EXAMINATION OF THE MEDWAY COUNCIL LOCAL PLAN 2041

HEARING STATEMENT

THE INDEPENDENT GROUP (TIG) ON MEDWAY COUNCIL

MATTER

Matter 12 - Minerals and Waste

ISSUES

Whether the Plan and its relevant policies provide for a steady and adequate supply of minerals and is justified, effective and consistent with national policy.

Whether the Plan seeks to maintain a sufficient, sustainable supply of locally and nationally important minerals and adequately safeguard mineral resources and minerals infrastructure.

Whether the Plan's overall approach and policies in relation to waste that needs to be managed over the Plan period robust, justified, effective and consistent with national policy.

Representor	The Independent Group (TIG) on Medway Council
Representor ID	E.37
Relevant MIQs	12.1, 12.4, 12.7, 12.47, 12.50-12.51, 12.83-12.84, 12.87-12.89 and 12.105-12.107
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Submitted on behalf of The Independent Group (TIG) on Medway Council
Councillor Michael Pearce, Planning Spokesman

1. PURPOSE AND STATUS OF THIS STATEMENT

1.1 This Hearing Statement is submitted by The Independent Group (TIG) in relation to Matter 12 - Minerals and Waste. It addresses only those Inspectors' Matters, Issues and Questions (MIQs) directly relevant to TIG's original Regulation 19 representations and should be read alongside the representations listed in section 6.

1.2 This statement does not introduce new evidence or a new objection to the minerals and waste strategy. It focuses and, where necessary, clarifies TIG's Regulation 19 concern that the Plan did not demonstrate with sufficient certainty how waste associated with the proposed scale of growth, particularly on the Hoo Peninsula, would be managed where that depends on cross-boundary capacity. Later examination material is referred to only insofar as it bears upon that existing concern.

2. TIG'S POSITION AT A GLANCE

Overall answer to the Matter / Issues

2.1 TIG's Matter 12 position is deliberately narrow. Since Regulation 19, the examination evidence has materially advanced. A12.4 provides an agreed Statement of Common Ground with Kent County Council on waste management and minerals supply, and A14 provides monitoring indicators. TIG therefore does not maintain that there is no cooperation or monitoring framework at all.

2.2 The principal unresolved issue is non-inert landfill capacity. The Waste Needs Assessment (B21.7) identifies a predicted shortfall throughout the Plan period, reaching a cumulative shortfall of approximately 358,000 tonnes by 2041. It states that the availability of landfill void beyond Medway to accommodate the ongoing requirement would need to be confirmed with host waste planning authorities.

2.3 A12.5 does not provide confirmation through Medway's 2041 Plan period. It records that Thurrock could not confirm the expected life of Ockendon landfill and, at paragraph 5.9, could not confirm continued use by Medway through the period then stated in that SoCG as 2035/36. MLP/ED6 records that the Council had sought an update in April 2026 without receiving a response. MLP/ED24A records that the proposed SoCG was reissued in August 2026 and that an update remained requested.

2.4 A11 presents agreement with key receiving waste planning authorities and sustained access to Thurrock landfill as achieved outcomes of cooperation. That account is materially stronger than A12.5, which does not confirm capacity through the Plan period. The Council should reconcile these accounts so that the examination has one clear and current account of the receiving capacity relied upon.

2.5 TIG does not contend that cross-boundary movement of waste is inherently unsound. The issue is whether a Plan which quantifies a residual landfill shortfall and relies on capacity outside Medway has demonstrated a sufficiently justified and effective route for managing that waste over the whole Plan period. A14 itself sets a relevant monitoring benchmark: sufficient capacity to manage the equivalent of 100% of Medway's waste arisings, or agreements with receiving authorities in place.

Soundness test engaged

2.6 Any further evidence from Thurrock or another receiving authority must be assessed against the full 2041 requirement, including the availability and deliverability of capacity,

the status of cross-boundary arrangements, and necessary monitoring and contingency measures. TIG does not prejudge whether the deficiencies can lawfully be remedied through limited further evidence and Main Modifications. In the absence of a demonstrated plan-period route, the Council should identify a justified alternative rather than rely on future monitoring alone.

2.7 The soundness tests principally engaged are justification and effectiveness. TIG also expressly maintains the Duty to Cooperate concerns raised in its Regulation 19 representations insofar as they concern cross-boundary waste arrangements. This statement focuses on the sufficiency of the submitted evidence and does not withdraw, narrow or concede TIG's existing legal-compliance position.

