

EXAMINATION OF THE MEDWAY COUNCIL LOCAL PLAN 2041

HEARING STATEMENT

THE INDEPENDENT GROUP (TIG) ON MEDWAY COUNCIL

MATTER

Matter 6 - Natural Environment

ISSUE

Whether the Plan and its relevant policies are clear, positively prepared, justified, effective and consistent with national planning policy particularly relating to the mitigation of, and adaptation to, climate change.

Whether the Plan and its relevant policies adequately and effectively protect and enhance biodiversity interests and valued landscapes.

Whether development is being directed away from areas at the highest risk of flooding.

Whether the Plan and its relevant policies adequately and effectively deal with pollution-control related matters.

Representor	The Independent Group (TIG) on Medway Council
Representor ID	E.37
Relevant MIQs	6.12, 6.13, 6.15, 6.16, 6.18, 6.20, 6.34, 6.35, 6.37, 6.38, 6.46 and 6.49
Hearing session	22 September 2026 - AM session (9.30 am - 1.00 pm) and PM session (2.00 pm - 5.00 pm)
Statement date	27 August 2026
Word count	2,661 substantive words

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 6 - Natural Environment. It addresses only the selected Inspectors' Matters, Issues and Questions (MIQs) identified below and should be read alongside TIG's Regulation 19 representations listed in section 6.
- 1.2 It does not introduce new evidence or new arguments. It focuses TIG's existing concerns concerning designated habitats, recreational and urbanisation effects, Hoo Peninsula mitigation, flood risk and air quality. Later examination material is referred to only insofar as it bears upon those existing issues.
- 1.3 The evidence has advanced since Regulation 19. The Submission HRA now undertakes Appropriate Assessment, so TIG does not rely merely on the interim status of the earlier HRA. The question is whether the submitted policies and allocations now have sufficiently complete, certain and effective safeguards.

2. TIG'S POSITION AT A GLANCE

Overall answer to the Matter / Issue

- 2.1 TIG considers that soundness has not yet been demonstrated on the selected Matter 6 issues. The Submission HRA leaves the North Downs Woodlands SAC air-quality integrity conclusion outstanding; accepts that Bird Wise may not completely address allocations close to the North Kent Marshes; relies additionally on a Hoo Peninsula Strategic Environmental Programme which remains in development; and Policy S3 contains unclear proximity triggers. Separately, the Environment Agency's July 2026 position remains that the Plan and associated evidence base are unsound on flood-risk matters.

Soundness / legal test engaged

- 2.2 Justified; effective; consistent with national policy. Habitats Regulations integrity requirements are also engaged where policies and allocations are relied upon to avoid adverse effects on European sites.

Main Modification / action sought

- 2.3 TIG seeks an enforceable ecological mitigation framework in S2/S3/SA8; evidence-based proximity/buffer criteria for designated sites and functionally linked land (FLL); clarity between Bird Wise and bespoke close-proximity mitigation; completed North Downs Woodlands SAC air-quality mitigation; and resolution of the Environment Agency's flood-risk objections. If this cannot be achieved without fundamentally recasting the spatial strategy, the Plan should be withdrawn and re-prepared.

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 a defect cannot be remedied by limited further work and Main Modifications without materially recasting the Plan, TIG seeks non-adoption, withdrawal and re-preparation.

3.1 MIQ 6.12 - North Downs Woodlands SAC south of Lidsing

TIG's answer: The impact is identified, but not yet fully addressed.

Reasoning...

3.1.1 A4.1 concludes that further evidence is required before a no-adverse-impact-on-site-integrity (no-AIOSI) conclusion can be reached for air quality at the North Downs Woodlands SAC (para 9.2.1). Natural England's 6 July 2026 representation (MLP/ED16A, E.17, pp.136-137) repeats that position and records continuing work with Medway and Maidstone Borough Councils. MLP/ED6, Q6 also identifies intended consequential policy modifications.

Regulation 19 basis: TIG Main Representation, Chapters 4 and 6; E.37, particularly SDLP 109, 113 and 117.

Change necessary: Demonstrate, secure and incorporate effective mitigation in the relevant policies before the integrity conclusion is relied upon. See MM-TIG-M6-05.

