

# Hearing Statement

## 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.

### Questions

#### *Legal and Procedural Compliance*

- 1.1 How does the Council explain the steps it took to comply with the statutory requirements of Regulation 18 and Regulation 19 consultation?
  - 1.1.1 In preparing the Medway Local Plan 2041 (MLP), the Council, as the local planning authority (LPA), has complied with the statutory requirements of Regulation 18 and Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
  - 1.1.2 The Council held two Regulation 18 consultations: the first during 18 September 2023 to 31 October 2023, and the second during 15 July 2024 to 8 September 2024. The Council notified specific consultation bodies that may have an interest in the MLP, general consultation bodies considered appropriate and residents or other persons carrying on business in Medway from which the Council considered it appropriate to invite representations. Appendix 1 (pages 24-28 of the electronic file) and Appendix 3 (pages 43-47 of the electronic file) of the Consultation Statement (ref: A10.1) provide details of who was notified at Regulation 18 consultations stages in 2023 and 2024 respectively. In preparing the MLP, the Council considered any representation made to them in response to invitations. Appendix 2 (pages 29-42 of the electronic file) and Appendix 4 (pages 48-56 of the electronic file) of the Consultation Statement (ref: A10.1) provide details of how the Council considered any representations made to them in response to the invitations following Regulation 18 consultation stages in 2023 and 2024 respectively. The Council submitted consultation summary reports on the two Regulation 18 consultations (refs: C3.2 and C2.2).
  - 1.1.3 The Council held its Regulation 19 consultation during 30 June 2025 to 11 August 2025. Before submitting the MLP to the Secretary of State under Section 20 of the Planning and Compulsory Purchase Act 2004, the Council made a copy of each of the proposed submission documents and a statement of the representations procedure available for inspection at Gun Wharf, Dock Road, Chatham (i.e. the Council's principal office) and at public libraries during normal office hours. The Council also published a copy of each of the proposed

submission documents and a statement of the representations procedure on the Council's website.

**1.2 In what ways were the consultation responses that were received taken into consideration during the preparation of the submitted Plan?**

- 1.2.1** Consultation responses that were received were processed in a spreadsheet. Consultation responses were disaggregated and organised by their relevance to the content of the consultation documents. Planning officers summarised each response and discussed the issues raised during internal meetings with managers and Members, consultants commissioned to provide specialist technical advice, and during ongoing engagement with statutory bodies and planning agents promoting strategic sites. This process informed each iteration of the MLP. Appendix 2 (pages 29-42 of the electronic file) and Appendix 4 (pages 48-56 of the electronic file) of the Consultation Statement (ref: A10.1) provide details of how the MLP emerged following consultations. The Council submitted consultation summary reports on the two Regulation 18 consultations (refs: C3.2 and C2.2).
- 1.2.2** For example, the Environment Agency's response to the Council's second Regulation 18 consultation informed a change to Policy DM1 (Flood and Water Management). In the Council's second Regulation 18 consultation document, text in Policy DM1 stated: "Medway Council will manage flood risk by requiring applicants/developers to apply the Sequential Test and, where necessary, the Exception Test as part of the application:" The Council replaced this text with the following text, which was recommended by the Environment Agency: "Medway Council will manage flood risk first by avoiding, so far as possible, development sites in current and future medium and high flood risk areas, considering all sources of flooding, including areas at risk of surface water flooding. To do this they have used the Strategic Flood Risk Assessment to inform the Local Plan development sites and demonstrate the application of the Sequential Test. For those development sites which have passed the Sequential Test, the proposed development must pass the Exception Test as per the National Planning Policy Framework guidance ...".
- 1.3 How has the Council ensured that the published Statement of Community Involvement (SCI) was applied throughout the plan-making process?**
- 1.3.1** The Consultation Statement (refs: A10.1 and A10.2) demonstrates how the Council has complied with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and Section 19 (3) of the Planning and Compulsory Purchase Act 2004, i.e. the requirement to comply with the SCI (ref: A9), which was most recently approved in July 2024.
- 1.3.2** Paragraph 1.15 of the SCI (ref: A9) noted that the Council will consider extending the minimum six-week period by which representations must be received due to

a school holiday period. The Council held its second Regulation 18 period during 15 July to 8 September 2024 for eight weeks.

- 1.3.3 Paragraph 1.25 of the SCI (ref: A9) noted that the Council will provide summary documents setting out key information. The Council published a summary document to support its second Regulation 18 consultation and its Regulation 19 consultation.<sup>1,2</sup>
- 1.3.4 The table presented on pages 18 and 19 of the SCI (ref: A9) sets out a range of consultation activities that the Council will undertake. Appendix 1, Appendix 3 and Appendix 5 of the Consultation Statement (ref: A10.1) provide details of how the consultations were undertaken in 2023, 2024 and 2025 respectively.
- 1.3.5 Appendix 1, Appendix 3 and Appendix 5 of the Consultation Statement (ref: A10.1) provide details of who was consulted in 2023, 2024 and 2025 respectively. This is consistent with who the Council intended to consult as per pages 20 and 21 of the SCI (ref: A9).
- 1.3.6 Paragraphs 138 to 140 of the SCI (ref: A9) set out the Council's formal decision-making process that underpins the plan-making process. The records of Cabinet meetings prior to the Regulation 18 consultations and the Special Full Council meeting prior to the Regulation 19 consultations are published on the Council's website.