Main Modification / action sought

2.8 TIG seeks current evidence demonstrating a deliverable route for the residual non-inert landfill requirement throughout the Plan period; reconciliation of the Council's different descriptions of the Thurrock position; and, if necessary, limited Main Modifications to Policies T35/T38/T40 and the related supporting and monitoring text.

3. RESPONSES TO THE INSPECTORS' MIQs

3.0 The changes identified below are without prejudice to TIG's position at paragraphs 4.2-4.3. If any defect cannot be remedied by limited further work and Main Modifications without materially recasting the submitted Plan, TIG seeks non-adoption, withdrawal and re-preparation.

3.1 MIQs 12.1, 12.4 and 12.7 - minerals cooperation, monitoring and landbank

TIG's answer: Cooperation and monitoring arrangements are identified, but the adequacy of the landbank and the response to any shortfall require scrutiny.

Reasoning...

3.1.1 TIG's Regulation 19 representation observed that Medway's waste and minerals safeguarding is linked with Kent County Council's strategies. A12.4 now provides clear evidence of structured cooperation: Medway and Kent are both members of the South East England Aggregates Working Party and the SoCG records continuing joint working on minerals supply and safeguarding. A14 also identifies specific minerals monitoring indicators.

3.1.2 B20 records permitted sand and gravel reserves of 0.366 million tonnes and a 2024 landbank of 7.46 years using the three-year sales average, modestly above seven years. It also records a 5.5-year landbank using the ten-year sales average, while explaining why the shorter average is preferred, and warns that the landbank could fall below seven years by the end of 2025 if depletion continued. This sensitivity reinforces the importance of effective annual monitoring over the Plan period.

3.1.3 The 7.46-year landbank is sensitive to the choice of sales average: the ten-year basis produces only 5.5 years. TIG asks the Inspectors to test whether Policy T33, the Local Aggregates Assessment and A14 provide an effective means of maintaining supply and responding promptly if the landbank falls below seven years.

Regulation 19 basis: TIG Main Representation, paragraph 3.3.5.

Change necessary: Require the Council to demonstrate how the Local Aggregates Assessment, Policy T33 and A14 would respond to a landbank below seven years, and whether any focused clarification of the monitoring or delivery framework is needed.

3.2 MIQs 12.47, 12.50 and 12.51 - waste monitoring, capacity and cross-boundary movements

TIG's answer: Monitoring is identified, but plan-period external landfill capacity is not yet fully demonstrated.

Reasoning...

3.2.1 A14 identifies waste monitoring indicators, including a target of sufficient capacity to manage the equivalent of 100% of Medway's waste arisings, or agreements with receiving authorities in place. However, recording this target does not itself establish that the receiving capacity or agreements needed to meet it exist and will remain effective through 2041.

3.2.2 The difficulty is that B21.7 identifies a non-inert landfill deficit throughout the assessment period and a cumulative shortfall of 357,937 tonnes by 2041. Paragraph 6.9 states that the availability of landfill void beyond Medway to accommodate the ongoing requirement would need to be confirmed with host WPAs through direct engagement. Its recommendations say that engagement should establish capacity throughout the Plan period and any planning impediment to accepting Medway waste.

3.2.3 The submitted Plan acknowledges the same dependency. Paragraph 12.5.23 states that the approximately 360,000-tonne requirement may be accommodated outside the Plan area. Paragraph 12.5.24 refers to regional evidence indicating that, without additional void, South East non-hazardous landfill capacity could be exhausted by around 2040. The Plan period extends to 2041.

3.2.4 TIG's objection is therefore not to waste crossing administrative boundaries. It is that the cross-boundary element which the Council itself identifies as necessary should be supported by current evidence showing a credible route through the whole Plan period, rather than by an assumption that capacity may remain available.

Regulation 19 basis: TIG Main Representation, paragraph 3.3.5 and Chapter 3 generally.

Change necessary: Require the Council to identify the receiving capacity relied upon for the residual non-inert landfill requirement, its availability over the Plan period, and the evidence or agreement supporting that reliance.

3.3 MIQs 12.83-12.84 and 12.105-12.107 - non-inert landfill and the Thurrock position

TIG's answer: The unresolved Thurrock position is material because the Plan relies on external landfill capacity.