3.2 MIQ 6.13 - Is Policy S3 reflective of the Submission HRA?

TIG's answer: Partly, but not fully.

Reasoning...

3.2.1 S3 addresses Bird Wise/SAMMS, close-proximity mitigation, FLL, surveys, lighting/noise and project-level HRA. However, A4.1 says Bird Wise may not completely address recreational impacts from allocations close to the North Kent Marshes (para 7.2.13) and relies additionally on the Hoo Peninsula Strategic Environmental Programme. A4.1 recommends amendments to S2/SA8 to secure that programme. Natural England's July response records continuing discussions over policy wording and bespoke mitigation near designated sites; MLP/ED16C describes the programme as "in development".

Regulation 19 basis: TIG Main Representation, Chapter 6; TIG 400m and 1km Buffer Representation; E.37, particularly SDLP 106, 113, 116 and 117.

Change necessary: Modify S3 with S2/SA8 so the completed HRA framework and additional higher-risk mitigation are clearly secured. See MM-TIG-M6-01 to 03.

3.3 MIQ 6.15 - Derivation of the 16 metre distance

TIG's answer: The ecological basis for the 16 metre threshold has not been demonstrated.

Reasoning...

- 3.3.1 S3 requires "greater mitigation measures" within 16 metres of designated sites. A4.1 does not identify an ecological derivation showing why 16 metres is an appropriate general trigger. Instead, it identifies urbanisation pathways including noise, lighting, visual disturbance, cat predation and habitat damage, affecting designated sites and FLL (paras 3.8.1-3.8.2). Paragraph 3.8.3 records 400 metres as a precautionary distance used elsewhere for several such effects, while concluding that a fixed 400 metres is not necessarily appropriate to the North Kent Marshes; the HRA instead uses Natural England's SSSI Impact Risk Zones.
- 3.3.2 TIG's Regulation 19 representation advocated 400 metre and, in the most sensitive circumstances, 1 kilometre buffers. In light of A4.1, TIG's essential point is that the Plan needs an ecologically justified proximity framework; 16 metres should not be treated as defining the extent of ecological effects.

Regulation 19 basis: TIG 400m and 1km Buffer Representation; E.37, particularly SDLP 106 and 116.

Change necessary: Replace/clarify the 16 metre ecological trigger with evidence-based, site-specific proximity/buffer criteria informed by conservation objectives, IRZs, FLL and relevant impact pathways. See MM-TIG-M6-02.

3.4 MIQ 6.16 - Mitigation within and outside the 6km Zone of Influence

TIG's answer: The relationship requires clarification.

Reasoning...

- 3.4.1 The 6km Zone secures the Bird Wise tariff, while S3 recognises that development outside it may also require mitigation. More importantly, A4.1 distinguishes general recreational pressure from the greater risk of allocations close to the North Kent Marshes and expressly states Bird Wise may not completely address those allocations (para 7.2.13). A tariff contribution should therefore not substitute for bespoke avoidance/mitigation where proximity, FLL or other pathways create additional effects.

Regulation 19 basis: TIG Main Representation, Chapter 6; TIG 400m and 1km Buffer Representation; E.37, particularly SDLP 113, 116 and 117.

Change necessary: Distinguish clearly between Bird Wise, bespoke HRA where applicable, and additional close-proximity mitigation. See MM-TIG-M6-03.

3.5 MIQ 6.18 - "Development with potential for urbanisation effects"

TIG's answer: The HRA evidences the concept, but S3 does not define its trigger sufficiently clearly.

Reasoning...

- 3.5.1 A4.1 paragraphs 3.8.1-3.8.4 identify relevant pathways, FLL and SSSI IRZs. S3 nevertheless relies on "close proximity" and "potential for urbanisation effects" without a clear plan-led trigger. Leaving this mainly to case-by-case assessment creates uncertainty for allocations already identified by the HRA within relevant IRZs.

Regulation 19 basis: TIG Main Representation, Chapters 4 and 6; TIG 400m and 1km Buffer Representation; E.37, particularly SDLP 106, 109 and 116.

