Medway Local Plan 2041
Matter 13:
Save the Hoo Peninsula Campaign
Hearing Statement

Matter 13 – Site Allocations

Introduction

1. This Hearing Statement is submitted for Save the Hoo Peninsula campaign ("**STHP**"), represented by Richard Buxton Solicitors, with Jack Parker of Cornerstone Chambers as Counsel. STHP seeks to protect the Hoo Peninsula's communities, environment and heritage and is supported by Hoo St Werburgh & Chattenden Parish Council, High Halstow Parish Council and public donations.

2. STHP addresses the ecological and environmental soundness aspects of the Inspectors' Matter 13 questions (**MLP/ED35**), principally Policies **SA8**, **SA9** and **SA11** and **cross-allocation delivery**. It does not advance a separate case on general transport or other infrastructure.

3. Policies SA8, SA9 and SA11 allocate a substantial proportion of Medway's planned growth to the Hoo Peninsula. However, for the reasons set out in STHP's Matter 1 submissions and representations, the Council has not demonstrated that the scale of development proposed is justified, effective or deliverable. The Council's assessment of reasonable alternatives and allocation capacities is substantially dependent on assumptions regarding the ability to mitigate significant ecological effects on nationally and internationally designated sites.

4. Until the extent of ecological constraints, necessary avoidance measures, mitigation requirements and their consequences for capacity, viability and delivery have been properly established, the Council cannot demonstrate that concentrating such a significant proportion of the Plan's growth on the Hoo Peninsula is justified or that the proposed quantum of development is realistically achievable within the Plan period. **Until those matters are resolved, it cannot be concluded that the capacities assigned to Policies SA8, SA9 and SA11 are soundly based.**

5. If, contrary to STHP's primary position, the Inspectors conclude that substantial growth should continue to be directed to the Hoo Peninsula, the Plan must nevertheless be modified to ensure that the quantum of development reflects what can be delivered following the application of environmental constraints and necessary mitigation. This follows identification of ecological avoidance areas, mitigation land requirements and the resulting developable area, with any necessary reductions reflected in the Plan's housing trajectory and infrastructure strategy.

6. On this basis, STHP advances two separate and cumulative objections to Policies SA8, SA9 and SA11. First, the Plan fails to secure a minimum mapped 400-metre exclusion zone for net additional residential development around Chattenden Woods

and Lodge Hill SSSI, as advocated by the RSPB. Secondly, there remains insufficient evidence that the wider package of ecological avoidance and mitigation measures is effective, costed, funded, legally secured and capable of implementation in a timely manner. These are distinct issues; the provision of one does not resolve the other.

7. In preparing this statement, STHP relies on, and makes reference to:

    a. the Regulation 18 and Regulation 19 representations of STHP and relevant environmental bodies, particularly RSPB England[1], Natural England[2] and Kent Wildlife Trust[3];

    b. Richard Buxton Solicitors' letters of 19 March and 6 July 2026 to the Inspectors and the STHP/High Halstow Parish Council Matter 1 Hearing Statement;

    c. the submitted Habitats Regulations Assessment ("HRA"), Sustainability Appraisal ("SA"), Policies S2, S3, SA8 and SA11, and Hoo Peninsula Strategic Environmental Programme Topic Paper (B22.2);

    d. the updated Statements of Common Ground MLP/ED24A and MLP/ED24B,

    e. the Council's September 2026 housing evidence (MLP/ED30),

    f. the October 2026 Green and Blue Infrastructure Framework (MLP/ED37); and

    g. STHP's formal representation dated 26 October 2026, submitted in response to the Council's October 2026 Examination Evidence Documents Consultation, concerning the ecological soundness of the proposed Hoo Peninsula allocations and the funding, securing and delivery of essential environmental mitigation.

Policy SA8 – Hoo St Werburgh and Chattenden

Question 13.92

What is the justification for directing a significant proportion of growth (circa. 4,700 new homes) to Hoo St Werburgh and Chattenden?

8. STHP submits that the Council has not demonstrated that directing approximately 4,700 homes to Hoo St Werburgh and Chattenden is justified in the submitted form of SA8. The quantum must be tested against land genuinely available after avoiding harm to the SSSI and understanding and addressing effects on the coastal European sites. Housing need cannot justify an allocation whose essential avoidance, mitigation and resulting capacity remain unproven and the mitigation proposals remain at an early stage at this point in the Local Plan process.