Reasoning...

3.3.1 A12.5 is an initial proposed SoCG rather than an agreed plan-period capacity commitment. Paragraph 5.6 records an estimated remaining void of just under 3.3 million cubic metres at Ockendon at the end of 2023 but states that Thurrock was not then able to confirm the expected life of the landfill because it serves a wider area. Paragraph 5.9 indicates an estimated life of approximately 14 years from 2024 using mean annual inputs, with the possibility that inputs may decline over time. However, Thurrock could not confirm continued use by Medway even through the period described in that SoCG as 2035/36. The qualified estimate does not confirm capacity available to Medway through 2041.

3.3.2 That uncertainty remained live in MLP/ED6, where the Council said it had sought an update on 17 April 2026 but had not received a response. MLP/ED24A subsequently recorded that the proposed SoCG was reissued to Thurrock on 21 August 2026 with minor updates and that the Council had requested a further update.

3.3.3 A11 gives a materially stronger account, describing agreement with key receiving waste planning authorities, reliance on Thurrock landfill supported by hosting authorities, and sustained access to Thurrock as outcomes of cooperation. Those assertions should be reconciled with A12.5 and later examination updates. Such a description does not itself establish a confirmed Medway capacity commitment through 2041.

3.3.4 A12.5 also draws an important distinction between planning acceptability and capacity availability. Paragraphs 4.4 and 5.4 record that there were no known planning reasons why the then-current quantum of Medway-Thurrock movements could not continue. That is not the same as confirmation that sufficient landfill void will remain available for Medway throughout the Plan period. Paragraphs 5.6 and 5.9 expressly leave the expected life of Ockendon and Medway's continuing access unresolved. The examination should not treat the absence of a planning restriction as evidence of plan-period capacity.

3.3.5 The Council's own evidence identifies the further work required. B21.7 paragraph 6.8 says capacity in the sub-region and wider catchment could 'in theory' accept Medway's shortfall, but paragraph 6.9 says availability must be confirmed with host waste planning authorities. Its recommendations at paragraphs 7.1-7.2 call for engagement not only with Thurrock but also Kent, Essex and authorities hosting capacity in the wider catchment, to establish available capacity throughout the Plan period and any planning impediment to accepting Medway waste. B22.11 similarly records that where a waste planning authority departs from net self-sufficiency, robust evidence and agreement with affected host authorities are required. If Ockendon cannot provide the necessary assurance, the Plan should identify the alternative receiving route relied upon rather than rely on regional void figures in the abstract.

3.3.6 Policy T38(a) supports landfill proposals only where the waste cannot reasonably be managed in any other way, reflecting its low position in the waste hierarchy. TIG does not challenge that safeguard. However, Policy T38 is a criteria policy, and paragraph 12.8.8 proposes no specific new non-inert landfill allocation; neither closes the capacity gap. Updated evidence from Thurrock or another host authority demonstrating capacity through 2041 could resolve the issue. Otherwise, the Plan should explain how the deficit will be managed.

Regulation 19 basis: TIG Main Representation, paragraphs 3.3.5, 3.4 and 3.6; E.37 concern regarding the absence of sufficiently firm cross-boundary capacity arrangements.

Change necessary: Do not conclude that the waste strategy is effective until the plan-period non-inert landfill route is evidenced. Reconcile A11 with A12.5, MLP/ED6 and MLP/ED24A and identify a clear contingency if the external capacity relied upon is unavailable.

3.4 MIQ 12.87 - future LACW arrangements and Policy T35

TIG's answer: Further clarification is necessary.

Reasoning...

3.4.1 Paragraph 12.1.24 states that the principal contract for management of Local Authority Collected Waste expires in 2035 and that its replacement may change where Medway's waste is managed. That is a known change within the Plan period. The Plan should explain how it is reflected in monitoring and review arrangements, particularly where residual landfill management already depends on capacity outside Medway.

3.4.2 Policy T35 supports additional capacity where it contributes, among other things, to net self-sufficiency of the Plan area. B21.7, however, recognises that national policy does not require net self-sufficiency for non-inert waste throughout the Plan period, while A14 expressly recognises receiving-authority agreements as an alternative monitoring outcome. The relationship between the policy objective, the identified non-inert landfill exception, Policy T38 and the monitoring framework should be stated consistently.