Change necessary: Define the trigger by reference to HRA evidence, IRZs, FLL and identified pathways, including when surveys, avoidance, buffers and mitigation are required. See MM-TIG-M6-02.

3.6 MIQ 6.20 - Overall effectiveness of Policy S3

TIG's answer: Not yet demonstrated.

Reasoning...

- 3.6.1 S3 contains different triggers: 6km Bird Wise, 16 metres for greater mitigation, larger schemes outside 6km, "close proximity", IRZ-triggered surveys and project-level HRA. They do not yet form a sufficiently clear hierarchy. The HRA also relies on the Hoo Peninsula Strategic Environmental Programme. B22.2 envisages an updated evidence base, review of earlier SEMS work, a costed programme, partnership governance and a work programme; MLP/ED16C confirms it remains in development.

Regulation 19 basis: TIG Main Representation, Chapter 6; TIG 400m and 1km Buffer Representation; E.37, particularly SDLP 106, 113, 116 and 117.

Change necessary: Recast S3 as a clear hierarchy of avoidance, evidence-based spatial separation/buffers, bespoke mitigation for higher-risk locations and Bird Wise where relevant, with necessary measures secured before occupation and maintained as required. See MM-TIG-M6-01 to 03.

3.7 MIQ 6.34 - Tidal flooding, Sequential Test and Flood Zone 3 allocations

TIG's answer: Soundness has not yet been demonstrated.

Reasoning...

- 3.7.1 The Environment Agency's 6 July 2026 representation (MLP/ED16A, E.15) says its position remains that the Plan and evidence base are "unsound". It identifies more-vulnerable residential allocations in Flood Zones 3 and 3b and says it is unclear how they passed the Sequential Test. It also questions the treatment of River Medway tidal flooding in MLP/ED12, the annual exceedance probability used and assumptions about flood defences, noting that not all sites have formal defences or protection sufficient for their lifetime.
- 3.7.2 This directly supports TIG's Regulation 19 concern that low-lying parts of the Hoo Peninsula face significant tidal/coastal constraints and that future mitigation cannot simply be assumed to make an otherwise inappropriate spatial choice sound.

Regulation 19 basis: TIG Main Representation, section 3.3.4 and Chapter 4; TIG NPPF 11(b) Representation, Chapter 2; E.37, particularly SDLP 107, 109 and 117.

Change necessary: Resolve the Environment Agency's Sequential Test, tidal-flood and defence concerns; amend/remove allocations where the relevant tests cannot be satisfied. See MM-TIG-M6-04.

3.8 MIQ 6.35 - Is Policy DM1 reflective of the November 2025 SFRA?

TIG's answer: The policy reflects an avoidance-first approach, but the updated evidence has not yet been shown to support the allocation outcome.

Reasoning...

- 3.8.1 DM1 says flood risk should first be managed by avoiding, so far as possible, development in current/future medium and high-risk areas and refers to the SFRA and Sequential Test. However, the November 2025 SFRA/Sequential Test are subject to unresolved Environment Agency objections. MLP/ED12 concluded no SA update was required for flood risk, but the Agency then questioned its methodology, tidal-flood treatment and defence assumptions. A policy requirement for later detailed assessment cannot by itself resolve a strategic evidential problem.

Regulation 19 basis: TIG Main Representation, section 3.3.4 and Chapter 4; TIG NPPF 11(b) Representation, Chapter 2; E.37, particularly SDLP 107 and 109.

Change necessary: Update DM1, supporting text and affected allocations as necessary after resolution of the Environment Agency's comments. See MM-TIG-M6-04.

3.9 MIQ 6.37 - Environment Agency views on the SFRA

TIG's answer: Yes, views have been sought, but the latest position before TIG is unresolved and adverse.

Reasoning...

- 3.9.1 MLP/ED16A E.15 records the Agency's July 2026 "unsound" position. MLP/ED16C states that the Council's specialist contractor considered the response and that a Medway Flood Defences High Level Appraisal was sent to the Agency on 9 July, with a response anticipated by 14 August. The Inspectors should have the Agency's latest substantive position before reaching conclusions on DM1 and affected allocations.