[1] RSPB letter to Medway Council, 27 July 2021, pp. 1–2 and RSPB Regulation 19 representations 4576 and 4578 (7 August 2025).
[2] Natural England Regulation 19 representation (11 August 2025), para. 2.11; MLP/ED24A, para. 2.6.37.
[3] Kent Wildlife Trust Regulation 18 representations (31 October 2023 and 6 September 2024).

Question 13.94

What reasonable alternatives were considered and why were they discounted?

9. Reasonable alternatives must be compared after applying realistic ecological constraints, not against housing capacities which assume development on land requiring avoidance. The exercise must consider whether alternative sites or layouts would reduce nightingale urbanisation pressures while meeting development objectives. It is STHP's position that reasonable alternatives locating development away from sensitive International Sites was not fully considered by the Council and it is unclear, why the reasonable alternatives were discounted.

10. At the local scale, and whilst maintaining a constructive position with the Council, in its Regulation 18 response, the RSPB[4] preferred spatial growth option SGO1 and would support SGO3 only with sensitive allocations near Chattenden Woods and Lodge Hill and Northward Hill SSSIs removed. The Council must explain, by reference to the SA and site-selection evidence, why less harmful alternatives were rejected after allowing for the requested 400-metre residential exclusion. At this stage, the Council has not demonstrated that a smaller setback or substitute measures offer equivalent protection. The environmental merits of alternative spatial strategies must be assessed before treating their nominal housing yields as a reason to rule them out.

Question 13.99

How have impacts on internationally and nationally designated ecological sites been assessed?

11. It is acknowledged that the Council has prepared an HRA for the European sites and separate Hoo Peninsula cumulative ecology and nightingale studies (B22.2, Appendices 1 and 3). As set out in previous representations[5], the existence of the studies does not resolve whether their conclusions are evidentially sound. For coastal SPA/Ramsar sites, STHP maintains its position as to the misplaced HRA reliance on Bird Wise/SAMMS[6] and the yet embryonic Hoo Peninsula Strategic Environmental Programme. For the SSSI, assessment must separately address residential urbanisation effects and avoidance.

12. The nationally important ground-nesting nightingales at Chattenden Woods and Lodge Hill SSSI are vulnerable to domestic-cat predation and other effects of nearby housing, including disturbance, lighting and noise. Coastal SPA/Ramsar recreational impacts raise different HRA questions. Site-specific and cumulative assessments must show how the mitigation hierarchy has shaped each residential footprint, including any functionally linked land, rather than assuming coastal tariff payments address SSSI impacts. Natural England's Regulation 19 representation, paragraph 2.11, highlighted SA Table 8.1's warning that the proposed policy approach might not fully mitigate SSSI effects, including within 400 metres. That is an identified risk, not Natural England's endorsement of STHP's precise exclusion rule. The Council therefore needs to

[4] RSPB Regulation 18 (2024) representation 2783; RSPB Regulation 19 representations 4576 and 4578, 7 August 2025.
[5] RBS letter to Inspectors 6 July 2026.
[6] RBS letter to Inspectors 6 July 2026.

disclose the basis for concluding that the selected site layouts can avoid that risk, rather than leave the central spatial question to reserved matters or future ecological-management measures.[7]

Question 13.100

What mitigation measures are necessary in respect of recreation pressure, air quality and wider ecological impacts?

13. Although it remains the position that reduction in site allocations on the Hoo Peninsula given its ecological sensitivities is the only way to actively avoid harm, should that not be the case, evidence based, stringent and enforceable mitigation measures are required to ensure that negative ecological impacts are avoided.

14. On this basis, STHP maintain three mitigation requirements arise: (i) demonstrably effective, funded and timely bespoke or Hoo Peninsula Strategic Environmental Programme ("**HPSEP**") mitigation. Neither tariff payments nor prospective projects substitute for the avoidance safeguard; (ii) adequate evidence that Bird Wise/North Kent Strategic Access Management and Monitoring Strategy ("SAMMS") will avoid the additional recreational effects on coastal SPA/Ramsar sites and (iii) a mapped, binding 400-metre exclusion of net additional housing to avoid proximity effects on the nightingale SSSI.

