future 5-year water industry investment cycles. We would typically need to see the spatial distribution of future growth proposals to interpret this in terms of the wastewater catchments serving each area.

We provide below plans for the current 2025 to 2030 investment period. The tables provide the key investment plans supporting growth, with some longer-term plans for water asset investment strategy that, in addition to targeting water resource conservation and efficiency outcomes, includes:

- Ending the use of all supply-side drought permits/orders by 2041, unless faced with a drought of more than 1-in-500 year severity.
- Continuing temporary use bans and non-essential use bans to manage demand during drought.
- Establishing a new bulk import from South East Water to support longer-term supply resilience for Canterbury (up to 20MI/d by AMP12).

Additional to the schemes listed, capital maintenance continues across multiple assets and locations to enhance resilience and safeguard asset life, for example at the Lower Halstow Pumping station. Additional network growth schemes will be confirmed as the designs come forward further to network modelling.

Please note that project plans and delivery schedules can be subject to change, in line with the risks emerging throughout each 5 year investment period.

IDP Schedule - Utilities Infrastructure section:

Wastewater Catchment	Scheme Type/ Driver	Outline	Estimated AMP8 Investment	IDP Section
Motney Hill	Growth	Increase in Biological treatment capacity and likely provision of additional flow passed forward and final settlement.	£33m	Utilities Infrastructure
Motney Hill	Enhanced sludge treatment & storage	Resilience for compliance requirements, improved performance and changes to operational practice	£5m	Utilities Infrastructure
Whitewall Creek	Growth	Growth at sewage treatment works to include additional biological treatment capacity	£10m	Utilities Infrastructure
Stoke	Growth	Additional capacity and allow treatment to a higher standard	£3.4m	Utilities Infrastructure
Grain	Resilience (power)	Generator installation	£0.1m	Utilities Infrastructure

Water Supply Zone / Area	Scheme Type/ Driver	Outline	Estimated AMP8 Investment	IDP Section
Medway	Future Resource	Recycling for up to 14MI/d via a water supply works extracting from the River Medway downstream of Aylesford WTW	2030-2031	Utilities Infrastructure
Thames Estuary	Future Resource	Developing a desalination plant on the Thames Estuary to provide up to 40MI/d	2039-2040	Utilities Infrastructure
All Kent	Water efficiency	(AMP8 – AMP12) Smart metering rollout and other water efficiency programme measures to reduce demand by 37.4MI/d by 2049-50	TBC	Utilities Infrastructure
All Kent	Leakage Programme	Implementing leakage reduction measures from 2025-26 (AMP8) to reduce leakage by 10.9MI/d by 2049-50 (AMP12)	TBC	Utilities Infrastructure

### Green and Blue Infrastructure section (community-based, non-utilities flood mitigation investment):

Statutory water companies must undertake a series of checks and then plan investment in line with water industry funding routes and cycles. The planning system has a role in seeking to ensure the combined impacts of urban creep and climate change protect the quality of the water environment, and this is in line with paragraph 162 of the NPPF (December, 2024). Surface water flood risk is well-documented in Medway's IDP. The Infrastructure Delivery Plan should make clear all types of investment mitigating localised flood risk and the sources of funding.

We provide a list of AMP8 investment below that will deliver community-based flood mitigation infrastructure (including nature based solutions) to catchments draining the Medway district. None of this represents investment in utilities infrastructure but instead targets the root cause of localised flood risk by enhancing surface water management through SuDS based interventions.

The complexities and challenges of drainage need a collaborative approach between the responsible organisations, such as Local Authorities, Southern Water, the Environment Agency and community groups to adapt the urban environment to be more resilient to our changing weather patterns. The (new) National Standards for SuDS requires this of new developments. Sustainable infrastructure planning is supported by paragraph 7 of the NPPF (December 2024) and should be evident in the IDP allocation of funds.

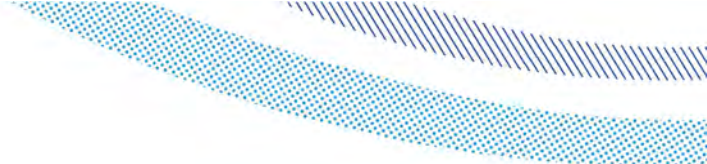
Paragraph 7 of the NPPF states that; *the purpose of the planning system is to contribute to the achievement of sustainable development, including supporting infrastructure in a sustainable manner.*

Climate change is expected to have an impact on the risk of flooding in several wastewater systems, including those in Medway. Southern Water is investing heavily in work to reduce releases from storm overflows. However, even as we deliver this work, development continues to increase surface water run-off in those areas.

Wastewater Catchment	Scheme Type/ Driver	Outline	Estimated AMP8 Investment	IDP Section
Motney Hill	WINEP overflows	Root-cause spill reduction achieved through enhanced surface water management and Sustainable Drainage Systems (SuDS) for local flood mitigation	£2.3m	Community based flood mitigation infrastructure
Grain	WINEP overflow	Root-cause spill reduction achieved through enhanced surface water management and Sustainable Drainage Systems (SuDS) for local flood mitigation	Commencing £0.3m investment that will be delivered into AMP9	Community based flood mitigation infrastructure

This type of SuDS delivery should assist to mitigate the effects of climate change on the increased flood risk discussed in the IDP. Southern Water considers it necessary for all developments to be delivered sustainably and supports application of the Government's National Standards for SuDS (June 2025) to all development.

Most UK sewers were designed for the communities when the houses were built. At times of low rainfall and in dry conditions much of the sewerage system has the capacity to convey household



wastewater and is therefore adequate for what it was principally designed for – to drain and pump wastewater on to treatment works. However, the combined effects of climate change and urban creep now place huge pressure on these systems, and the in-built pressure release valves known as storm overflows are discharging more often. Upscaling sewer networks to then pump increasing volumes of rainfall run-off through processes not required to treat it is unsustainable. Working together, we need to tackle the problem at source and separate rainwater from wastewater.

For more information on Southern Water's work, and the root causes of releases from storm overflows, please see –

<https://www.southernwater.co.uk/our-region/clean-rivers-and-seas-task-force/pathfinders/>  
<https://www.southernwater.co.uk/our-performance/storm-overflows/storm-overflow-task-force>





Our ref: NH/25/12389  
Your ref: Medway Local Plan 2041  
: Regulation 19 Consultation

Kevin Bown  
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Tel: 0300 470 1046

FAO: [REDACTED]  
Medway Council

8 August 2025

Dear [REDACTED],

**Publication of the Medway Local Plan 2041: for consultation under Regulation 19 of the Town and Country Planning Regulations (Local Planning) (England) 2012**

Medway Council are consulting on their draft Local Plan, seeking responses no later than 11 August 2025. National Highways (NH) as a statutory consultee wish to make representations as set out in this letter.

We appreciate that the focus of this consultation is on **legal compliance** and the **soundness of the Local Plan** as judged against the soundness tests in the National Planning Policy Framework (NPPF) (December 2024) para.36. We have structured our response accordingly.

**Policy Context**

As I am sure you are aware, NH is responsible for the Strategic Road Network (SRN), with our focus being on its safety, reliability and operational efficiency. In the vicinity of Medway, the SRN comprises the A2 (west) and M2.

The policy of the Secretary of State for Transport in relation to the SRN is Circular 1/2022 (C1/22): *Strategic road network and the delivery of sustainable development*. In responding to this consultation, NH has taken C1/22 as relevant national policy alongside the NPPF.

In accordance with national planning and transport policy we expect the plan-making process to explore all options to reduce a reliance on the SRN for local journeys including a reduction in the need to travel, and integrating land use considerations with the need to maximise opportunities for walking, wheeling, cycling, public transport and shared travel.

NH is obliged to raise its concerns with regards to any unacceptable safety or congestion impacts on the SRN.

The remainder of this response is split into three tables:

1. **Table 1: Legal Compliance** – This is focused on how Medway Council has engaged with NH during the plan-making process on strategic transport matters relating to the SRN.
2. **Table 2: Soundness Tests** – This is focused on the soundness tests and how plan-making has considered and responded to transport-related matters that are likely to impact on the SRN, as well as compliance with national policy on transport matters, in particular national policy on the SRN (C1/22).
3. **Table 3: Detailed Representations** – These are focused on detailed comments on individual policies relating to strategic transport matters that are likely to impact on the SRN. In some cases, they highlight how the robustness of the policies could be improved through some minor modifications.

**Table 1: Legal Compliance**

NH Rep. No.	Issue	NH response
NH001	Duty to Cooperate	<p>Medway Council has engaged with NH constructively, actively and on an ongoing basis on strategic transport matters relating to the SRN during the preparation of the Local Plan.</p> <p>NH commits to working with all parties to resolve any outstanding matters, be it in the period before submission or in the period up to the examination.</p> <p>NH would content to capture this process in a Statement of Common Ground prior to the Local Plan being submitted for examination. The SoCG can be updated as appropriate ahead of the examination.</p> <p>On this basis we have no objection in terms of legal compliance and/or duty to co-operate in connection with strategic road network related matters</p>

## **Soundness**

This section of the response highlights soundness matters that NH wishes work with the Council on to resolve, ideally prior to submission. This is followed by a table of additional comments highlighting likely Main or Minor modifications that would strengthen the robustness of certain policies.

**Table 2: Soundness: Significant Issues**

<b>NH Rep. No.</b>	<b>Soundness Test</b>	<b>NH response</b>
NH002	<b>Justified:</b> Supporting Evidence relating to Transport	<p>The documents which form part of the Regulation 19 consultation and are considered to be relevant to matters of interest to National Highways are as follows (all documents can be found on the MC Regulation 19 consultation website):</p> <ul style="list-style-type: none"><li>• Medway Local Plan Regulation 19 document and Proposals Maps</li><li>• Strategic Transport Assessment (STA) - Forecasting Report</li><li>• STA - Mode Shares and Trip Rate Assessment Tool</li><li>• STA - Mode Share Strategy</li><li>• STA - M2 and M20 Merge and Diverge Assessment</li><li>• STA - M2 Junction Analysis Technical Note</li><li>• STA - Proportionality Assessment</li><li>• STA - Junction Modelling and Mitigation Report</li><li>• STA - Local Model Validation Report</li><li>• STA - Forecasting Methodology Technical Note</li><li>• STA - Data Collection Report</li></ul> <p>Of these documents, National Highways has previously been consulted on, and provided comments in connection with, the Local Model Validation Report, Data Collection Report, Forecasting Methodology Technical Note, Mode Share Strategy and Mode Shares and Trip Rate Assessment Tool documents. The comments previously made on these</p>

NH Rep. No.	Soundness Test	NH response
		<p>documents have been taken into account in the versions published in support of this consultation.</p> <p>We are content that these documents, subject to some continued joint working to evolve, finalise and agree all aspects (but especially with regards M2J1, M2J3 and M2J4), provide appropriate, proportionate evidence of how the methodology and assumptions applied to the Regulation 19 modelling and associated assessments have been developed and, in principle, agreed.</p>
NH003	<b>Consistent with National Policy:</b> Vision for Medway in 2041 (Paragraph 2.1)	<p>The over-arching vision for Medway includes specific reference to reducing car use, improving access to sustainable modes and public transport, and enhancing connections between the towns and less developed areas of Medway. This is considered to be generally consistent with the requirements of NPPF and C1/2022. In addition, the vision refers to the ambition for improved walking and cycle links, consistent with LTN 1/20 guidance.</p> <p>We would, however, suggests that the text is amended via a Minor Modification to also refer to connections to adjacent boroughs / authority areas which would increase the alignment with the Circular.</p>

Table 3 (below) sets out more detailed representations. The responses from NH have been made to assist with the robustness of the policies.

**Table 3: Detailed Representations**

NH Rep. No.	Local Plan Reference	NH response
NH004	Policy DM15 Monitor and Manage / (Paragraph 9.2.1 to 9.2.15)	<p>Policy DM15 states that development proposals for sites of 50 or more houses or 5000 sqm or more floorspace will be required to demonstrate how their trip generation will be lower than that assumed as “trip credits” in the Infrastructure Development Plan (IDP).</p> <p>In order for this requirement to be in accordance with the principles of Vision and Validate, the policy wording should make reference to the identification of transport measures or infrastructure as the means to deliver the reduced trip generation figures.</p> <p>Paragraph 9.2.12 directly references the need for assessment of transport impacts to move away from “worst case” scenarios. This is welcomed. However, to correspond to Policy DM15, reference should be made to the measures which will deliver changes to trip demands and mode shares, as this is necessary in order for the justification and effectiveness tests of soundness to be met.</p> <p>It is considered that the reference to a “proportionate developer contribution discount” is premature and could undermine the ability of the Council to collect appropriate funding from developers for necessary transport improvements. This should be removed from paragraph 9.2.14.</p>
NH005	Infrastructure Delivery (Section 10.5)	Section 10.5 set out the Council’s expectations with regard to the provision of supporting infrastructure for development. This section



NH Rep. No.	Local Plan Reference	NH response
		<p>refers to the payment of contributions toward off-site works to support development, which is assumed to include highway works.</p> <p>The supporting text should be amended to make it clear that National Highways will not accept contributions toward or in lieu of works on the SRN. Nor will act as a “delivery partner”. Required works will need to be delivered either by the relevant developer or by the Local Authority (who may choose to collect contributions themselves to facilitate this).</p>
NH006	Section 14.1.7	Transport Assessments should be added to the list of documents all Allocations will need to submit
NH007	Site Policy SA6: Land West of Strood	<p>We understand that Gravesham BC will be publishing their own R19 Local Plan for consultation this autumn.</p> <p>Further joint work involving Medway and Gravesham Councils, National Highways, Kent County highways and any relevant site promoters will be needed ahead of submission/ examination to discern, provide, assess and agree the necessary cross-boundary/ cumulative impact evidence. This will include a particular focus on the nearby M2J1 and the means by which this allocation can deliver active and sustainable transport.</p>
NH008	<p>Site Policy SA7: Capstone Valley</p> <p>And any other aspect of the Medway LP relying on the M2J4 improvement scheme</p>	It is noted that Policy SA7 refers to the connection between North Dane Way and the M2 J4 which will provide for an orbital bus route to serve the sites within the development. Capstone Valley lies in close proximity to the major allocated site at Lidsing Garden Village in Maidstone. SA7 and its text should be clear on the need for co-ordination with that development, particularly with regard to the proposed upgrade to M2 J4 which Lidsing is expected to deliver during the lifetime of the emerging Medway Local Plan.

NH Rep. No.	Local Plan Reference	NH response
		<p>Clarification is also required as to the degree of reliance the SA7 allocation (and/or any other allocations in the Medway LP) has on the delivery of the M2J4 4<sup>th</sup> arm. And how the LP and development will manage any circumstance where the Medway development needs the 4<sup>th</sup> arm to be in place yet the Lidsing site is not started or becomes stalled ahead of the delivery of the 4<sup>th</sup> arm.</p>
NH009	<p>Site Policy SA8: Hoo Peninsula</p> <p>And any other similar Allocations</p>	<p>Site Policy SA8: Hoo Peninsula lists four off-site junction improvements which the developers will be required to contribute to. This list does not include the identified required upgrade to the M2 Junction 1 eastbound merge.</p> <p>Given that this site is a major contributor to Local Plan traffic at this location, this improvement should be included in the list.</p> <p>And, any other site allocations which are located in proximity to M2 Junction 1 should also include this improvement as one which developers will be required to contribute to.</p>

## **Summary and Next Steps**

Thank you for engaging with NH on the Regulation 19 Local Plan.

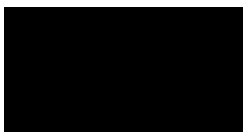
We have provided representations on the R19 Medway Local Plan. They include some aspects where we believe that further work is necessary per se and in some places may lead to required Main or Minor Modifications.


We commit to continuing to work proactively and pragmatically with the Council and others to complete the necessary work.

Once Medway have had the opportunity to consider all representations received, we would be pleased to meet with officers to review any SRN implications and agreed the way forward.

In the meantime, if there are any immediate queries regarding our representations, please contact us via [PlanningSE@nationalhighways.co.uk](mailto:PlanningSE@nationalhighways.co.uk)

Yours sincerely



Kevin Bown  
Spatial Planner  
South East Region Operations Directorate  
Email: 



Marine  
Management  
Organisation

Seacole Building  
2 Marsham Street  
London  
SW1P 4DF

[www.gov.uk/mmo](http://www.gov.uk/mmo)

Our ref: ID 737

Planning Service  
Medway Council  
Gun Wharf  
Chatham  
Kent  
ME4 4TR

08/08/2025

Dear Sir/Madam,

**MMO Marine Planning and Marine Licensing response to Medway Local Plan 2041  
Proposed Submission Draft, Regulation 19**

Thank you for giving us the opportunity to comment on the Medway Local Plan. The comments provided within this letter refer to the document entitled Medway Local Plan 2041 Proposed Submission Draft, Regulation 19.

As the marine planning authority for England, the MMO is responsible for preparing marine plans for English inshore and offshore waters. At its landward extent the Marine Plan boundaries extend up to the level of the mean high water spring tides mark (which includes the tidal extent of any rivers), there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark.

Marine plans will inform and guide decision makers on development in marine and coastal areas. Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure the necessary considerations are included. In the case of the document stated above, the [South East Marine Plan](#) is of relevance. The plan was published for public consultation on 14<sup>th</sup> January 2020, at which point it became material for consideration. The South East Marine Plan was adopted June 2021, alongside the North East, North West, and South West. The South East Marine Plan covers the area from Landguard Point in Felixstowe to Samphire Hoe near Dover, including the tidal extent of any rivers within this area.

All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine and Coastal Access



ENVIRONMENT  
**ISO 14001**  
CERTIFIED



QUALITY  
**ISO 9001**  
CERTIFIED



INVESTORS  
IN PEOPLE

Bronze

Act 2009 and any relevant adopted Marine Plan, in this case the [South East Marine Plan](#), or the [UK Marine Policy Statement](#) (MPS) unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our [online guidance](#), [Explore Marine Plans](#) and the [Planning Advisory Service soundness self-assessment checklist](#).

### **Marine Licensing**

The Marine and Coastal Access Act 2009 states that a marine licence is required for certain activities carried out within the [UK marine area](#).

The MMO is responsible for [marine licensing](#) in English waters and for Northern Ireland offshore waters.

The marine licensing team are responsible for consenting and regulating any activity that occurs “below mean high water springs” level that would require a marine licence. These activities can range from mooring private jetties to nuclear power plants and offshore windfarms.

### **Specific Comments**

The inspector may seek reference to the [South East Marine Plan](#), for the reasons stated above, which the relevant authority for the Medway Local Plan sits within.

They may also seek reference to the requirement for decision makers, such as yourselves, to take the marine policy statement and marine plans into account under the Marine and Coastal Access Act 2009.

These are recommendations and we suggest that your own interpretation of the South East Marine Plan is completed. We would also recommend you consult the following references for further information: [South East Marine Plan](#) and [Explore Marine Plans](#).

Yours sincerely,



Marie Canny  
Marine Planning Officer (South East)

**Telephone:** 02087200083



Sent by email to:  
[Planning.policy@medway.gov.uk](mailto:Planning.policy@medway.gov.uk)

10th August 2025

Dear Sir/Madam,

## MEDWAY LOCAL PLAN (REGULATION 19) 2025

Thank you for the opportunity to respond to the Medway Regulation 19 Local Plan. The following responses are on behalf of the Kent Downs National Landscape team and as such are at an officer level and do not necessarily represent the comments of the whole Kent Downs National Landscape partnership. **These responses have also been submitted through the Consultation Portal, under the appropriate section headings.**

**On 22 November 2023, all designated Areas of Outstanding Beauty (AONBs) in England and Wales became 'National Landscapes' (NLs). Accordingly, the Kent Downs AONB is now renamed the Kent Downs National Landscape. Its legal designation and policy status remain the same.**

**Also of note is the changes introduced through the Levelling-Up and Regeneration Act 2023, which came into force on 26/December 2023. The Act amends the Countryside and Rights of Way Act, which is the primary legislation relating to AONBs and replaces the previous Duty of Regard to AONBs set out at S85 with a new, strengthened requirement that:**

***'In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'. (Part 12 - Miscellaneous; Section 245. Protected Landscapes; paras (5) - (10).***

**This clearly places a much stronger duty on relevant authorities, which includes local authorities, to ensure that their actions and decisions seek to conserve and enhance AONBs, marking a significant change to the legal context of AONB policy.**

**The legal context of our response and list of National Landscape/AONB guidance is set out at Appendix 1 below. Further advice is provided in Appendix 2.**



**Kent Downs  
National  
Landscape**

**Kent Downs  
National Landscape**  
The Granary  
Penstock Hall Farm  
Canterbury Road  
East Brabourne  
Ashford, Kent TN25 5LL

Anglesey  
Arnside and Silverdale  
Blackdown Hills  
Cannock Chase  
Chichester Harbour  
Chilterns  
Clwydian Range  
Cornwall  
Cotswolds  
Gower  
Cranbourne Chase and  
West Wiltshire Downs  
Dedham Vale  
Dorset  
East Devon  
Forest of Bowland  
Howardian Hills  
High Weald  
Isle of Wight  
Isles of Scilly  
**Kent Downs**  
Lincolnshire Wolds  
Llyn  
Malvern Hills  
Mendip Hills  
Nidderdale  
Norfolk Coast  
North Devon  
North Pennines  
North Wessex Downs  
Northumberland Coast  
Quantock Hills  
Shropshire Hills  
Solway Coast  
South Devon  
Suffolk Coast and  
Heaths  
Surrey Hills  
Tamar Valley  
Wye Valley

On 22<sup>nd</sup> November 2023, all AONBs in England and Wales were renamed National Landscapes. The Kent Downs National Landscape is the new name for the Kent Downs AONB.

Beautiful, thriving landscapes that everyone feels part of.



Under the Countryside and Rights of Way Act, local authorities are required to prepare an AONB Management Plan which must “formulate the policies for the management of the AONB and for carrying out their functions in relation to it”. The Kent Downs National Landscape team produces a Management Plan on behalf of the local authorities within the National Landscape. The Kent Downs Management Plan, Third Revision 2021 to 2026 has been adopted by all the local authorities in the Kent Downs, including Medway Council. The Management Plan sets out the policy for the conservation, enhancement and management of the National Landscape in a series of aims, actions and Principles.

All Kent Downs National Landscape responses on consultations on local authority plans and strategies reflect the Principles of the Management Plan. The following Principles are considered to be of particular relevance to the Medway Regulation 19 Local Plan:

**MMP2** The Kent Downs AONB is a material consideration in plan making and decision taking, and so local authorities will give a high priority to the AONB Management Plan vision, aims, principles and actions in Local Plans, development management decisions, planning enforcement cases and in taking forward their other relevant functions.