#### *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?
- 1.4.1 The Council considers that the likely environmental, social and economic effects of the Plan have been adequately and appropriately assessed through the work of the SA. The SA has been applied as an iterative process informing the preparation of the Medway Local Plan 2041 (MLP), as in Figure N.1.2 (page 4) and Figure N.1.4 (page 6) of the 'Sustainability Appraisal - Volume 1 of 3 – Non technical Summary' (ref: A3.1).
- 1.4.2 The SA sets out how sustainability effects were described, analysed and compared through SA objectives, decision-making criteria and indicators. The SA has considered the social, economic and environmental performance of the plan. A single value was allocated to each SA objective for each reasonable alternative, option or policy evaluated in the SA process. Justification for the classification of the impact for each SA objective is presented in an accompanying narrative assessment text for all SA assessments. Limitations, assumptions and topic-specific methodologies applied in the SA are discussed

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<sup>1</sup> Medway Council (2024) Medway Local Plan: Regulation 18 Consultation Summary. Available at: <https://medway.oc2.uk/docfiles/20/Consultation%20Summary.pdf> [Last accessed 25 August 2026]

<sup>2</sup> Medway Council (2025) Medway Local Plan 2041: Summary Booklet. Available at: <https://medway.oc2.uk/docfiles/30/Summary%20Booklet.pdf> [Last accessed 25 August 2026]

in further detail within Chapter 4 of the Regulation 19 SA Report (Volume 2) (ref: A2.2) and Appendix E (Volume 3) (ref: A3.3).

- 1.4.3 The Council considers that the likely environmental, social and economic effects of the Plan have been adequately and appropriately assessed through the work of the HRA. A step-by-step guide to the HRA methodology is shown in Figure 2.1 of the 'Submission Habitats Regulations Assessment' (ref: A4.1).
- 1.4.4 The screening stage (Stage 1 of the HRA process) comprised the evaluation of each policy and allocation in the Regulation 18 Local Plan (2024) consultation document against the HRA pre-screening criteria, taking into consideration case law and best practice. The policies and allocations were re-screened as part of the HRA process to ensure all changes made in response to the Regulation 18 consultations were captured. Table 2.1 (page 7) of the 'Submission Habitats Regulations Assessment' (ref: A4.1) shows the screening evaluation and reasoning categories used to inform the formal screening decision. The output of the re-screening exercise informed the test of likely significance. All site allocations were screened into the HRA process. A number of policies were considered likely to have a likely significant effect.
- 1.4.5 The following matters were explored in the Appropriate Assessment (Stage 2 of the HRA process) (ref: A4.1):
- Impacts on designated features affected by a possible deterioration in air quality.
  - Impacts on water quality and water quantity associated with increased levels of built development.
  - Impacts associated with increased recreational pressure.
  - Impact of urban development upon both designated sites and Functionally Linked Land.
- 1.4.6 The Precautionary Principle was used in circumstances where likely effects were uncertain. The protective policies set out in the MLP, alongside existing protection measures in existing high level strategic and planning policy frameworks, have been factored into the assessment process.
- 1.4.7 Adverse air quality impacts from the MLP, and in combination with other plans and projects, such as the Maidstone Local Plan Review, at the North Downs Woodlands SAC were identified. In consultation with Natural England, and an agreed methodology, the Council commissioned air quality modelling (ref: A4.2) and an interpretation of the air quality modelling data in an Appropriate Assessment of the North Kent Marshes European sites and the North Downs Woodlands SAC (ref: A4.3). The Appropriate Assessment concluded that a strategic approach to transport mitigation at the SAC is likely to reduce adverse air quality impacts; however, further evidence is required to demonstrate a strategic approach to transport mitigation at the SAC will be effective before a

conclusion of no adverse impact on site integrity can be reached (ref: A4.3, page 53, paragraph 6.1.5).

- 1.4.8 The Statement of Common Ground with Prescribed Bodies (ref: A12.1, chapter 4) points to ongoing cooperation and further assessment. Paragraph 6.89 (page 75) of the adopted Maidstone Local Plan Review 2021-38 sets out the requirements of a planning application, an associated project-level Habitats Regulations Assessment and a Mitigation Strategy. Paragraph 6.90 (page 75) of the adopted Maidstone Local Plan Review 2021-38 sets out a package of eleven potential mitigation measures, which should not be taken as exhaustive in preparing a planning application. The Council and Maidstone Borough Council will be engaged in ongoing cooperation to determine a strategic mitigation approach to be agreed with Natural England and the relevant highway authorities. Planning officers are involved in pre-application work for the Lidsing Garden Community.

- 1.4.9 The Council is proposing the following additional wording as a main modification under ‘Sites of international importance for nature conservation’ within Policy SA2 of the MLP (ref: A1), which is consistent with Policy LPRSP14(A) of the adopted Maidstone Local Plan Review (2021-38):

“The Council will work with Natural England to assess, monitor and if necessary, mitigate any recreation pressure at the North Downs Woodland SAC.

Development proposals must support the Council’s nature conservation objectives and in doing so must not result in adverse effects on the integrity of the North Downs Woodland SAC. Any air pollution mitigation strategy will be developed and agreed with Natural England before the development commences and implemented prior to adverse effects on the integrity occurring; developer contributions will be used to support this where appropriate. The Council is committed to ensuring that development within the borough will not contribute to adverse effects on the SAC due to air quality and will take the lead on coordinating any strategic mitigation required to minimise air pollution at the SAC.”