15. STHP disputes that the submitted HRA has sufficiently demonstrated that the measures relied upon will avoid adverse effects on European-site integrity from this Plan's additional growth (see 13.162).[8] In relation to the discrepancies and issues with the SAMMS and HPSEP approach, we refer the Inspectors to the RBS letter to inspectors of 6 July and our Matter 1 Hearing Statement and representations. For the HPSEP it remains our position that no comment can be easily made absent the '*further detail, discussion and agreement'* as required by Natural England in its Statement of Common Ground[9] on the HPSEP. It was anticipated this would be forthcoming before the end of the Examination so as to enable Natural England, and Inspectors'.

> *'consideration through the examination process. Any agreement will be subject to the mitigation measures satisfactorily addressing identified impacts, the resolution of any outstanding matters, and any necessary amendments to policy wording.'*

16. Absent this, the proposed mitigation remains unclear, leaving the soundness of the plan, and ultimately its deliverability in doubt.

17. On the third mitigation requirement, and at a minimum, a mapped, binding 400-metre exclusion of net additional housing to avoid proximity effects on the nightingale SSSI is required.

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[7] MLP/ED24A, Statement of Common Ground with Prescribed Bodies (September 2026), paras 2.6.30–2.6.33; Natural England, Regulation 19 representation (11 August 2025), para. 2.11 (citing Sustainability Appraisal Table 8.1); Richard Buxton Solicitors, letter to the Inspectors, 19 March 2026 (MLP/ED4).

[8] RSPB Regulation 19 representation 4579 (Policy S3), 7 August 2025; Richard Buxton Solicitors, letters to Medway Council and Inspectors, 6 July 2026.

[9] September 2026 para 2.6.37.

18. Chattenden Woods and Lodge Hill SSSI supports a nationally important breeding nightingale population. The RSPB's long-standing objection is directed not simply to the loss of designated habitat, but also to indirect urbanisation effects where new housing is positioned close to the SSSI, including domestic cat predation, recreational disturbance, artificial lighting and noise. The question is whether the location and form of the proposed allocations avoid those effects before resorting to mitigation.

19. RBS's 19 March 2026 letter identifies HHH5, HHH6 and HHH19 within 400 metres of Chattenden Woods and Lodge Hill SSSI, and HHH8, HHH11 and HHH41 within 1 kilometre. SA8 describes HHH19 as retail; SA14 also lists it for B2 employment. These inconsistent descriptions need reconciling, but neither allocates HHH19 for housing. Non-residential ecological effects still require assessment.

20. The RSPB's letter of 27 July 2021 relies on published pet-cat home-range evidence in recommending a 400-metre residential separation: a proportionate way to avoid most incursions in a semi-rural setting and reduce wider urbanisation pressures. The RSPB rejects a 150-metre setback as inadequate and doubts anti-predator fencing would prevent the additional risk. Landscaping, wardening, cat-awareness schemes and financial contributions have not been shown to provide equivalent avoidance. KWT independently recommended a minimum 400-metre graded buffer beside sensitive habitats, including this SSSI, in its Regulation 18 responses. Their recommendations differ in form, but both support a 400-metre spatial safeguard. The RSPB's request is for a no-net-additional-residential exclusion, whereas KWT recommends a graded buffer. STHP relies on that distinction openly: KWT's evidence reinforces the importance of distance but is not cited as endorsing an identical prohibition. In the absence of evidence that lesser separation provides the same protection, the Council must confront the RSPB's reasoned recommendation rather than assume it can be displaced by fencing. STHP seeks a mapped no-net-additional-residential policy, not a claim that 400 metres is already a statutory prohibition or that cats never travel farther.[10]

21. The Council must therefore provide a reproducible GIS overlay of the SSSI boundary, proposed 400-metre residential exclusion, site boundaries and residential footprints; identify possible reconfiguration beyond the zone; then recalculate affected capacities, SA8 totals, viability and delivery trajectory. The required reduction must be established from that evidence, not assumed. The overlay must distinguish the proposed residential footprints from non-residential uses and from any existing permissions. The Council should identify whether homes displaced from a restricted area could be accommodated elsewhere within the same allocation without transferring harm to another sensitive site. Until this work is published, SA8's underlying capacity assumptions remain untested.[11]

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[10] RSPB, letter to Medway Council, 27 July 2021, pp. 1–2 (citing Hall et al., 2016); RSPB Regulation 19 representations 4576 and 4578 (7 August 2025); Kent Wildlife Trust Regulation 18 representations (31 October 2023 and 6 September 2024); Natural England Regulation 19 representation (11 August 2025), para. 2.11 and its reference to Sustainability Appraisal Table 8.1; MLP/ED24A, para. 2.6.37.

