

Hearing Statement

Matter 6: Natural Environment

Issues

- 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.

Questions

Policy S1: Planning for Climate Change

- 6.1 Where Policy S1 refers to development making demonstrable contributions to net zero emissions, what does this mean in practice and how will this be measured?
- 6.1.1 Policy S1 requires development to make “*demonstrable contributions towards*” achieving net zero emissions by 2041. In practice, this means that applicants will be expected to provide evidence, through the planning application process, of how carbon emissions have been avoided, reduced or mitigated.
- 6.1.2 The policy intentionally adopts a flexible, outcome-focused approach to securing progress towards net zero emissions. Rather than prescribing a single carbon reduction target or assessment methodology for all forms of development, the policy recognises that the scale, type, location and characteristics of proposals vary considerably. This allows the Council to exercise professional judgement on a case-by-case basis and apply the most appropriate measures having regard to the nature of the development and evolving best practice.
- 6.1.3 The policy is supported by the Council's Planning Application Validation Checklist¹, which requires all new commercial and residential development to submit a *Climate Change and Energy Efficiency Statement*. This must address matters including sustainable design principles, energy and carbon reduction

¹ Medway Council (2025) Planning Permission Validation Checklist. Available at: https://www.medway.gov.uk/downloads/file/7949/planning_permission_validation_checklist_march_2023 [Last accessed 26 August 2026]

methods, biodiversity net gain, water efficiency, waste reduction, sustainable transport measures and air quality improvements. These requirements ensure that applicants provide clear evidence of how climate change considerations have informed the design and delivery of development proposals.

6.1.4 Furthermore, Policy DM6 provides the detailed development management framework against which such submissions will be assessed. Read together, Policies S1 and DM6 establish a robust mechanism for securing climate change mitigation and adaptation measures through the planning application process. Compliance is therefore assessed through the evidence accompanying each application, including the Climate Change Statement and other relevant technical assessments where required, rather than through a single prescriptive metric.

6.1.5 This approach provides the Council with the flexibility to respond to technological advances, changing standards and site-specific circumstances over the plan period to 2041, whilst ensuring that all development makes a proportionate and evidenced contribution towards the Council's net zero ambitions. The policy is therefore capable of effective implementation through the development management process, supported by the Validation Checklist and the detailed requirements of Policy DM6.

6.2 Why has the Plan not sought to apply specific energy efficiency and carbon saving requirements for development?

6.2.1 Further to the response provided above, the Plan has not sought to impose prescriptive energy efficiency or carbon reduction targets because national legislation and policy already establish the primary framework for regulating the energy performance of new buildings through the Building Regulations. The Council considers it appropriate to align with this national approach, recognising that Building Regulations are subject to periodic review and can be updated by Government to reflect technological advances, decarbonisation of the energy grid and national net zero objectives. This provides greater consistency and avoids the risk of Local Plan requirements becoming outdated over the plan period. The Government has also made clear that the energy performance of buildings is principally a matter for the Building Regulations regime.

6.2.2 Rather than relying on a single numerical standard, the Plan adopts a flexible, criteria-based approach through Policies S1 and DM6. This enables the Council to respond to the varying characteristics of different forms of development and site-specific circumstances. The opportunities to reduce emissions can differ significantly depending on factors such as location, scale, viability, heritage constraints, design considerations and the availability of infrastructure. A more flexible policy framework allows the Council to apply professional judgement

and secure the most appropriate climate change mitigation measures in each case.

6.3 Has Policy S1 been prepared having regard to the viability of potential development?

- 6.3.1 Yes. The evidence base demonstrates that Policy S1 was prepared having regard to development viability. Policy S1 is intentionally a high-level strategic policy. The Council's Viability Assessment (B5) explains that (para. 8.4):

“This is a high-level Strategic Policy that sets out a broad range of principles rather than specific requirements. The details are dealt with through the topic specific policies through the Plan...”

- 6.3.2 As a result, viability testing did not assess Policy S1 in isolation. Instead, the Viability Assessment tested the specific policy requirements that flow from the Plan's climate change objectives, including energy efficiency standards, biodiversity net gain, water efficiency measures and accessibility requirements, together with other Local Plan costs and obligations.