- 1.4.10 In addition, the Council is proposing the following additional wording as a main modification under ‘Criteria’ within Policy SA7 of the MLP (ref: A1), which is consistent with Policy LPRSP4(B) of the adopted Maidstone Local Plan Review (2021-38):

“Development proposals in the Capstone Valley must demonstrate, either alone or in-combination with other relevant plans and projects, that they will avoid adverse effects on the integrity of the North Downs Woodlands SAC, due to air quality, with reference to policy SA2. Mitigation measures will be required where necessary and appropriate.”

- 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.
- 1.5.1 There is legal sufficiency in the process of engagement within the plan-making process relating to international nature sites and an adequate evidence trail to support this.
- 1.5.2 Regulation 105(1) of the Conservation of Habitats and Species Regulations 2017 (“the Habitat Regulations”) provides that where a land use plan is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and is not directly connected with or necessary to the management of the site, the plan-making authority for that plan must, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site's conservation objectives. The same obligation applies to Ramsar sites: see regulation 105(1A).
- 1.5.3 If an appropriate assessment is undertaken under these provisions, the plan-making authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specifies.
- 1.5.4 The Council has complied with these provisions, principally through its engagement with Natural England and the production of the HRA (ref. A4.1). Each is discussed in turn.

#### Engagement with Natural England

- 1.5.5 Natural England provided written advice to north Kent local authorities in 2015 (see Appendix A). Additional engagement has occurred since then (see the Council's response to 1.10). Natural England's advice has been taken into account in the production of the plan. The following examples are given.
- 1.5.6 First, through its advice to the Council, Natural England recognises the North Kent SAMMS programme as effective in addressing the potential for negative impacts on the SPA and Ramsar sites from recreational disturbance. The approach is established in other adopted local plans in north Kent: Policy LB5 of Canterbury City Council's Local Plan (2017) and Policy CP7 and Policy DM28 of Swale Borough Council's Local Plan (2017). The requirement for new development to contribute towards Bird Wise is secured through Policy S3 of the MLP (ref: A1).
- 1.5.7 Secondly, Policy S2 sets out details regarding the Hoo Peninsula Strategic Environmental Programme. In addition, this requirement is covered Policy SA8 of

the MLP (ref: A1). However, Natural England expressed concern about the implementation of the Hoo Peninsula Strategic Environmental Programme in response to the Regulation 19 consultation stage. As a result, the Council is proposing the following revised wording as a main modification to the text under 'Hoo Peninsula Strategic Environmental Programme' within Policy S2 of the MLP (ref: A1) to provide clarity on how this will be secured and delivered through the MLP:

“Development on the Hoo Peninsula and at Chattenden will need to comply with the Hoo Peninsula Strategic Environmental Mitigation and Management Programme which will be agreed by a partnership including the Council, Natural England environmental organisations and communities. This will secure and implement a strategic approach to conserving and enhancing designated sites, wider biodiversity and areas of significant flood risk.

This will provide a strategic approach to protecting and enhancing designated sites and areas of significant flood risk, either now or in the future. Development should support the conservation and enhancement of the Chattenden Woods and Lodge Hill SSSI, and the Medway Estuary and Marshes SPA, Ramsar site and SSSI.

A coordinated programme of evidence-based measures will include avoidance and mitigation measures for direct and indirect impacts and landscape scale nature recovery. This will include, for example, land management and habitat restoration and creation, buffers to sensitive designated sites, securing the landscape, a nature-based approach to flood and water management, education and wardening, and provision of recreational resources away from sensitive locations. These will be required to ensure that impacts to the designated sites are avoided or fully mitigated. Developers of sites on the Hoo Peninsula will be required to contribute to the implementation of the strategic environmental programme, proportionate to the scale and nature of the development, and its proximity to sensitive sites with funding secured in-perpetuity for ongoing management and monitoring.”

- 1.5.8 The Hoo Peninsula Strategic Environmental Programme will be secured through both modifications to Policy S2, Policy SA8 and the Infrastructure Delivery Plan as set out in Policy S24. Details about the Hoo Peninsula Strategic Environmental Programme are set out in the associated Topic Paper (ref: B22.2).
- 1.5.9 The North Kent Marshes Appropriate Assessment, contained within Chapter 7.2 of the HRA (ref: A4.1), found that the mitigation contained in both Bird Wise and

the Hoo Peninsula Strategic Environmental Programme will ensure no adverse impacts on site integrity at the North Kent Marshes European sites from recreational impacts. Table 7.1 of the HRA (ref: A4.1) lists the MLP's (ref: A1) site allocations which will trigger consultation with Natural England due to their location and scale of development proposed.

### The HRA

1.5.10 The HRA undertakes a staged assessment in accordance with regulation 105 of the Habitats Regulations.

1.5.11 First, screening for likely significant effects on European Sites or Ramsar sites was undertaken. No mitigation measures were taken into account during this screening. Screening ruled out likely significant effects for the majority of policies in the plan: see A4.1 at §4.1.2 on p. 31. Policies which were likely to have a significant effect were identified: see A4.1 at Table 4.1 on p. 32. Potential likely significant effects related to seven European or Ramsar Sites on certain identified issues: see A4.1 at §4.1.7 on p. 33.