[11] Richard Buxton Solicitors, letter to the Inspectors, 19 March 2026 (MLP/ED4), para. 1; Medway Council, Regulation 19 Local Plan, Policy SA8 criterion 9 (HHH19, Deangate Retail Park, retail floor-space) and Policy SA14 site-specific information table (HHH19, B2 employment floorspace, 14,400 sqm).

Question 13.101

Is there sufficient certainty that these mitigation measures can be secured?

22. No. The Council has not demonstrated sufficient certainty that every essential SA8 mitigation measure will be effective, funded and secured when required. MLP/ED24A paragraphs 2.6.30–2.6.34 describe Deangate and Cockham Community Parklands, Hoo Wetlands, selected consents, works and funding secured or being sought. Progress on particular components does not establish deliverability of the complete package. The SoCG also records a further evidence review, detailed costed programme and governance arrangements still to be developed. Funding "being secured" is not committed funding. In particular, there must be evidence of which measures are indispensable to the submitted growth, which sites and phases rely upon them, and whether land, capital finance and long-term stewardship are genuinely available. Advance works at one location do not establish these matters across every affected allocation.

23. Natural England's expectation concerning the separate HPSEP remains expressly provisional (MLP/ED24A paragraph 2.6.37), subject to further details and agreement prior to the conclusion of the Examination. Crucially, it does not presently extend to impacts on Chattenden Woods and Lodge Hill SSSI. This must not be confused with Natural England's separate support for Bird Wise/SAMMS (paragraph 2.6.27), which STHP challenges on the underlying HRA evidence.[12]

24. The Hoo Consortium SoCG (MLP/ED24B, paragraph 1.1.9) expressly excludes agreement on detailed cost, land-take, funding, apportionment, phasing and delivery mechanisms. It therefore cannot establish that essential mitigation is secured and deliverable. Paragraph 1.1.10 envisages an update, but a prospective agreement cannot substitute for evidence of secure arrangements now. STHP seeks the underlying evidence and binding delivery mechanism for each indispensable ecological measure, rather than an assumption that the Hoo Consortium's general support has resolved the outstanding financial and land matters.[13]

25. Should the Council seek to proceed on the basis of such significant allocations on the Hoo Peninsula, the Council must produce a single Environmental Mitigation Funding and Delivery Schedule identifying each residual effect and proven measure; affected sites; secured land; capital, monitoring and long-term management costs; committed and outstanding finance and developer apportionment; responsible bodies and binding obligations; impact-related commencement or occupation triggers; ecological-outcome monitoring; stewardship; and contingencies. It must distinguish HPSEP, bespoke works and Bird Wise/SAMMS without double-counting. Financial contributions or monitoring alone cannot make an ineffective measure acceptable.

26. At a minimum, all indispensable measures must be operational and effective before the relevant harmful development activity or occupation. The schedule must also identify what happens if a strategic site is unavailable, expenditure exceeds estimates

[12] MLP/ED24A, Statement of Common Ground with Prescribed Bodies (September 2026), paras 2.6.30–2.6.37, especially the express exception concerning Chattenden Woods and Lodge Hill SSSI.
[13] MLP/ED24B, Statement of Common Ground with the Hoo Consortium (September 2026), paras 1.1.9–1.1.10.

or ecological monitoring shows that a measure is not achieving its necessary outcome. Trigger points must correspond to the actual impact pathway; a post-occupation contribution cannot retrospectively prevent pre-occupation harm. The plan-making evidence must show a credible route to implementation even where individual legal obligations will be completed with later permissions.

Question 13.104

What evidence demonstrates that the allocation is achievable and viable?