3.4.3 Monitoring should provide an advance trigger for review if the external capacity position or the post-2035 LACW arrangements materially change. A14's own target is to maintain capacity equivalent to 100% of Medway's arisings or to have agreements with receiving authorities in place. That makes the status of those agreements part of the delivery framework, not merely a matter for retrospective monitoring. A framework which identifies a problem only after receiving capacity is no longer available would provide less delivery certainty than an identified contingency or review mechanism.

Regulation 19 basis: TIG Main Representation, paragraph 3.3.5 and Chapter 3 generally.

Change necessary: Clarify the supporting and monitoring text so that the role of receiving-authority capacity, and the trigger for review or contingency action if that capacity or contractual position changes, are explicit.

3.5 MIQs 12.88-12.89 - wastewater treatment and sewage sludge capacity

TIG's answer: The current evidence trail should be clarified.

Reasoning...

3.5.1 TIG's Regulation 19 case raised wastewater capacity as part of the infrastructure required to support the proposed scale of development. Paragraph 12.5.30 of the submitted Plan states that there is sufficient wastewater treatment capacity for current and future growth, while paragraph 12.5.31 records a previously identified potential shortfall in sewage sludge treatment capacity in North Kent.

3.5.2 MLP/ED21 materially advances the position on local water and wastewater networks. It identifies local network constraints at multiple allocations, provides for phasing where reinforcement is required, and states that capacity assessment is a dynamic process. It also records that Southern Water continues to assess strategic assets for capacity to serve forecast growth. It does not, on its face, provide a quantified plan-period

confirmation of wastewater treatment works headroom or resolve the separate sewage-sludge issue identified at paragraph 12.5.31.

3.5.3 The Council should identify the latest evidence supporting paragraph 12.5.30 and explain the sewage-sludge position. Local sewer-network capacity, treatment works headroom and sewage-sludge capacity are related but distinct. MIQ 12.89 specifically asks how Policy T35 addresses sewage-sludge capacity, whereas Policy T40 provides criteria for wastewater and sludge treatment proposals. The Council should explain how those policies and necessary infrastructure or phasing will secure any additional capacity required.

Regulation 19 basis: TIG Main Representation, Chapter 2 and paragraph 3.3.5, insofar as infrastructure and cross-boundary capacity were raised.

Change necessary: Confirm the current treatment-works and sewage-sludge capacity position and explain the relationship between Policies T35 and T40. If additional capacity is required, amend the relevant policy or supporting delivery text as necessary to secure an effective route for its provision.

4. OVERALL CONCLUSION ON THIS MATTER

4.1 The examination evidence materially advances the position from Regulation 19. A12.4 and A14 document minerals cooperation and monitoring arrangements, but B20's differing landbank calculations and the potential fall below seven years warrant scrutiny of their effectiveness. TIG's principal Matter 12 objection concerns waste; that emphasis should not be treated as acceptance that minerals provision is adequately demonstrated.

4.2 The principal Matter 12 issue remains the quantified non-inert landfill shortfall. B21.7 identifies a cumulative deficit of approximately 358,000 tonnes and says external capacity should be confirmed with host waste planning authorities. Its recommendations require confirmation of available capacity throughout the Plan period and any planning impediments, while B22.11 recognises that departure from net self-sufficiency requires robust evidence and agreement with affected host authorities. A12.5 does not demonstrate availability through Medway's 2041 horizon, while MLP/ED6 and MLP/ED24A show that an updated Thurrock position remained outstanding during the examination. A11 should therefore be reconciled with that evidence.

4.3 On the material presently available to TIG, the Plan has not yet demonstrated an effective plan-period route for the residual landfill requirement. TIG does not concede that the deficiency can necessarily be cured by updated correspondence or Main Modifications: any remedy must demonstrate adequate, deliverable capacity and effective arrangements through 2041 and must be lawful within the examination process. If that cannot be achieved without materially recasting the waste strategy, TIG considers that the Plan should not be adopted and withdrawal and re-preparation would be appropriate.

5. MAIN MODIFICATIONS / CHANGES SOUGHT

5.1 These changes are without prejudice to TIG's position at paragraphs 4.2-4.3 and apply only if the defects can be remedied without materially recasting the submitted Plan. For the purposes of this table, 'EX' denotes an examination action sought rather than proposed Main Modification wording.