1.5.12 Secondly, an appropriate assessment was then undertaken for those seven European or Ramsar Sites. This assessment was undertaken thematically, considering air quality (Chapter 5 of A4.1), water quality and quantity (Chapter 6 of A4.1), recreational pressure (Chapter 7 of A4.1) and urbanisation (Chapter 8 of A4.1). Through these themes, each of the seven relevant European or Ramsar Sites was considered, as well as those policies which were likely to have a significant effect on those sites. The appropriate assessment identified necessary mitigations to avoid adverse affected on site integrity. Those mitigations have been secured through the policy drafting.

1.5.13 This approach is fully in accordance with the process required by regulation 105 of the Habitats Regulations. The required evidence is contained in: the HRA A4.1, as well as its supporting documents A4.2 and A4.3; the recorded engagement with Natural England at A11; and public engagement.<sup>3,4,5</sup>

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?

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<sup>3</sup> Natural England (2023) Regulation 18 Representations. Available at (pages 57-62 of the electronic file): <https://medway.oc2.uk/docfiles/21/File%20F.pdf> [Last accessed 27 August 2026]

<sup>4</sup> Natural England (2024) Regulation 18 Representations. Available at (pages 62-77 of the electronic file): <https://medway.oc2.uk/docfiles/26/File%20T.pdf> [Last accessed 27 August 2026]

<sup>5</sup> Natural England (2025) Regulation 19 Representations. Available at (pages 118-135 of the electronic file): <https://medway.oc2.uk/docfiles/35/File%20U.pdf> [Last accessed 27 August 2026]



- 1.6.1 The Council considers that the MLP (ref: A1) has been based on a sound process of SA, which has provided an adequate and appropriate consideration and testing of reasonable alternatives to the spatial development strategy presented in the MLP (ref: A1).
- 1.6.2 The SA Scoping Report for the MLP was prepared by Lepus in 2023.<sup>6</sup> The Scoping Report was subject to a consultation between 19 September 2023 and 31 October 2023 with the statutory consultees (Natural England, Historic England and the Environment Agency).
- 1.6.3 The relevant submission document is the ‘Sustainability Appraisal - Volume 2 of 3 – Regulation 19 Report (ref: A3.2)’. This document sets out how the reasonable alternatives were identified and appraised. More specifically, paragraphs 5.5.1 to 5.5.5 (pages 31-33) set out three reasonable alternative ‘spatial growth options’, along with commentary from the Council to explain why the preferred strategy was selected. The Council consulted on an ‘Interim Sustainability Appraisal - Volume 1 of 2 - Main Report’ (ref: C2.4.1) and an ‘Interim Sustainability Appraisal - Volume 2 of 2 – Appendices’ (ref: C2.4.2) at its second Regulation 18 stage in 2024.
- 1.6.4 The second Regulation 18 consultation document presented three reasonable alternative ‘Spatial Growth Options’, namely ‘Urban Focus’, ‘Dispersed Growth’ and ‘Blended Strategy’. The three options, which comprised different configurations of 12 broad locations for growth, were derived from the Interim Sustainability Appraisal (refs: C.2.4.1 and C.2.4.2). The Blended Strategy was identified as the Council’s preferred option in the second Regulation 18 consultation document. The Interim Sustainability Appraisal (refs: C.2.4.1 and C.2.4.2) found that Urban Focus performed best in terms of promoting sustainable travel and efficient use of natural resources, however Blended Strategy provided the most sustainable balance by combining urban regeneration with suburban and rural development, seeking to ensure a diverse range of housing types and tenures can be supported across Medway. Following the second Regulation 18 consultation, the Blended Strategy evolved into the Spatial Development Strategy. Page 33 of the Sustainability Appraisal - Volume 2 of 3 – Regulation 19 Report (ref: A3.2) sets out the factors that informed and shaped the selection of the spatial development strategy.
- 1.6.5 Page 33 of the Sustainability Appraisal - Volume 2 of 3 - Regulation 19 Report (ref: A3.2) sets out the reasons and justification for selecting the preferred spatial development strategy.

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<sup>6</sup> Lepus Consulting (2023) Sustainability Appraisal of the Medway Local Plan: Scoping Report. Available at: [www.medway.gov.uk/downloads/file/8412/sustainability\\_appraisal\\_of\\_the\\_medway\\_local\\_plan\\_-\\_scoping\\_report\\_2023](http://www.medway.gov.uk/downloads/file/8412/sustainability_appraisal_of_the_medway_local_plan_-_scoping_report_2023) [Date accessed 26 August 2026]