27. Achievability and viability must be tested against land remaining after the mapped SSSI residential exclusion and any land required for necessary avoidance and mitigation ecological works for the International Sites, together with the full capital and long-term cost of strategic and site-specific mitigation and other infrastructure obligations. An outline programme alone does not establish financial capacity. These costs, and allocations, must be tested together, not separately: removing developable land may reduce receipts per allocation at the same time as necessary mitigation and wider infrastructure increase the contribution required from each dwelling.

28. The Council must revisit MLP/ED30 and MLP/ED30A using verified developable footprints, realistic housing capacities and the combined costs and timing of all necessary measures. STHP submits that SA8's submitted housing quantum and trajectory have not been shown viable and deliverable on that basis. An allocation-specific updated appraisal is needed.

Question 13.105

What are the principal risks to delivery and how have they been addressed?

29. The principal ecological delivery risks are residential proximity to the SSSI; uncertain mitigation efficacy and land availability; untested long-term liabilities; uncommitted funding; inadequate legal mechanisms; and uncertain phasing. The SoCGs acknowledge work remaining: references to cooperation or programme activity do not resolve those risks.

30. SA8 and its implementation programme must identify delivery bodies, committed funding, enforceable impact-specific triggers, ecological-outcome monitoring and contingency measures if essential works are delayed or ineffective. Without those arrangements the delivery strategy is unproven (see 13.101).

Question 13.106

How will the comprehensive development of the area be secured?

31. Comprehensive development requires one enforceable ecological framework across sites, developers and phases: a mapped 400-metre restriction, identified strategic and bespoke dependencies, no gaps or double-counting in obligations and occupation linked to timely effective mitigation (see 13.101 and 13.105).

Policy SA9 – High Halstow

Question 13.107

What is the justification for the scale of development (up to 820 new homes) proposed at High Halstow?

32. STHP submits that up to 820 homes at High Halstow have not been justified against identified ecological constraints. HHH26's proximity to Northward Hill SSSI and High Halstow National Nature Reserve ("NNR") raises recreational and urbanisation concerns requiring site-specific and cumulative assessment.

Question 13.113

What infrastructure improvements are required and how and when will they be delivered?

33. For SA9, the Council must identify necessary ecological access-management and mitigation infrastructure, the responsible funding developments and the date by which each measure must operate. General highways and public-service matters fall outside this statement.

Question 13.114

What assessment has been undertaken regarding impacts on ecology and heritage assets?

34. RSPB Regulation 19 representation 4580 objects to SA9 because HHH26 is close to High Halstow NNR and Northward Hill reserve and SSSI. It identifies increased recreation, dog walking, vandalism and other urbanisation risks, and seeks specific SSSI mitigation wording. The Council must assess these effects at site level rather than rely on general green-infrastructure aspirations.[14]

35. The assessment must distinguish HHH26 from HHH29 and HHH15, identify affected habitats and access routes, and explain the individual and cumulative conclusions for each site.

Question 13.115

Are the mitigation measures identified within the policy justified, effective and deliverable?

36. No. Necessary SA9 mitigation has not been demonstrated to be effective, funded and deliverable for the proposed growth. The Council must identify each effect and measure, evidence of efficacy, secured land and finance, delivery triggers, monitoring and management. If reserves are to absorb additional recreation, the effect on sensitive habitats must be assessed and addressed.

37. Strategic measures must be shown to cover the relevant SA9 impact pathways, with any bespoke HHH26 requirements separately secured. MLP/ED37 recognises green

[14] RSPB Regulation 19 representation 4580 (Policy SA9: High Halstow), 7 August 2025.

and blue infrastructure as essential, but a strategic framework does not itself secure the land, costs or obligations (see 13.101).

Question 13.116

Are there any ownership, environmental or infrastructure constraints identified that could affect delivery of the scale of development proposed on the allocated sites within Policy SA9 (HHH26, HHH29 and HHH15)?

38. For HHH26, HHH29 and HHH15 the Council must map ecological land requirements, habitat setbacks, access routes and management constraints that may reduce developable areas. In particular, it must assess whether HHH26 mitigation for Northward Hill SSSI and High Halstow NNR affects capacity or commencement.

39. The Council has not shown through site-specific plans and ecological evidence the resulting developable area, mitigation requirements and realistic phasing for each SA9 site. It must revise housing capacities or timetables wherever those constraints require it.

Question 13.117

Are the component sites of SA9 available, suitable, viable and achievable within the anticipated timescales as set out in the housing trajectory?