- 6.3.3 The Assessment confirms that its purpose was to assess the cumulative impact of Local Plan policies on development viability and deliverability. In doing so, it incorporated the costs associated with climate-related measures, including:

- Future Homes Standard assumptions and Part L Building Regulations improvements;
- 10% Biodiversity Net Gain;
- water efficiency standards;
- accessibility requirements; and
- infrastructure and developer contribution costs.

- 6.3.4 Specifically in the Viability Assessment (B5) paragraph 2.25 (p.13) confirms that policies were tested cumulatively; Paragraph 2.63 (p.26) confirms that BNG costs were considered in the viability assessment; the detailed requirements of Policy DM6 (inc. Part L, water efficiency etc.) are considered from paragraph 8.43 to 8.69, (p.126-134); and, Appendix 3 (p.216) confirms that Future Homes Standard, Biodiversity Net Gain and M4(2) accessibility requirements formed part of the viability update.

- 6.3.5 The Council's approach of not imposing a single prescriptive energy efficiency or carbon reduction target within Policy S1 is also relevant to viability. By relying on nationally prescribed Building Regulations standards and the detailed criteria in Policy DM6, the Plan allows climate change measures to be considered alongside site-specific circumstances, such as development type, location, heritage considerations, abnormal costs and overall deliverability. This avoids

the risk of imposing a uniform requirement that may not be appropriate or viable in every case.

6.4 Is Policy S1 therefore sufficiently flexible to be effective where viability, or any other material consideration, are considered?

6.4.1 Considering the foregoing, the Council's firm view is that the answer to this question is 'yes.'

6.5 Is Policy S1 consistent with how national planning policy seeks to meet the challenge of climate change?

6.5.1 Yes. Policy S1 is consistent with the Framework's approach to addressing climate change because it seeks to direct growth to locations that support sustainable patterns of development, reduce the need to travel and make effective use of existing infrastructure. Paragraph 11 establishes the presumption in favour of sustainable development, whilst paragraph 20 requires strategic policies to make sufficient provision for development whilst contributing to climate change mitigation and adaptation. Paragraph 110 seeks to focus significant development in locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

6.5.2 The Framework also requires planning policies and decisions to support the transition to a low-carbon future and shape places in ways that contribute to reducing greenhouse gas emissions (paragraph 169). Furthermore, paragraph 148 confirms that, when reviewing Green Belt boundaries, the need to promote sustainable patterns of development should help determine whether a location is appropriate.

6.6 Why is the need to separate rainwater from wastewater a particular strategic issue for Medway (paragraph 4.2.8)?

6.6.1 Paragraph 4.2.8 identifies the separation of rainwater from wastewater as a strategic issue for Medway because the area's combined sewer network is under growing pressure from urban growth, increasing areas of hard surfacing, and the impacts of climate change. As more rainwater enters the sewer system from roads, roofs and paved areas, heavy rainfall can exceed network capacity, triggering storm overflows that discharge into rivers and coastal waters to prevent flooding of homes and businesses. Over time, both the expansion of settlements and "urban creep" (such as extensions, conservatories and paved front gardens) have increased the volume of surface water entering the network, resulting in more frequent overflow events. The Plan therefore highlights the need to manage rainwater separately from foul sewage, with Sustainable Drainage Systems (SuDS) identified as the preferred approach because they reduce pressure on the sewer network, improve resilience to more intense rainfall associated with climate change, and help to minimise pollution and flood risk.

- 6.6.2 The issue is strategic because it affects the capacity and resilience of Medway's wastewater infrastructure, the protection of water quality in rivers and coastal waters, and the ability of the area to accommodate planned growth while adapting to climate change. By separating surface water from foul sewage and promoting SuDS, the Plan seeks to reduce storm overflow events, manage flood risk and support sustainable development across Medway.
- 6.6.3 The issue is not unique to Medway and is a challenge faced by many parts of the country with historic combined sewer systems. However, it is a strategic matter for Medway because of the scale of planned development, the cumulative effects of urban expansion and urban creep on the sewer network, the need to reduce storm overflow discharges to the area's rivers and coastal waters, and the increasing risks associated with climate change. The Plan therefore appropriately recognises the management of surface water and the use of SuDS as a key component of delivering sustainable growth.

Policy S2: Conservation and Enhancement of the Natural Environment

6.7 Would the policy be effective with its length, the number of biodiversity and landscape matters that it covers and as a number of subsequent strategic policies in this chapter return to the same matter?

