

Inspectors D Hendley and A McCormack
c/o PO Services
Unit 162298,
PO Box 7169,
Poole, Dorset BH15 9EL

01223 328933
hbrown@richardbuxton.co.uk
lfoster@richardbuxton.co.uk
etwist@richardbuxton.co.uk

Our ref: SAV11/1 LF/HLB
Your ref:

Attn: Programme Officer Louise St John Howe

19 March 2026

BY EMAIL ONLY: louise@poservices.co.uk

Dear Inspectors

Post-Regulation 19 evidence documents in Medway Council Local Plan submission (“the Local Plan”)

1. We have recently been instructed by Unitary Authority (Medway Council) Cllr Michael Pearce, on behalf of the ‘Save the Hoo Peninsula’ campaign, an unincorporated group of individuals concerned about proposed allocations on the Hoo Peninsula. These allocations include:
 - a. **HHH5** (Land off Beacon Hill Lane, Chattenden), allocation is within 400m of Chattenden Wood & Lodge Hill SSSI.
 - b. **HHH6** (Land off Peninsula Way, Chattenden), allocation is within 400m of Chattenden Wood & Lodge Hill SSSI.
 - c. **HHH8** (Land off Ratcliffe Highway, Hoo), allocation is within 1km of Chattenden Wood & Lodge Hill SSSI.
 - d. **HHH11** (Land off Ratcliffe Highway, Hoo), allocation is within 1km of Chattenden Wood & Lodge Hill SSSI.
 - e. **HHH12** (Land off Main Road, Hoo), allocation is within 400m of Tower Hill to Cockham Wood SSSI and within 400m of Medway Estuary & Marshes RAMSAR/SPA/SSSI.
 - f. **HHH19** (Land off Peninsula Way, Hoo), allocation is within 400m of Chattenden Wood & Lodge Hill SSSI.
 - g. **HHH22 & HHH31** (Land off Ropers Lane, Hoo), allocation is within 1km of Medway Estuary & Marshes RAMSAR/SPA/SSSI.
 - h. **HHH29** (Land off Christmas Lane, High Halstow), allocation is within 1km of Northward Hill SSSI.
 - i. **HHH32** (Land at Abbotts Court, Hoo), allocation is within 400m of Medway Estuary & Marshes RAMSAR/SPA/SSSI.
 - j. **HHH35** (Land off Eshcol Road, Kingsnorth), allocation is within 1km of Medway Estuary & Marshes RAMSAR/SPA/SSSI.
 - k. **HHH41** (Land off Ratcliffe Highway, Hoo), allocation is within 1km of Chattenden Wood & Lodge Hill SSSI.
 - l. **AS28** (Land off Port Victoria Road, Isle of Grain), allocation is within 400m of Medway Estuary & Marshes RAMSAR/SPA/SSSI.
 - m. **SR48** (Land off Upnor Road, Upnor), allocation is within 400m of Tower Hill to Cockham Wood SSSI. and
 - n. **SR49** (Land off Upnor Road, Upnor), allocation is within 400m of Tower Hill to Cockham Wood SSSI.

All allocations are proximate to sensitive ecological sites, including the notable Chattenden Woods & Lodge Hill SSSI, in the emerging Local Plan.