40. The suitability, viability and delivery of each SA9 component site depend on accommodating effective ecological avoidance, mitigation and long-term stewardship within its developable land and financial assumptions. The Council has not demonstrated those matters site by site; the trajectory must reflect any consequent change.

Question 13.118

What delivery assumptions concerning Policy SA9 underpin its position within the housing trajectory and are they realistic?

41. SA9 delivery assumptions must identify when essential ecology works, funding, binding obligations and approvals will be in place and measures effective. Occupation cannot realistically precede mitigation needed to make development acceptable; the present delivery dates have not been demonstrated on that basis.

Policy SA11 – Rural Settlements

Question 13.135

How were individual sites selected and what alternatives were considered?

42. There are significant issues regarding the selection of sites given their ecological significance. For example, SR14 (Land south of View Road, Cliffe Woods), the RSPB considers the proposed residential allocation largely within 400 metres of Chattenden Woods and Lodge Hill SSSI. Site selection must show how cat predation, other urbanisation risks and less harmful alternatives informed the location and boundary of SR14. The presence of development elsewhere in Cliffe Woods does not answer

whether the additional residential allocation itself would exacerbate a recognised risk to the SSSI's breeding nightingales.[15]

43. The RSPB refers to existing permissions in and adjoining this area. Their status and extent must be verified and distinguished from the proposed net additional homes: existing consents do not justify allocating further residential development within the requested safeguard.

Question 13.138

What assessment has been undertaken of cumulative impacts arising from the allocations across the rural settlements?

44. The rural allocations' cumulative ecological impacts, including SR14 alongside SA8 near the same SSSI and relevant coastal SPA/Ramsar effects, have not been adequately addressed. The RSPB objection and HPSEP work require assessment of the combined development, not isolated site appraisals.

45. The Council must explain the development scenarios, committed permissions and housing assumptions used, and show that avoidance and effective residual measures are incorporated before concluding cumulative impacts are acceptable.

Question 13.139

How have impacts on landscape character, biodiversity, heritage assets and the setting of settlements been assessed and taken into account?

46. The key SR14 biodiversity issue is urbanisation pressure on the ground-nesting nightingales of Chattenden Woods and Lodge Hill SSSI. The RSPB's 27 July 2021 letter uses cat home-range evidence to support 400 metres as a proportionate avoidance safeguard, while explaining why a 150-metre setback and predator fencing are inadequate. It is a policy proposal grounded in evidence, not an existing statutory prohibition (see 13.100). A landscape strip around SR14 without an exclusion of net new residences would not necessarily eliminate domestic-cat access or the associated lighting and disturbance pressures.[16]

47. The Council must overlay the designated SSSI boundary, the 400-metre line, SR14, existing permissions and the proposed net additional residential footprint. Any conflict requires amendment to SR14's boundary or capacity, or removal of incompatible additional housing, with consequential trajectory and appraisal revisions.

Question 13.140

Are mitigation measures identified within Policy SA11, in reference to Policies S2 and S3, effective and deliverable?

48. S2 and S3 address different effects. STHP seeks under S2/SA11 a mapped avoidance restriction off at least 400 metres for cat predation and urbanisation near the nightingale SSSI. S3's reliance on Bird Wise/SAMMS for coastal recreational impacts

[15] RSPB Regulation 19 representation 4577 (Policy SA11: Rural Settlements), 7 August 2025.
[16] RSPB letter to Medway Council, 27 July 2021, pp. 1–2; RSPB Regulation 19 representation 4577.

remains contested (see 13.162). Tariffs, landscaping, wardening, fencing and cat-awareness measures do not establish that residential exclusion is unnecessary. The restriction must apply to net additional homes wherever verified SSSI and footprint mapping shows a conflict, including rural allocations. There should be no automatic exemption because an allocation is small or described as rural. Separately, site-specific mitigation may still be needed for residual habitat and recreation effects outside the exclusion. Its effectiveness and delivery must be demonstrated rather than inferred from inclusion in a strategic programme.