**SD1** Ensure that policies, plans, projects and net gain investments affecting the Kent Downs AONB take a landscape led approach, are long term, framed by the Sustainable Development Goals appropriate to the Kent Downs, cross cutting and recurrent themes, the vision, aims and principles of the AONB Management Plan.

**SD2** The local character, qualities, distinctiveness and natural resources of the Kent Downs AONB will be conserved and enhanced in the design, scale, siting, landscaping and materials of new development, redevelopment and infrastructure and will be pursued through the application of appropriate design guidance and position statements.

**SD3** Ensure that development and changes to land use and land management cumulatively conserve and enhance the character and qualities of the Kent Downs AONB rather than detracting from it.

**SD7** New projects, proposals and programmes shall conserve and enhance tranquillity and where possible dark night skies.

**SD8** Ensure proposals, projects and programmes do not negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the Kent Downs AONB.

**SD9** The particular historic and locally distinctive character of rural settlements and buildings of the Kent Downs AONB will be maintained and strengthened. The use of sustainably sourced locally-derived materials for restoration and conversion work will be encouraged. New developments will be expected to apply appropriate design guidance and to be complementary to local character in form, siting, scale, contribution to settlement pattern and choice of materials.

**LLC1** The protection, conservation and enhancement of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB will be supported and pursued.

On 22<sup>nd</sup> November 2023, all AONBs in England and Wales were renamed National Landscapes. The Kent Downs National Landscape is the new name for the Kent Downs AONB.

Beautiful, thriving landscapes that everyone feels part of.

**BD9** The opportunities presented by intended Biodiversity Net Gain and other legislative changes are secured in the Kent Downs AONB in a way that support the vision, aims and principles of the Management Plan. Development permitted in the Kent Downs will secure 20% biodiversity net gain subject to further evidence and testing; any requirement will ultimately be decided and set out individual local authorities' local plans.

**VC3** Initiatives which are in line with existing policies of the Local Planning Authority that increase and improve the supply of affordable housing for (i) those with proven local needs, and (ii) workers whose activities directly contribute to the purposes of the AONB designation, will be supported where it is demonstrated that the proposals are suitably located, of high-quality design, limited quantity and scale and are built to the best current environmental standards.

**AEU4** The sustainable and enhanced management and promotion of Public Rights of Way, permissive paths and open access sites will be pursued.

**AEU 14** Proposals which detract from the amenity and enjoyment of users of the Public Rights of Way network will be resisted

## **RESPONSES OF THE KENT DOWNS NATIONAL LANDSCAPE TEAM:**

### **CHAPTER 2: VISION AND OBJECTIVES**

#### **Vision SOUND**

While we support the Plan's commitment, in the Vision for Medway to 2041, to 'strengthening natural assets' and to 'conserving and enhancing its intrinsic cultural and natural heritage and landscapes' we are concerned that the Vision does not explicitly state that the natural beauty of the Kent Downs National Landscape will have been conserved and enhanced, in compliance with the new LURA Protected Landscapes duty. We therefore request the following amendment:

'Medway has conserved and enhanced its intrinsic cultural and natural heritage and landscapes, including the natural beauty of the Kent Downs National Landscape, alongside delivering high quality development to strengthen the area's distinctive character. [...]

#### **Strategic Objectives SOUND.**

In particular we support Strategic Objective 'Prepared for a sustainable and green future' to 'conserve and enhance assets of international and national importance for nature and landscape, including the Kent Downs National Landscape', as our previous consultation responses had requested.

### **Chapter 3: SPATIAL DEVELOPMENT STRATEGY SOUND**

Supporting text and key diagram: Request the following amendments:

- Add Kent Downs National Landscape designation to the Key Diagram
- Amend paragraph 3.1.8 to more accurately reflect the requirements of the NPPF paragraph 188 and the LURA Protected Landscapes Duty as follows:

'There are also large areas designated of international and national environmental importance. In considering potential development allocations in suburban and rural areas, the Council acknowledges the need to conserve and enhance these important habitats and

landscapes, including the natural beauty of the Kent Downs National Landscape, and to plan at an appropriate scale to support effective infrastructure delivery’.

#### **CHAPTER 4: NATURAL ENVIRONMENT**

General Comment: There is a lot of overlap between policies in this Chapter. For clarity, we suggest that Policy S6 Kent Downs National Landscape is moved to sit immediately after Policy S3 in order to reflect the hierarchy of international and national designated landscapes in Medway, and that Policy S7, for similar reasons, would sit better earlier on in the chapter rather than at the end as is currently drafted, where it appears adrift from the other strategic policies.

#### **Policy S2: Conservation and Enhancement of the natural environment. SOUND**

We object to the net gain in biodiversity being set at 10% for all sites across the district of Medway. The requirement that development proposals coming forward in Medway over the Plan period deliver a measurable net gain in biodiversity of 10% is not consistent with Principle BD9 of the Kent Downs AONB Management Plan 2021 – 26 which advises that a net gain of 20% should be secured on developments in the Kent Downs. In our view increasing the requirement to 20% would go further in achieving the sustainable development and biodiversity objectives of the Medway Local Plan and AONB Management Plan and substantially increase the investment made available for nature in Medway.

We acknowledge the issues of whole plan viability, however we believe given the duty on the Council to further the purposes of conserving and enhancing the natural beauty of the Kent Downs National Landscape and the requirement of the NPPF (paragraph 189) to minimize adverse impacts of new development on this National Landscape, a requirement for 20% biodiversity net gain is appropriate for the two strategic allocations at Strood West and the Capstone Valley. Both these strategic allocations are predominantly greenfield in nature, propose an extensive scale of development and are sensitively located within the immediate setting of the National Landscape. We consider that such a requirement should be included in Policies SA6 and SA7, and would facilitate the delivery of extensive structural landscaping, wildlife biodiversity habitat creation and enhance existing ecological networks in these parts of Medway district.

In addition, we request the following amendments to the supporting text wording for accuracy:

- Amend paragraph 4.3.4: ‘National planning policy states that policies and decisions should ~~contribute to give great weight to conserving and enhancing landscape and scenic beauty of National Landscapes and should contribute to and enhance~~ the natural and local environment.’

Reference to the North Kent Woods and Downs National Nature Reserve in paragraph 4.3.4 is welcomed.

#### **Policy S4 Landscape protection and enhancement SOUND**

See also our response to Policy DM4.

#### **Policy S5 Securing Strong Green and Blue Infrastructure SOUND.**

Supporting text: Request the following amendment for accuracy:

- Amend Figure 2 to include a National Landscape layer within “Tier 1: designated sites SPA SAC Ramsar, National Landscape, and SSSI”.

#### **Policy S6: Kent Downs National Landscape SOUND**

On 22<sup>nd</sup> November 2023, all AONBs in England and Wales were renamed National Landscapes. The Kent Downs National Landscape is the new name for the Kent Downs AONB.

Beautiful, thriving landscapes that everyone feels part of.

We welcome the inclusion of a specific Kent Downs National Landscape strategic policy. We are also pleased to note that account has been taken of our comments made during previous consultation events during the preparation of this Plan. We request only a minor alteration to criteria e

e. ~~landscapes~~ landscape components of cultural, historic and heritage value;

Supporting text: request a number of minor wording changes for accuracy:

- Landscape Character Areas are part of the Kent Downs Management Plan and not supporting evidence to it. Therefore:  
amend paragraph 4.7.2 'These are the West Kent Downs, Medway Valley and Mid Kent Downs landscape character areas. ~~and this supporting evidence for~~ The Kent Downs management plan provides guidance specific to each area.
- The National Landscape has a single purpose. Therefore:  
amend paragraph 4.7.5 'The purpose of the National Landscape is ~~primarily~~ to conserve and enhance natural beauty'.
- Suggest reference to cross border green networks in paragraph 4.7.7 is replaced with cross boundary green networks as districts, and the National Landscape, have boundaries and not borders.

#### **Policy DM4: Noise and Light Pollution SOUND**

We welcome recognition of the contribution of tranquility to conserving the qualities of the Kent Downs National Landscape.

However, while we support this Policy we question whether this is the correct place for reference to requiring LVIA's and suggest this would be more appropriately included in Policy S4: Landscape Protection and Enhancement.

#### **CHAPTER 5: BUILT ENVIRONMENT**

Welcome reference in paragraph 5.2.9 to the Kent Downs AONB Management Plan and supporting guidance, as part of the suite of design guidance documents that should be consulted as part of the design process.

#### **CHAPTER 6: HOUSING**

##### **Policy T3 Affordable Housing UNSOUND**

The availability of affordable housing is particularly restricted in protected landscapes. As a result, the Kent Downs Management Plan 2021 -26 aims to secure well designed, sustainable and affordable housing across the Kent Downs National Landscape. Principle VC3 of the Management Plan seeks an increase and improvement in the supply of affordable housing.

NPPF paragraph 65 allows for Local Plan policies to set lower thresholds for the provision of affordable housing in Designated Rural Areas. Paragraph 2.50 of the Local Plan Viability Assessment states that "none of the parishes in Medway are defined as being a designated rural area". We do not believe this to be correct. Designated Rural Areas in Kent as set out in the *Housing (Right to Acquire or Enfranchise) (Designated Rural Areas in the South East) Order 1997 Schedule 1 Part VI*, include the rural parishes of Cobham and Halling in Medway. Both these parishes lie within the National Landscape. We consider that Policy T3 should explicitly establish a lower site threshold of 6 units or more for affordable housing provision on windfall sites that come forward for development in the National Landscape over the Plan period. Such an approach has

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been adopted in other Local Plans that include rural parishes /designated rural areas that are located in the Kent Downs National Landscape. It is our view that the Policy as currently worded is therefore not consistent with national policy as set out in the NPPF and on this issue do not find the Plan to be sound.

Furthermore, as currently worded we consider that Policy T3 provides insufficient clarity on the level of affordable housing that will be required. Reference is made in the policy to differing requirements for 'high value areas' and 'lower value areas'. Details of the locations/ extent of such areas are not included in the Plan and are not readily accessible in the LHNA or Local Plan Viability Assessment. It is our opinion that if variable levels of affordable housing provision across the district are to be required, then the spatial application of such variations should be set out clearly in either the policy or the supporting text. As it stands, the policy requires, for example, 30% affordable housing on sites 'including' 'suburban greenfield sites' and 25% affordable housing in 'greenfield areas'. Such classifications are not considered to be sufficiently clear and therefore Policy T3 is not considered to provide the necessary certainty with regard to the level of affordable housing that will be required on windfall sites within the National Landscape should they come forward over the Plan period.

#### **CHAPTER 7: EMPLOYMENT SOUND**

Support reference in paragraph 7.6.4 to the work of the Kent Downs National Landscape team on sustainable tourism.

#### **Policy T14 Rural Economy SOUND**

#### **CHAPTER 14: SITE ALLOCATIONS**

Overall response: We are concerned at the absence of criteria included in policies allocating sites that have the potential to impact on the Kent Downs National Landscape. Without the assurances of site-specific requirements, the Plan does not provide the necessary certainty that sites would be delivered in a way that would conserve and enhance the natural beauty of the Kent Downs National Landscape as required by the CROW ACT Section 85 duty.

#### **POLICY SA6: Land West of Strood SOUND**

- Welcome requirement at 4a. for proposals to demonstrate a landscape led approach which takes account of, among other things, the setting of the KDNL.
- At 4b, we recommend that further clarification of the expectation is provided 'b The structural landscaping will be planted at an early stage of the development and provide new habitats for priority nature conservation species and be appropriate to landscape character'.
- Request a requirement for 20% BNG delivery on this strategic site (Please see our response to Policy S2)

*Supporting text:*

- Paragraph 14.7.4: The Kent Downs National Landscape team agree that the approach will need to be landscape led and heavily informed by views analysis.

#### **POLICY SA7: Capstone Valley UNSOUND**

The background text to the proposed allocation recognises that the Capstone Valley contributes to the setting of the Kent Downs National Landscape, by virtue of its proximity and shared landscape characteristics with the designated area. We concur with this assessment and consider the Capstone Valley to have a strong functional link with the National Landscape that contributes to its setting. It currently forms a rural buffer between the National Landscape to the south and the heavily built-up areas to the north and acts as a 'gateway' to the designated area from the north and as transition zone between it and the built-up urban areas of Chatham and Gillingham. We therefore consider it essential that this is recognised and addressed in the allocation and that harmful impacts are avoided or minimised.

The policy wording, however, fails to refer to, or include any requirement for development to respond to the site's location within the KDNL setting. We consider that given the strategic scale of the proposed allocation, this should be addressed. Without such provisions, we consider it is not demonstrated that the allocation would be consistent with national planning policy and in particular paragraph 189 of the NPPF which requires that development within the setting of National Landscapes should avoid or minimise adverse impacts on the designated areas. The proposal would also be in conflict with Principle SD8 of the Kent Downs AONB Management Plan 2021 to 2026, and the policy does not reflect the requirements of the CROW Act S85 duty.

In order to address this, we would recommend that the policy wording includes requirements for the development to be landscape led and to respond to its location within the setting of the Kent Downs National Landscape and be designed to avoid or minimise adverse impacts. It is also considered that there should be requirements within criterion (6) for positive enhancements to the Capstone Valley and the setting of the KDNL, the provision of recreational connections with the KDNL and for strategic and internal landscaping that respects the site's visual and physical relationship with the Kent Downs.

The scale and location of the allocation, both on its own and in combination with the allocation at Lidsing in Maidstone's Local Plan also has potential to result in increased traffic 'rat running' through the Kent Downs National Landscape, and additional use of historic roads including former droveways and in particular Lidsing Road that travels through the actual escarpment of the Kent Downs to Boxley and which does not have capacity for additional use without damage to its character and impacts on tranquility. No requirements for how this might be addressed are provided within the policy and this is a matter we consider that needs to be addressed.

In addition, we are concerned that the policy fails to specifically address the impacts of the increased population and use of local roads in the Kent Downs National Landscape on the North Downs Woodland SAC.

*Supporting text:*

Amend Paragraph 14.8.1 to more accurately reflect the designation targets of the Kent Downs "The Capstone Valley forms a steep-sided dry valley, consistent in landscape character to the Kent Downs National Landscape, ~~which was the target~~ with dry-sided valleys alongside the North Downs escarpment being the main target of for the original designation of the Kent Downs".

**POLICY SA11: Rural Settlements UNSOUND**

*Supporting text:*

Object to the wording of paragraph 14.12.6. which should specifically reference the need to avoid or minimize adverse impacts on the National Landscape.

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**Policy SA11:** Object to the highly limited criteria included in this policy. We are not able to support this policy without the security of site-specific criteria. Given that one of the site allocations covered by this Policy lies in the immediate setting of the National Landscape such criteria should include a requirement that development is sensitively designed to avoid or minimize adverse impacts on the Kent Downs National Landscape. Without the assurances of site-specific requirements, the Plan does not provide the necessary certainty that sites would be delivered in a way that would conserve and enhance the natural beauty of the Kent Downs National Landscape as required by the CROW ACT Section 85 duty.

**CHR14:** This site is allocated for up to 49 new homes. No specific criteria are provided to guide development. This is a very sensitive site that falls within the setting of the KDNL and is highly visible from the designated landscape. From the east, the site is visible from an extensive area of the Kent Downs National Landscape, including in close proximity, from the east banks of the Medway Valley, where the site would be visible from numerous public rights of way, including the North Downs Way, a national trail. From this direction, the site is seen within a largely rural context. The site is also visible from the higher topography of the western banks of the Medway.

Despite these sensitivities, no landscape evidence has been prepared in support of the proposed allocation to demonstrate that it can be delivered in a way that furthers the purpose of the Kent Downs National Landscape. The character of the landscape is very different either side of the Medway bridge. To the southwest of the bridge the character changes from an urban environment to a much more rural one. While there is built form associated with Cuxton, this is of a different form and scale to that associated with the City of Rochester. The introduction of large apartment blocks, maximizing the advantages of this riverside location, into the site for example could be out of character and potentially detrimental to views from the National Landscape.

The effects are likely to be exacerbated by virtue of the site currently being largely devoid of any substantial built form (although its previously developed nature is acknowledged, along with views of existing built form higher up the valley side) and in view of the rural backdrop to the site. The proposed site extends over an extensive area along the bank of the Medway and in view of the intervisibility of the site with the KDNL, it is our assessment that built form across the entire site of the proposed allocation could be harmful to the setting of the National Landscape. Furthermore, the specific riverside frontage of this site is likely to result in proposals for a form of development that could be particularly harmful in views from the KDNL.

Taking these matters into account, we consider it essential that the proposed allocation for this site include specific criteria that set out the design expectations for development of this sensitive site, to include the following requirements:

- Built form to be limited to the south-western part of the site only, where it would be viewed in the context of existing built form associated with Cuxton.
- Variation to the front (riverside) elevations so a flat face is not presented, and avoidance of a horizontal emphasis to built form.
- A maximum of two and a half -storey height of development.
- Spacing between buildings to avoid a continuous block of built form in views from the opposite side of the river.
- The incorporation of tree planting along river front and between apartment or housing blocks to help filter views of the built form and integrate the development into the landscape.



- A requirement for materials to be neutral and the use of recessive colours rather than light colours and to have a matt finish.
- The proposal also has potential for nighttime effects due to the introduction of lighting including light emanating from (envisaged) large areas of glazing on eastern facing elevations. Ways of managing/reducing the impacts of this in nighttime views and also impacts from the reflectiveness of glazing should also be considered.
- Tree planting along the western boundary of the site to help manage any impact on views from the higher topography of the AONB to the west.

#### **POLICY SA12: Other Sites UNSOUND**

Object to the lack of any criteria in this policy. We are not able to support this policy without the security of site-specific criteria. Given that two of the site allocations covered by this Policy lies in the immediate setting of the National Landscape such criteria should include a requirement that development is sensitively designed to avoid or minimize harm to the Kent Downs National Landscape. Without the assurances of site-specific requirements, the Plan does not provide the necessary certainty that sites would be delivered in a way that would conserve and enhance the natural beauty of the Kent Downs National Landscape as required by the CROW ACT Section 85 duty.

**HW6:** This site is allocated for up to 88 new homes. No specific criteria are provided to guide development. This is a very sensitive parcel of land north of the M2 in the vicinity of Junction 4 which falls within the setting of the Kent Downs National Landscape. We are concerned about the cumulative impact of development of this site, the adjacent strategic allocation at Capstone Valley (SA7) and the allocation at Lidsing in Maidstone's Local Plan on the National Landscape and therefore object to the lack of site-specific criteria requiring that development of this site respond to its location within the setting of the Kent Downs National Landscape and be designed to avoid or minimise adverse impacts. We request that criteria are added that include requirements that design, form, height, mass, materials and colour palette of development coming forward on this site should be appropriate to the setting of the National Landscape and the provision of landscaping that respects the site's visual and physical relationship with the Kent Downs.

**RWB2:** No specific criteria are provided to guide the development of this sensitive riverfront site within the setting of the National Landscape. Although the site, immediately adjoining the Medway Bridge Marina on eastern shore of the river Medway will largely be seen as part of the residential area of Borstal which forms a boundary with the site to the south east, care will still be needed given the visibility of this site from the higher topography of the Kent Downs both to the west of the river Medway and to the south-west of the site. We are concerned at the failure to include site-specific criteria and request that the Policy be amended to require that development of this site respond to its location within the setting of the Kent Downs National Landscape and be designed to avoid or minimise adverse impacts on the protected landscape.

We consider that the policy for this site should include specific criteria that set out the design expectations for development, to include the following requirements:

- A maximum of two and a half -storey height of development.
- Spacing between buildings to avoid a continuous block of built form in views from the higher ground to the south west and from the opposite side of the river.

- The retention of mature planting and the planting of trees between apartment or housing blocks to help filter views of the built form and integrate the development into the landscape including the recreation ground and nature reserve of Baty's Marsh to the north east.
- A requirement for materials to be neutral and the use of recessive colours rather than light colours and to have a matt finish.
- The proposal also has potential for nighttime effects due to the introduction of lighting including light emanating from (envisaged) large areas of glazing on western facing elevations. Ways of managing/reducing the impacts of this in nighttime views and also impacts from the reflectiveness of glazing should also be considered.

#### **POLICY SA14: Employment Sites UNSOUND**

We are not able to support this policy without the security of site-specific criteria. Given that two of the site allocations covered by this Policy lie in the immediate setting of the National Landscape such criteria should require that development is sensitively designed to avoid or minimize harm to the natural beauty of the Kent Downs National Landscape. Without the assurances of site-specific requirements, the Plan does not provide the necessary certainty that sites would be delivered in a way that would conserve and enhance the natural beauty of the Kent Downs National Landscape as required by the CROW ACT Section 85 duty.

**CHR16** We object to the lack of specific criteria to guide development of this site which falls within the setting of the National Landscape. While the character of the landscape to the north of the Medway bridge is largely urban, the character to the south which falls within the National Landscape is strongly rural in character. Development on this site will be visible from views from the higher ground of the National Landscape on both sides of the river Medway. We therefore consider the policy should be amended to include site-specific criteria limiting building height and massing here as well as the use of recessive colours with a matt finish to avoid or minimize harm to the protected landscape of the Kent Downs, particularly given its employment designation and the larger bulk and massing that is commonplace with such commercial buildings.

The site is heavily wooded at its western end. We consider it essential that the site allocation policy requires the retention of this mature woodland belt in the interests of conserving and enhancing the landscape and scenic beauty of the KDNL. Furthermore, the North Downs Way runs along the western boundary, increasing the sensitivity of the site. We object to the lack of inclusion of appropriate safeguards in the policy wording to ensure that the amenity and enjoyment of users of this national trail are not harmed by development of this site. We consider it to be essential that the policy wording makes this clear, and that opportunities to enhance the user experience of those walking this section of Trail will be supported.

**RWB5:** This employment site is located within the setting of the National Landscape. While the site is reasonably contained by existing commercial development and transport infrastructure, we are concerned at the lack of site-specific criteria attached to this allocation given the national policy requirement that development be sensitively located and designed to avoid or minimize adverse impacts on the National Landscape. We request that the policy is amended to include criteria limiting building height and massing and the use of recessive colours with a matt finish on development here to avoid or minimize harm to the protected landscape of the KDNL.

We trust these responses are helpful.

