

Medway Local Plan Examination

Natural England's comments - Matter 1 – Legal and Procedural Requirements

Issue

Whether the relevant legal and procedural requirements have been met in the preparation of the Plan and whether the Plan is legally compliant.

Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA)

- 1.4 How have the likely environmental, social and economic effects of the Plan been adequately and appropriately assessed through the work of the SA and HRA? Natural England welcomes the SA and the recently consulted upon HRA and considers that they have assessed the environmental matters appropriately.

However as detailed within our response to the Plan, we remain concerned that the SA in Table 8.1 details that ‘...the policies are not anticipated to fully mitigate adverse effects on SSSIs where [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.’

Natural England has been working collaboratively with the Council to address our comments and ensure the policy is sound and will continue to engage during the examination to try and ensure that the Plan avoids or fully mitigates impacts to the designated sites within Medway.

- 1.5 The Plan engages with international nature sites, including Special Protection Areas (SPA) and RAMSAR. Please could the Council confirm and set out how there is legal sufficiency in the process of engagement within the plan-making process relating to such sites and an adequate evidence trail to support this.

As this question on the Habitats Sites is asked of the Council, Natural England has no comments to make. We would be pleased to provide advice if requested on the Habitats Regulations Assessment and associated mitigation measures.

- 1.6 How has the Plan been based on a sound process of SA and how has the SA, as set out in supporting evidence, provided an adequate and appropriate consideration and testing of reasonable alternatives to the development strategy approach presented in the submitted Plan?

Please see Natural England's answer in relation to question 1.4 above.

- 1.7 How does the SA adequately and appropriately assess all sites identified within the Plan, particularly in relation to flooding and how is such an assessment considered sufficiently robust, justified and sound?

Natural England has provided advice on the SA and its appropriateness and consider it is appropriate in scope and the recommendations that it has provided for areas within Natural England's remit. We advise that the recommendations within the SA for impacts to designated sites as detailed in our response to question 1.4 are still under discussion with the Council to try and reach agreement.

1.9 How are the policies in the Plan reflective of the Submission Habitat Regulations Assessment (A4.1 to 4.3)?

Natural England has provided our advice on the Habitats Regulations Assessment consulted on during the summer; we have not been involved in detailed discussions on how the Council has taken into account our advice.

1.10 Have Natural England's views been sought on the Submission Habitat Regulations Assessment (A4.1 to 4.3) and if so, how have they been considered?

Natural England has provided our advice on the Habitats Regulations Assessment consulted on during the summer; we have not been involved in detailed discussions on how the Council has taken into account our advice.