- 6.7.1 Policy S2 is intended to provide a comprehensive strategic framework for biodiversity, landscape and the natural environment, reflecting the importance of these matters to Medway's growth strategy and environmental objectives. Whilst the policy is necessarily detailed, this ensures that key environmental considerations are addressed consistently across all forms of development and provides a clear strategic basis for subsequent, more topic-specific policies. The later policies are not intended to be duplicative but instead provide additional detail, guidance and implementation mechanisms for particular issues, such as biodiversity net gain, green infrastructure, landscape protection and habitat conservation. This tiered approach is common in local plans, with strategic policies establishing overarching principles and subsequent policies providing more detailed criteria against which planning applications can be assessed. The policy therefore forms an effective strategic umbrella, ensuring that environmental objectives are embedded throughout the Plan and applied consistently in decision-making.
- 6.7.2 That said, the Council acknowledges that representations have suggested that the policy's content could be presented more clearly and effectively if it were separated across a number of distinct policies. Whilst the original intention was to provide a single overarching strategic policy for the natural environment, the Council is open to considering modifications that could improve the clarity,

usability and effectiveness of the policy framework, provided that the integrated and strategic approach underpinning Policy S2 is retained.

- 6.7.3 Whilst Policy S2 is comprehensive, this reflects the breadth of environmental matters that must be addressed to deliver sustainable development. The policy establishes the strategic direction for biodiversity, landscape and nature recovery, whilst later policies provide the detail necessary for implementation. Taken as a whole, the chapter provides a coherent framework for decision-making. However, the Council recognises that there may be merit in restructuring elements of the policy framework to provide a clearer distinction between overarching strategic objectives and more detailed policy requirements and would be willing to consider modifications where these would improve clarity and effectiveness without altering the Plan's substantive environmental outcomes.
- 6.8 What other 'areas' (second paragraph of the policy) has the Kent and Medway Local Nature Recovery Strategy identified? Please also explain the relationship of this document to Policy S2, also as it appears not to be complete (paragraph 4.3.2).
- 6.8.1 The Kent and Medway Local Nature Recovery Strategy (LNRS) identifies a wide range of habitats and nature recovery priorities across the county and Medway.² In addition to the strategic habitat networks referenced in Policy S2, examples include the restoration and enhancement of traditional orchards, hedgerows, heathland, lowland meadows, species-rich grassland, woodland, freshwater habitats, coastal habitats and urban nature recovery opportunities. The Strategy is framed around ten ambitions for nature recovery and seeks to direct action and investment towards those locations where the greatest benefits for biodiversity, ecological connectivity and wider environmental outcomes can be achieved.
- 6.8.2 The relationship between the LNRS and Policy S2 is that the Strategy provides an important strategic evidence base and delivery framework for nature recovery, whilst Policy S2 translates those objectives into the statutory planning framework for Medway. Policy S2 establishes the overarching planning requirements for biodiversity enhancement, habitat recovery, ecological networks and green infrastructure, whereas the LNRS identifies priorities, opportunities and locations where nature recovery measures can be targeted. Together they help ensure that development contributes towards local and national biodiversity objectives.

² Kent County Council (2025) Kent and Medway Local Nature Recovery Strategy. Available at: <https://naturerecoverykent.org.uk/local-nature-recovery-strategy-document-and-mapping/> [Last accessed 26 August 2026]

6.8.3 Paragraph 4.3.2 of the submitted Plan referred to the LNRS at a time when it was still being prepared. However, the position has since changed. The final Kent & Medway Local Nature Recovery Strategy was published and launched in November/December 2025, following consultation earlier in 2025, and is now available as an adopted strategy for the area. Accordingly, the Council would be content to update the supporting text through a main modification to reflect the latest position, ensuring that references to the LNRS accurately recognise that it has now been completed and published.

6.8.4 Representations made by Natural England³ on the Published Plan advised on minor amendments to the policy wording, where the last sentence of the third paragraph in Policy S2 would read:

Development proposals will be expected to maximise opportunities to support the implementation of the Kent and Medway Local Nature Recovery Strategy to strengthen biodiversity and the wider natural environment.

6.8.5 The Council would accept this change as a modification to the Policy wording.

6.9 Where the policy refers to where development will only be permitted where it demonstrates that it will protect and enhance the natural environment, biodiversity and landscape interests, is this consistent with national policy?