49. KWT's Regulation 19 response questions reliance on a future strategic management programme to avoid detrimental effects. MLP/ED24A records progress but also an outstanding evidence review, costed programme and SSSI-specific agreement. SA11 must make indispensable measures and delivery triggers effective through the Plan and its supporting evidence, not defer the essential demonstration wholesale to applications.[17] As previously stated, given the identified concerns on the absence of assessment, embryonic nature of the HPSEP and lack of consensus on financial obligations, the overall deliverability of the extent of development on this sensitive ecological landscape is doubtful.

Question 13.142

What improvements to existing infrastructure are required and how will they be secured?

50. For the ecology-related part of rural infrastructure, each necessary project must have identified funding, responsibility and enforceable triggers (see 13.140). No separate case is advanced on roads, schools or utilities.

Question 13.145

Are all allocated sites within Policy SA11 available, suitable and achievable?

51. SR14 has not been demonstrated suitable or achievable in its submitted form given its proximity to the SSSI and the absence of the requested residential exclusion. The Council must map the formal boundary, net additional housing and existing permissions to establish the necessary change.[18]

52. Verified GIS mapping must inform SR14's revised capacity and any consequential SA11 total or housing-trajectory changes. Until then, its submitted residential capacity has not been demonstrated environmentally acceptable.

Question 13.146

What evidence demonstrates that development can be delivered within the Plan period and in accordance with the housing trajectory?

53. The trajectory must follow verified developable footprints and secured mitigation. Where SR14 or another allocation must be altered, the Council must amend housing supply and phasing rather than retain untested delivery assumptions.

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[17] Kent Wildlife Trust Regulation 19 response, 7 August 2025, p. 2; MLP/ED24A, paras 2.6.35–2.6.37.
[18] RSPB Regulation 19 representation 4577 (Policy SA11: Rural Settlements).

Question 13.147

Does Policy SA11 provide a sufficiently clear and effective framework for decision-making?

54. SA11 is not an effective decision-making framework if general references to S2/S3 leave uncertain whether net additional homes inside the SSSI buffer are permissible or who must deliver essential bespoke mitigation.

55. STHP seeks an operative mapped no-net-additional-homes restriction for SA11, including SR14, consistent with S2 and SA8, and clear requirements for effective, secured and timely residual mitigation.

General Questions for Policies SA7–SA12

Question 13.161

Taking Policies SA7 to SA12 collectively, is there sufficient certainty that the necessary transport, utilities, water, wastewater, education, healthcare, green infrastructure and environmental mitigation measures will be delivered in step with development?

56. No. For the ecological component of SA7–SA12, the Council has not demonstrated sufficient certainty that essential green infrastructure and mitigation will be effective and delivered alongside development. It must provide the comprehensive, costed Environmental Mitigation Funding and Delivery Schedule specified at 13.101, including proven effects and measures, land, finance, binding obligations, phasing, monitoring, stewardship and contingencies. The Council must explain how the schedule binds different developers and authorities and how it prevents a housing phase from proceeding before the ecological infrastructure on which it depends is actually in place.

57. The SoCGs do not settle all those particulars. Cooperation, future commitments, tariff receipts or Bird Wise activity cannot alone demonstrate effective ecological outcomes and secure delivery. The 400-metre residential avoidance requirement remains separate from residual mitigation. Until both requirements are met, the ecological deliverability of affected allocations remains uncertain.

Question 13.162

Is the cumulative impact of the allocations on the strategic road network, designated ecological sites, landscape character, infrastructure provision and public services adequately understood and addressed?

58. STHP does not consider that the cumulative ecological effects of the allocations have been adequately understood and addressed. STHP maintains the concerns set out in Richard Buxton Solicitors' 6 July 2026 correspondence and its Matter 1 Hearing Statement regarding the December 2025 HRA's reliance on Bird Wise/North Kent SAMMS to conclude that recreational effects on the North Kent SPA/Ramsar sites can be excluded beyond reasonable scientific doubt. As explained in that correspondence, the evidence relied upon by the HRA, including the Kent Wildlife Trust Consultancy Services winter 2021/22 disturbance study, contains acknowledged limitations in

assessing the relationship between recreational pressure and impacts on qualifying bird species. The issue is not whether Bird Wise has failed, but whether the evidence provides the level of certainty required by the precautionary approach in *Waddenzee* to conclude that the Plan's additional growth, alone and in combination with other development, will not adversely affect site integrity.