Regulation 19 basis: TIG Main Representation, section 3.3.4; TIG NPPF 11(b) Representation, Chapter 2; E.37, particularly SDLP 107 and 109.

Change necessary: Put the final Environment Agency position before the examination and make consequential policy/allocation changes required to resolve any remaining objections. See MM-TIG-M6-04.

3.10 MIQ 6.38 - Emerging Flood Defence Strategy

TIG's answer: If needed to make allocations safe and deliverable, its role must be clear and secured.

Reasoning...

3.10.1 MLP/ED16C says the High Level Appraisal was undertaken partly because of residential allocations in Flood Zones 3/3b and to identify where further investigation, prioritisation and funding are needed. Where an allocation depends on new/improved defences, the Plan should identify the intervention, delivery responsibility, funding/phasing and required standard over the development lifetime. Strategic acceptability should not be deferred to later project-level work.

Regulation 19 basis: TIG Main Representation, section 3.3.4 and Chapter 4; TIG NPPF 11(b) Representation, Chapter 2; E.37, particularly SDLP 107, 109 and 118.

Change necessary: Reflect necessary Flood Defence Strategy measures in DM1, the IDP and affected allocation policies with clear delivery triggers; reduce/remove allocations if necessary protection cannot be demonstrated and secured. See MM-TIG-M6-04.

3.11 MIQ 6.46 - Is Policy DM3 reflective of the HRA air-quality work?

TIG's answer: Not fully.

Reasoning...

3.11.1 DM3 recognises ecological effects from air pollution and requires avoidance/mitigation. However A4.1-A4.3 identify adverse effects at the North Downs Woodlands SAC and state that further evidence is required before effective mitigation and a no-AIOSI conclusion can be demonstrated. The Council itself has indicated consequential policy modifications. General DM3 wording cannot substitute for the completed mitigation package.

Regulation 19 basis: TIG Main Representation, Chapters 4 and 6; E.37, particularly SDLP 109, 113 and 117.

Change necessary: Amend DM3 and affected strategic policies to secure the completed HRA-driven mitigation and monitoring requirements. See MM-TIG-M6-05.

3.12 MIQ 6.49 - Cross-boundary air pollution

TIG's answer: The North Downs Woodlands SAC demonstrates the cross-boundary issue; effectiveness depends on an agreed and secured response.

Reasoning...

3.12.1 Traffic generated in one authority can alter emissions/deposition on road corridors and habitats in another. A4.1 requires a strategic transport mitigation approach at the North Downs Woodlands SAC with Maidstone Borough Council. Natural England's July 2026 response welcomes joint work but does not record a completed package. DM3's general commitment to engage with neighbours is insufficient for an identified impact unless measures, responsibilities and implementation are agreed and secured.

Regulation 19 basis: TIG Main Representation, Chapters 3, 4 and 6; E.37, particularly SDLP 109, 113, 114 and 117.

Change necessary: Incorporate the agreed Medway/Maidstone mitigation framework and delivery mechanism into DM3 and affected policies, reflecting Natural England's advice. See MM-TIG-M6-05.

4. OVERALL CONCLUSION ON THIS MATTER

- 4.1 TIG acknowledges that the evidence has advanced since Regulation 19 and has refined its case accordingly. Appropriate Assessment has now been undertaken. Nevertheless, the North Downs Woodlands SAC air-quality integrity conclusion remains outstanding; Hoo Peninsula mitigation and policy wording remain under development/discussion; S3's proximity framework is unclear; and the Environment Agency's latest identified position remains that the Plan and flood-risk evidence are unsound.
- 4.2 TIG's primary position is that these matters should be remedied through completed evidence and Main Modifications that secure the HRA mitigation, provide an effective avoidance/mitigation hierarchy, and ensure no allocation is retained where applicable flood-risk tests are not satisfied.
- 4.3 If resolution requires substantial deletion or redistribution of strategic development, or other changes amounting to a fundamentally recast spatial strategy, the Plan should not be adopted and should be withdrawn and re-prepared.