- 1.6.6 The Council consulted on the SA (refs: A3.1 to A3.3) at Regulation 19 stage in 2025.
- 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?
- 1.7.1 Section 5.6 of the Sustainability Appraisal – Volume 2 of 3 – Regulation 19 Report (ref: A3.2) describes how the SA adequately and appropriately assessed 359 reasonable alternative sites against the SA objectives.
- 1.7.2 Table 19.1 of the Sustainability Appraisal – Volume 2 of 3 – Regulation 19 Report (ref: A3.2) sets how the residual effects of following mitigation, i.e. implementation of the MLP. Site allocations were subject to evaluation via the Sequential Test and Exception Test in the Strategic Flood Risk Assessment (refs: B6.1 to B6.5). The Level 2 Strategic Flood Risk Assessment (refs: B6.3 and B6.4) includes a summary of required actions to ensure that development will be safe and consistent with national policy. There are anticipated to be no significant adverse effects associated with fluvial/tidal flooding or surface water flood risk, subject to achieving the recommendations set out in the Strategic Flood Risk Assessment, including completion of further site-specific flood risk assessments. The MLP policies will be expected to protect future and existing flood defences from development and ensure delivery of new defences where required as part of the Environment Agency’s Medway Estuary and Swale Flood and Coastal Erosion Risk Management strategy.
- 1.7.3 The pre-mitigation site assessments are presented in Appendix F and Appendix G, while the post-mitigation site assessment is presented in Appendix I of the Sustainability Appraisal – Volume 3 of 3 – Appendices (ref: A3.3), which informed the site selection process (see ref: B22.1). As part of the SA process, sites were assessed against SA Objective 2 (Climate Change Adaptation), which includes consideration of flood risk. For example, the post-mitigation score for site allocation SNF41 (Strood Riverside) shows an improvement compared to the pre-mitigation score against SA Objective 2 (Climate Change Adaptation).
- 1.7.4 The Council’s consultant updated the Strategic Flood Risk Assessment (refs: B6.1 to B6.5) following the availability of the latest North Kent Coast Flood Domain 2 Model, in consultation with the Environment Agency. A technical note considered whether this updated evidence results in any changes to the findings of the SA (ref: MLP/ED12). This technical note concluded that: “... fluvial flood risk remains unchanged across all assessed sites, with no changes to Flood Zone extents. Minor localised refinements to surface water flood risk extents have been identified for a small proportion of non-strategic sites, resulting in changes to SA site assessments where updated extents cross defined assessment thresholds. These changes do not result in any material alteration to

the findings of the SA or the significance of effects identified. On this basis, the conclusions of the Regulation 19 SA remain valid and no updates to the assessment findings are required in relation to flood risk.”

**1.8 How has the submitted Plan been formulated on a sound HRA process and how is the Council’s conclusion that a comprehensive appropriate assessment is not required justified?**

1.8.1 The Council considers that the MLP (ref: A1) has been formulated on a sound HRA process. That process has already been explained above in response to Question 1.5. As explained in the previous answer, all identified required mitigation has been incorporated into policy drafting.

1.8.2 This question appears to be based on the premise that an appropriate assessment is not required. That is not the Council’s position. As already explained in response to Question 1.5, the Council undertook a screening exercise that identified an appropriate assessment was required. That appropriate assessment was undertaken and recorded in the HRA (ref: A4.1). The Plan has been informed by that appropriate assessment, in particular by incorporating required mitigation into policy drafting.

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

1.9.1 The Council considers that the policies in the MLP (ref: A1) are reflective of the HRA (A4.1 to A4.3).

1.9.2 Based on the previous HRA work undertaken at the Regulation 18 and Regulation 19 stages, paragraph 3.3.7 of the HRA (A4.1) (page 12) identified the following potential impact pathways for Medway’s local plan-making: air pollution, water resources and water levels; water quality; recreational pressure; urbanisation effects; coastal squeeze and functionally linked land.

1.9.3 For air pollution, the Council is proposing additional wording (see the Council’s response above at 1.4.9) as a main modification under ‘Sites of international importance for nature conservation’ within Policy SA2. In addition, the Council is proposing additional wording (see the Council’s response above to 1.4.10) as a main modification under ‘Criteria’ within Policy SA7. These changes are intended to mitigate adverse impacts on site integrity at the North Downs Woodlands SAC.

1.9.4 For water resources and water levels, Policy DM1 will only permit new development within groundwater Source Protection Zones and Principal Aquifers where it has no adverse impact on the quality of the groundwater resource, and it does not put at risk the ability to maintain a public water supply. The purpose of this policy is to protect and conserve water supply in the area. Policy DM1 also promotes water efficiency measures in new development such as the use of grey water and rainwater recycling and low water use sanitary equipment.

- 1.9.5 For water quality, policy DM1 requires new development to “have regard to the actions and objectives of appropriate River Basin Management Plan in striving to protect and improve the quality of water bodies in and adjacent to the district. Developers shall undertake thorough risk assessments of the impact of proposals on surface and groundwater systems and incorporate appropriate mitigation measures where necessary.” This policy requires new development to “ensure that adequate wastewater infrastructure is available in tandem with the development, which are also resilient to the impacts of climate change”. The policy also promotes the use of SuDS to address run-off rates, which also have water quality benefits. This policy requires that all foul water sewerage be connected to the main public sewage network, and in the absence of a connection to the main sewage network, evidence provided indicating why connecting to the mains sewer system is not feasible for this development. Policy DM2 provides provisions for the careful management and remediation of contaminated land at brownfield sites, which will include provisions to mitigate contaminated water run-off during construction.
- 1.9.6 For recreational pressure, mitigation to ensure no adverse effects occur at any European site as a result of improved waterfront access is provided through Policy S3 (North Kent Estuary and Marshes Designated Sites) and also within Policy T20 (Riverside Path), which states that “Opportunities to provide linkages with other path networks should be explored where these are compatible with other policies and do not result in impacts on coastal designated sites.” Policy S2 sets out details regarding the Hoo Peninsula Strategic Environmental Programme to address recreational impacts associated with allocations close to the North Kent Marshes; however, the Council is proposing revised wording to Policy S2 (see 1.5). The Hoo Peninsula Strategic Environmental Programme is also covered in Policy SA8, i.e. the site allocation policy for Hoo St Werburgh and Chattenden.
- 1.9.7 For urbanisation effects, Policy S3 (North Kent Estuary and Marshes designated sites) secures a range of mitigation measures, including requirements for planning applications to be supported by construction method statements and management plans. In addition, Policy DM4 (Noise and Light Pollution) seeks to reduce noise and light pollution on the natural environment.
- 1.9.8 For coastal squeeze, likely significant effects were screened out because Policy DM1 (Flood and Water Management) notes that site allocations will support the implementation of flood defence works under the Environment Agency's plans.
- 1.9.9 For functionally linked land, Policy SA4 (River Waterfront) contains mitigation wording to protect European sites and areas of functionally linked land: “Any enhancement in waterfront accessibility will have no adverse impact upon the integrity of the North Kent Marshes designations (and Functionally Linked Land), either alone or in-combination.” Functionally linked land is also referenced in

Policy S3, and the land in the proximity of designated sites is considered in Policy S2.