Yours sincerely



Catherine Hughes  
Planning and Place Manager, Kent Downs National Landscape team

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## APPENDIX 1

### **Planning consultations with the Kent Downs National Landscape Team**

#### **Background and context:**

The Kent Downs National Landscape partnership (which includes all the local authorities within the National Landscape) has agreed to have a limited land use planning role. In summary this is to:

- Provide design guidance in partnership with the Local Authorities represented in the National Landscape.
- Comment on forward/strategic planning issues-for instance Local Development Frameworks.
- Be involved in development management (planning applications) in exceptional circumstances only, for example in terms of scale and precedence.
- Provide informal planning advice/comments on development control (planning applications) at the request of a Kent Downs National Landscape Joint Advisory member and /or Local Authority Planning Officer.

#### **The Countryside and Rights of Way Act 2000**

The primary legislation relating to AONBs is set out in the Countryside and Rights of Way Act 2000. Section 85 of this Act, as recently amended by the Levelling Up and Regeneration Act, requires that in exercising any functions in relation to land in an AONB, or so as to affect land in an AONB, relevant authorities, which includes local authorities, must seek to further the purpose of conserving and enhancing the natural beauty of the AONB. Compliance with this requirement can be demonstrated in part by testing proposals against the policies set out in the Kent Downs AONB Management Plan and its supporting guidance (see below).

#### **Relationship of the AONB Management Plan and Development Management**

The CRoW Act requires that a management plan is produced for each AONB, and accordingly the first Kent Downs AONB Management Plan was published in April 2004. The third revision Management Plan (2021-2026) has been formally adopted by all the local authorities of the Kent Downs. The Management Plan may be viewed on the Kent Downs website [\[link\]](#).

Under the CRoW Act, the Management Plan is required to 'formulate the (Local Authority) policies for the management of the AONB and for carrying out their functions in relation to it'. The policies of the Kent Downs AONB Management Plan are therefore the adopted policies of all the Local Authorities in the Kent Downs.

The national Planning Policy Guidance, 2019, confirms that Management Plans can be a material consideration when assessing planning applications ([Paragraph: 040 Reference ID: 8-040-20190721](#)) and this view is confirmed in previous appeal decisions, including APP/U2235/W/19/3232201, Cossington Fields Farm North, Bell Lane, Boxley, Maidstone where at paragraph 5 of the Inspectorate's decision letter it is stated that "I am mindful of the policies

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contained within the Kent Downs AONB Management Plan (2014-2019) requiring development to conserve and enhance natural beauty of AONB to which I attach substantial weight.” The decision can be downloaded at:

<https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3232201>

Any Kent Downs National Landscape team response to consultations on planning applications will reflect the policies of the Management Plan along with other Kent Downs National Landscape produced guidance which help support the delivery of the principles of the Management Plan, as set out below.

### **Other Kent Downs AONB/National Landscape Guidance**

#### [Kent Downs AONB Guidance on the selection and use of colour in development – Guidance](#)

The purpose of this guidance is to provide guidance on the selection and use of colour for building development within the National Landscape and its setting. ‘Development’ includes any building work, ranging from home extensions and conversions through to house building, agricultural and industrial premises, and retail and office buildings. It also includes infrastructure developments associated with transport, flood defences, power generation and distribution, communications and other utilities.

#### [Kent Downs Landscape Design Handbook](#)

Design guidance based on the 13 landscape character areas in the Kent Downs. Guidance is provided on fencing, hedges, planting, gateways etc. to help the conservation and enhancement of the AONB.

#### [Kent Downs Renewable Energy Position Statement](#)

Provides a clearly articulated position for the Kent Downs AONB partnership with regards to renewable energy technologies. It recognises that each Local Planning Authority must balance the impact of proposals for renewables on the AONB with all the other material planning considerations.

#### [Kent Rural Advice Service Farm Diversification Toolkit](#)

Guidance on taking an integrated whole farm approach to farm developments leading to sound diversification projects that benefit the Kent Downs.

#### [Kent Downs Land Manager's Pack](#)

Detailed guidance on practical land management from how to plant a hedge to creating ponds and enhancing chalk grassland.

#### [Rural Streets and Lanes - A Design Handbook](#)

Guidance on the management and design of rural lanes and streets that takes the unique character of the Kent Downs into account. This document discusses the principle of shared space and uses examples from around the UK and Europe. The Handbook has been adopted by Kent County Council as policy.

#### [Managing Land for Horses](#)

A guide to good practice on equine development in the Kent Downs, including grassland management, fencing, trees and hedges, waste management and basic planning information.

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### [Kent Farmstead Guidance and Kent Downs Farmstead Guidance](#)

Guidance on the conservation, enhancement and development change of heritage farmsteads in the Kent Downs based on English Heritage's Kent and National Character Area Farmstead Statements. Includes an Assessment method and Design Guidance.

### [Kent Downs Setting Position Statement](#)

An advisory document providing guidance on issues of setting including the legislative basis for considering setting, identification of where setting is likely to be an issue and provision of advice on how to mitigate potential impacts.

### [The Kent Downs Landscape Character Assessment Update 2020](#)

An update of the original Landscape Character Assessment of the Kent Downs that was published by the Countryside Commission, that identifies 13 different landscape character areas in the Kent Downs, describes their key characteristics and identifies recommended actions, investments and priorities to help with the conservation and enhancement of the Kent Downs National Landscape.

## **The NPPF and National Landscapes**

National planning policies are very clear that the highest priority should be given to the conservation and enhancement of National Landscapes. The NPPF confirms that National Landscapes are equivalent to National Parks in terms of their landscape quality, scenic beauty and their planning status.

Paragraph 189 of the NPPF (December 2024 version) specifies that 'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes, which have the highest status of protection in relation to these issues.' It is advised that the scale and extent of development within National Landscapes should be limited. Paragraph 190 of the NPPF states that major developments should be refused in National Landscapes except in exceptional circumstances and where it can be demonstrated that they are in the public interest. No definition is given as to what constitutes major development within a National Landscape, however a footnote to this paragraph states that this is 'a matter for the relevant decision taker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined'.

NPPF paragraph 11 explains the presumption in favour of sustainable development. For decision-making this means that proposals in accordance with the development plan should be approved. Part d says that where there are no relevant development plan policies or the relevant ones are out of date (for instance in applications involving new housing where there are housing supply or delivery deficits) then permission should be granted unless:

- "i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed<sup>7</sup>; 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination".

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National Landscapes are listed in footnote 7 and the most relevant policies in the Framework relating to National Landscapes are paragraphs 189 and 190. A court of appeal case<sup>1</sup> confirms that, if a proposal causes harm to an AONB sufficient to refuse planning permission if there were no other considerations, then the presumption in favour (or 'tilted balance' expressed in ii) above) should be disengaged. The decision-maker should therefore conduct a normal planning balancing exercise, applying appropriate weight to each consideration, to come to a decision. This will of course include giving great weight to the National Landscape as required by NPPF paragraph 189.

The national [Planning practice guidance](#) provides further information on how development within National Landscapes should be approached and advises that all development with Areas of Outstanding Natural Beauty will need to be located and designed in a way that reflects their status as landscapes of the highest quality. (Paragraph: 041 Reference ID: 8-041-20190721, Revision date: 21 07 2019).

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<sup>1</sup> Monkhill Limited vs Secretary of State for Housing, Communities and Local Government and Waverley Borough Council Case No: C1/2019/1955/QBACF



## APPENDIX 2 : ADVICE ON THE NEW STATUTORY DUTY ON RELEVANT AUTHORITIES, SECTION 245 OF THE LEVELLING UP AND REGENERATION ACT 2023

The Levelling-up and Regeneration Act (2023) amended section 85 of the CRow Act, to create a new duty on public bodies to *'seek to further the purpose of conserving and enhancing the natural beauty of the area'* when discharging their functions in Areas of Outstanding Natural Beauty (now known as National Landscapes). The single purpose of AONB designation is *'the conservation and enhancement of natural beauty'*.

On 16 December 2024 the Department for Environment, Food and Rural Affairs published ["Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes"](#). This *"sets out how the Protected Landscapes duty is intended to operate and provides broad principles to guide relevant authorities in complying with it"*. The guidance advises that the new duty is decision making in respect of development management, planning applications and nationally significant infrastructure projects. When seeking to further the purposes, relevant authorities should consider the information contained in a Protected Landscape's Management Plan.

The Guidance confirms that the duty is an active, not passive one which means that:

- a relevant authority should take appropriate, reasonable, and proportionate steps to explore measures which further the statutory purposes of Protected Landscapes
- as far as is reasonably practical, relevant authorities should seek to avoid harm and contribute to the conservation and enhancement of the natural beauty, special qualities, and key characteristics of Protected Landscapes
- a relevant authority should be able to demonstrate with proportionate, reasoned, and documented evidence the measures to which consideration has been given when seeking to further the statutory purposes of Protected Landscapes
- for development management decisions affecting a Protected Landscape, a relevant authority should seek to further the purposes of the Protected Landscape - in so doing, the relevant authority should consider whether such measures can be embedded in the design of plans and proposals, where reasonably practical and operationally feasible.

It is also advised that the decision maker should consider:

- Whether measures which would further the purposes align with and help to deliver the targets and objectives in the Protected Landscape's Management Plan?
- Are such measures appropriate and proportionate to the type and scale of the function and its implications for the area? For instance, are measures in keeping with the natural beauty, the special qualities and key characteristics of the Protected Landscape?
- Could the measures contribute to the conservation and enhancement of the Protected Landscape's wildlife, ecological value and quality, geological and physiographical features, water environment, cultural heritage, dark skies, tranquillity, opportunities for access to nature, and landscape character for which the area was designated?

In determining this application, the local planning authority should be able to demonstrate how they have actively sought to further the purpose of conserving and enhancing the natural beauty of this National Landscape. The way in which the purpose of designation might be furthered, or

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the evidence of the genuine attempt to seek to do so, should be open to scrutiny and therefore documented.

Further guidance can be found in an [Interim Advice Note](#) produced by the Kent Downs National Landscape team for LPAs on the new duty and in a Guidance Note by the National Landscapes Association [Applying the CroW Act section 85 duty to 'seek to further the purpose in National Landscapes \(AONBs\)](#).

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# Kent and Medway

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11<sup>th</sup> August 2025

Dear Sir / Madam

### Re: Medway Draft Local Plan Regulation 19 consultation

I am writing on behalf of NHS Kent and Medway to provide feedback on the Medway Draft Local Plan Regulation 19 consultation. Our organisation has reviewed the document and would like to offer the following comments:

#### River Waterfront

The plan proposes up to 4,197 new homes. Existing NHS primary and community care facilities, including the new Healthy Living Centre (HLC) at Chatham, will not support the full scale of this growth. Given the scale of this proposed develop and its proximity of the to the acute hospital site, NHS Kent and Medway has some concerns regarding the impact this growth will have on Medway Foundation Trust (MFT), particularly on the A&E department, if there are no other infrastructure mitigations. NHS Kent and Medway therefore request further discussions with Medway Council to explore options for a new primary and community healthcare facility to be delivered at no cost to the NHS for this area as a policy requirement within the Local Plan.

#### Strood

- NHS Kent and Medway, working with Medway and Swale Health and Care Partnership (HCP), will undertake a refreshed feasibility and infrastructure needs assessment for Strood, including Strood Town Centre, Strood West, and Frindsbury growth.
- The Regulation 19 document notes that Policy SA5 details the need for an expanded / improved/ new Healthy Living Centre at SNF20. The site-specific table refers to SNF20 as the Medical Centre, North of Gun Lane, Strood, for residential development of approximately 15 houses. We believe this refers to the Keystone Centre. To be clear NHS Kent and Medway has not concluded that the Keystone Centre is available for redevelopment. We understand NHS Property Services, the owners of the building, may have submitted this as a future potential opportunity. The Regulation 19 document

therefore currently details Keystone as both an expansion and a residential development site, neither is confirmed by NHS Kent and Medway.

### **Capstone Valley**

- The plan proposes up to 3,958 new homes in this area. The NHS assessment for this area needs to consider Medway growth alongside the growth proposed for Lidsing (which falls under Maidstone Borough Council) and existing infrastructure in Lordswood. We look forward to working with the Council to understand what opportunities exist within the Capstone Valley area to include the possibility of a healthcare facility in the future.
- We note reference to 'LW6 East Hill Residential, Primary School, GP Surgery', this has since been clarified by the council as relating to a previous permission for which no GP surgery is included. We request the reference is removed.

### **Hoo St Werburg and Chattenden**

- We note that Land to the east of Hoo (HHH22) is identified as the preferred location for the main centre, including a healthcare facility. In due course, it will be helpful to understand the phasing of the development and the timing of delivery of a new facility. This will help us to better consider the potential need for expansion of current healthcare facilities to provide for the interim healthcare demands (using existing S106 contributions). It would also be helpful to understand the approach to strategic master planning in this area to enable the delivery of an integrated healthcare facility, ensuring it is delivered as a benefit to the NHS (i.e. at no cost).

### **Lower Rainham**

- We note that Rainham Parkside Village (RN9) will include up to 750 new homes and includes reference to a Health Hub. This is not required by the NHS in this area.

The current capacity within the existing Rainham Healthy Living Centre is expected to be reconfigured to maximise the utilisation of this facility using some existing S106.

### **General Comments**

- Developer contributions and Medway Council's Developer Contributions Guide are clearly detailed in your Regulation 19 document. We have previously shared the NHS Kent and Medway Developer Contribution Guide (published March 2025) which is to be reflected in the healthcare section of the Medway's Developer Contribution Guide.
- We have also previously discussed and detailed that where healthcare infrastructure is to be delivered as a planning obligation. It is important that this is clearly set out, and that new healthcare facilities are delivered as a benefit to the NHS, i.e. they should be delivered at no cost to the NHS and not as an opportunity for commercial gain.

Thank you for considering our comments. We look forward to further discussions and collaboration to ensure healthcare infrastructure requirements are fully considered as part of the Local Plan and Infrastructure Delivery Plan.

Yours sincerely,



**Simon Brooks-Sykes**  
**Deputy Director of Strategic Estate and Sustainability**

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Your ref:  
Our ref:

By E-Mail Only: [planning.policy@medway.gov.uk](mailto:planning.policy@medway.gov.uk)

11 August 2025

Dear Sir or Madam

## MEDWAY LOCAL PLAN REGULATION 19 CONSULTATION 2025

I am writing on behalf of our client National Grid and these representations are written in the context of their substantial landholding at the Isle of Grain. The site is owned by Thamesport Interchange Limited (TIL) and National Grid Grain LNG Limited (Grain LNG), which are companies wholly owned and managed by National Grid.

These representations follow our previous submissions to the Council at the Issues and Options stage in February 2016, May 2017, March 2018 and our regulation 18 submissions October 2023 in September 2024.

The existing Medway Local Plan (2003) shows that the site is allocated for employment purposes and part of the landholding has an extant planning permission for:

*“the development for up to 464,685 sqm of built employment space for (Use Classes B1(c), B2 and B8 – including open storage), and up to 245 sqm of floorspace for a business park management centre (Class B1(a) and retail unit(s) (Classes A1, A3 and A5), with associated infrastructure, landscaping, car parking and access.”*

In addition, the first phase reserved matters for this site (MC/15/1051) was approved in July 2015.

The site was previously an old oil refinery and this rich industrial heritage has been continued with a number of nationally significant energy users on the site. Two examples include Grain LNG, which has the ability to provide up to 25% of the UK's forecast gas demand and the BritNed interconnector, which operates the electricity link between the UK and the Netherlands.

Our representations below are made with the above context in mind and it should be noted that our representations only address those issues considered relevant to National Grid and its interests at the TIL and Grain LNG sites on the Isle of Grain.

National Grid has discussed the strategic nature of the site with Medway on an ongoing basis and we look forward to continually working closely with officers in order to realise the potential of the site throughout the Local Plan process and beyond.

The remainder of this letter comments on the document “Medway Local Plan 2041”, using some of the headings from the document:

### **Local Plan Proposals Map – Northeast**

National Grid is pleased to see that the ‘Existing Employment Area’ designation as these areas reflect what is deliverable outside of the agreed ecological mitigation areas on the National Grid Land. These areas include the area adjacent to the existing Grain LNG tanks to the west of the Grain Road but to the north of the cryogenic pipeline, the whole area to the south of the pipeline including developable area down to the existing jetties and also to the south-east around the BritNed interconnector.

These areas are also considered vital to the strategic importance of the site and should continue to be promoted for development and delivery in the Local Plan.

We note that some areas are listed as minerals safeguarding areas or consultation areas. It is understood from discussions with Medway officers that these are items that need to be potentially considered for future applications, but will not necessarily impact on future deliverability of important schemes in this location in the future.

As a final comment the ‘existing employment areas’ could be extended to cover the whole of the Grain LNG facility. At present it only covers part of the site in the northwest corner. This is not strictly an employment site, but an area of national significance for energy infrastructure and it is important this is recognised in the Local Plan. In addition, there is also a ‘gap’ at the southern end of the site to the south eastern corner of Aggregate Industries on the way down to the jetties that we believe that this should also be included within the ‘grey area’ as this forms an important link between land and the ports.

We note in the plan that policy S25 supports Energy Infrastructure on the Isle of Grain, but this is not at all reflected on the Proposals Map for Grain? Noting that some of the ‘existing employment’ area has an extant permission but remains undeveloped, we wondered if the Proposals Map needs to be updated to reflect all the areas which can be utilised for future development of this strategically important site and to fully match up with the policies in the text within the Plan?

### **Overview and Vision**

National Grid is supportive of the comments which are set out in the context section of the document. Important elements of this process are boosting the economy and acknowledging climate change as a global emergency.

Paragraph 1.3.8 is important as it recognises the importance of the diverse portfolio of employment land – which includes the ‘potential to realise the strategic economic role of sites such as Grain and Kingsnorth in growing sectors, such as low carbon energy and AI.’ We are supportive of this, as this area represents a unique opportunity to help meet local, regional and national energy needs and this should be recognised in the emerging Local Plan.

It is also noted in the ‘Vision for Medway 2041’ that Grain is recognised in this policy in the context of economic development, which is welcomed and supported.

Paragraph 3.1.6 also recognises that the Hoo Peninsula also has a leading economic role in the development strategy, in realising the full potential of key sites at Grain and Kingsnorth. It is considered that there is still a long way to go to realise the full potential of Grain over the coming years, but a supportive Local Plan is important in this context.

### **Policy S1: Planning for Climate Change**

It is noted that Medway is looking to deliver on the Council’s commitment to addressing the Climate Emergency and National Grid would support this objective particularly in its support to the transition to ‘zero carbon’.



The reference to securing jobs and developing skills for a competitive economy is also supported in particular the need to build on strengths and expertise, such as engineering, energy and creative industries to attract and develop jobs for the future.

National Grid consider that making best use of brownfield land is vital in terms of delivery of strategically important sites.

### **Securing strong green and blue infrastructure**

Whilst National Grid notes and supports the need for green and blue infrastructure, it is important to note that the Local Plan sites referred to on the Proposals Map are not unduly restricted by some of the Tier 3 references in Figure 2 on page 42. It is considered the strategic development and this infrastructure can be delivered in tandem with good design.

### **Economic Development**

Paragraph 7.2.5 recognises the regeneration and redevelopment potential of employment sites at the Isle of Grain. National Grid is pleased that this is recognised in the Plan and is fully supportive of this approach.

Policy S.10 recognises the larger scale Net Zero Carbon Energy generating uses and port facilities at Grain and National Grid Strongly supports this. It is also vital to flag the important role that Grain currently plays in ensuring energy security during the transition towards 'net zero'. Recent world events have placed an increasing strain on energy supply and it is important that this security of supply is recognised during the Local Plan period up to 2040.

### **Policy S11: Exiting Employment Provision**

From our above comments in relation to the Proposals Map, it is noted that there could be some slight amendments to the Map in relation to the Isle of Grain. However, the protection of the site for employment provision and industrial and energy related uses is supported.

It is important that the mix of employment and energy related uses are considered in tandem during future development proposals at the Isle of Grain (please see comments below in relation to Policy S25).

### **Grain Branch**

It is vitally important that any amendments to the Grain branch facilitate and increase rail freight opportunities on this line. This is set out in the Plan at 9.4.4 and it is important that this link is maintained and improved all the way to the Isle of Grain at the end of the Hoo Peninsula.

### **Policy T21: Riverside infrastructure**

National Grid is supportive of retaining existing riverside infrastructure. The safeguarding and future use of the existing network of piers and jetties is important for future strategic uses of these areas.

### **Energy and Policy S25: Energy Supply**

The recognition of Grain's importance in energy infrastructure and delivery for the UK at paragraphs 13.2.6 and 13.2.7 is welcomed and this is vitally important to retain the UK's energy resilience and security in the longer term.

The site at Grain is of national importance and it should be recognised as such in the emerging Local Plan.

National Grid fully supports this and we are glad that the Council acknowledges these unique traits of this area and would support its inclusion in the Local Plan going forward. National Grid's facilities, jetties and the LNG pipeline already make significant contributions to the national energy network and the Grain site can further

support, expand and add new facilities to these leading to an energy hub of national and regional strategic importance.

It is also worth noting that there is significant power generation already in situ at the Grain Peninsula and there is expected need for associated carbon capture and storage technology to allow this power generation to be sustained into the future to ensure national energy security. Policy S25 is vital as it recognises that the Isle of Grain is a suitable location for renewable and low carbon energy development.

The references in paragraph 13.2.11 acknowledging the need for associated carbon capture and storage technology is also welcomed by National Grid.

#### **14.15 Employment Sites**

The recognition of Grain Business Park at paragraph 14.15.9 as having an extant permission is welcomed. The principle of development at Grain is fully established and (rightly) strongly supported in this emerging Local Plan document. It is noted that this paragraph confirms that site's safeguarding under Policy S11 – Existing Employment provision (referenced above).

#### **Conclusion**

Overall, we are supportive of the approach being taken by the Council in preparing its new Local Plan. It is vital that the Council continues to recognise the strategic importance of the Grain LNG and TIL sites at the Isle of Grain in the new document. The potential for employment generating, energy related uses and links to the existing port related activities are extremely important to Medway from a strategic perspective and these need to be protected and actively promoted in the new Local Plan to ensure that these opportunities are fully exploited.

I trust you find the above comments to be helpful at this stage. We would be delighted to continue to liaise with Medway directly as the new Local Plan evolves, so please do not hesitate to contact me should you wish to discuss further.

In the meantime, I would be grateful if you could continue to keep the National Grid team informed of progress on the Local Plan.

Yours faithfully



**Alister Henderson**  
Partner



M:

Date: 11 August 2025  
Our ref: 517270  
Your ref: -



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**By email only, no hard copy to follow**

Dear Catherine Smith

**Medway Local Plan  
Regulation 19 Consultation, summer 2025**

Thank you for your email of the 30 June 2025 consulting Natural England on the Regulation 19 version of the Medway Local Plan.