2. We are writing now about the lack of consultation on new documents relating to ecological impacts on the Hoo Peninsula, home to the Thames Estuary and Marshes Ramsar site/SPA, the Medway Estuary and Marshes Ramsar Site/SPA, several SSSIs and a NNR. The Hoo Peninsula also forms part of the UNESCO Natural World Heritage Site bid, known as the East Coast Wetlands.
3. Given the significant environmental sensitivities, the community has taken an active part in the Local Plan process and the Regulation 19 consultation which closed on 11 August 2025¹. There have been no further invitations to the community to participate in the Local Plan since the Regulation 19 period closed. On 18 December 2025 the draft Medway Local Plan was submitted to the Secretary of State for examination.
4. The following new documents and new/amended evidence was also published on 18 December 2025 within the examination library, without public consultation or having otherwise been made available to the public before the submission draft plan was sent to you for examination. These documents materially change the plan and raise new questions which affect soundness and so should have been consulted on. These documents include:
 - a. A4.1 Submission Habitats Regulations Assessment of the Medway Local Plan (December 2025)²
 - b. A4.2 Submission Habitats Regulations Assessment - Air Quality Modelling for Ecology Assessment (October 2025)³
 - c. A4.3 Submission Habitats Regulations Assessment - Interpretation of Air Quality Modelling Data (December 2025)⁴
 - d. B2 Infrastructure Delivery Plan (December 2025)⁵
 - e. B4 Developer Contributions and Obligations Guide (December 2025)⁶
 - f. B6.1 Strategic Flood Risk Assessment - Level 1 (November 2025)⁷
 - g. B6.2 Strategic Flood Risk Assessment - Level 1 (November 2025) - Appendices⁸
 - h. B6.3 Strategic Flood Risk Assessment - Level 2 (November 2025)⁹
 - i. B6.4 Strategic Flood Risk Assessment - Level 2 (November 2025) - Appendices¹⁰
 - j. B18.1 Strategic Transport Assessment - Forecasting Report (December 2025)¹¹
 - k. B18.4 Strategic Transport Assessment - Merge and Diverge Assessment (December 2025)¹²
 - l. B18.5 Strategic Transport Assessment - M2 Junction Analysis Technical Note (December 2025)¹³

¹ [Formal stages of the Local Plan | About the Local Plan | Medway Council](#)

² [A4.1 Submission Habitats Regulations Assessment \(December 2025\)](#)

³ [A4.2 Submission Habitats Regulations Assessment - Air Quality Modelling \(October 2025\)](#)

⁴ [A4.3 Submission Habitats Regulations Assessment - Interpretation of Air \(December 2025\)](#)

⁵ [B2 Infrastructure Delivery Plan \(December 2025\)](#)

⁶ [B4 Developer Contributions and Obligations Guide \(December 2025\)](#)

⁷ [B6.1 Strategic Flood Risk Assessment - Level 1 \(November 2025\)](#)

⁸ [B6.2 Strategic Flood Risk Assessment - Level 1 \(November 2025\) - Appendices](#)

⁹ [B6.3 Strategic Flood Risk Assessment - Level 2 \(November 2025\)](#)

¹⁰ [B6.4 Strategic Flood Risk Assessment - Level 2 \(November 2025\) - Appendices](#)

¹¹ [B18.1 Strategic Transport Assessment - Forecasting Report \(December 2025\)](#)

¹² [B18.4 Strategic Transport Assessment - Merge and Diverge Assessment \(December 2025\)](#)

¹³ [B18.5 Strategic Transport Assessment - M2 Junction Analysis Technical Note \(December 2025\)](#)

- m. B18.6 Strategic Transport Assessment - Proportionality Assessment (December 2025)¹⁴
 - n. B18.7 Strategic Transport Assessment - Junction Modelling and Mitigation Report (December 2025)¹⁵
 - o. B18.8.1 Strategic Transport Assessment - M2 Junction 1 Design Review (December 2025)¹⁶
 - p. B18.8.2 Strategic Transport Assessment - M2 Junction 1 Safety Review (October 2025)¹⁷
 - q. B18.8.3 Strategic Transport Assessment - M2 Junction 1 Cost Estimate Report (October 2025)¹⁸
 - r. B18.9 Strategic Transport Assessment - M2 Junction 4 Cost Estimate Report (November 2025)¹⁹
 - s. B22.1 Site Selection Topic Paper (December 2025)²⁰
 - t. B22.2 Hoo Peninsula Strategic Environmental Programme Topic Paper (December 2025)²¹
 - u. B22.3 Site-Specific Flood Risk Topic Paper (December 2025)²²
 - v. B22.4 Green Belt Exceptional Circumstances Topic Paper (December 2025)²³
 - w. B22.5 Housing Delivery Topic Paper (December 2025)²⁴
 - x. B22.6 Self-build and Custom Housebuilding Topic Paper (December 2025)²⁵
 - y. B22.7 Gypsy and Traveller Accommodation Topic Paper (December 2025)²⁶
 - z. B22.8 Main Town Centre Uses Topic Paper (December 2025)²⁷
 - aa. B22.9 Vehicle Trip Budget Topic Paper (December 2025)²⁸
 - bb. B22.10 Health and Wellbeing Topic Paper (December 2025)²⁹
5. The evidence changes within these new documents are not minor, clarificatory, or procedural. For example, our client's instructions are as follows:
- a. **Habitats Regulation Assessment (HRA):**
Compared with the Regulation 19 Interim HRA, the Regulation 22 Submission HRA is supported by substantial new evidence and makes material changes to the assessment of effects. **This new evidence hasn't been consulted on or scrutinised.** The screening conclusions are largely unchanged, and the conclusions on water quality/quantity and urbanisation remain the same. However, the Submission HRA adds new air quality modelling and interpretation work, concludes no adverse