6.9.1 Yes, subject to the detailed wording of the policy, the requirement that development protects and enhances the natural environment, biodiversity and landscape interests is broadly consistent with national policy. The Framework requires the planning system to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside, minimising impacts on biodiversity and securing measurable gains for biodiversity where appropriate (paragraphs 187 and 193).

6.9.2 The use of the words "*protect and enhance*" reflects the positive approach advocated by the Framework, particularly in relation to biodiversity recovery, nature conservation and environmental improvement. However, consistency ultimately depends on how the policy is applied. National policy does not require all development to deliver enhancement in every circumstance, nor does it imply that every proposal will present the same opportunities for environmental gain.

6.9.3 The Council's intention is that Policy S2 is applied proportionately, having regard to the scale, nature and location of development and the opportunities available on individual sites. The policy is not intended to require all development

³ 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 26 August 2026]

proposals to deliver the same level of enhancement irrespective of site circumstances. Rather, it seeks to establish a positive strategic framework for protecting and enhancing biodiversity, landscape and the natural environment, consistent with the objectives of the Framework. However, the Council acknowledges that this intention may not be stated explicitly in every part of the policy and would be willing to consider modifications to provide greater clarity regarding proportionality and the role of site-specific considerations where this would improve effectiveness and aid interpretation.

6.9.4 The Council considers that Policy S2 can be interpreted proportionately when read as a whole and in the context of national policy, with its requirements applied having regard to the scale, nature and location of development and the opportunities available on individual sites. However, the Council acknowledges that this intention is not expressly articulated in all aspects of the policy. Whilst the policy is not intended to require the same level of enhancement in every circumstance, the Council recognises that greater clarity could assist applicants, decision-makers and other stakeholders. Accordingly, the Council would be willing to consider Main Modifications that make the intended proportionality, flexibility and role of site-specific considerations more explicit, where this would improve the effectiveness and interpretation of the policy without altering its overarching environmental objectives.

6.9.10 For example, the Council suggests additional text for the end of the policy:

"The requirements of this policy will be applied proportionately, having regard to the scale, nature and location of development, site-specific circumstances and the opportunities available to protect and enhance the natural environment, biodiversity and landscape interests."

6.9.11 Natural England⁴ in its representations on the Published Plan broadly supported the aspirations within this Policy, but recommended some strengthening of the Policy wording to help clarify how development will conserve and enhance Medway's rich environmental heritage. The comments proposed that the sub sections (page 33) 'Adverse impacts on site integrity can be mitigated' and 'Hoo Peninsula Strategic Environmental Programme should be amended to:

⁴ Ibid

“Adverse impacts on site integrity

Where the above cannot be met, development would only be considered if it meets the derogation requirements set out in the Habitats Regulations 2017 (as amended).

The Council’s additional requirements for development with the potential for a likely significant effect on the North Kent Estuary and Marshes protected sites are set out in Policy S3, with specific consideration of recreational and urbanisation impacts.

Hoo Peninsula Strategic Environmental Programme

Development on the Hoo Peninsula and at Chattenden will need to comply with the Hoo Peninsula Strategic Environmental Mitigation and Management 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 a 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.”

6.9.12 The Council accepts the advised rewording of sections of the Policy could be considered as a modification to the Plan.

6.10 Why does the Biodiversity Net Gain (BNG) part of this policy refer to specifically enhancements in the built environment, as opposed to all environments?

6.10.1 The intention of the policy drafting was to align it with the Kent and Medway Local Nature Recovery Strategy, and there appears to be an error in that draft, therefore, the Council would like to respectfully suggest the following Main Modification for consideration:

“BNG should be designed to support nature recovery by strengthening the delivery of an identified biodiversity networks and securing habitat enhancements, provide enhancements for wildlife including within the built environment where appropriate.”

6.11 Is the BNG measurable net gain approach reflective of guidance in the National Landscape?

6.11.1 Yes. The requirement for measurable Biodiversity Net Gain is broadly consistent with the Framework's objectives of securing measurable gains for biodiversity and enhancing the natural environment (paragraphs 193 and 198). It is also capable of supporting the purposes of the Kent Downs National Landscape by contributing to habitat creation, ecological connectivity and nature recovery.