Natural England is pleased to provide our comments on the Local Plan in Annex A appended to this letter. We have a number of significant concerns with some of the policy wording, particularly Policies S2 and S8, and we have provided a number of suggested amendments to try and resolve these to help ensure the Plan can meet the required tests of soundness. We remain committed to working with the Council on our shared vision to ensure a sound local plan which conserves and enhances the areas rich natural environment alongside sustainable development for current and future residents is realised.

In our advice, we have prioritised our comments to those sections of the Local Plan, and accompanying documents, that are relevant to Natural England's role and remit. The absence of comments on a particular policy or accompanying document should not be taken as there being no environmental implications and other bodies may be better placed to provide advice.

Natural England are keen to continue working collaboratively with the Council in the coming months to try and resolve the areas of concern within this response as fully as possible, prior to the Plan being submitted for examination and will be pleased to try and agree matters those can be resolved through a statement of common ground.

We hope the comments are helpful and look forward to continuing working jointly on the Plan in the near future. In the meantime if you have any queries in relation to our advice, please do not hesitate to contact me on 0208 0266 064 or by email to [REDACTED] k.

Yours sincerely

Sean Hanna  
Senior Officer  
Sussex and Kent Team

## **Annex A: Natural England's detailed comments in relation to the Medway Local Plan Regulation 19 consultation**

### **Medway Local Plan**

#### **1 Overarching comments**

- 1.1 Natural England broadly welcomes and supports the aspirations of the Local Plan and its commitments to conserving and enhancing the rich biodiversity and landscape within Medway. We however remain concerned regarding the soundness of the Plan, particularly in relation to the environmental policies to ensure that impacts to designated sites and protected landscapes are avoided or can be fully mitigated through the Plan.
- 1.2 The wording of some policies includes specific reference to avoiding or mitigating environmental impacts along with delivering wider enhancements (outside of the overarching biodiversity and landscape policies) whilst others do not or include wording such as '...will be permitted subject to other policies of this plan'. For clarity and to aid consistency, we would support a common approach to avoid confusion and provide clarity on how developments will be determined against the policies.
- 1.3 In addition, whilst Natural England generally supports the aims and intentions of the environmental policies, it is not always clear within the policies how planning applications will be determined. Some policies detail that developments will be supported where they meet defined criteria but for other policies, the criteria against which planning applications will be judged is less clear. To provide clarity, and to ensure that the Plan delivers sustainable development, all of the policies provide clear wording as to the criteria which proposals must meet to be acceptable.
- 1.4 The Plan does not appear to provide clarity on how impacts to best and most versatile agricultural soils will be minimised. Whilst Policy T10: Gypsy, Travellers and Travelling Showpeople specifically refers to new sites avoiding best and most versatile agricultural land. We would however recommend that policy wording for soils should be more widespread through the Plan. We therefore recommend that specific reference/policy wording is included within the Plan to comply with the requirements of the NPPF.
- 1.5 The length of some of the policies can make it difficult to understand them in full. From a formatting perspective and to help provide clarity on how developments will be considered, it may be sensible to either separate out elements into a greater number of policies or include subheadings for the longer policies.
- 1.6 Natural England's advice remains that the Local Plan should preferentially allocate sites for development that avoid or are capable of fully mitigating their impacts to the natural environment through consideration of different development scenarios. At present, Natural England is concerned that some allocations could result in significant impacts to designated sites and protected landscapes and we recommend that further clarity is provided on how these will be avoided or mitigated.

#### **2 Policy specific comments**

##### **Section 2.1 Vision for Medway in 2041**

- 2.1 Natural England welcomes the strong commitment to nature-based solutions, strengthening the natural assets and conserving and enhancing the rich natural heritage and landscape within Medway and ensuring that public spaces are inclusive spaces for all as part of the Vision for Medway by 2041.

## Spatial Development Strategy

- 2.2 Natural England welcomes the commitments within the Spatial Development Strategy to ensure that development 'contributes to the conservation and enhancement of the natural and built environment'. We welcome the commitment to a comprehensive green and blue infrastructure network across Medway, particularly targeting areas where there is a deficit of high-quality accessible greenspace.
- 2.3 We note, and welcome, the commitment within the Spatial Development Strategy wording to prepare masterplans for the large scale growth outside of the urban regeneration areas. We recommend that these masterplans should detail how they will contribute to landscape, ecology, green infrastructure enhancements and detail how they are contributing to the Local Nature Recovery Strategy in addition to the built form.

### Policy S1: Planning for Climate Change

- 2.4 Natural England welcomes the wording within Policy S1: Planning for Climate Change which details that the Plan is 'directing the spatial strategy for growth to locations which avoid, or minimise, the need for additional engineered flooding solutions and allow for nature-based solutions for coastal and surface water flooding...'. Natural England also supports the use of nature-based solutions, including multi-functional green and blue infrastructure to help species, habitats and people adapt to the effects of climate change.

### Policy S2: Conservation and Enhancement of the Natural Environment

- 2.5 Whilst Natural England broadly supports the aspirations within Policy S2: Conservation and Enhancement of the Natural Environment, we would strongly recommend the strengthening of the policy wording to help clarify how development will conserve and enhance Medway's rich environmental heritage.
- 2.6 Of particular concern is the Hoo Peninsula Strategic Environmental Programme proposed for developments on the peninsula and at Chattenden. Natural England strongly supports the evidence gathering approach the Council has undertaken to considering the ecological effect of development allocations to designated sites and the strategic approach mitigation through their Cumulative Ecological Impact Assessment, and associated Nightingale Impact Assessment, in recent years but are concerned this has not been included within the Local Plan, although the former is referenced within the interim Habitats Regulations Assessment..
- 2.7 The Interim Sustainability Appraisal Report prepared for the previous Regulation 18 Local Plan consultation recommended that 'The findings and recommendations of the emerging Cumulative Ecological Impact Assessment should be taken into account with the MLP, to ensure that development avoids harm to sensitive biodiversity assets including the Chattenden Woods and Lodge Hill SSSI'.
- 2.8 Providing specific wording regarding the required avoidance and mitigation measures, building on the Cumulative Ecological Impact Assessment and Nightingale Impact Assessment, would help provide confidence that the Plan (via Policies S2 and S8), for the Chattenden Woods and Lodge Hill Site of Special Scientific Interest (SSSI) and the coastal sites will achieve the policy requirement that 'Development should support the conservation [and] enhancement of [Chattenden Woods and] Lodge Hill SSSI and the Medway Estuary and Marshes SPA, Ramsar site and SSSI'.
- 2.9 We are concerned that the Strategic Environmental Programme, including the strategic approach to ensuring developments around the Chattenden Woods and Lodge Hill SSSI which we have worked with the Council to develop, will not be agreed until post adoption of the Local Plan. Key to ensuring that the Local Plan avoids (or fully mitigate) impacts to the designated sites is clarity at this stage as to the avoidance and mitigation measures that will be secured and evidence of their effectiveness; we would welcome the opportunity to work

with the Council to try and resolve this matter prior to the submission of the Plan for examination. In its current form, Natural England is concerned that the current policy wording (and consequently local plan allocations, in the absence of detailed avoidance and mitigation measures embedded within the Plan) do not follow the requirements within the National Planning Policy Framework to ensure that developments follow the mitigation hierarchy (avoid, mitigate or as a last resort compensate their impacts) and that development which is likely to have an adverse effect on a SSSI should not normally be permitted (Paragraph 193).

- 2.10 Whilst Natural England is hopeful that a package of avoidance and mitigation measures can be agreed, it does not feel certain that this is achievable nor the timeframe for it being secured at present. Given this, and in the absence of detailed policy wording or an agreed strategic approach to avoiding or fully mitigating direct and indirect impacts to the Chattenden Woods and Lodge Hill SSSI and the Medway Estuary and Marshes SSSI, SPA and Ramsar site at this stage, Natural England is concerned that the Plan is currently unsound.
- 2.11 The Sustainability Appraisal raises similar concerns, summarising within Table 8.1 that 'However, the policies are **not anticipated to fully mitigate** (our emphasis) adverse effects on SSSIs where proposed [allocation] sites coincide with, or are located directly adjacent to SSSIs, or development within 400m of Chattenden Woods and Lodge Hill SSSI...Based on available information at the time of writing there is potential for the MLP [Medway Local Plan] to result in residual adverse effects on SSSIs within the plan area.'
- 2.12 Given this, Natural England are keen to work with the Council to try and resolve this matter prior to the submission of the Local Plan later this year to try and ensure that the submitted plan meets the tests of soundness.
- 2.13 In addition, a number of allocations fall within or are immediately adjacent to the Medway Estuary Marine Conservation Zone and Sites of Special Scientific Interest and they have the potential to result in direct or indirect impacts. Given this, Natural England recommends that, for clarity and consistency with the NPPF and specific wording in the Plan for sites of international importance, a section detailing the criteria that developments will be assessed against for nationally designated sites is included within Policy S2 given the potential impacts to SSSIs and the Marine Conservation Zone from the Local Plan.
- 2.14 Given the quantum of development proposed in close proximity to the coast, Natural England would expect the policy to specifically reference the Shoreline Management Plan and the Medway Estuary and Swale Strategy to ensure that development aligns with these. We would also encourage the Council to identify Coastal Change Management Areas within the Plan.
- 2.15 Notwithstanding our significant concerns in relation to the Hoo Peninsula and Chattenden, we have suggested some amended wording below which we hope is helpful (the additional text is shown as underlined and the text we have suggested is removed is shown as being struck through).

#### 'Policy S2: Conservation and Enhancement of the Natural Environment

The Council recognises the hierarchy of sites designated for their importance for nature conservation. In addition to the sites of international importance set out in Policy S3, Medway has Sites of Special Scientific Interest, a Marine Conservation Zone, the Kent Downs National Landscape, National Nature Reserves, Local Nature Reserves, irreplaceable habitat, such as ancient woodland and salt marsh, Local Wildlife Sites and roadside nature reserves, which have particular significance for the protection of habitats and species.

The Kent and Medway Local Nature Recovery Strategy has identified other areas with

opportunities to create or improve habitat to conserve and enhance biodiversity.

The Council seeks to conserve, restore and enhance Medway's rich and diverse environmental assets, including statutory and non-statutory designated sites, priority habitats and species, and protected species, through the Local Plan. ~~The Council will seek Development proposals will be expected to maximise opportunities, including through development,~~ to support the implementation of the Kent and Medway Local Nature Recovery Strategy to strengthen biodiversity and the wider natural environment.

Development will only be permitted where it demonstrates that it will protect and enhance the natural environment and biodiversity including the natural beauty of the landscape, all natural resources, habitats and species.

The Council promotes the conservation and enhancement of the Kent Downs National Landscape. The Council's additional requirements for development in or impacting on the Kent Downs National Landscape are set out in Policy S6.

Development should support the conservation, enhancement and restoration of biodiversity and geodiversity across the plan area. Planning decisions consider the importance of any affected habitats, species and features, and the integrity of linkages and networks for nature.

Development proposals will be required to demonstrate that significant harm to biodiversity can be avoided; if not, then adequately mitigated; or as a last resort, compensated.

Development proposals should seek opportunities to strengthen biodiversity networks and support the conservation objectives of biodiversity site management plans.

Development should safeguard features of the natural environment and nature conservation interest and make nature-based solutions part of the plans to tackle the climate emergency. Where there is an opportunity for river restoration enhancements, re-meandering, or the restoration of culverted watercourses to open channels, this should be actively pursued. If and where the watercourse is toe-boarded or engineered, opportunities for removal and restoration to a more natural state should be considered. There may be requirements for development to contribute to strategic environmental management and/or flood defence schemes to ensure an effective mitigation approach in particularly sensitive locations, such as in close proximity to designated sites and areas of significant flood risk, either now or in the future.

#### **Sites of international importance for nature conservation**

Where development has the potential for a likely significant effect on any Special Protection Area (SPA), Special Area of Conservation (SAC) or Ramsar site (and any other sites protected under the Habitats Regulations 2017 (as amended)), either alone or in combination, it would only be permitted if it can demonstrate through a Habitats Regulations Appropriate Assessment that:

There will be no adverse impact upon the integrity of the designated site, taking into consideration the site's conservation objectives, either alone or in-combination with other plans and projects.

#### **Adverse impacts on site integrity can be mitigated**

Where the above cannot be met, development would only be considered if it meets the derogation requirements set out in the Habitats Regulations 2017 (as amended).

The Council's additional requirements for development with the potential for a likely significant effect on the North Kent Estuary and Marshes protected sites are set out in Policy S3, with specific consideration of recreational and urbanisation impacts.



## Hoo Peninsula Strategic Environmental Programme

Development on the Hoo Peninsula and at Chattenden will need to comply with the Hoo Peninsula Strategic Environmental Mitigation and Management Programme [which will need to be agreed in advance of submission of the Plan] which will be agreed by a partnership including the Council, Natural England environmental organisations and communities. This will secure and implement a strategic approach to conserving and enhancing designated sites, wider biodiversity and areas of significant flood risk. The Council will work in partnership with Natural England, environmental organisations and communities to agree establish and implement a strategic mitigation and enhancement programme on the Hoo Peninsula.

This will provide a strategic approach to protecting and enhancing designated sites and areas of significant flood risk, either now or in the future. Development should support the conservation and enhancement of the Chattenden Woods and Lodge Hill SSSI, and the Medway Estuary and Marshes SPA, Ramsar site and SSSI.

A coordinated programme of evidence-based measures will include avoidance a mitigation measures for direct and indirect impacts and landscape scale nature recovery. This will include, for example, land management and habitat restoration and creation, buffers to sensitive designated sites, securing the landscape, a nature-based approach to flood and water management, education and wardening, and provision of recreational resources away from sensitive locations. These will be required to ensure that impacts to the designated sites are avoided or fully mitigated. Developers of sites on the Hoo Peninsula will be required to contribute to the implementation of the strategic environmental programme, proportionate to the scale and nature of the development, and its proximity to sensitive sites with funding secured in-perpetuity for ongoing management and monitoring.

### Policy S3: North Kent Estuary and Marshes designated sites

- 2.16 Whilst Natural England broadly supports the aspirations of Policy S3: North Kent Estuary and Marshes designated sites, we recommend strengthening of the policy wording to help clarify how development will conserve and enhance Medway's rich environmental heritage in accordance with the NPPF and Policy S2. We have suggested some amended wording below which we trust is helpful.

'Policy S3: North Kent Estuary and Marshes designated sites

The North Kent Estuary and Marshes designated sites in Medway comprise the following:

- Medway Estuary and Marshes SPA;
- Medway Estuary and Marshes Ramsar site;
- Thames Estuary and Marshes SPA;
- Thames Estuary and Marshes Ramsar site;
- The Swale SPA; and
- The Swale Ramsar site.

### Recreational disturbance impacts

The Council supports a strategic approach to managing recreational impacts on the North Kent Estuary and Marshes designated sites, arising from new development. New residential development within a 6km Zone of Influence from the North Kent Estuary and Marshes designated sites will need to make a defined tariff contribution to a strategic package of measures agreed by the North Kent Strategic Access Management and Monitoring Strategy (SAMMS), 'Bird Wise' Board, or undertake their own Habitats Regulation Assessment with bespoke mitigation which must be agreed with Medway Council and Natural England.

~~Bird Wise~~ The SAMMS mitigation measures will be reviewed on a regular basis to reflect proposed growth from all LPAs within the Zone of Influence.

~~Greater mitigation measures will be required for development within 16 metres of the designated sites, such as a setback intertidal flood defence and/or off-site mitigation where new salt marsh can be created.~~

In addition, large developments in close proximity to the North Kent Estuary and Marshes designated sites will be required to provide additional, site specific mitigation measures given the greater recreational pressure. Whilst such measures will be considered on a case-by-case basis, they could include additional, site specific wardening and high quality semi-natural greenspace provision, for example.

New residential development for larger schemes outside of the 6km Zone of Influence may also need to secure appropriate mitigation and avoidance measures to offset any potential adverse effects arising from increased recreational pressure on the above listed designations (either 'alone' or 'in combination' with other relevant plans or projects and proposals). This requirement will be determined in consultation with the Council and Natural England.

All mitigation measures for recreational disturbance impacts will be provided prior to occupation of development and delivered in perpetuity.

#### Nationally Designated Sites

Developments which may result in a significant direct or indirect impact to nationally designated sites (Sites of Special Scientific Interest, National Nature Reserves and Marine Conservation Zones) will need to be accompanied by an ecological or geological assessment.

Developments should avoid direct and indirect impacts to nationally designated sites except in the exceptional circumstances detailed within the NPPF.

#### Urbanisation effects

Development in proximity to the coastal designations, and associated functionally linked land has the potential for urbanisation impacts. All new development which is located within close proximity to the North Kent Estuary and Marshes designated sites (listed above) may also need to provide further mitigation measures to address urbanisation impacts (including loss of functionally linked land, noise, air quality, water quantity and quality and lighting, for example), in addition to contributing to the SAMMS ~~Bird Wise~~. Such proposals will be considered on a case-by-case basis ~~by Natural England~~ using the Natural England impact risk zones, and may be linked to the requirements of Policy S2. ~~All mitigation measures will be provided prior to occupation of development and delivered in perpetuity.~~

Development with potential for urbanisation effects which are located in close proximity to both designated sites and/or functionally linked land, identified through reference to the Impact Risk Zone consultation area should be preceded by bird, invertebrate and habitat surveys to investigate whether these parcels of land (or adjacent land parcels of land) support a significant population of birds, invertebrates or plants, for which the North Kent Estuary and Marshes sites are designated or classified and whether each site plays an important role in maintaining or restoring the population of qualifying species at favourable conservation status. Surveys must be undertaken in the appropriate survey season and following best practice methods. Outputs from these surveys will inform requirements for mitigation measures which may include sensitive site layout and the incorporation of screens, planting, bunds, fencing, directional lighting, and low noise emitting equipment among other solutions. The output of any bird /invertebrate / habitat surveys should input to

master planning and ongoing monitoring of avoidance and mitigation measures should be implemented.

Project level applications should be supported by a shadow HRA to ensure that development has no adverse impact on site integrity. All applications for development at the allocations set out should be accompanied with detailed ecological, noise assessments and lighting strategies and where necessary construction method statements and management plans should be put in place.

All mitigation measures for urbanisation impacts will be provided prior to occupation the commencement of development and delivered in perpetuity.

#### Coastal flooding

Developments will accord with the Shoreline Management Plan and Medway Estuary and Marshes Strategy.

Greater mitigation measures will be required for development within 16 metres of the designated sites, such as a setback intertidal flood defence and/or off-site mitigation where new salt marsh can be created.

### Policy S4: Landscape Protection and Enhancement

- 2.17 Natural England broadly supports the Council's commitment to conserving and enhancing the distinctive landscape character within Medway and support the wording within Policy S4, particularly in relation to 'Development proposals will be required to demonstrate that they will enhance, restore or create landscapes'.
- 2.18 In relation to proposals alongside the undeveloped coast, we would recommend this policy is strengthened to ensure that impacts to designated sites and wider biodiversity are avoided and have suggested amendments and additions below:

'Development will be permitted in and alongside the undeveloped coast, only if:

- A coastal location is essential, and no suitable alternative site exists along the developed coast.
- They fall within a sustainable location that works with wider coastal processes and does not have up or down drift implications.
- Are managing flood risk consistent with the River Medway and Swale Estuary Shoreline Management Plan, or its replacement.
- The scenic, heritage or ~~scientific~~ nature conservation value and character of the undeveloped coast is maintained and, where appropriate, and consistent with Policy S3, public access to the coast is improved.
- Contributes positively to the enhancement, restoration or creation of landscapes
- Opportunities to restore coastal and estuarine processes to support the designated sites and nature recovery are maximised.'

### Policy S5: Securing Strong Green and Blue Infrastructure

- 2.19 Natural England welcomes the inclusion of a specific policy for securing strong green and blue infrastructure. The commitment to supporting the Green Infrastructure Principles within Natural England's Green Infrastructure Framework and the expectation that all major new development proposals will include the submission of a Green Infrastructure Plan, are particularly welcome. However, we are concerned that if such a plan is only required to be part of the Design and Access Statement (a supporting document), it will have less weight than if it were to be required to be submitted as an integral application document. We would therefore support the Policy being amended to require it to be an integral application

document.

- 2.20 Whilst we generally support the policy wording, we have the following suggestions regarding strengthening that wording (including in relation to the above comment on Green Infrastructure Plans), which we hope you will find helpful:

'The Council, and developments, will conserve and enhance the network of green and blue infrastructure across rural and urban Medway. The highest protection will be given to securing the ecological and landscape interests of sites designated of international importance as a SPA, Ramsar site and/or SAC, or candidate sites, and those of the Kent Downs National Landscape. A high level of protection from damaging impacts of development will be given to Sites of Special Scientific Interest and Ancient Woodland.

The Council ~~supports~~ will work to achieve the Green Infrastructure Principles and Standards set out in Natural England's Green Infrastructure Framework. Reflecting scale and context, new development must provide for multifunctional, varied, connected and accessible green infrastructure that reflects local character and supports the successful integration of development into the landscape, and contributes to improved connectivity and public access, biodiversity, landscape conservation, design, recognition and management of heritage features, recreation, positively benefits health and wellbeing, and seeks opportunities to strengthen the resilience of the natural environment. Major new development proposals will be expected to ~~submit~~ include a Green Infrastructure Plan ~~as part of a Design and Access Statement\*~~ setting out how that proposal will meet policy/objectives/GI principles and standards. In this way, the Plan will work to achieve the requirements within the Green Infrastructure Standards for developments.

The Council will ~~expect~~ require development proposals to demonstrate that they are designed to be resilient to, and can adapt to, the future impacts of climate change, in strengthening ecological networks. Opportunities to retrofit ~~this~~ multifunctional green infrastructure to existing urban areas should be maximised through development allocations.

The Council recognises the importance of green corridors for wildlife resilience, connectivity and providing landscape buffers. Development should be designed to protect and enhance existing habitats and ecological networks, including wildlife corridors and stepping stones. Development should minimise any potential disturbance to species and habitats, for example from site lighting, air pollution, noise. This policy should be read in conjunction with requirements in strategic allocation policies.

~~Opportunities will be sought~~ Proposals will be expected to promote and enhance the public rights of way network, including national trails, long distance paths and the wider footpath network, bridleways and cycle routes, in particular to address existing gaps in connectivity and extend appropriate access along the riverside, and other cross border links. Where appropriate to the proposed development, there should be consideration of the Rights of Way Improvement Plan, Local Walking and Cycling Improvement Plan and the Medway River Strategy.'