¹⁴ [B18.6 Strategic Transport Assessment - Proportionality Assessment \(December 2025\)](#)

¹⁵ [B18.7 Strategic Transport Assessment - Junction Modelling and Mitigation Report \(December 2025\)](#)

¹⁶ [B18.8.1 Strategic Transport Assessment - M2 Junction 1 Design Review \(December 2025\)](#)

¹⁷ [B18.8.2 Strategic Transport Assessment - M2 Junction 1 Safety Review \(October 2025\)](#)

¹⁸ [B18.8.3 Strategic Transport Assessment - M2 Junction 1 Cost Estimate Report \(October 2025\)](#)

¹⁹ [B18.9 Strategic Transport Assessment - M2 Junction 4 Cost Estimate Report \(November 2025\)](#)

²⁰ [B22.1 Site Selection Topic Paper \(December 2025\)](#)

²¹ [B22.2 Hoo Peninsula Strategic Environmental Programme Topic Paper \(December 2025\)](#)

²² [B22.3 Site-Specific Flood Risk Topic Paper \(December 2025\)](#)

²³ [B22.4 Green Belt Exceptional Circumstances Topic Paper \(December 2025\)](#)

²⁴ [B22.5 Housing Delivery Topic Paper \(December 2025\)](#)

²⁵ [B22.6 Self-build and Custom Housebuilding Topic Paper \(December 2025\)](#)

²⁶ [B22.7 Gypsy and Traveller Accommodation Topic Paper \(December 2025\)](#)

²⁷ [B22.8 Main Town Centre Uses Topic Paper \(December 2025\)](#)

²⁸ [B22.9 Vehicle Trip Budget Topic Paper \(December 2025\)](#)

²⁹ [B22.10 Health and Wellbeing Topic Paper \(December 2025\)](#)

effect on the Medway and Thames estuary sites in respect of air quality, identifies a remaining adverse air quality issue at North Downs Woodlands SAC pending further mitigation evidence, and changes the position on recreational effects at the North Kent Marshes from “*no conclusion possible*” to a conclusion of no adverse effect subject to mitigation and proposed amendments to Policy S2 securing the Hoo Peninsula Strategic Environmental Programme. The HRA 'Air Quality Modelling for Ecology Assessment' and HRA 'Interpretation of Air Quality Modelling Data' are completely new, lengthy (199 pages) and haven't been consulted on or scrutinised at Reg 19.

b. Infrastructure Delivery Plan (IDP):

Compared with the Regulation 19 Infrastructure Delivery Plan, the Regulation 22 Infrastructure Delivery Plan is materially expanded and updated rather than merely editorially revised. The overall purpose and broad chapter structure remain similar, but the December 2025 version adds significant new evidence and provides more detailed infrastructure requirements for the Hoo Peninsula, including a strategic environmental programme and specific transport interventions. **This new evidence hasn't been consulted on or scrutinised.** The later document also develops the approach to developer contributions, infrastructure phasing and transport funding, and substantially revises the Infrastructure Delivery Schedule. The Developer Contributions and Obligations Guide (December 2025) is a critical new document (not part of the Reg 19 consultation).

c. Flood Risk Assessment (FRA):