6.11.2 The Kent Downs National Landscape Management Plan (2021-26) in its Biodiversity Principle BD9 (page 53) states: *The opportunities presented by intended Biodiversity Net Gain and other legislative changes are secured in the Kent Downs AONB in a way that support the vision, aims and principles of the Management Plan. Development permitted in the Kent Downs will secure 20% biodiversity net gain subject to further evidence and testing; any requirement will ultimately be decided and set out individual local authorities' local plans.*⁵

6.11.3 The Principles in the Kent Downs National Landscape Management Plan are not planning policies, but viewed as material considerations. In its representations on the Published Plan, the Kent Downs National Landscape Unit⁶ restated the aspiration for the Plan policy to require 20% BNG in the National Landscape. The Policy refers to a BNG gain of at least 10%. This provides a basis for assessing the potential to achieve a higher net gain on specific proposals. The Plan level Viability Assessment (Ref: B5) and experience in assessing planning applications across Medway since the implementation of BNG have identified constraints in achieving higher levels of net gain.

⁵ Kent Downs National Landscape Unit (2021) Kent Downs National Landscape Management Plan 2021-2026. Available at: <https://kentdowns.org.uk/wp-content/uploads/2021/11/The-Kent-Downs-AONB-Management-Plan-2021-2026-Adopted.pdf> [Last accessed 26 August 2026]

⁶ Kent Downs National Landscape Unit (2025) Regulation 19 Representations. Available at (pages 94-110 of the electronic file): <https://medway.oc2.uk/docfiles/35/File%20U.pdf> [Last accessed 26 August 2026]

6.11.4 BNG should not be regarded as a proxy for National Landscape policy. The Framework requires great weight to be given to conserving and enhancing landscape and scenic beauty in National Landscapes (paragraph 189), and this assessment extends beyond biodiversity metrics alone. therefore, measurable BNG can assist in delivering National Landscape objectives, but it does not in itself demonstrate compliance with National Landscape policy.

6.12 How does this policy (or other policy in this chapter) address any potential impacts on the North Downs Woodland Special Area of Conservation (SAC) south of Lidsing?

6.12.1 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 the Appropriate Assessment (Stage 2 of the HRA process) (ref: A4.1). 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).

6.12.2 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.

6.12.3 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."

6.12.4 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."

Policy S3: North Kent Estuary and Marshes Designated Sites

6.13 Is the policy reflective of the Submission Habitat Regulations Assessment (HRA) (A4.1 to 4.3), as the HRA was published around the same time as the Plan was submitted for examination?

6.13.1 Yes. Policy S3 is reflective of the Submission HRA. Although the policy was originally published at Regulation 19 before the final HRA documents were completed, A4.1 to A4.3 were finalised during autumn and December 2025 and were submitted alongside the Plan on 18 December 2025. The Submission HRA expressly assesses and relies upon Policy S3 as part of the mitigation framework for the North Kent Estuary and Marshes. In particular, the policy secures the Bird Wise tariff within the 6 km Zone of Influence, allows bespoke mitigation where appropriate, addresses relevant development outside that zone on a case-by-case basis, and requires ecological surveys, project-level HRA and detailed mitigation for allocations with potential recreational or urbanisation effects. A4.1 concludes that these policy requirements, alongside the strategic mitigation measures, avoid adverse effects on site integrity from recreational pressure and urbanisation, either alone or in combination. A4.3 also concludes that no further air-quality work is required for the North Kent Marshes European sites. The timing therefore indicates that the final HRA tested and validated the submitted policy, rather than demonstrating any material inconsistency between the policy and the evidence.

6.13.2 The Submission HRA (A4.1) directly evaluates Policy S3. It identifies the policy as a mitigation measure requiring assessment at the Appropriate Assessment stage and confirms that it:

- secures contributions to the Bird Wise strategic mitigation package from residential development within the 6 km Zone of Influence;
- allows bespoke HRA and mitigation agreed with the Council and Natural England;
- provides for mitigation from larger residential schemes outside the 6 km zone where effects may arise;
- applies to residential moorings and houseboats;
- requires bird, invertebrate and habitat surveys for relevant allocation sites within the SSSI Impact Risk Zone; and
- secures project-level HRA, noise assessment, lighting strategies and, where necessary, construction and environmental management measures.

6.13.3 The HRA concludes that Bird Wise and the Hoo Peninsula Strategic Environmental Programme, secured through the Plan's policy wording, will prevent an adverse effect on the integrity of the North Kent Marshes from recreational pressure. It also concludes that, taking account of Policy S3 and the allocation policies, there would be no adverse effect on the integrity of any European site from urbanisation effects, alone or in combination.