#### Policy S6: Kent Downs National Landscape

- 2.21 Natural England welcomes the specific policy for the Kent Downs National Landscape, recognising the national importance of the protected landscape within Medway. Whilst we broadly support the policy wording, we would recommend there is a stronger focus on how developments will be assessed in terms of their landscape character and visual impacts to the Kent Downs. We would strongly support the inclusion of additional wording requiring developments to be accompanied by a landscape and visual impact assessment considering the impacts to special qualities of the National Landscape and key visual receptors and for them to be landscape led. We have suggested some additional wording below which we

consider helps to ensure the Plan is in accordance with the NPPF.

'Development proposals within the Kent Downs National Landscape and its setting will need to be informed by a landscape and visual impact assessment (LVIA), considering the potential impacts to the special qualities of the Kent Downs. The LVIA will include an assessment of the impacts to both landscape character and visual receptors resulting from the proposal.'

## Policy DM1: Flood and Water Management

2.22 Natural England has suggested some additional wording to Policy DM1 Flood and Management to strengthen the policy wording below.

### Flood Risk Management

- Where flood risk management infrastructure is required to address flood risk, all development should:
  - Manage flood risk consistent with the Shoreline Management Plan, or any replacement.
  - Liaise with the flood risk management authorities to identify and deliver flood risk management schemes to manage flood risk to existing communities and future development sites. This specifically would include the Environment Agency's Medway Estuary and Swale and the Thames Estuary 2100 programmes.
  - Identify how this infrastructure will be operated, funded and maintained for the lifetime of the development.
  - Ensure there is space for future maintenance or new flood risk management infrastructure.
  - Consider the consequences of flood risk management infrastructure failing or its design standard being exceeded.
  - Identify the legal requirement under the Habitats Regulations (2019) to provide compensatory habitat associated with sea level rise and the process known as coastal squeeze. The Environment Agency's Medway Estuary and Swale programme is delivering habitat compensation schemes to provide intertidal compensatory habitat. This is required as flood defence improvements and sea level rise are expected to cause losses to existing designated SPAs and Ramsar sites within the Medway Estuary and Swale area.
- Contribute towards the Environment Agency's flood risk management programme to support:
  - The delivery of flood risk management schemes which will provide indirect benefits such as ensuring the strategic infrastructure which supports development including road, rail, utilities, employment areas and other essential services.
  - Habitat creation / compensation works required to offset the impact of flood defence improvements and sea level rise squeezing out existing designated intertidal habitat. This is required under the Conservation of Habitats and Species Regulations (2019).
  - To identify Coastal Change Management Areas where defences will not be maintained.
  - Delivery of Biodiversity Net Gain in the intertidal area and coordinating with the Local Nature Recovery Strategy delivery to secure nature recovery.
  - Working with nature-based solutions such as restoring floodplain to manage flood water and support biodiversity.

2.23 In addition, Natural England recommend that the section on Adaptation to Climate Change within Policy DM1 could be significantly strengthened to help ensure the Plan is sound; we have suggested some additional wording below.

### 'Adaptation to Climate Change

Development must be designed to be resilient to, and adapt to the future impacts of, climate change through the inclusion of adaptation measures. These measures could include:

- Incorporating water efficiency measures, such as the use of grey water and rainwater recycling, and low water use sanitary equipment.
- Minimising vulnerability to flood risk by locating development in areas of low flood risk (making an allowance for climate change) and including mitigation measures including SuDs (in accordance with SuDs policy above). SuDs can also help with water scarcity and retaining freshwater on land rather than draining it to sea, also contributes to biodiversity – therefore look to opportunities in the wider catchment.
- Optimising the use of multi-functional green infrastructure, including tree planting for urban cooling, local flood risk management – nature-based solutions like restoring flood plain, slowing the flow, holding fresh water higher in the catchment and shading.
- Measures to protect and enhance rivers as a valuable resource for wildlife and biodiversity, blue infrastructure and climate change resilience.
- Development should not encroach within a minimum of 16m to tidal main rivers, unless justified by evidence at planning application stage, and agreed in consultation with the Environment Agency. Appraising and mitigating the risks of climate change on flooding in site specific flood risk assessments
- Seek to take opportunities to restore coastal and estuarine processes i.e. floodplains to support the designated sites and nature recovery
- Ensure that freshwater habitats are in sustainable locations away from saline overtopping and intrusion, opportunities should be considered

#### Policy DM4: Noise and Light Pollution

2.24 Natural England welcomes the commitment within Policy DM4 to ensure that developments will only be consented where adverse impacts from noise and light pollution to ecological receptors and the Kent Downs National Landscape are avoided or fully mitigated. We have however suggested some amendments below to help ensure that the requirements are clear and more closely align with the requirements within the NPPF.

‘Where development proposals may result in noise or lighting impact:

- a landscape and visual impact assessment for proposed developments within the Kent Downs National Landscape, and its setting, will be required considering the impacts to the special qualities will be required along with details of any required avoidance and mitigation measures;
- an ecological assessment for developments within a relevant SSSI impact risk zone, along with details of any required avoidance and mitigation measures, will be required.’

#### Policy S7: Green Belt

2.25 Whilst Natural England has no comments to make in relation to the review of the Green Belt boundary, Paragraph 156(c) of the NPPF requires that where through the local plan, major development involving housing is proposed on Green Belt land or on land released from the Green Belt, then the following contributions should be made:

‘the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.’

Paragraph 159 also includes a recommendation to meet national standards for green space provision, including Natural England’s standards on accessible green space and urban greening factor, where no locally specific standards exist. As your current policy wording does not include the

requirement to meet specific standards, we therefore recommend that Policy S7 is amended to include wording to this effect. Such an amendment would ensure that the Plan accords with the requirements of the NPPF.

#### Policy T1: High Quality Design and Amenity

- 2.26 Natural England welcomes the commitment within Policy T1 to creating inclusive environments; we would strongly encourage the Council to reference the Green Infrastructure Framework within the Local Plan to ensure that developments deliver truly inclusive greenspaces for new and existing residents.

#### Policy T7: Houseboats

- 2.27 Whilst Natural England supports the aims within Policy T7 to ensure that impacts to designated sites are avoided, we consider that the use of 'will aim to' is not sufficiently robust. We would therefore recommend the strengthening of the wording to ensure that impacts are avoided, or fully mitigated, in accordance with the requirements of the NPPF and Policy S2 of the Plan. We have suggested some wording below:

'...It will ~~aim to~~: ...

- avoid impacts to designated sites from moorings and/or increased disturbance to habitats and the species they support'

#### Policy T13: Tourism, Culture and Visitor Accommodation

- 2.28 Natural England welcomes the Council's commitment to explore opportunities for nature based tourism that supports the economy whilst conserving and enhancing Medway's rich natural environment and builds upon opportunities including the King Charles III England Coast Path.

#### Policy T14: Rural Economy

- 2.29 Natural England notes that Policy T14 specifically references the need to ensure that new employment land will be supported where it does not lead to the 'significant loss of high-grade agricultural land'. Footnote 65 of the NPPF details that 'Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality'. The Plan does not appear to include a specific policy relating to the conservation of best and most versatile agricultural soils through development allocations and we would recommend such a policy is included.

#### Policy T21: Riverside Infrastructure

- 2.30 Whilst Natural England supports the intention of Policy T21 in relation to the designated sites along the River Medway, we would recommend the wording is strengthened to make it clearer how developments will be assessed during their determination. We have suggested wording below which we feel provides clarity, is more consistent with Policy S2 and the NPPF.

'Developments for riverside infrastructure will be required to comply with the requirements of conserving the designated environmental features of the estuaries and river. Development must demonstrate that impacts to designated sites are avoided or fully mitigated adequate mitigation and will also result in no loss of protected or priority habitats or species, unless the impacts are not significant at a waterbody scale.'

#### Policy T22: Marinas and Mooring

- 2.31 Natural England welcomes the requirement of Policy T22 to ensure impacts to the coastal designated sites do not result but recommend the wording is strengthened. We have



suggested amended wording below which we consider more closely reflects the requirements of Policy S2 and the NPPF.

Planning permission for marinas and moorings will be granted if the application demonstrates how the proposed development:...

- ~~Has specific regard to the~~ Ensures that impacts to the SPAs, Ramsar sites, Sites of Special Scientific Interest and the Marine Conservation Zone are avoided or fully mitigated.

#### Policy T23: Aviation

- 2.32 Natural England notes the Plan's aspirations for Rochester Airport to 'provide an enhanced aviation facility... and support the development of a strategic gateway and an economic hub'. We would strongly recommend the Policy is amended to ensure that significant impacts to the Kent Downs National Landscape and its setting are avoided as a result of Policy T23.
- 2.33 Given the flightpaths from the airport to the south pass over the Kent Downs National Landscape, any increase in flights should ensure that no impacts result and we would recommend the Policy is amended to reflect this.
- 2.34 In addition, we strongly recommend that the Policy includes the need to ensure that visual impacts to the setting of the Kent Downs National Landscape are minimised through careful design, building form, height and finish. Extensive work was undertaken for the Innovation Park Medway in terms of design codes and we would recommend similar wording/requirements are included by the Council in Policy T23 to ensure consistency with Policies S4 and S6 and the NPPF.

#### Policy T27: Reducing Health Inequalities and Supporting Health and Wellbeing

- 2.35 Natural England welcomes the Plan's ambition to reduce health inequalities and support residents' health and wellbeing. The natural environment can play a significant part in supporting people's health and wellbeing with well designed, accessible and inclusive natural greenspaces playing a key role in promoting these. Whilst we have made comments on Policy S5 above, we would strongly recommend that the Council makes a stronger reference in Policy T27 to ensuring developments work towards the national Green Infrastructure Framework and associated Green Infrastructure Standards, including maximising opportunities for retrofitting in existing residential areas.

#### Policy DM21: New Open Space, Outdoor Sports and Play Spaces

- 2.36 Natural England welcomes the Council's commitment to ensure that developments provide accessible and inclusive new open space contributing to the green infrastructure network, landscape character and connecting green corridors for people and wildlife. Natural England notes the Council's criteria for the quantum and location of open space provision within Policy DM21 but as mentioned previously, would strongly encourage a commitment to embed the Green Infrastructure Standards within the Local Plan to ensure that developments are sustainable and deliver multiple benefits for people and wildlife.

#### Policy T33: Extraction of Land Won Minerals

- 2.37 Whilst Natural England notes that the Council is expecting imported minerals to provide the required mineral resource during the plan period, we are concerned that the wording within Policy T33 could lead to significant environmental impacts. We would therefore recommend that the policy wording is strengthened to ensure that significant ecological impacts and landscape impacts are avoided to be consistent with other policies within the Plan and the

NPPF. We have suggested some amendments below:

'Any development for the extraction of land won minerals will need to demonstrate that ecological and landscape impacts can be avoided or fully mitigated'

#### Policy T35 Provision of Additional Waste Management Capacity

- 2.38 As with Policy T33 above, Natural England strongly recommends that reference is made within Policy T35 to ensure that proposals for additional waste management facilities will be supported where any ecological and landscape impacts are avoided or fully mitigated. We would support the same suggested additional wording (repeated below) being included for Policy T35.

'Any development for the extraction of land won minerals will need to demonstrate that ecological and landscape impacts can be avoided or fully mitigated'

#### Policy S25: Energy Supply

- 2.39 Natural England recommends that, given the proximity of Kingsnorth and the Isle of Grain sites to designated sites and priority habitats, the policy wording is either strengthened to ensure that environmental impacts are avoided or fully mitigated or specific reference is made to the developments needing to be in accordance with other policies (as it the case for Policy T37, for example).

### **3 Site allocations**

- 3.1 Natural England's advice remains that the Local Plan is instrumental in ensuring that developments which avoid or have the least environmental impact are allocated. As detailed above, the apparent deferral of the Hoo Peninsula Strategic Environmental Programme until after the adoption of the Local Plan provides uncertainty at this stage that the allocations in this area can avoid or fully mitigate their impacts and meet the tests of soundness.

#### Policy SA1: Chatham Town Centre and Surrounds

- 3.2 Natural England welcomes and supports the requirement for developments to contribute to the provision of green and blue infrastructure.

#### Policy SA4: River Waterfront

- 3.3 Natural England welcomes the requirement within Policy SA4 for the residential developments within the River Waterfront to ensure that adverse impacts to the Medway Estuary and Marshes SPA, Ramsar Site and SSSSI (including functionally linked land) to be avoided. Given the scale of the development (up to 4,197 residential units) and its close proximity to the Medway Estuary and Marshes SPA and Ramsar site, in addition to the standard financial contribution to the Strategic Access Management and Monitoring Strategy (SAMMS), bespoke additional measures will also need to be provided, and we would recommend the Policy is amended to reflect this.
- 3.4 Natural England notes that Point 10 of Policy SA4 details that land reclamation, reconfiguration of boat moorings along with flood mitigation or a flood defence wall will be required for GN15. The Medway Estuary Marine Conservation Zone (MCZ) is contiguous with the boundary of the River Waterfront allocation and impacts to the MCZ should also be avoided or fully mitigated. Therefore to ensure the allocation is sound we advise that the Policy is amended to require impacts to the MCZ to be avoided or fully mitigated.
- 3.5 Natural England supports the requirements for the development to provide, and address the current inadequate provision, of greenspace as part of the requirement to deliver high quality

green infrastructure as a resource for the public.

#### Policy SA6: Land West of Strood

- 3.6 The Land West of Strood allocation falls within the setting of the Kent Downs National Landscape. Developments within the setting of a National Landscape should 'be sensitively located and designed to avoid or minimise adverse impacts on the designated areas' (Paragraph 189 of the NPPF). Whilst Natural England welcomes the wording within Policy SA6 requiring the development to be landscape led and 'take account of the setting of the Kent Downs National Landscape' we consider the wording should be strengthened to ensure it aligns more closely with the requirements of the NPPF. We would also recommend that the Policy includes reference to the Kent Downs National Landscape Management Plan and associated guidance such as the Guidance on the selection and use of colour in development, for example.

#### Policy SA7 Capstone Valley

- 3.7 Given the location of the Capstone Valley allocation covered by Policy SA7 in the setting of the Kent Downs National Landscape, Natural England would expect specific reference to the National Landscape to have been included within the Policy wording. We would recommend the inclusion of additional wording requiring a landscape led, high-quality design, sensitive to the setting and special qualities of the National Landscape to be included within Policy SA7. Such an approach is supported by the Sustainability Appraisal where a negative impact upon landscape is reported. We therefore recommend the Policy is updated to ensure it complies with the requirements of the NPPF and Policies S4 and S6 of the Local Plan consultation. Such an approach is supported by the narrative in Table 12.1 of the Sustainability Appraisal

#### Policy SA8: Hoo St Werburgh and Chattenden

- 3.8 Natural England has significant concerns regarding the proposed allocations at Hoo St Werburgh and Chattenden and the soundness of Policy SA8. Whilst Natural England has been supportive of the work the Council has undertaken in relation to the Cumulative Ecological Impact Assessment and Nightingale Impact Assessment (for the Chattenden Woods and Lodge Hill SSSI), we are concerned that this information does not appear to have been reflected in the Plan or allocations.
- 3.9 Natural England's advice remains that the Local Plan should ensure that allocations can avoid or fully mitigate their impacts to designated sites and support a strategic approach being secured to ensure impacts do not result to designated sites, including the Chattenden Woods and Lodge Hill SSSI.
- 3.10 The Interim Sustainability Appraisal Report prepared for the previous Regulation 18 Local Plan consultation recommended that 'The findings and recommendations of the emerging Cumulative Ecological Impact Assessment should be taken into account with the MLP, to ensure that development avoids harm to sensitive biodiversity assets including the Chattenden Woods and Lodge Hill SSSI'.
- 3.11 Natural England notes the Policy support for development to be delivered in accordance with a masterplan including green infrastructure (Point 5) and that 'Growth will be directed within a strategic environmental framework that will define the outward development of Hoo and Chattenden. This will provide an **effective buffer** to sensitive habitats...' (Point 16 of the Policy) (our emphasis). Similarly Point 19 details that 'A strategic environmental management plan will be prepared and approved by the Council and Natural England to provide the basis for an integrated programme of measures to safeguard and strengthen the nature environment around Hoo and Chattenden, particular the SPA, Ramsar sites and SSSIs'. No details of the buffer or its effectiveness in avoiding or mitigating impacts appears

to have been provided.

- 3.12 As mentioned above, Natural England is supportive of an evidence based strategic approach to avoidance or mitigation of impacts from development and wider landscape scale nature recovery as envisaged by the Strategic Environmental Management Plan. We however remain concerned that the detail of this will be deferred until after the adoption of the Plan. This gives significant uncertainty as to whether impacts from the allocations can be fully mitigated and does not appear to be in accordance with the mitigation hierarchy within Paragraph 193 of the NPPF and the associated policy requirements that development likely to have an adverse effect on a SSSI should not normally be permitted.
- 3.13 The Sustainability Appraisal accompanying the Plan raises similar concerns details in Table 8.1 that 'Policy S2 will help to mitigate adverse impacts on nationally designated biodiversity sites arising from the majority of development proposed in the MLP. However, the policies **are not anticipated to fully mitigate adverse effects on SSSIs** where proposed sites coincide with, or are located directly adjacent to, SSSIs, or development within 400m of Chattenden Woods and Lodge Hill SSSI' (our emphasis).
- 3.14 Given these concerns, the information within the Sustainability Appraisal and our comments in relation to Policy S2, Natural England is concerned that Policy SA8 is unsound due to a lack of clarity on how impacts can be avoided or fully mitigated.
- 3.15 To ensure that Policy SA8 is sound and that impacts to the designated sites can be avoided or fully mitigated, Natural England recommend that greater clarity on the measures that will be secured by the Strategic Environmental Management Plan are included within the Policy. We will be pleased to work with the Council in the coming weeks to try and resolve our concerns.

#### Policy SA9: High Halstow

- 3.16 Given the proximity of the allocations within Policy SA9 to the Northward Hill SSSI, Natural England would recommend a specific criteria is included to ensure that direct and indirect impacts to the SSSI are avoided or fully mitigated and that opportunities are maximised to enhance the site.

#### Policy SA10: Lower Rainham

- 3.17 Natural England is concerned that Policy SA10 refers to the potential need for compensation measures following a project level Habitats Regulations Assessment. Through the Local Plan, developments which avoid or fully mitigate their impacts should be preferentially allocated over those requiring compensation. Given the close proximity to the coastal designated sites, in addition to the payment towards the Thames, Medway and Swale Estuaries SAMMS, additional site specific mitigation for recreational disturbance is also likely to be required.
- 3.18 To ensure that the policy complies with the requirements of the NPPF and Policies S2 and S3 we recommend that it is amended and have suggested some wording below:
- 'Development will ensure, via a Habitats Regulations Assessment, that direct and indirect impacts will be avoided or fully mitigated and, if required, compensation and/or mitigation will to be agreed with Natural England and Medway Council.
- a. The requirements in policies S2 and S3 must be applied, given the sensitive location including the need to bespoke measures to mitigate for recreational disturbance impacts.
- b. Any enhancement in waterfront accessibility will have no adverse impact upon the integrity of the Special Protection Area and Ramsar designations, either alone or in-combination.'

## Policy SA13: Frindsbury Peninsula Opportunity Area

- 3.19 Whilst Natural England notes that the Policy requires the 'requirements of policies S2 and S3 to be applied', as detailed in our comments on Policy S2, we recommend that specific wording is included for the Marine Conservation Zone (MCZ) and Sites of Special Scientific Interest. Given the proximity of the Frindsbury Peninsula to the MCZ, it is important that impacts are avoided or fully mitigated, and we therefore recommend that Policy S2 is amended to reflect this.

## Policy SA14: Employment Sites

- 3.20 Given the proximity of some of the employment sites to the MCZ and SSSIs, our detailed comments and suggested additions to Policy S2 are applicable to Policy SA14.
- 3.21 In addition, as detailed in our comments for Policy T23: Aviation, given the location of Innovation Park Medway in the setting of the Kent Downs National Landscape, we would expect the Policy to ensure that the Policy references the need for the development to sensitively designed. We have recommended policy amendments for Policy T23 and recommend the previously agreed design parameters for Innovation Park Medway and Policy S6 are referenced within Policy SA14.

## 4 Sustainability appraisal

- 4.1 In addition to the comments made above on specific policies, Natural England has a few overarching comments regarding the Sustainability Appraisal which are provided below.
- 4.2 Natural England recommends that the sustainability appraisal is an iterative process with the Local Plan policies being amended following the recommendations the sustainability appraisal. The appraisal makes a number of recommendations regarding the policy wording, not all of which appear to have been incorporated into the Plan and Policy wording. We therefore recommend that the recommendations within the sustainability appraisal are more fully incorporated into the Plan itself.
- 4.3 Natural England welcomes the inclusion of indicators for monitoring the adverse sustainability impacts of the Local Plan in Table 17.1 for biodiversity and landscape. For the biodiversity indicators, it is unclear what data will be used to inform some of these. For example how will the Council monitor the areas of priority habitats or populations of priority species within Medway. It would be helpful for clarity to be provided on how these measures will be effectively monitored to ensure the Plan doesn't adversely impact the biodiversity of the area.
- 4.4 Given the number of allocations that have the potential to affect the Kent Downs National Landscape, Natural England would strongly recommend that specific indicators for the National Landscape are included.

## 5 Habitats Regulations Assessment

- 5.1 Natural England notes an interim Habitats Regulations Assessment (HRA) has been prepared as all elements are not yet finalised, most notably the air quality assessment and consideration of the effectiveness of the Hoo Peninsula Environmental Programme. The interim HRA details in section E8 that 'Once the Hoo Peninsula Strategic Environmental Programme has been finalised, in consultation with Natural England, this interim HRA report will be finalised and a conclusion of adverse impacts reached in terms of recreational impacts'. Based upon the wording of Policy S2, it does not appear that the Hoo Peninsula Strategic Environmental Programme will be finalised prior to the adoption of the Local Plan. Given the HRA narrative and our concerns regarding Policies S2 and SA8, Natural England would welcome clarity from the Council on the timeframe for reaching agreement on the

- 5.2 Natural England concurs with the summary of potential impact pathways to European sites provided within Table 3.7 of the interim HRA.
- 5.3 Natural England notes the reference to an enhanced SAMMS (strategic access management and monitoring strategy) for large sites within the 6 kilometre zone of influence for the North Kent Designated Sites and/or development near to the coastal sites across Medway, not just restricted to the Hoo Peninsula. Such an enhanced SAMMS approach, including additional measures such as bespoke warden provision and access to high quality semi-natural greenspace will need to be considered on a case-by-case basis. Whilst Natural England welcomes the reference to the enhanced SAMMS provision within the HRA, it does not appear to be reflected within the Policy wording. For completeness, and to ensure impacts do not result, we recommend the Policy S3 wording is amended along the lines of our suggestions above.
- 5.4 The section on urbanisation effects of the HRA appears to focus primarily on the urbanisation effects of development allocations to the designated sites and associated functionally linked land rather than also considering the loss of functionally linked land. We note that the HRA details the requirement for bird, invertebrates and plant surveys at the project level to inform mitigation measures. It is unclear from the information provided within the HRA whether there is likely to be significant loss of functionally linked land through the Plan and we would therefore recommend greater clarity is provided to give confidence that mitigation measures can be delivered. In addition, the HRA makes reference to the information contained within the Cumulative Ecological Impact Assessment but this does not appear to form part of the supporting documents or evidence base to the Plan making it difficult to understand the conclusions within the interim HRA.
- 5.5 Whilst Natural England concurs that mitigation measures for urbanising effects such as noise, lighting, dust and drainage are widely used and can generally be effective (Section 8.3.17 of the HRA), direct loss of functionally linked land will require bespoke mitigation. Given this, we advise that there should be a high degree of certainty at this stage that the allocations will not result in significant impacts to functionally linked land.
- 5.6 We will be pleased to continue working with the Council on the HRA as further information becomes available.