Ref	Plan policy / text	Defect identified	Modification / change sought	Why necessary
EX-TIG-M12-01	Cross-boundary non-inert landfill capacity evidence	B21.7 identifies a c.358,000 tonne plan-period shortfall and says external capacity should be confirmed, while the available Thurrock evidence does not demonstrate availability through 2041.	Require current evidence identifying the receiving capacity relied upon, its availability through the Plan period and any relevant planning constraints.	Necessary to demonstrate a justified and effective waste strategy.
MM-TIG-M12-02	Policies T35 / T38 and supporting text	The Plan relies on cross-boundary non-inert landfill capacity, while Policy T35 refers to net self-sufficiency and Policy T38 makes no allocation to close the identified gap.	Clarify the relationship between the non-inert landfill requirement, external receiving capacity, Policies T35/T38 and the monitoring/review framework.	Necessary for clarity and effectiveness.
EX-TIG-M12-03	A11 / A12.5 / waste monitoring	A11 describes external landfill access as agreed and sustained, whereas A12.5, MLP/ED6 and MLP/ED24A record continuing uncertainty.	Reconcile the evidence and identify an advance review trigger and contingency if the external capacity position materially changes.	Necessary for a coherent and effective delivery framework.
MM/EX-TIG-M12-04	Wastewater / sewage sludge evidence and Policies T35 / T40	The submitted Plan states that wastewater treatment capacity is sufficient but separately records a potential sewage-sludge shortfall; MLP/ED21 records continuing strategic capacity assessment.	Confirm the current treatment-works and sludge-capacity position; clarify the roles of Policies T35 and T40 and, if additional capacity is required, amend the relevant policy and/or delivery text.	Necessary to reflect current evidence and secure effective delivery.

6. TIG REGULATION 19 REPRESENTATIONS AND EXAMINATION DOCUMENTS REFERRED TO

Reference	Document	Where relevant
TIG Reg 19	TIG Main Representation responding to the Regulation 19 Local Plan	Ch.2; Ch.3, particularly 3.3.5, 3.4 and 3.6
E.37	TIG Regulation 19 representation entries	Cross-boundary agreements and infrastructure delivery
A1	Submission Medway Local Plan 2041	Paras 12.1.24, 12.5.21-12.5.32, 12.8.8; Policies T35, T38 and T40
A11	Duty to Cooperate Statement	Section 14 - Waste Management
A12.4	SoCG with Kent County Council - Waste Management and Minerals Supply	Minerals/waste cooperation and safeguarding

A12.5	Initial Proposed SoCG with Thurrock Council	Paras 5.4-5.10; non-hazardous landfill capacity
A14	Monitoring Framework	Minerals and waste monitoring indicators
B20	Local Aggregates Assessment 2024	Landbank, reserves, Areas of Search and import infrastructure
B21.7	Waste Needs Assessment 2024 Update - Report 7	Paras 5.9-5.21, 6.1-6.10 and recommendations
B22.11	Minerals and Waste Topic Paper	Paras 2.1.33-2.1.38 and 2.2.34-2.2.38; strategic waste planning and landfill
MLP/ED6	Council response to Inspectors' initial queries	Thurrock SoCG/capacity update
MLP/ED21	SoCG with Southern Water	Network capacity, phasing and strategic asset assessment
MLP/ED24A	Statement of Common Ground with prescribed bodies	Para 2.16.1 - Thurrock update
MLP/ED35	Inspectors' MIQs - Phase 2	Matter 12 - Minerals and Waste

7. APPENDIX

7.1 No appendix is proposed.

SUBMITTED ON BEHALF OF THE INDEPENDENT GROUP (TIG) ON MEDWAY COUNCIL

Councillor Michael Pearce

Councillor Michael Pearce
Planning Spokesman
29 October 2026

**For the avoidance of any doubt, Councillor Michael Pearce is an Independent Councillor representing Hoo & High Halstow Ward on Medway Council, which is also the Local Planning Authority (LPA). He serves as the Leader and Planning Spokesman for The Independent Group (TIG) on Medway Council - an unwhipped group of Independent councillors representing the Hoo Peninsula (Strood Rural Ward, Hoo & High Halstow Ward, All Saints Ward), formed for administrative purposes and committee entitlement. While Councillor Pearce is a Medway Councillor and member of the LPA's Planning Committee, he does not speak or act on behalf of Medway Council or the LPA, either generally or at formal planning inquiries.*