59. STHP acknowledges that the Council, Natural England and Bird Wise have produced additional material regarding the operation of the SAMMS programme. However, these materials do not directly address the concerns identified in the 6 July 2026 correspondence. The question is not whether Bird Wise is operating as intended, but whether the HRA contains sufficient analysis to establish, with the requisite degree of scientific certainty, that the cumulative recreational effects arising from the scale of growth proposed by the Plan have been avoided. Until that issue is satisfactorily addressed, STHP remains of the view that the cumulative ecological impacts of the allocations on the North Kent SPA/Ramsar sites have not been adequately understood or addressed.

Question 13.163

Are any main modifications necessary to ensure the allocations within Policies SA7 to SA12 are effective, justified and consistent with national policy?

60. Yes. STHP's primary position is that the quantity of allocations, and associated infrastructure allocated to the Hoo Peninsula is excessive and the ecological assessments and measures are inadequate to address the scale of development proposed proximate to such sensitive habitats.

61. Absent reductions to these allocations, Main Modifications should make avoidance and residual mitigation operative throughout affected allocations: (a) S2 should prohibit net additional residential units within 400 metres of the designated SSSI boundary; (b) SA8 and SA11 should cross-refer to the mapped zone and adjust boundaries/capacities wherever GIS mapping establishes conflict; and (c) S2, S3, SA8, SA9 and SA11 should require effective residual measures, binding delivery arrangements and appropriate commencement or occupation triggers. Existing lawful dwellings are not themselves prohibited. The precise policy mechanism and treatment of extant permissions require legal settlement, but that should not dilute the requirement to avoid authorising net additional housing in the mapped zone.

62. STHP proposes: “No net additional residential development will be permitted within 400 metres of the designated boundary of Chattenden Woods and Lodge Hill SSSI, as identified on the Policies Map.” Supporting text should explain its relationship with existing permissions and other lawful development rights without weakening the prohibition on net additional units.

63. The Council must publish verified GIS footprints and site capacities, consequential amendments to SA8/SA11, the SA, housing supply and trajectory, and updated viability/phasing evidence reflecting both the restriction and full ecological costs. The funding and delivery schedule sought at 13.101 must specify land, costs, committed finance, developer shares, binding obligations, monitoring, stewardship and contingencies. Essential measures must be ecologically effective before the impacts they address arise. Site schedules, allocation totals and any claimed five-year or wider housing supply contribution must reflect the capacity remaining after verified avoidance and the financing and timing of all necessary residual measures. Statements of intent or unagreed future programmes cannot replace those demonstrations. Where avoidance cannot be met or indispensable mitigation cannot be shown effective and deliverable, the affected allocation and housing assumptions require reconsideration before a positive soundness finding.

Conclusion

64. STHP maintains that the quantity of development allocated through Policies SA8, SA9 and SA11 remains in dispute. For the reasons set out in its representations, the Council has not demonstrated that the scale of growth proposed for the Hoo Peninsula is justified, effective or consistent with national policy, given the extent of the Peninsula's ecological constraints. Site allocations should be informed by, and aligned with, the findings of the Medway Sustainability Appraisal, including a robust assessment of environmental constraints, reasonable alternatives and deliverability. Until the ecological constraints and associated mitigation requirements are fully understood, it cannot be assumed that the submitted housing capacities represent an appropriate or deliverable level of development.

65. STHP does not accept that programme activity, planning permissions, partnerships or future reviews establish soundness. At a minimum, the proposed 400-metre avoidance safeguard is absent, the complete residual ecological mitigation package has not been shown to be funded and secured, and RBS's Bird Wise/SAMMS evidential objection remains live. These are distinct and cumulative objections.

66. Absent a reduction in the residential allocations across the Hoo Peninsula, STHP asks the Inspectors to require: (i) a mapped 400-metre no-net-additional-residential exclusion zone and consequential amendments to Policies SA8, SA9 and SA11; (ii) evidence capable of supporting the HRA's reliance on Bird Wise/SAMMS in respect of the additional recreational pressure generated by the Plan; and (iii) a fully specified package of residual avoidance and mitigation measures that is demonstrably effective, funded, legally secured and implemented before the relevant impacts arise. Without this evidence, and the necessary Main Modifications, the allocations have not been shown to be justified, effective or consistent with national policy at their submitted scale.