Regulation 18 Medway Local Plan Consultation

Medway Council

Gun Wharf, Dock Road

Chatham

Kent, ME4 4TR

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

11th August 2025

*Sent via email.*

Dear Sir/Madam,

**RE: Medway Local Plan 2041 Regulation 19 Consultation (2025)**

I refer to the above consultation and wish to make the following representations on behalf of Maidstone Borough Council (MBC).

As you will be aware, MBC has adopted its Local Plan Review 2021-2038 (20 March 2024). MBC has and will continue to work closely and constructively with Medway Council through the duty to cooperate on strategic matters pertinent to the authorities' respective Local Plans. As such the Council has several comments to make and these are outlined below and in the attached document appendix 1.

**Legal Compliance**

Overall, the Borough Council feels that the consultation is legally compliant. However, it does question if a Statement of Representations has been produced as per the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) Regulation 19 (b).

**Medway Regulation 19 Local Plan Document & Policies Map**

Representations on the Draft Local Plan for Submission are set out in Appendix 1. It is good to see that Medway Council are proposing to meet their objectively assessed needs as per NPPF paragraph 36(a) for housing, employment and retail.

**Transport**

Within Maidstone's adopted Local Plan Review, Policy LPRSP4(b), requires certain infrastructure improvements to take place to deliver the Lidsing Garden Community allocation. One of the improvements as outlined in Policy LPRSP4(b) criteria 6 (a) is the connection to M2 junction four. A proposed scheme is illustrated in Figure 6.5 of the Maidstone Local Plan Review document. Given that part of the proposed junction improvement works falls within the Medway Council area, it would be appropriate for these highway works and the requisite environmental



mitigation to be reflected in the Medway Council Local Plan as a policy, per NPPF paragraph 110 (c). The Council wishes any improvements to be of exemplar status in terms of ecological and landscape mitigation.

The Borough Council is also concerned as to the additional traffic pressures placed on the villages of Boxley and Bredhurst and adjacent hamlets through the spatial pattern of growth proposed. Through its own plan the Council has sought to mitigate these pressures and there is further ongoing work through the Supplementary Planning Document process for the Lidsing Garden Community site allocation. However, at present this focus appears to be lacking with regards to the spatial strategy promoted by Medway Council. Maidstone Borough Council will continue to work with Medway Council as this work develops.

### **Evidence base**

As per NPPF paragraph 36 (b) the Medway Local Plan 2041 needs to be based on a proportionate evidence base.

Having reviewed the Infrastructure Delivery Plan, the Council would like to understand if the proposed education solutions for Policy SA7 have been discussed and agreed with Kent County Council as the neighbouring Local Education Authority.

### **The Duty to Cooperate**

Maidstone Borough Council has and is willing to work with Medway Council as part of the Duty to Cooperate. The Council does have concerns as to the lack of the development of cross-boundary matters and a Statement of Common Ground (SoCG) as per NPPF paragraph 28. As per the NPPF paragraph 25, local planning authorities are under a duty to cooperate on 'strategic matters'. In its response to the Regulation 18 Consultation in 2024 the Council set out what it thought were the relevant strategic matters.

Having reviewed the Medway Duty to Cooperate Statement the Council has the following comments:

- P.9 there is an inconsistency between the quoted gypsy and traveller need of 41 and in Policy T10 an identified need of 31 please can the Council clarify the need.
- There is no mention of education as a strategic issue which the Council believes there should be due to the need for education infrastructure provision improvements in the Maidstone Local Plan Review as a result of Policy LPRSP4(b) Lidsing Garden Community. Have Kent County Council been engaged as the relevant education authority?

Having reviewed the Initial Proposed Composite Statement of Common Ground with Strategic Bodies the Council has the following comments to make:

- P.17 The Kent Minerals and Waste Plan has been listed under Maidstone Borough Council, but this is a Kent County Council document not a Maidstone Borough Council document and should be removed.

- Several key strategic matters appears to not have been listed including: employment, retail, social infrastructure, Gypsy and Traveller Accommodation and Biodiversity Net Gain.
- The Council also suggests that Kent County Council are added as a Strategic Body due to the strategic transport and education issues raised by the proposed Local Plan

Whilst the Council notes that the Duty to Cooperate does not mean that we have a duty to agree, MBC looks forward to working with Medway Council at a political and officer level as you progress with your Local Plan.

### **Lidsing Garden Community**

Maidstone Borough Council is currently in the process of developing a Supplementary Planning Document for the Lidsing Garden Community as required by the adopted Maidstone Local Plan Review 2021-2038 Policy LPRSP4(B). The Council would like to continue the good cooperation that has started on this project as the work progresses, so that this document can be adopted by it as soon as possible to support sustainable growth, community building and environmental excellence in this part of the Borough.

Yours sincerely,

Cllr Harwood

Cabinet Member for Planning Policy & Management

## Appendix 1: Medway Council Local Plan Reg 19 – Maidstone Borough Council Comments

Document	Page	Paragraph or Policy Reference	Comment	Legally Compliant	Sound & why	Modifications necessary
Local Plan	Whole document		MBC is unsure what are non-strategic policies and the status of the thematic policies (if they are strategic or non-strategic) as required by the NPPF	Yes	No - consistent with national policy (NPPF paragraph 21)	Yes set out what are strategic and non-strategic policies as a list
Local Plan	PP.32-34	Policy S2	Policy S2: Conservation and Enhancement of the Natural Environment states that 10% biodiversity net gain (BNG) will be required by Medway Council. A figure of 20% will mirror the position in Maidstone Borough. Further, the Kent Nature Partnership promotes the adoption of 20% BNG	Yes	Yes	Yes please raise the BNG figure to 20%

Document	Page	Paragraph or Policy Reference	Comment	Legally Compliant	Sound & why	Modifications necessary
			target for the county's planning authorities.			
Local Plan	PP.43-44	Policy S5	Policy S5: Securing Strong Green and Blue Infrastructure, MBC would like to see reference to the incorporation of integral nesting niches within the built environment, such as bird and bat bricks.	Yes	Yes	Yes as set out in comment.
Local Plan	P.43	Policy S5 and supporting text	Recommend stronger and more explicit linkage between Green & Blue Infrastructure, BNG and flood risk management	Yes	N/A	
Local Plan	PP.51-54	Policy DM1	Policy DM1: Flood and Water Management, there MBC would like to see reference to prioritising 'wet SuDs' to maximise positive ecological and landscape impact from use of this technology.	Yes	Yes	Yes, as set out in comment.

Document	Page	Paragraph or Policy Reference	Comment	Legally Compliant	Sound & why	Modifications necessary
Local Plan	P.82	Para 6.1.2	MBC is supportive of the proposed development strategy in as far as it provides for meeting the full housing needs of Medway and does not require MBC to meet any unmet needs.	Yes	N/A	
Local Plan	P.99	Policy T8	Unclear what an 'over concentration' of HMOs would be? How is this to be determined? How is 'excessive parking demands' assessed?	Yes	N/A	
Local Plan	PP.106-107	Policy T10	There appear to be no proposed site allocations to meet the identified needs of the Gypsy, Traveller and Travelling Showpeople households in the district. It is unclear how the LPA intend demonstrate a <b>deliverable</b> 5-year supply of sites upon	Yes	No - not positively prepared or consistent with national policy	

Document	Page	Paragraph or Policy Reference	Comment	Legally Compliant	Sound & why	Modifications necessary
			adoption. Is it all through windfall?			
Local Plan	P.109	Policy T11, bullet 2	Small typo – extra ‘r’ before ‘respects’	N/A	N/A	
Local Plan	P.112	Policy S10	Policy does not set out quantum of employment land to be provided and suggests that the employment needs assessment is yet to be published. The plan in relation to meeting employment land needs is therefore not positively prepared as it is unknown whether Medway can meet its needs, or if it will turn to neighbouring authorities to help meet any unmet needs under the duty to cooperate. However, policy S11 supporting text (para 7.4.1) then suggests the employment land needs assessment is complete and	Yes	No – not positively prepared	Define the employment requirement

Document	Page	Paragraph or Policy Reference	Comment	Legally Compliant	Sound & why	Modifications necessary
			identifies the need for 52.8ha of land. The status of the employment needs assessment should therefore be clarified in policy S10.			
Local Plan	PP.162-184	Chapter 9 Transport	This chapter does not safeguard land for North Dane Way access or M2 junction improvement works	Yes	No – Effective	
Local Plan	PP.272-276	Policy SA7	Figure 13 needs to be updated to reflect latest masterplan changes Lidsing Garden Community should be the title of the development in Maidstone as per the Maidstone Local Plan Review Policy LPSP4(b)	Yes	Yes	Yes as stated in the comment box.
Policies Map	N/A		The key for the policies map suggested that there are safeguarded areas for transport scheme M2 jct 4 improvement works have not been	Yes	Yes	Add a safeguarding area for M2 junction 4.

Document	Page	Paragraph or Policy Reference	Comment	Legally Compliant	Sound & why	Modifications necessary
			included in this section.			
Policies Map	N/A		Hempstead Valley Shopping Centre is not listed as a District Centre although listed in Policy S16	Yes	Yes	Add Hempstead Valley to the Policies Map



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---

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

---

Name or Organisation: Maidstone Borough Council

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

Paragraph	<div>9.1 to 9.12.18</div>	Policy	<div>Chapter 9 Transport</div>	Policies Map	<div></div>
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4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<div>✓</div>	No	<div></div>
4.(2) Sound	Yes	<div></div>	No	<div>✓</div>
4 (3) Complies with the Duty to co-operate	Yes	<div>✓</div>	No	<div></div>

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.

This chapter does not safeguard land for North Dane Way access or M2 junction improvement works.

As a result of the above Maidstone Borough Council believes that the plan is not effective (NPPF paragraph 36 [c]).

(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 add a safeguarding area to M2 Junction 4 improvement works and the Dane Way connection of a new East West link road.

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

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☒

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

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

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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

---

Name or Organisation: Maidstone Borough 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 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.

MBC is supportive of the proposed development strategy in as far as it provides for meeting the full housing needs of Medway and does not require MBC to meet any unmet needs.

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

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---

Name or Organisation: Maidstone Borough 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 checked="" type="checkbox"/>	No	<input 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 checked="" type="checkbox"/>	No	<input type="checkbox"/>

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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.

The policies map does not safeguard land for North Dane Way access or M2 junction improvement works. As a result of the above Maidstone Borough Council believes that the plan is not effective (NPPF paragraph 36 [c]). The land is needed to delivery a transport intervention in order to unlock sites in the Capstone Valley and should be safeguarded to enable this to happen.

Hempstead Valley Shopping Centre is not outlined on the Policies Map as a District Centre although listed in Policy S16 as such it is unclear if it is a District Centre

(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.



A safeguarding area for M2 Junction 4 and Hempstead Valley Shopping Centre should be added to the policies map.

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

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Name or Organisation: Maidstone Borough Council

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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"/>
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Name or Organisation: Maidstone Borough 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 checked="" type="checkbox"/>	No	<input type="checkbox"/>
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Policy S2: Conservation and Enhancement of the Natural Environment states that 10% biodiversity net gain (BNG) will be required by Medway Council. A figure of 20% will mirror the position in Maidstone Borough. Further, the Kent Nature Partnership promotes the adoption of 20% BNG target for the county's planning authorities.

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Please raise the BNG figure to 20%.

**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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---

Name or Organisation: Maidstone Borough 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 checked="" type="checkbox"/>	No	<input 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 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.

Policy does not set out quantum of employment land to be provided and suggests that the employment needs assessment is yet to be published. The plan in relation to meeting employment land needs is therefore not positively prepared as it is unknown whether Medway can meet its needs, or if it will turn to neighbouring authorities to help meet any unmet needs under the duty to cooperate. However, policy S11 supporting text (para 7.4.1) then suggests the employment land needs assessment is complete and identifies the need for 52.8ha of land. The status of the employment needs assessment should therefore be clarified in policy S10.

As a result of the above Maidstone Borough Council believes that the plan has not been positively prepared (NPPF paragraph 36 [a]).

(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 define the employment requirement in Policy S10.

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

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

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

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## Model Representation Form for Local Plans

	<b>Local Plan</b> Publication Stage Representation Form	Ref:  (For official use only)
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Name of the Local Plan to which this representation relates:

Medway Local Plan

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This form has two parts –

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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: Maidstone Borough 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 :

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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.

N/A

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

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Figure 13 needs to be updated to reflect latest masterplan changes  
Lidsing Garden Community should be the title of the development in Maidstone as per the Maidstone Local Plan Review Policy LPSP4(b) (Continue on a separate sheet /expand box if necessary)

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Unclear what an 'over concentration' of HMOs would be? How is this to be determined? How is 'excessive parking demands' assessed? Please define.

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

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There appear to be no proposed site allocations to meet the identified needs of the Gypsy, Traveller and Travelling Showpeople households in the district. It is unclear how the LPA intend demonstrate a **deliverable** 5-year supply of sites upon adoption. Is it all through windfall?

As a result of the above Maidstone Borough Council believes that the plan has not been positively prepared (NPPF paragraph 36 [a]) or consistent with National Policy (NPPF paragraph 36 [d]).

(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 define the supply position and how sites are to be delivered in Policy T10.

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

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Policy T11 second bullet point Small typo – extra 'r' before 'respects'.

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

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MBC is unsure what are non-strategic policies and the status of the thematic policies (if they are strategic or non-strategic) as required by the NPPF as this is not stated in the consultation document.

As a result of the above Maidstone Borough Council believes that the plan is not consistent with national policy (NPPF paragraph 36 [c]), especially NPPF paragraph 21.

(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.

Set out what are strategic and non-strategic policies.

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



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Network Rail  
1 Puddle Dock  
London  
EC4V 3DS

Via email: [planning.policy@medway.gov.uk](mailto:planning.policy@medway.gov.uk)

14 August 2025

Dear Planning,

#### **NETWORK RAIL RESPONSE TO MEDWAY COUNCIL LOCAL PLAN (REGULATION 19) CONSULTATION**

These representations are submitted to Medway Council ('the Council') by Network Rail Infrastructure Limited ('Network Rail'), in respect of the Regulation 19 consultation on the Medway Local Plan 2041. This follows previous representations made to the Regulation 18 consultation.

It is important that opportunities to promote the use of the railway as a more sustainable modes of transport are identified and taken forward. The railway network is a vital element of the country's economy and a key component in the drive to deliver the Government's sustainable agenda.

Network Rail is the statutory undertaker for maintaining and operating railway infrastructure of England, Scotland, and Wales. As statutory undertaker, Network Rail is under license from the Department for Transport (DfT) and Transport Scotland (TS) and regulated by the Office of Rail and Road (ORR) to maintain and enhance the operational railway and its assets, ensuring the provision of a safe operational railway. As a matter of course, proponents of sites which are close to the railway boundary or sites which could affect the railway asset directly are required to engage with our Asset Protection and Optimisation team (ASPRO)

#### **Legal Compliance and Soundness**

NR acknowledge that the draft Local Plan has been prepared in accordance with the legal and procedural requirements, including the Duty to Cooperate with neighbouring authorities. However, NR wish to raise concerns regarding the robustness of the evidence base and strategic approach to railway transport, which it is believed may affect the Plan's soundness under the NPPF.

## Representations

This section sets out the areas for which comments have been made in relation to the Regulation 19 consultation.

- Spatial Development Strategy
- Transport
  - Policy DM16: Chatham Waters Line
  - Policy DM17: Grain Branch
- Health, Communities and Infrastructure
  - Policy S24: Infrastructure delivery
- Minerals supply
  - Policy T31: Safeguarding of Existing Mineral Supply Infrastructure
- Site Allocations
  - Policy SA1: Chatham Town Centre and Surrounds
  - Policy SA2: Heritage-led sites
  - Policy SA5: Strood Town Centre and Surrounds
  - Policy SA6: Land West of Strood
  - Policy SA8: Hoo St Werburgh and Chattenden
  - Policy SA10: Lower Rainham
  - Policy SA12: Other Sites
  - Policy SA13: Frindsbury Peninsula Opportunity Area

## Spatial Development Strategy

The spatial development strategy does not adequately integrate existing and potential railway corridors with proposed housing and employment allocations. For example, areas such as the Hoo Peninsula, which are earmarked for significant growth, remain poorly served by rail, and the plan does not commit to delivering new stations or enhanced services in these areas.

NR notes the detail set out within the Strategy and are supportive of the reference to safeguarding land for rail improvements. The Strategy refers to safeguarding land for a transport hub at Strood however it is not clear if this is sufficiently reflected in an accompanying Policy. There is no specific Policy within the transport section as there is for the active travel link between Chatham Docks and Gillingham Town centre or the Grain Branch. The land for the transport hub appears to be safeguarded on the Policies map however there is no label or linking Policy to provide a sufficient hook for delivery. There are no policies with the Strategy however the lack of connection with the transport hub may affect the Plan's soundness.

The Plan's emphasis on active travel and road-based transport is welcome, but it underplays the potential of rail to reduce car dependency, especially for commuting and freight. A more balanced transport strategy would include stronger support for rail facilities and other infrastructure linked to rail stations.

## Transport

NR supports the inclusion of a separate Policy area covering transport. However, while the Plan references the Grain Branch and general transport assessments, it does not set out a clear strategy or funding pathway for rail improvements. There is no mention of collaboration with Network Rail or train operating companies to secure infrastructure upgrades or service enhancements. This would provide greater consistency with the 'Vision for access and movement in Medway' and the spatial development strategy and will ensure compliance with the NPPF. In the absence of this, the overall soundness of the Plan may be affected.

There are opportunities to better connect development on the Hoo Peninsula with Strood rail station to create a genuine interchange facility. The NR-led North & East Kent Connectivity Strategic Study identified the opportunity for Strood Interchange to provide Strood residents with direct services to Swanley, Bromley South and Victoria. Early stage work has been undertaken with further feasibility to be carried out and the identification within the Local Plan would be of significant benefit to secure the funding/support needed to move the work forward. Pre-feasibility work was undertaken in 2024.

### Policy DM 16: Chatham Waters Line

NR is supportive of the use of the Line to support active travel. It is NR's view that the route could be extended to run directly to Gillingham station using land around the station. This could allow for improved connections with the station and a quicker and more efficient. At present, the safeguarded route (as shown on the Policies Map) ends west of the station. Improved cycle links to continue this route to the station could be achievable and this would maximise active travel opportunities. NR control land around Gillingham station that could facilitate an improved active travel means of accessing the station. NR suggests the following addition to the policy wording (in italics):

'The Policies Map shows safeguarded land for a new active travel corridor, linking the riverside around Chatham Maritime and Gillingham Riverside with Gillingham Town centre *and the rail station.*' This would ensure that the Plan fully considers the whole public transport network and links these together to provide integrated transport options as required in the NPPF. The absence of this means that the Policy may be unsound.

### Policy DM 17: Grain Branch

NR supports the proposal to safeguard land for new rail infrastructure as set out within the draft Policy. However, it should be made clear that at this point such rail infrastructure is unfunded and there are no current or future proposals for a new station.

As mentioned earlier, maximising Strood station through an improved interchange facility connections with the town centre and wider alongside infrastructure changes to the station could allow for improved rail services. This could provide sufficient capacity to accommodate growth within the Hoo Peninsula alongside the Frindsbury Peninsula Opportunity Area. This would ensure that the Plan fully considers the whole public transport network and links these together to provide integrated transport options as required in the NPPF. The absence of this means that the Policy may be unsound.

In addition, NR suggests the following amendments (in italics) are made to the supporting text:

9.4.1 The government has described its strategic vision for rail, including commitments to expand the network to boost housing and economic growth, reinforce the importance of rail freight to support the economy and the environment and to explore opportunities to restore routes withdrawn ~~during the 1960s and 1970s~~ *in 1961*.

9.4.2 Passenger services were withdrawn from the Grain Branch in 1961, however the line continues to facilitate the import/export of aggregates, along with rail freight associated with the aviation fuel storage depot and Thamesport activity. *The line is of national strategic importance by providing aviation fuel to Heathrow Airport. Should expansion of Heathrow Airport go ahead then there is potential that there may be a requirement to increase the number of aviation fuel trains from the fuel terminal on the Isle of Grain.*

9.4.4 A rail passenger connection at Sharnal Street would provide a focus for future growth and improved travel choice. Moreover, it would:

- underpin a wider strategy in conjunction with exemplary approaches to design and green infrastructure;
- serve an improved employment offer at Kingsnorth; and
- allow for increased rail freight to/from the Isle of Grain. *There is a wider rail freight growth target set by the UK government. In December 2023, the UK government committed to supporting a rail freight growth target of a minimum of 75% increase in net tonne kilometres by 2050 (and 7.5% in Control Period 7(CP7) nationally). NR has a growth target for CP7 of 2.9%. For which the Isle of Grain branch is likely to be a key strategic freight corridor that will contribute towards achieving this growth target. Supporting the construction of new housing, supplying aviation fuel to Heathrow Airport and delivering of materials by rail for HS2 construction works in London and Home Counties.*

#### Policy DM18: Transport Assessments, Transport Statements and Travel Plans

The rail network must be considered when assessing potential development sites, either for allocation or during the determination of a planning application. This is in much the same way as an assessment would take place in consultation with National Highways. NR propose the following wording to be added to the draft Policy:

*‘Where impacts on the rail network have been identified the Council will work with Network Rail to secure suitable mitigation’.* This would ensure that the Plan fully considers the whole transport network and links these together to provide integrated transport options as required in the NPPF. The absence of this means that the Policy may be unsound.