1.9.10 For the above potential impacts pathways, MLP policy requirements will ensure that development avoids or mitigates adverse effects on site integrity.

**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?**

1.10.1 The Council has taken into consideration representations from Natural England under Regulation 105(2) of the Conservation of Habitats and Species Regulations 2017.

1.10.2 Section 1.4 of the Submission Habitats Regulations Assessment (ref: A4.1) sets out engagement with Natural England, starting with an invitation to consider a preliminary high-level screening of the issues considered and recommendations to inform future policies as part of the first Regulation 18 consultation on 31 October 2023.<sup>7</sup>

1.10.3 Natural England's response to the Council's second Regulation 18 consultation, which was supported by an interim Habitats Regulations Assessment<sup>8</sup>, recommended that:

- Consideration should be given to all features for which European sites are designated – with a particular focus on Ramsar sites (e.g. invertebrates and wetland plants).
- In terms of air quality, both transport and wider development related air quality emissions should be considered in the HRA process (e.g. those related to industrial development allocations).
- In terms of water quality and water quantity, further clarity be provided on the source of water to Peter's Pit SAC.
- Recreational impacts upon the Swale SPA and Ramsar site should be taken into consideration.
- A broad suite of urbanisation effects should be taken into considered alongside recreational effects upon both European sites and areas of functionally linked land.
- The requirement for additional coastal defences and the impact of this upon coastal squeeze should be taken into consideration.

1.10.4 Natural England's response to the Council's second Regulation 18 consultation also set out recommendations for revised policy wording. For example, Natural

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<sup>7</sup> Lepus Consulting (2023) Preliminary HRA Report. Available at: [https://www.medway.gov.uk/download/downloads/id/8411/habitats\\_regulations\\_assessment\\_of\\_the\\_medway\\_local\\_plan\\_2023.pdf](https://www.medway.gov.uk/download/downloads/id/8411/habitats_regulations_assessment_of_the_medway_local_plan_2023.pdf) [Last accessed 17 August 2026]

<sup>8</sup> Lepus Consulting (2024) Habitats Regulations Assessment of the Medway Local Plan (June 2024). Available at: <https://medway.oc2.uk/docfiles/20/Interim%20Habitats%20Regulations%20Assessment.pdf> [Last accessed 25 August 2026]

England recommended the insertion of the reference to green and blue infrastructure, not just green infrastructure, under 'Adaption to climate change' in Policy S1 (Planning for Climate Change).

1.10.5 The Council's Regulation 19 consultation was supported by the next iteration of the Habitats Regulations Assessment (ref: C2.5), which provided an Appropriate Assessment of air quality impacts (North Kent Marshes European sites and North Downs Woodlands SAC), water quality and water quantity impacts (North Kent Marshes European sites and the North Downs Woodlands SAC), recreational pressure (North Kent Marshes European sites and the North Downs Woodlands SAC) and urbanisation effects (North Kent Marshes European sites).

1.10.6 The Duty to Cooperate Statement (ref: A11) sets out how and when, in the preparation of the MLP (ref: A1), the Council engaged with representatives of identified DtC bodies that are prescribed in the relevant legislation, including Natural England. The record of engagement activity, attached to the Duty to Cooperate Statement (ref: A11), shows that the Council's planning officers met representatives from Natural England on 10 occasions from November 2023 to December 2025.

1.10.7 The Statement of Common Ground with Prescribed Bodies (ref: A12.1), which has been updated before the opening hearing session, sets out the current status of strategic matters and ongoing cooperation between the Council and Natural England.

1.10.8 In preparing the work on air quality for the HRA (refs: A4.2 and A4.3), the Council liaised with Natural England. The Council and its consultants sought the advice of Natural England on the proposed methodology for the air quality assessment work. The Council provided a copy of the air quality assessment reports to Natural England and met with Natural England's officers in early December 2025 to discuss the reports and the final HRA (ref: A4.1). The Council continues to engage with Natural England to prepare the Hoo Peninsula Strategic Environmental Programme, which will be the product of ongoing collaboration with Natural England and other stakeholders; it is not evidence base work to inform the MLP.

1.11 [Has the Integrated Impact Assessment \(IIA\) submitted been undertaken in accordance with all the relevant Regulations \(including SA and HRA\) and the National Planning Policy Guidance \(NPPG\)?](#)

1.11.1 The SA (refs: A3.1, A3.2, A3.3) and the HRA (refs: A4.1, A4.2, A4.3) were not presented in an Integrated Impact Assessment.