Compared with the Regulation 19 flood risk evidence, the Regulation 22 flood risk documents are materially updated rather than merely editorially revised. **This new evidence hasn't been consulted on or scrutinised.** The overall purpose of the Level 1 SFRA, Sequential Test and Level 2 SFRA remains the same, but the later versions incorporate newer national guidance and datasets, including NaFRA2, FCERM2, updated 2025 flood mapping and the North Kent Coast 2024 model, and they add a new coastal erosion appendix to the Level 1 SFRA. The Sequential Test and Level 2 SFRA also produce different appraisal outputs: the number of low-risk, medium-risk and further-appraisal sites changes, and the total number of sites taken forward for Level 2 / Exception Test appraisal falls from 52 to 50. The Regulation 22 Level 2 SFRA is therefore based on a materially different and updated modelling evidence base from the Regulation 19 draft material.

d. Strategic Transport Assessment:

Compared with the Regulation 19 Strategic Transport Assessment, the Regulation 22 transport evidence is materially expanded and finalised rather than wholly replaced. **This new evidence hasn't been consulted on or scrutinised.** The underlying modelling basis appears largely unchanged, with the same data collection, model validation, forecasting methodology and mode share documents carried forward. However, the principal transport evidence has been updated to address National Highways comments through final December 2025 versions of the Forecasting Report, M2 Junction Analysis, Merge and Diverge Assessment, Junction Modelling and Mitigation Report and Proportionality Assessment. In addition, the Regulation 22 package introduces new standalone evidence on M2 Junction 1 and M2 Junction 4, including a design review, safety review and costed mitigation options.

e. Hoo Peninsula Strategic Environmental Programme Topic Paper:

This topic paper is a new Regulation 22 document. It does not constitute the completed strategic environmental programme itself but explains and seeks to justify how that programme is to be secured through the Local Plan. The paper is expressly a response to Natural England's Regulation 19 representations, which sought stronger policy wording and clearer evidence on how mitigation would be delivered. It proposes strengthened Policy S2 wording, including partnership delivery, developer contributions and funding in perpetuity, and it publishes earlier ecological work - including the 2021 Cumulative Ecological Impact Assessment and Nightingale Impact Assessment - as appendices. **This new evidence hasn't been consulted on or scrutinised.** The paper also makes clear that the strategic environmental programme still has to be developed further through a partnership structure, updated evidence base and costed programme to be agreed from early 2026.

6. Although our client has indicated his intention to attend the EiP, this cannot remedy the disadvantage and unfairness that the Council's failure to consult on these new or materially altered documents, prior to the submission, has placed our client and the local supporting community. Given the surrounding designated ecological habitat sites, the particular reliance by the Council on the amended HRA, IDP, FRA, STA and the provision of the 'Hoo Peninsula Strategic Environmental Topic Paper (Regulation 22 submission document)', after the Regulation 19 stage has prevented our client the ability to access specialist ecological expert advice to review this evidence, the proposals presented as mitigation and provide informed response to assist the Examination.
7. Our client plans to instruct Dominic Woodfield BSc (Hons.) CECOL CENV MCIEEM (Director of Bioscan Ltd UK). Mr Woodfield was the consulting ecologist involved in the 2013 Medway Council Local Plan (Core Strategy) and the rejection of the Lodge Hill site allocation. However, our client and his supporters, are concerned that any such report and analysis would be at risk of being rejected by the Inspectors as it post-dates the 'Regulation 19 consultation' stage, despite the significant changes that have since been identified.
8. In circumstances such as these, where the Gunning Principles of consultation at a formative stage and sufficient information to permit intelligent consideration and response have been so undermined, the only rational route forward is to pause the examination, and consult on any new or materially amended documents, and permit the further submission of expert evidence as an addendum to the Reg 19 submissions.
9. Although identified by Singh J (as he then was) in *Cogent Land LLP v Rochford District Council*³⁰ defects at earlier stages in the plan can be cured, but only if the changes are 'available for public consultation as soon as reasonably practicable'³¹. This has simply not happened as part of the Medway Council Local Plan process.

Yours faithfully



RICHARD BUXTON SOLICITORS

³⁰ [Cogent Land LLP v Rochford District Council & Anor \[2012\] EWHC 2542 \(Admin\)](#)

³¹ Para. 111