The Plan does not provide measurable targets or monitoring indicators for rail usage, service frequency, or infrastructure delivery. This undermines the ability to assess progress and suitable ensure necessary infrastructure has been funded. Reference to this should also be included within the draft Policy.

#### **Health, Communities and Infrastructure**

##### Policy S24: Infrastructure Delivery

NR supports the draft Policy and its intentions around infrastructure however has comments that could ensure the soundness of the Policy. The reference to the use of planning obligations and/or conditions to deliver required infrastructure is supported and welcome. The use of appropriately worded conditions is a key part of the toolkit for securing new infrastructure and ensuring this is funded. This can ensure that development is phased to allow the required infrastructure to be delivered.

In delivering infrastructure, NR recommends that developers, site promoters and applicants engage as early as possible as required by the NPPF. This should be reflected in the draft Policy to ensure compliance with national policy. NR therefore recommends the following addition to the first bullet (in italics):

- Applications can demonstrate that there is sufficient infrastructure capacity to support what is proposed *following sufficient engagement with relevant infrastructure providers and their agreement that no mitigations are required.*

Additionally, NR supports the delivery of infrastructure pre-occupation however there are circumstances where this may also be necessary pre-commencement. This is particularly relevant where there are safety concerns associated with the proximity or direct interaction of development with the railway. NR therefore suggests the following amendment in italics:

- Onsite delivery of infrastructure ahead of *commencement or* occupation

The Infrastructure Delivery Plan (IDP) should be updated at least annually and NR will provide the Council with the most up-to-date infrastructure needs for the railway for these updates.

## **Minerals supply**

### Policy T31: Safeguarding of Existing Mineral Supply Infrastructure

NR supports the safeguarding of infrastructure associated with the supply of existing minerals. Rail depots plays a crucial role in moving minerals and aggregates and their retention is necessary as referenced in 11.3.7. Where possible, improvements should be made to these either by providing additional services, where required, or through providing new rail connections when new sites become available to be worked.

### Policy SA1: Chatham Town Centre and surrounds

#### FP25 – Chatham Rail Station area

NR supports the identification of this site as an allocation within the new Local Plan. The site can deliver residential development using brownfield land and within a sustainable location. This also provides the opportunity to incorporate a dedicated station entrance on the lower level of the station to provide a more direct route to the platforms rather than using the elevated main station entrance on Railway Street. Further, development should be maximised given the location of the site and therefore the dwelling figure of 121 should be a minimum.

NR notes the reference in SA1 to the need for sensitive design and a masterplan. The site would have to be brought forward with an evaluation of the current station car parking and how this relates to the surrounding area. Whilst the site is near to some listed buildings, the impact on this could be minimised. Given the location of the site to a transport hub, the Council should not apply overly restrictive requirements which could limit the ability to maximise the site and meet the Government's requirement to develop around transport hubs.

### Policy SA2: Heritage-led sites

#### FP1 – 320-346 High Street Rochester

This site is near to the railway, on an elevated section. No balconies or other structure should be erected on the railway facing side to prevent impacts on the safe and efficient running of the railway. External materials should not cause glare that would impact train drivers or affect any of the signalling equipment. The site is close to Chatham station and consideration should be given to securing financial contributions towards station improvements to offset the increase in use from the development. Any development should also engage with NR's Asset Protection Team (ASPRO).

#### RWB19 – Bardell Terrace, Rochester

This site is near to the railway, on an elevated section. No balconies or other structure should be erected on the railway facing side to prevent impacts on the safe and efficient running of the railway.

External materials should not cause glare that would impact train drivers or affect any of the signalling equipment. The site is close to Rochester station and consideration should be given to securing financial contributions towards station improvements to offset the increase in use from the development, including towards providing additional capacity at the station's cycling facility. Any development should also engage with NR's Asset Protection Team (ASPRO). NR notes that the site has a resolution to grant subject to a s106 (planning ref: MC/24/1613).

#### Policy SA5: Strood Town Centre and Surrounds

NR notes the proposed allocation of sites SNF9, SNF15, SNF17, SNF34, SNF35 and SNF41 close to Strood rail station. The draft Policy sets out the need for a masterplan and the need detailed design of the transport interchange. NR is supportive of this and refers to previous comments raised in relation to Strood rail station interchange and how the need to reflect this through the Plan. Future development should be done in consultation with NR and its Asset Protection Team (ASPRO).

#### Policy SA6: Land West of Strood

The proposed size of the draft allocation provides an opportunity to [promote a modal shift towards the use of public transport. The site could contribute towards Strood rail station interchange, either through helping to fund physical improvements and/or providing direct connections to encourage use. The Council should work with NR to determine any capacity constraints or opportunities that could be taken advantage of to encourage modal shift.

#### Policy SA8: Hoo St Werburgh and Chattenden

NR notes the inclusion of safeguarding land for the potential use of the rail line for passenger services however it is not clear what the Council's strategy is for promoting modal shift and increasing use of public transport. Whilst safeguarding land for future rail use is welcome, there is no funding at present to undertake this work. Therefore, if improving rail connections is to be meaningful a clear strategy for collecting contributions from development along the line should be established to help fund these passenger services. There are examples of new lines being established using a form of land value capture from landowners/developers to forward fund the infrastructure and unlock housing and development growth<sup>1</sup>. NR welcomes the opportunity to discuss this further however it requires a clear strategy from the Council to outline how this could be delivered a part of growth on the Hoo Peninsula.

#### Policy SA10: Lower Rainham

NR notes the scope of development proposed as part of the draft Policy. Development within this Policy should consider the impact on the road level crossing near Rainham station both in terms of local highway impacts and the safety of users. Sufficient wording should be included within the draft Policy to ensure these impacts are assessed both on a site by site and cumulative basis. NR recommends the following:

*'Development must consider the impact on the at grade road crossing to the east of Rainham station, for its own impact and that with committed development. Any assessments should be approved by Network Rail'.*

Development should also promote active travel through providing safe walking and cycling routes to the station and provide financial contributions towards improving cycle storage facilities at Rainham station.

RN9 – Pump farm and Bloors Farm

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<sup>1</sup> [The Northumberland Line project - Network Rail](#)

This site is near the railway. Any development should ensure that anti-trespass fencing is applied around the site boundary (at least 1.8m high) to prevent trespass onto the railway and to maintain the safe and efficient running of the railway. Any development should also engage with NR's Asset Protection Team (ASPRO). The site should also provide improved cycling and walking connections to Rainham station and consideration should be given to securing financial contributions towards station improvements to offset the increase in use from the development, including towards providing additional capacity at the station's cycling facility.

Policy SA12: Other sites

RN30 – Land north of railway line and west of Seymour Road, Rainham

This site is near the railway. Any development should ensure that anti-trespass fencing is applied around the site boundary (at least 1.8m high) to prevent trespass onto the railway and to maintain the safe and efficient running of the railway. Any development should also engage with NR's Asset Protection Team (ASPRO).

Policy SA13: Frindsbury Peninsula Opportunity Area (FPOA)

NR believes that to promote active travel and meet the Local Plan vision to reduce emissions by 2041, a direct link should be established within the Policy to improvements at Strood station to facilitate improved rail services and accessibility.

**Summary**

To ensure the Local Plan is sound and consistent with national policy, NR recommend the following:

- Include a dedicated rail strategy within the transport chapter, outlining planned improvements, station upgrades, and service enhancements.
- Strengthen the spatial strategy by aligning major development sites with existing or proposed rail infrastructure.
- Commit to working with Network Rail, Southeastern, and other stakeholders to deliver rail improvements.
- Introduce monitoring indicators for rail transport, including passenger numbers, service frequency, and modal shift targets.

**Conclusions**

The rail network is a critical component of sustainable development and strategic connectivity. Without a clearer and more ambitious approach to rail infrastructure, the Local Plan risks failing the tests of soundness under the NPPF. NR recommends the Council revise the transport strategy to better reflect the role of rail in supporting growth, accessibility, and environmental objectives.

Thank you for the opportunity to provide comments on the Plan. NR wish to continue to work with the Council to deliver for residents of Medway and we reserve the right to attend and participate at the Local Plan Examination in Public and provide any additional information as required.


Kind regards,

**Craig Hatton MRTPI**

Senior Town Planner



## Model Representation Form for Local Plans

	<b>Local Plan</b> Publication Stage Representation Form	Ref:  (For official use only)
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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	Shazad	
Last Name	Ghani	
Job Title (where relevant)	Head of Planning	
Organisation (where relevant)	Gravesham Borough Council	
Address Line 1	Civic Centre	
Line 2	Windmill Street	
Line 3	Gravesend	
Line 4	Kent	
Post Code	DA12 1AU	
Telephone Number		
E-mail Address		

(where relevant)

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

Name or Organisation: Gravesham Borough 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 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.

Thank you for the opportunity to respond to your consultation on the Medway Local Plan 2041, Proposed Submission Draft, Regulation 19.

Medway's latest Local Housing Need Assessment concludes that the final housing need in Medway, is 1,594 dwellings per year, as assessed using the Standard Method of December 2024. The plan seeks to make provision for the areas full housing and economic development needs, Gravesham Borough notes that consideration has been given to meeting Gravesham's unmet housing need, with the Sustainability Appraisal concluding that whilst the delivery of additional homes would perform strongly in terms of SA Objective 7 (housing), it would result in more significant negative impacts on environmental sustainability objectives, and result in additional pressures on Medway's transport network and social infrastructure.

The spatial strategy proposed focuses on meeting Medway's development needs through a variety of sources, including strategic allocations, existing planning commitments, non-strategic allocations and windfall sites. Adjacent or near our shared boundary, strategic allocations are proposed at Strood West, with non-strategic allocations proposed at Cliffe.

We welcome the proposed vision and objectives, and that the Medway Local Plan draws on relevant Kent County Council plans and programmes. We share many

common functional economic and housing market challenges. These include but are not limited to addressing the following:

- Respective requirements for the delivery of new homes and employment.
- Town centre change.
- Out commuting to employment.
- Deliverability timescales for urban regeneration sites to provide new homes and jobs on brownfield sites.

The latter is relevant to your dispersed spatial strategy for a significant proportion of new homes and employment land to be developed in rural areas.

It is worth noting that both authorities have worked constructively in commissioning evidence to support our emerging Local Plans and have engaged constructively via duty to cooperate discussions. This has included both authorities confirming our intentions to bring forward land in the existing green belt on both sides of the Medway/Gravesham boundary adjacent to Strood, as a strategic scale housing, employment and infrastructure development allocation.

We welcome the continued commitment to continue joint working to consider any cross-boundary concerns regarding matters such as housing, employment, transport infrastructure, education, Habitat sites, etc.

In principle Gravesham Borough Council supports the approach set out within this emerging Local Plan, and the clear intention for Medway to meet its housing and employment needs in full within its administrative boundary. However, as recognised in the plan this will need to be supported by infrastructure investment and timely delivery, to ensure that the necessary infrastructure and services are available to the occupiers of new developments, and that existing households including those in Gravesham are not impacted negatively.

We look forward to continuing ongoing engagement with yourselves, including preparation and agreement of a statement of common ground, to facilitate advancement of our respective emerging new Local Plans. It is recognised that this Regulation 19 Local Plan precedes clarification of Gravesham Council's strategy in relation to up-to-date evidenced development needs in the emerging Gravesham Local Plan, Proposed Submission Draft, Regulation 19, however we will continue to engage with yourselves on this matter as part of our ongoing discussions.

Overall Gravesham Borough Council is supportive of Medway's approach in this Regulation 19 Local Plan, and we do not raise any objections under soundness or legal compliance.

(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.

N/A

(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)?

☒ x

**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:

N/A

**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>



## Growth and Communities

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

Invicta House  
County Hall  
Maidstone  
Kent  
ME14 1XX

Phone: 03000 413053  
Ask for: Lucy Cleaver  
Email: [REDACTED]

**BY EMAIL ONLY**

Monday 11 August 2025

Dear Sir, Madam,

### **Re: Medway Local Plan Regulation 19 – Formal Consultation**

Thank you for consulting Kent County Council (hereafter referred to as the County Council) on the Medway Local Plan Regulation 19 document, in accordance with the requirements of the Localism Act 2011.

The County Council has reviewed the Local Plan and for ease of reference, has provided comments structured under the chapters and policies used within the document.

### **General Commentary:**

#### Minerals and Waste:

The County Council, as Minerals and Waste Planning Authority, notes the details in the main economic geology of the administrative area. The County Council notes that the procedures that are important to the maintenance of a steady and adequate supply of aggregates (as required by the National Planning Policy Framework (NPPF)), through landbanks based on sales averages are appropriately detailed. The County Council notes that the Plan area has no soft sand deposits of the Folkestone Formation, however, there has been past extraction of a similar deposit (Thanet Sand) at Upnor, the quarry now long disused and restored.

The economic minerals within the Plan area that are not subject to being maintained as landbanks are brickearth, clay and chalk. The plan does identify the brickearth deposits and the chalk deposits. London Clay is also present, and this material can be important for land engineering purposes, though is not discussed. The Plan also discusses the uses of chalk, though the County Council understands that extraction for the uses detailed has ceased.

It is known that the chalk deposits in the Cliffe area are of high purity and can meet other specified uses as pigmentation agents and other uses (e.g. pharmaceuticals) requiring

exceptionally high purity (98% CaCO<sub>3</sub> in content). The County Council recommends that this is recognised in the Local Plan.

The land won Mineral Safeguarding Area (MSA) only identifies the superficial sand and gravel deposits (it omits the deep buried channel deposits on the Hoo Peninsula) as these are part of the recent economic mineral history of the area. Whilst the County Council does consider this to be reasonable, the document does ignore the potential for the remaining brickearth deposits, the economic value of which is unknown although in all probability marginal in potential. The Plan's T30 policy defines the exemptions that can be invoked from the presumption to safeguard only applies, this being the sand and gravel (superficial deposits).

The County Council welcomes the comprehensive consideration (type and arisings quantity) of all the current represented waste streams that exist in the area. It also explains the National Planning Policy for Waste 2014 and the Resources and Waste Strategy for England 2018 as they pertain to waste capacity planning. In this regard the County Council believes that the Plan fully accords with the relevant national planning policy and is therefore soundly based to assess further needs to achieve and maintain these objectives, that include carbon emission abatement in line with governmental strategies.

#### Heritage Conservation:

The County Council recommends that the supporting documents, in particular, the Heritage Asset Review, be version controlled or have a published date to reflect the accuracy of the document so readers can assess the accuracy of the Heritage Asset Review.

## **Chapter 2: A Vision for Medway**

### *Paragraph 2.1*

#### Heritage Conservation:

The County Council is pleased to see the commitment to Medway's rich heritage in the first paragraph of the Vision.

"By 2040, Medway is responding and adapting to climate change, providing for more sustainable and resilient development."

Many of Medway's heritage assets are coastal and are directly threatened by rising sea levels. Examples include the prehistoric, Roman and medieval salterns of the marshes of the Hoo Peninsula, Roman pottery-making sites visible in the foreshore and the fortifications of Grain, Cockham Wood Fort, Slough Fort, Hoo and Darnet Forts and the Historic Dockyard. Changing moisture levels in the soil will impact on archaeological remains which are susceptible to drying/wetting and erosion, and historic buildings will be challenged by increased wind and storms. It would be helpful if the Council could include in its action plans a survey of Medway's heritage and the likely impact of climate change so that managers can assess risk and identify any remedial actions.

The County Council supports the goal “Medway has conserved and enhanced its intrinsic cultural and natural heritage and landscapes alongside high-quality development to strengthen the area’s distinctive character... Important wildlife and heritage assets are protected and enhanced.”

The County Council considers that the key to this will be ensuring that the Medway Heritage Strategy is fully integrated into relevant decision-making, design and master planning for development proposals as well as blue and green infrastructure (GI) projects. The Strategy was drafted in 2018 and the County Council would urge that this is completed as quickly as possible, to influence development moving forward.

#### *Paragraph 2.2*

#### Heritage Conservation

The County Council is pleased that there is a sub-objective dedicated to securing Medway’s high quality historic environment.

The historic environment has a significant role to play in the conservation of resources required for development, and also in energy efficiency. Old buildings can often be more energy efficient than newer ones and of course have already been built. Thus, it may take fewer overall resources to adapt an old building than to demolish it and build a completely new one.

Historic England has produced a range of guidance on the role that heritage can play in mitigating climate change and historic building adaptation ([Climate Change Adaptation Report | Historic England](#)). The guidance demonstrates that historic structures, settlements and landscapes can in fact be more resilient in the face of climate change, and more energy efficient, than more modern structures and settlements. This has also been updated in the Historic England report [‘There’s no Place Like Old Homes - Re-use and Recycle to Reduce Carbon’](#). This could usefully be highlighted in the text which at present suggests that making housing more energy efficient must occur only in new buildings.

The County Council believes that heritage makes an important contribution to health. Historic England has released research that demonstrates how heritage actively supports health and well-being through contributing to a generally more attractive environment, allowing activities that encourage participation and inclusion and by encouraging outdoors activities. [Wellbeing and the Historic Environment | Historic England](#)

### **Chapter 3: Spatial Growth Options**

#### *Paragraph 3.1.3*

#### Heritage Conservation:

The County Council welcomes Medway Council’s “brownfield first” approach but notes that previously developed land in urban centres may include deeply stratified archaeological sequences. This is particularly the case in riverside locations, where more recent made



ground and archaeological sequences may be underlain by thick and complex geoarchaeological sequences that contain important paleoenvironmental information and other organic rich deposits.

Although brownfield sites may be attractive for development for various reasons, they can nonetheless contain significant heritage assets. Medway has an important industrial past with early examples of chalk pits, factories and infrastructure related to the cement and other industries. These contribute significantly to the area's historic character and can be used in master planning new developments to help new build be better integrated into the existing landscape.

Similarly, many such sites, especially quarries, will contain deposits of archaeological significance. Medway is important for Palaeolithic archaeology (c. 800,000 BC to 10,000 BC) and sensitive deposits may well survive beneath the floors, and in the edges of quarries. Riverside brownfield sites may well contain archaeological remains associated with the former river frontage. To establish the archaeological potential of brownfield sites it will be necessary to carry out detailed assessments in the form of desk-based assessment and, if appropriate, fieldwork.

To ensure that new development on brownfield sites is fully integrated into the existing character of Medway's historic towns, it will also be important to ensure that Conservation Areas Appraisals are completed for all Conservation Areas. The County Council considers that this should also be a recommendation in any action plan.

In addition to the large landscape and natural environment designations, Medway also has particularly large areas of heritage designations such as the scheduled monuments of Cliffe Explosives Works, Grain Forts, Chatham Lines and Chatham Dockyard. The County Council suggests that the text be modified to "Medway has a high proportion of land designated of national or international importance for wildlife, heritage and landscape" to give equal priority to these sites to the nature and landscape designations within the Plan area.

## **Chapter 4: Natural Environment**

### Heritage Conservation:

The County Council notes that climate change impacts on many more aspects of life than just the natural environment. These are reviewed in some detail in this section, and it is therefore questioned as to whether it is appropriate to place the Climate change section within Natural Environment. The County Council would suggest that Climate Change should be a section in its own right to provide further detail into the approach taken to mitigate climate change in the Plan area.

As noted in the County Council's comments for Section 2.2, heritage interacts with climate change in a range of ways. Heritage is both vulnerable to climate change due to drying and wetting on archaeological sites, increased erosion and flooding and increased storminess. At the same time, it has a role to play in combatting climate change due to the embodied carbon

in previously-constructed buildings. The County Council would like to reiterate its comments made under Section 2.2 on the importance of heritage conservation.

#### *Paragraph 4.2.1*

#### Energy and Climate Change:

The County Council notes that there is a typographical error in Paragraph 4.2.1. The County Council recommends that the sentence be amended to read as 'The Hoo Peninsula is particularly vulnerable to rising sea levels.'

#### *Policy S1 – Planning for Climate Change*

#### Sustainable Urban Drainage Systems (SuDS):

The County Council, as the Lead Local Flood Authority (LLFA) for Kent, believes that some of the wording within Policy S1 could be made clearer. In particular, the sentence *"Existing surface water flow routes and drainage features within the site should be identified and preserved wherever these contribute to sustainable drainage e.g. ditches, seasonally dry watercourses or historic ponds"* could be strengthened to include the preservation of watercourses in all eventualities and not only associated with a SuDS system. Furthermore, watercourses can be diverted and managed in order to facilitate development, but this would need to be done through the submission of evidence which is accepted and consented by the Council's Land Drainage Officer/LLFA.

In addition, it is the County Council's view that there is a lack of consideration given towards SuDS in relation to brownfield sites. Water reuse is now cited as a primary method for the management of surface water within the [National standards for SuDS](#), and should be given consideration within the Plan. The County Council is currently considering requiring any new development upstream of a known 'Flood Hotspot' to be restricted to the equivalent greenfield two-year runoff rate for all rainfall events. The County Council advises the provision of flood betterment through new development, and this be detailed in the Local Plan.

The County Council welcomes the mention of utilising SuDS as a method of managing water as a resource and would further advise that 'water reuse' is now considered the top of the hierarchical list of the new Defra SuDS Standards recently released and so will be required to be considered as part of all developments going forward: [National standards for sustainable drainage systems \(SuDS\) - GOV.UK](#)

The County Council welcomes the mention of reducing water consumption within the Local Plan, but notes that it would be helpful if this was quantified. It is generally accepted that the 'industry standard' expected water consumption is 110 litres per person per day. If wording such as "schemes achieving less than 110l/p/d will be actively encouraged", the County Council feels it would further strengthen the document and encourage greater sustainable development.

#### Energy and Climate Change:

The County Council supports policy which sufficiently considers adaptation to a range of climate risks, prioritising nature-based solutions instead of hard-engineering measures. The policy is therefore in alignment with section 14 of the NPPF and particularly paragraph 161

#### *Policy S2 - Conservation and Enhancement of the Natural Environment*

##### Biodiversity:

The County Council, as Lead Biodiversity Authority for Kent, supports the protection, enhancement and maintenance of the natural environment as written in the Local Plan.

Whilst Policy S2 notes that development proposals will be required to demonstrate that significant harm to the natural environment will be avoided, mitigated or compensated, the County Council is concerned that the policy does not specifically state that applications will be refused if the above cannot be demonstrated.

The County Council therefore recommends that the policy wording be strengthened to refuse applications that are not able to evidence how the development will avoid, mitigate or compensate significant harm to the natural environment.

#### *Paragraph 4.5.5*

##### Heritage Conservation:

The County Council notes that the main method for investigating historic landscape character is by historic landscape characterisation. This is a method of assessing the pattern of tracks, lanes, field boundaries and other features that comprise the historic character of the modern landscape. The County Council feels it is important for the proposed update to the Medway Landscape Character Assessment to consider the Historic Landscape Characterisation.