5. MAIN MODIFICATIONS / CHANGES SOUGHT

Ref	Plan policy / text	Defect identified	Modification / change sought	Why necessary
MM-TIG-M6-01	Policies S2, S3 and SA8 / Hoo Peninsula Strategic Environmental Programme	The HRA relies on additional Hoo Peninsula mitigation while the programme/final wording remain incomplete.	Amend S2/S3/SA8 in accordance with the completed HRA and Natural England's advice so avoidance/mitigation, funding, governance, monitoring and long-term management are clearly secured.	Effective; secures mitigation relied upon by the HRA.
MM-TIG-M6-02	Policy S3 proximity/urbanisation provisions	The 16m trigger and undefined "close proximity" do not provide a clear ecological framework for designated sites/FLL.	Replace/clarify the 16m ecological trigger with evidence-based site-specific buffer/proximity criteria informed by conservation objectives, SSSI IRZs, FLL and impact pathways; define the urbanisation trigger.	Justified and effective.

MM-TIG-M6-03	Policy S3 recreational mitigation	The relationship between Bird Wise, bespoke HRA and additional close-proximity mitigation is unclear.	Distinguish strategic tariff contributions from bespoke avoidance/mitigation; require additional measures where proximity/FLL evidence indicates higher risk, secured before occupation and for the required lifetime.	Effective and consistent with A4.1 para 7.2.13.
MM-TIG-M6-04	Policy DM1, supporting text and affected allocations	Environment Agency objections concern tidal risk, FZ3/3b allocations, Sequential Test and defence assumptions.	Resolve the Agency's objections; update DM1/allocations; secure necessary defence works with funding/phasing; delete/reduce allocations where Sequential/Exception Tests cannot be satisfactorily demonstrated.	Justified, effective and consistent with national flood-risk policy.
MM-TIG-M6-05	Policy DM3 and affected strategic policies	North Downs Woodlands SAC air-quality mitigation remains incomplete and the no-AIOSI conclusion is outstanding.	Incorporate the completed/agreed Medway-Maidstone mitigation package, responsibilities, monitoring and Natural England advice into relevant policies.	Necessary to support the HRA integrity conclusion and effectiveness.

6. TIG REGULATION 19 REPRESENTATIONS AND EXAMINATION DOCUMENTS REFERRED TO

Reference	Document	Where relevant
TIG Reg 19 E.37 / SDLP 106, 109, 113, 115-117	TIG Regulation 19 representation entries	HRA, natural environment, designated sites, proximity/buffers and mitigation.
TIG Reg 19	TIG Main Representation	Chapters 3-4 and 6; section 3.3.4; environmental/HRA/flooding concerns.
TIG Reg 19	TIG NPPF 11(b) Representation	Chapter 2 and related environmental chapters; Hoo Peninsula environmental and flood constraints.
TIG Reg 19	TIG 400m and 1km Buffer Representation	Proximity, urbanisation, buffers and designated-site protection.
TIG Reg 19	TIG Sites Appraisal	Hoo Peninsula allocation constraints and proximity to sensitive environmental assets.
A1	Submission Medway Council Local Plan 2041	Policies S2, S3, DM1, DM3 and relevant supporting text.
A4.1	Submission Habitats Regulations Assessment	Sections 3.8, 7.2 and 9.1-9.2.

A4.2 / A4.3	Submission HRA air-quality modelling and interpretation	North Downs Woodlands SAC air-quality effects and mitigation.
B22.2	Hoo Peninsula Strategic Environmental Programme Topic Paper v2	Sections 1.3 and 3.1-3.2.
B6.1 / B6.3 / B6.5	November 2025 SFRA and Sequential Test	Updated flood-risk evidence and site testing.
MLP/ED6	Council response to Inspectors' initial questions	Questions 4 and 6.
MLP/ED12	Review of updated SFRA data and implications for Regulation 19 SA	Flood-risk SA review.
MLP/ED16A	Supporting Evidence consultation representations	E.15 Environment Agency; E.17 Natural England.
MLP/ED16C	Council consideration of Supporting Evidence consultation representations	Council responses to A4.1/A4.2 and MLP/ED12 representations.
MLP/ED15	Phase 1 Matters, Issues and Questions	Matter 6.

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
27 August 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.*