1.11.2 The SA's (refs: A3.1, A3.2, A3.3) assessment of impacts and subsequent evaluation of significant effects is in accordance with Schedule 2 (6) of the SEA Regulations, which states that the effects should include: "secondary, cumulative, synergistic, short, medium and long term effects, permanent and

temporary effects, positive and negative effects, cumulative and synergistic effects”. The SA took account of the findings of the HRA.

1.11.3 The SA (refs: A3.1, A3.2, A3.3) has been undertaken in accordance with Section 39 (i.e. the statutory duty to pursue sustainable development) and Section 19 (i.e. the requirement to undertake SA of development plans) of the Planning and Compulsory Purchase Act 2004.

1.11.4 The HRA (refs: A4.1, A4.2, A4.3) has been undertaken in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

**1.12 Overall, how is the IIA adequate in its expression of why the Plan’s preferred strategy and policies were selected, as opposed to other alternatives?**

1.12.1 Page 33 of the Sustainability Appraisal - Volume 2 of 3 - Regulation 19 Report (ref: A3.2) sets out the reasons and justification for selecting the preferred spatial development strategy.

1.12.2 The second Regulation 18 consultation document presented three reasonable alternative ‘Spatial Growth Options’, namely ‘Urban Focus’, ‘Dispersed Growth’ and ‘Blended Strategy’. The three options, which comprised different configurations of 12 broad locations for growth, were derived from the Interim Sustainability Appraisal (refs: C.2.4.1 and C.2.4.2). The Blended Strategy was identified as the Council’s preferred option in the second Regulation 18 consultation document.

1.12.3 The Spatial Development Strategy, presented over pages 25, 26 and 27 of the MLP (ref: A1), states that it was informed by the Chatham Design Code and work towards the ‘Chatham Intra Heritage Action Zone development framework’, which was subsequently adopted in the Star Hill to Sun Pier Supplementary Planning Document (2024).

1.12.4 Paragraphs 4.36, 4.61 and 8.4 of the Employment Land Needs Assessment (ref: B12) recommended the Council considers the long-term future of the Medway City Estate, subject to alternative sites becoming available for relocation. A response on behalf of Veetee - one of the largest businesses at the Medway City Estate - to the Council’s Regulation 19 consultation, along with a conceptual work commissioned by the Council in 2010, informed the spatial development strategy.

1.12.5 Table 18.1 and Table 18.2 (pages 119-128) of the Sustainability Appraisal - Volume 2 of 3 - Regulation 19 Report (ref: A3.2) set out how the recommendations made in the Interim SA (refs: C2.4.1 and C2.4.2) and the SA (refs A3.1, A3.2 and A3.3) were considered by the Council in the plan-making process. In response to a recommendation to strengthen measures needed to achieve place-making ambitions and set out how a new local centre will benefit the local landscape, the subsequent design criteria in Policy SA8 was



strengthened to require “a Hoo Planning Framework, including a masterplan, to guide planning applications and further approval of details.”

- 1.12.6 The SA is adequate because it was undertaken in accordance with the relevant Regulations and National Planning Practice Guidance.

#### *Other Legal Requirements*

- 1.13 Taken as a whole, does the Plan include strategic policies - or a spatial development strategy which contains policies – to address the identified strategic priorities of the Plan area, in accordance with Section 19(1C) and (1D) of the Planning and Compulsory Purchase Act (PCPA)? If not, why?

- 1.13.1 Taken as a whole, the MLP (ref: A1) includes strategic policies to address the identified strategic priorities of the Plan area, in accordance with Section 19 (1C) and (1D) of the Planning and Compulsory Purchase Act. The strategic priorities are expressed as strategic objectives in section 2.2 of the MLP (ref: A1). For example, the ‘Prepared for a sustainable and green future’ strategic objective refers to climate change adaptations and mitigations, for which the strategic policy response is Policy S1 (Planning for Climate Change). However, the Council is proposing that the MLP’s (ref: A1) strategic and non-strategic policies are reclassified as a main modification according to the Council’s response to the Inspectors’ initial query No. 9 and Appendix D within MLP/ED6.

- 1.14 How is the Plan legally compliant in terms of how it seeks to address climate change?

- 1.14.1 Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 requires local plans to include policies that contribute to the mitigation of, and adaptation to, climate change.

- 1.14.2 The MLP (ref: A1) is legally compliant because climate change has been embedded throughout the SA, vision, strategic objectives, spatial development strategy and in policies, including a dedicated strategic policy.

- 1.14.3 The SA process has been central to the plan-making process, with the first and second SA objectives being ‘Climate Change Mitigation’ and ‘Climate Change Adaptation’.

- 1.14.4 The Plan's vision states that, by 2041, Medway will have achieved a significant reduction in carbon emissions, be on a pathway to net zero by 2050, deliver ambitious sustainable building standards and ensure climate adaptation is an essential component of development.

- 1.14.5 The strategic objectives include commitments to address the climate emergency; promote adaptation and mitigation measures; support the transition to zero carbon; reduce flood risk; encourage nature-based climate solutions; reduce transport emissions through modal shift; and provide energy-efficient homes.



1.14.6 The spatial development strategy addresses climate change by making the best use of brownfield land; encouraging local services close to where people live; supporting sustainable transport; strengthening green and blue infrastructure; and requiring strategic urban extensions to contribute to net-zero ambitions and modal shift away from private cars.

1.15 Does the Plan include policies designed to secure the development and use of land in the Borough which contributes to the mitigation of, and adaptation to, climate change as required by Section 19(1A) of the PCPA?