The County Council understands that this has only been completed for the Hoo Peninsula ([Hoo Peninsula Historic Landscape Project | Historic England](#)) and the County Council would urge Medway Council to extend the Historic Landscape Characterisation across the rest of Medway and draw on the research to inform the Landscape Character Assessment.

#### *Paragraph 4.6 – Securing Strong Green and Blue Infrastructure*

The County Council believes that GI has the potential to help new development be better integrated into the existing rural and urban landscape by ensuring that it fits into the grain of what is already there. The pattern of roads, tracks and lanes in the Plan area has been used for centuries to link Medway's towns, villages, hamlets and countryside. By taking advantage of these existing and historic routeways people will be able to move through the area while retaining the historic geography of the region but also following routes more likely to be accompanied by historic hedgerows and planting. This has the potential to unite heritage and ecology to help people access and enjoy GI features more easily and naturally.

Using historic routeways also allows GI designers to incorporate heritage assets to provide features of interest. In turn, this will help people accessing the GI to become more aware of and value Medway's heritage which will in turn assist their conservation and re-use. For example, the Hoo area has links to internationally important fortifications at Grain. If the GI were to feature these, it would help raise their profile to assist with conservation whilst diminishing the attractiveness of the sites for anti-social activity. GI can also be used to support tourism in Medway by linking historic sites and landscapes such as the Chatham Lines, Rochester Castle and Cathedral and the historic explosives works of the Hoo Peninsula.

#### *Paragraph 4.8.17*

#### Heritage Conservation:

The County Council understands that SuDS may have both direct and indirect impacts on the historic environment. Direct impacts could include damage to known heritage assets – for example, if a historic drainage ditch is widened and deepened as part of SuDS works. Alternatively, they may directly impact on unknown assets such as when SuDS works damage buried archaeological remains. Indirect impacts are when the ground conditions are changed by SuDS works, thereby impacting on heritage assets - for example, using an area for water storage, or improving an area's drainage can change the moisture level in the local environment.

In particular, archaeological remains are highly vulnerable to changing moisture levels which can accelerate the decay of organic remains and alter the chemical constituency of the soils. Historic buildings are often more vulnerable than modern buildings to flood damage to their foundations.

When SuDS are planned it is important that the potential impact on the historic environment is fully considered and any unavoidable damage is mitigated. This is best secured by early consideration of the local historic environment following consultation with the Kent Historic Environment Record (HER) and by taking relevant expert advice. The County Council has recently produced guidance for SuDS and the historic environment. It provides information about the potential impact of SuDS on the historic environment, the range of mitigation measures available and how developers should proceed if their schemes are believed likely to impact on heritage assets.

#### *Policy DM1: Flood and Water Management*

#### Sustainable Urban Drainage Systems (SuDS):

The County Council, as the LLFA for Kent, believes there to be a typographical error in the sentence and that it should read "For those development sites which have not passed the Sequential Test, the proposed development must pass the Exception Test....."

## **Chapter 5: Built Environment**

### *Paragraph 5.1.2*

#### Heritage Conservation:

The County Council notes that the Hoo Peninsula has a range of material that is available to help developers design new development that is in character with existing heritage assets. The Hoo Peninsula Historic Landscape Project is a major project carried out by English Heritage [Hoo Peninsula Historic Landscape Project | Historic England](#). In addition, there are the historic town surveys for Rochester, Gillingham and Chatham. These are still very useful for identifying historic character and relevant heritage assets [Kent EUS: Introduction](#)

### *Policy DM6: Sustainable Design and Construction*

#### SuDS:

The County Council believes that the policy would be of benefit from clarifying that new proposals be required to meet the new Defra Standards as noted under the County Council's comments for *Policy S1*.

### *Policy S8: Historic Environment*

#### Heritage Conservation:

The County Council welcomes policy S8 and in particular, the clear linking of the policy with the Medway Heritage Strategy, and that the policy highlights the roles of both designated and non-designated assets, the potential for sustainable re-use of assets and the potential of heritage to contribute to education, health and well-being.

The County Council suggests that bullet point two of Policy S8 is amended to "Ensuring development sustains or enhances designated and non-designated heritage assets and their settings in a manner appropriate to their significance." As this permits more flexibility than 'preserves'.

### *Chapter 5.8: Heritage Assets*

#### Heritage Conservation:

The County Council notes that some of the archaeology present within Medway, such as important Palaeolithic sites around Frindsbury and Cuxton, is not suitable for designation as a scheduled monument but nevertheless is demonstrably of national (or even international) importance.

The County Council welcomes the Council's commitment to creating a Local Heritage List. The County Council would encourage the Council to ensure that this includes archaeological sites and historic landscape features as well as buildings so that a wider range of heritage assets can be identified and protected. The Kent HER is likely to be a starting point for such

a list and should certainly be updated with the locally listed assets as they are defined, and the County Council's HER team should be consulted at an early stage.

The County Council notes that the text in section 5.8.10 rightly notes the importance of CAA for identifying non-designated assets. The County Council would therefore encourage the Council to ensure that all Conservation Areas have CAAs prepared.

#### *Policy DM 9: Heritage Assets*

##### Heritage Conservation:

The County Council welcomes Policy DM9, however, the wording of the policy is slightly confusing. The County Council suggests it could be usefully restructured to state the main types of assets that the policy is intended to cover at the beginning – historic buildings, parks and gardens and historic landscape features. Then, for each type, the policy could state what information should be supplied with the planning application.

The County Council is pleased to see the revised text include a requirement for developers to secure and store materials discovered during archaeological fieldwork. The County Council suggests the word 'preserve' be amended to 'sustain' as this allows more flexibility.

The third paragraph dealing with loss or substantial harm to significance of designated heritage assets needs amending to better align with NPPF paragraph 214. NPPF paragraph 214 not only requires that substantial public benefits outweigh any substantial harm or loss of significance but critically also that such harm is necessary to achieve those substantial public benefits.

#### *Paragraph 5.9: Star Hill to Sun Pier*

##### Heritage Conservation:

The County Council feels it would be helpful explain that HAZ stands for Heritage Action Zone and what that represents. At present the acronym is left unexplained.

#### *Policy DM10: Conservation Areas*

##### Heritage Conservation:

The County Council welcome Policy D10 and encourages the Council to ensure that all Conservation Areas have accompanying CAAs.

#### *Paragraph 5.11: Scheduled Monuments and Archaeological Sites*

##### Heritage Conservation:

As well as the known archaeological sites, the County Council notes that Medway will also include many unknown archaeological sites.

The County Council welcomes the recognition that there will be archaeological sites in Medway that may not be scheduled but which are of equivalent significance.

The County Council suggest that text be added to the end of paragraph 5.11.6 to say: “Where such assessment reveals that important or potentially significant archaeology may be present, developers will be required, where necessary, to undertake a field evaluation in advance of the determination of a planning application. In all instances developers should look for opportunities to avoid or minimise harm to archaeological remains.”

## **Chapter 7: Economic Development**

### *Policy T14: Rural Economy*

#### Heritage Conservation:

The County Council notes that much of Kent has historically had a dispersed settlement pattern. Development between villages and hamlets and among farm buildings would in many places be consistent with the historic character of those areas. English Heritage, the County Council and Kent Downs National Landscape have published guidance on historic farmsteads in Kent that considers how rural development proposals can be assessed for whether they are consistent with existing character. The Kent Farmsteads Guidance has been endorsed by the County Council, and it is recommended that Medway Council considers adopting the guidance as Supplementary Planning Documents as part of the Local Plan process. [Kent Farmsteads Guidance](#)

## **Chapter 9: Transport**

#### Highway and Transport:

The County Council, as Local Highway Authority for Kent, is supportive of the policies and measures outlined in the Transport Section of the draft Local Plan which are designed to reduce the need to travel outside the local area and promote sustainable travel behaviours through interventions including Bus Rapid Transit, with a potential Medway Fastrack route and a Local Cycling and Walking Implementation Plan (LCWIP), thereby limiting vehicular trip generation on the road network surrounding Medway. The proposals should also enhance cross boundary connections by sustainable modes.

The County Council notes the inclusion of the comprehensive modelling which has been undertaken in support of the Local Plan. The Medway Transport Model has been developed from the Kent Transport Model via a commission to the County Council's transport consultants. The model has been developed in accordance with Department for Transport (DfT) Transport Analysis Guidance (TAG) and has been used to test Local Plan development scenarios to 2041 compared to a 'without Local Plan' reference case in line with practice adopted for assessments for Kent district Local Plans. The County Council has had oversight of the process and has provided formal comments through the various consultation stages to date.

Concerning M2 Junction 4 (J4), the County Council notes that the draft Medway Local Plan appears to load all responsibility for mitigations / upgrades to J4 on the Lidsing Garden Settlement in Maidstone Borough, despite significant allocations in that area by continuing development from Lidsing north through the Capstone Valley. J4 is therefore not costed in the Infrastructure Delivery Plan (IDP). The Local Plan considers Lidsing 'near certain' but it means growth is dependent on a third party delivering in a neighbouring authority, which is more concerning because of a reliance on National Highways granting the necessary consents for those upgrades, as well as their affordability. The County Council questions if there will be any limitations on what allocations can be built out until J4 is delivered.

#### *Paragraph 9.2.12*

##### Highway and Transport:

The County Council recommends that the worst-case scenario for highway trips will not be used to inform the IDP because Medway is taking a "policy-on" approach which assumes the positive impacts of approaches like better development design etc. to shift and internalise trips will yield reductions in highways trips from the outset. This is to prevent designing for more vehicle trips and hence a built-in bias to the car. It could be argued that 'vision and validate' and 'monitor and manage' approaches do not mean ignoring the worst case, but rather better understanding the less worst-cases to develop a range of triggerable interventions that should be implemented, dependent on what is monitored as occurring post-site delivery.

#### *Policy DM 15: Monitoring and Managing Vehicle Trip Generation*

##### Highway and Transport:

The County Council notes that the Local Plan and associated documents propose a vehicle trip budget to cap the number of trips onto the highway network permitted based on an individual site's Transport Assessment estimates, with the requirement to demonstrate materially lower vehicle trip generation than the credits set in the IDP. However, it is not clear what happens based on actual trip rates once built out. For example, do unused credits feedback into the remaining budget for the network? Monitoring is stated but were actual trips to exceed the budget, is there enforcement or additional mitigation funding provided?

The use of the trip credit model suggests a limit has been determined at which further highway network mitigations are not viable/feasible. If this is the case, the County Council would appreciate clarification on the threshold.

The trip generation figures used for assessing the traffic impacts of the draft Local Plan are dependent on the 'Local Cycling and Walking Infrastructure Plan' and increased internalisation of trips both by 2031, and Bus Rapid Transit by 2036. The County Council questions the impact this will have on the trip budget proposed if they are not delivered. The planning conditions suggested in relation to reducing vehicle trips (in the Mode Share Strategy) are travel plans, travel welcome packs, cycle parking and financial contributions



towards infrastructure. However, these have historically had minimal success where car use is embedded. The County Council recommends that if there are instances where notable successes have been achieved in the area or comparable areas, those be referenced as evidence (akin to references to TRICS sites for justifying assumed trip rates).

*Paragraph 9.2.15*

Highway and Transport:

The County Council notes the Plan's reference to a comprehensive improvement scheme for Blue Bell Hill requiring new development in Medway to make a proportionate contribution, thereby avoiding unnecessary minor abortive works. The County Council welcomes support from Medway Council towards the realisation of the Blue Bell Hill improvement scheme. It is important that this position is maintained through the planning process and that contributions are identified in order to unlock the required Government funding.

*Paragraph 9.11.16*

Highway and Transport:

The County Council appreciates the reference made to its potential involvement as a neighbouring transport authority in scoping Transport Assessments for development where there is potential for impact on the County Council Highway Network, ideally during the pre-application stage.

*Section 9.9 – User Hierarchy and Street Design*

Highway and Transport:

The County Council notes the use of the Medway Transport Model Regulation 19 Forecasting Report in *Section 9* which identifies potential increases in peak flows on some key parts of the County Council's highway network surrounding Medway in the 'Final Do Something' scenario. This scenario includes junction mitigations, potential mode shift reductions in traffic and the final Regulation 19 Local Plan site allocations compared to the Reference Case.

From Figure 9-5 and 9-6, it can be seen that there is a residual traffic impact at Cliffe Woods and on the A228 Peters Bridge Roundabout. For the latter, in the PM peak it is reported on page 136 that there are "*queues of up to 210 vehicles on the A228 approach.*" The County Council requests that further consideration is given to the impact and potential for mitigation and / or measures to manage demand and / or that these junctions are included in the Local Plan Monitor and Manage Strategy to address the impact, should it arise.

The County Council notes that a number of the proposed highway schemes (e.g. Four Elms) appear to be very traffic oriented with minimal or no consideration for buses, cycles, pedestrians. This goes against the vision to promote sustainable and active travel. It is recognised that these are high level schemes at this stage and request that they include facilities for sustainable modes of transport as the designs progresses.

## **Chapter 10: Health, Communities and Infrastructure**

### *Policy DM21- New Open Space*

#### SuDS:

The County Council supports the policy requirements for development to meet certain quality standards and that new open space can provide “multi-functional benefits such as addressing surface water management priorities without compromising access.”

The County Council takes the view that as a result of this policy statement, Medway Council accepts the use of open space for the management of water subject to it not compromising access. The County Council would advise that developers may query what would be deemed to compromise access, and that as a result Medway Council may wish to draft a form of specific guidance. The County Council, as an LLFA, is happy to support in this if required.

## **Chapter 11: Minerals Supply**

### *Policy T31: Safeguarding of Existing Mineral Supply Infrastructure*

#### Minerals and Waste:

The County Council, as Minerals and Waste Planning Authority, identifies the mineral importation of facilities that are present in the area and discusses their importance in maintaining supply of needed minerals. The Plan’s mineral importation safeguarding policy is clear on which sites are safeguarded and what criteria is required to be satisfied in order to prevent development that may prejudice or prevent their operation. The County Council recommends that the policy be amended to include the phrase ‘direct loss’ to clarify that the degree of prejudice is included.

### *Policy T32: Supply of Recycled and Secondary Aggregates*

#### Minerals and Waste:

The County Council, as Minerals and Waste Planning Authority, notes that the manufacturing of recycled and secondary aggregates, to provide alternative supply other than the primary land won supply, is included in the Plan. The approach towards aggregates accords with the NPPF’s drive towards great resource efficiency in construction materials supply. The policy also includes the possibility of using materials from disused inert landfill sites and dredging disposal sites; this is a potential source of materials that is generally not exploited and thus the policy is novel in its scope.

### *Policy T33: Extraction of Land Won Minerals*

### Minerals and Waste:

The County Council, as Minerals and Waste Planning Authority, notes that on the proposals map (taken as Fig 8), extraction of aggregate will be acceptable in principle if it is within the 'Areas of Search', contributes to the maintenance of the required 7-year landbank and contributes to regional requirements. The County Council therefore concludes that the Areas of Search are coincident with what is safeguarded and is also a MSA for this mineral type. The County Council believes that greater clarity should be provided on what is and what is not considered to be a safeguarded industrial mineral. This would further assist in the interpretation of how land won economic minerals are addressed by the Plan.

### Heritage Conservation:

The County Council feels that there needs to be a recognition in the Local Plan that Policy T33 should accord with other Local Plan policies. It is noted that Policies T36 and T39 both make mention of the need to accord with other policies in the plan, but this requirement is not specified for T33.

## **Chapter 12: Waste Management**

### *Policy DM23 – Waste Prevention*

### Minerals and Waste:

The County Council, as Minerals and Waste Planning Authority, supports that the policy not only requires the minimisation of waste generation, but also requires developers to produce Circular Economy Statements to detail the management of wastes at all stages of development. The County Council's recently adopted Kent Minerals and Waste Local Plan 2024-39 has a similar policy provision, therefore it is not considered to be an unjustifiable requirement of developers putting forward development proposals.

### *Policy T34: Safeguarding of Existing Waste Management Facilities*

### Minerals and Waste:

The County Council, as Minerals and Waste Planning Authority, recognises the need to underpin the waste management vision with safeguarding of all waste management capacity is fundamental to the Plan's success in regard to the area's waste planning to 2041. *Policy T34* makes clear that the safeguarding presumption applies to sites with extant planning permission, including temporary planning permission will capture all existing lawful sites with planning permission, and those that gain planning permission during the life of the Plan to 2041.

However, the County Council notes that the title of the policy could be read to mean 'not newly permitted sites' after adoption of the Plan. The County Council take the view that this misreading could be avoided by changing the policy title to 'Safeguarding of all Lawfully Permitted Waste Management Facilities'. The policy also sets out the criteria that can be

invoked to depart from the presumption to safeguard when development proposals may result in direct loss, or be prejudicial to viable lawful operation, of safeguarded waste facilities. This allows for flexibility in the overall pattern of development to ensure the sustainability objectives of the area are delivered without needless loss of needed waste management facilities.

*Policy T35: Provision of Additional Waste Management Capacity*

Minerals and Waste:

The County Council, as Minerals and Waste Planning Authority, recognises that the Plan details the predicted waste arisings that will occur in the area in each of the representative waste streams (including household, commercial and industrial, construction, demolition and excavation, hazardous, waste water/sludges, agricultural, low-level radioactive wastes and non-hazardous residual wastes (from other processes)), and the capacity requirements required to underpin the waste management vision as described above. These are fully detailed and are accepted at face value as accurate. The additional waste capacity to meet the targeted waste management quantities at the defined levels of the waste hierarchy will, it is anticipated, come forward over the Plan period.

The County Council view *Policy T35* to be a permissive criterion-based policy that sets out the basic parameters of what is expected to accord with the Plan's waste vision. Other policies address the differing waste management activities at the various hierarchical levels, such as recovery, landfill (non-inert), beneficial inert waste use on land, waste water treatment (a form of recycling) are there to address the particular characteristics of these activities in terms of what would be considered acceptable. Though there is no policy on recycling as a prescribed process below minimisation in the hierarchy, the Plan makes it clear that this is inherent in the overall approach to efficient waste management and the achievement of net self-sufficiency.

*Policy T36: Location of Waste Management Facilities*

Minerals and Waste:

The County Council, as Minerals and Waste Planning Authority, views *Policy T36* to be a supportive criteria-based policy that addresses all the usual potentially suitable locations for the various types of waste management development. This approach may be regarded as affording less certainty to the industry. However, it is not thought that this is an impediment of any significant magnitude and does not endanger the Plan as being less effective under the tests of soundness of a Local Plan.

*Policies T37: Other Recovery; T38: Non-inert Landfill; and, T40; Wastewater Treatment*

Heritage Conservation:

The County Council feels that there needs to be a recognition in the Local Plan that policies T37, T38 and T40 should accord with other Local Plan policies. It is noted that Policies T36

and T39 both make mention of the need to accord with other policies in the plan, but this requirement is not specified for all these policies.

## **Chapter 14: Site Allocations**

### *Paragraph 14.1.7*

#### Heritage Conservation:

The County Council welcome the requirement to consider archaeology as part of all applications for site allocations. However, the County Council suggests the requirement should be for the submission of an Archaeological Assessment (rather than Archaeological Statement) to better reflect the language used elsewhere in the plan document.

### *Policy SA13: Frindsbury*

#### Heritage Conservation:

The County Council welcomes the identification of the Frindsbury Peninsula as an opportunity area and the recognition of the potential for the eventual redevelopment of the site to better respond to the setting of Chatham Historic Dockyard and other heritage assets on this stretch of the Medway.

The County Council notes that the peninsula also has archaeological potential, including for deeply buried geoarchaeological sequences. These sequences could help inform the County Council's understanding of the impact of human activity on the vegetational environment of the Medway valley over time and demonstrates locally how plants and animals were responding to environmental change and the regional effects of historic climate and relative sea level changes.

## **Strategic Transport Assessment – Forecasting Report**

#### Highway and Transport:

The County Council, as Local Highway Authority for Kent, notes that the County Council-managed section of the A289 Wainscott Bypass, between the A2 and A226 junction, causes concern due to the wider impact of the Local Plan on the Medway sections of the A289 route as a whole. The County Council welcomes continued engagement with Medway Council on the A289 route and wider mitigations.

Whilst not identified as being impacted specifically by Local Plan allocations, the County Council notes that the following routes have been previously raised as concerns by the County Council:

- a. M2 junction 1 impacted by development on Grain;
- b. A229 Blue Bell Hill, routes through Bredhurst and Boxley;
- c. Lower Road through Higham; and,

d. the A2 heading eastwards.

The County Council considers that these should feature as part of the Local Plan Monitor and Manage Strategy and in transport assessments for allocated and windfall sites that may lead to increased traffic flows.

The County Council notes that there appears to be a lack of evidence for the investigations of crash records covered by detailed modelling presented for consultation. The County Council requests that information is provided for the highway network where additional traffic is projected, to determine whether highway safety for all users may be negatively impacted and require mitigation.

The County Council notes that none of the routes or nearby junctions are identified as being significantly impacted as to require highway mitigation when comparing the Local Plan and the Reference Case scenarios.

The Medway Transport Model Regulation 19 Forecasting Report has been provided to bring together the work to date with the aim of demonstrating the Local Plan is 'vision led' in accordance with the NPPF. It is also noted that the Medway Transport Model Regulation 19 Forecasting Report it has a tailored list of developer-led / funding prioritising sustainable transport interventions for each of the development clusters, as well as policies and conditions to be applied as part of the subsequent planning application process.

The Sustainable Transport Strategy has grouped the 100 proposed site allocations into geographical clusters with the 12 largest clusters having the greatest potential for reduction in highway trip rates due to location and enabled by delivery of sustainable transport mitigations.

## **Sustainability Appraisal Non-Technical Summary**

### Energy and Climate Change:

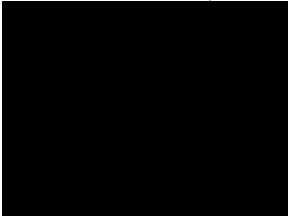
The County Council supports the 'Climate Change Adaptation' objective of the Sustainability Appraisal Framework to assess the sustainability of strategic, thematic and Development Management (DM) policies, and site allocation policies.

The County Council would, however, recommend stronger inclusion of adaptive measures within the relevant site allocation policies to ensure development has a stronger resilience to climate risks. The County Council would also encourage a similar approach for Policy S25: Energy Supply, which would better align the Policy with this objective.

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The County Council would welcome continued engagement as the Local Plan progresses. If you require any further information or clarification on any matters raised above, please do not hesitate to contact me.

Yours faithfully,



**Simon Jones**

Corporate Director – Growth, Environment and Transport