1.15.1 The MLP (ref: A1) includes policies designed to secure the development and use of land which contributes to the mitigation of, and adaptation to, climate change as required by Section 19 (1A) of the Planning and Compulsory Purchase Act 2004.

1.15.2 Policy S1: Planning for Climate Change clearly addresses both mitigation and adaptation.

1.15.3 The MLP (ref: A1) contains the following suite of policies setting out climate adaption and carbon sequestration measures: S2, S3, S5, DM1, DM6, T1, T27 and the policies contained in Chapter 7 (Transport), Chapter 12 (Waste Management) and Chapter 13 (Energy).

1.16 How has the Plan been prepared in accordance with the Council's Statement of Community Involvement (SCI) and how has it met the minimum consultation requirements in the relevant Regulations? How has the consultation carried out during the preparation of the Plan been adequate and appropriate?

1.16.1 The Consultation Statement (refs: A10.1 and A10.2) demonstrates how the Council has complied with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and Section 19 (3) of the Planning and Compulsory Purchase Act 2004, i.e. the requirement to comply with the SCI (ref: A9), which was updated in May 2024.

1.16.2 Paragraph 1.15 of the SCI (ref: A9) noted that the Council will consider extending the minimum six-week period by which representations must be received due to a school holiday period. The Council held its second Regulation 18 period during 15 July 2024 to 8 September 2024 for eight weeks.

1.16.3 Paragraph 1.25 of the SCI (ref: A9) noted that the Council will provide summary documents setting out key information. The Council published a summary document to support its second Regulation 18 consultation and its Regulation 19 consultation.

1.16.4 The table presented on pages 18 and 19 of the SCI (ref: A9) set out a range of consultation activities that the Council will undertake. Appendix 1, Appendix 3 and Appendix 5 of the Consultation Statement (ref: A10.1) provide details of how the consultations were undertaken in 2023, 2024 and 2025 respectively.

1.16.5 Appendix 1, Appendix 3 and Appendix 5 of the Consultation Statement (ref: A10.1) provide details of who was consulted in 2023, 2024 and 2025 respectively. This is consistent with who the Council intended to consult as per pages 20 and 21 of the SCI (ref: A9).

1.16.6 Paragraphs 138 to 140 of the SCI (ref: A9) set out the Council's formal decision-making process that underpins the plan-making process. The records of Cabinet meetings prior to the Regulation 18 consultations and the Special Full Council meeting prior to the Regulation 19 consultations are published on the Council's website.

1.16.7 In these ways, the Council considers that the consultation carried out during the preparation of the MLP (ref: A1) has been adequate and appropriate.

#### 1.17 How does the Plan accord with the Council's Local Development Scheme (LDS)

1.17.1 Apart from the date of submission, the MLP (ref: A1) has been prepared in accordance with the timetable in the Council's Local Development Scheme (ref: A8), dated December 2024, which complies with Section 15 of the Planning and Compulsory Purchase Act 2004. The MLP (ref: A1) is the document envisaged by the LDS (ref: A8).

1.17.2 Table 1 of the Local Development Scheme (ref: A8) specified that the MLP would be submitted to the Secretary of State in November 2025. The MLP was submitted on 18 December 2025, as per the Submission Letter to the Planning Inspectorate (ref: A5) and the Notice of Submission to the Secretary of State (ref: A6), due to additional work carried out in preparing the core submission documents and evidence base, responding to comments made by statutory consultees at Regulation 19.

#### 1.18 Is the geographical illustration of all relevant policies and proposals within the Plan adequately and correctly shown on the submission policies map?

1.18.1 The Policies Map (refs: A2.1 to A2.5) complies with Regulation 9 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). However, three omissions and one inaccuracy have been identified, and the Council has noted representations that requested other changes:

1.18.1.1 Policy T10 of the Medway Local Plan (ref: A1) safeguards authorised Gypsy, Traveller and Travelling Showpeople sites over the plan period and sets out criteria for any expansion. The Council considers that authorised Gypsy, Traveller and Travelling Showpeople sites should be shown on the Policies Map.

1.18.1.2 Policy S23 of the Medway Local Plan (ref: A1) designates Hempstead Valley Shopping Centre as a District Centre. The Council considers that Hempstead Valley Shopping Centre should be shown on the Policies Map.

1.18.1.3 The boundary of the Star Hill to Sun Pier Conservation Area was updated in 2024. The Council considers that the boundary of the Star Hill to Sun Pier

Conservation Area shown on the Policies Map should be updated accordingly.

- 1.18.1.4 Maidstone Borough Council's Regulation 19 representations noted that the Policies Map should safeguard land for improvements to M2 Junction 4 and the North Dane Way access. The Council considers that the Policies Map should show safeguarded land for improvements to M2 Junction 4 and the North Dane Way access. This is noted in the relevant Statement of Common Ground with Maidstone Borough Council (ref: A12.3).
- 1.18.1.5 The Chatham Historic Dockyard Trust's Regulation 19 representations required the Riverside (Interface Land) site allocation CCB25 to be deleted.
- 1.18.1.6 Peel Waters' Regulation 19 representations called for Basin 3 to be included in the 'Leisure' designation.
- 1.18.1.7 National Grid's Regulation 19 representations called for the Grain LNG facility to be included in the 'Existing Employment Area' designation.
- 1.18.2 The Council is proposing that the Policies Map is subject to the Inspectors' consideration of the above main modifications.