6.13.4 A4.3 provides additional support. It concludes that no further air-quality work is required for the North Kent Marshes European sites. It identifies a separate unresolved mitigation requirement concerning the North Downs Woodlands SAC, which falls outside Policy S3's specific North Kent Estuary and Marshes remit and instead needs to be secured through other relevant Plan policies.

6.13.5 It is considered that modifications could be made to Policies S2 and SA7 to include specific reference to the proposed mitigation measures to address the potential for negative impacts on the North Downs Woodland SAC arising from a decline air quality in association with increases in traffic from cumulative development in the Maidstone and Medway Local Plans. This would provide greater certainty that the Policy was effective, taking account of the Submission HRA (Refs: A4.1, A4.2 and A4.3).

6.14 Does the Council's response to our initial questions (MLP/ED6) (page 2) states that a fuller response dealing with the Conservation of Habitat and Species Regulations 2017 will be provided as soon as possible have any bearing on this policy?

6.14.1 The Council's response to Question 1.4, set out in paragraphs 1.4.3 to 1.4.9, provides further detail in relation to the Conservation of Habitat and Species Regulations 2017.

6.15 How has the 16 metres distance under the policy (fourth paragraph of the policy) for requiring greater mitigation measures been derived?

6.15.1 This reflects advice provided by the Environment Agency (REP ID E94 XXX in consultation statement) at the Regulation 18 consultation in 2024 on the preparation of the Plan.

6.15.2 Natural England's representations⁷ on the Published Plan propose a separate subsection which may help to clarify this requirement:

“Coastal flooding:

Developments will accord with the Shoreline Management Plan and Medway Estuary and Marshes Strategy.

Greater mitigation measures will be required for development within 16 metres of the designated sites, such as a setback intertidal flood defence and/or off-site mitigation where new salt marsh can be created.”

6.16 How does seeking mitigation and avoidance measures outside of the 6 kilometre (km) Zone of Influence (fifth paragraph of the policy) from the Strategic Access Management and Monitoring Strategy (SAMMS) accord with development within the 6 Km Zone of Influence these designated sites having to make a tariff contribution (second paragraph of the policy)?

6.16.1 This reflects advice from Natural England that large scale development outside of the 6km Zone of Influence can also generate additional visits to the coast and potentially contribute to recreational disturbance. This Policy content was supported, with a minor modification to wording (replace ‘and proposals’ with ‘or projects’ in the fifth paragraph) of Policy S3 in Natural England's representation on the Published Plan.

6.17 What does ‘larger schemes’ mean, in the fifth paragraph of Policy S3?

6.17.1 The evidence⁸ and advice from Natural England, as reflected in the response to 6.16 above, is that large scale development has the potential to generate additional visits to the coast. This is anticipated to be associated with strategic scale residential development. The Policy refers to consultation between Natural England and the Council in identifying on a case-by-case basis if large scale

⁷ 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 26 August 2026]

⁸ Bird Wise North Kent. Bird Wise Research and Strategy Reports. Available at: <https://northkent.birdwise.org.uk/research-and-strategy-reports/#monitoringReports> [26 August 2026]

development proposals would trigger the need to contribute to SAMMS. The Council accepts that revised wording in the first sentence from ‘larger schemes’ to ‘large scale development’ would be clearer. The Council would consider this as a proposed modification to the Policy wording.

6.18 How is ‘development with potential for urbanisation effects’ (seventh paragraph of the policy) defined for the purposes of Policy S3?

6.18.1 The Submission HRA (Ref A4.1) at paragraph 3.8.1 considers urbanisation effects:

Urbanisation effects typically occur when development is located close to a European site boundary. Urbanisation effects may include noise and vibration disturbance, lighting effects, visual disturbance, cat predation, fly-tipping, wildfire, littering, vandalism and damage to / fragmentation of habitats.

6.18.2 Therefore residential and non-residential development has potential for urbanisation effects. Natural England in its representation on the Published Plan advised on revised wording in this section of the Policy.⁹ A new sub section would read as:

“Urbanisation effects

Development in proximity to the coastal designations, and associated functionally linked land has the potential for urbanisation impacts. All new development which is located within close proximity to the North Kent Estuary and Marshes designated sites (listed above) may also need to provide further mitigation measures to address urbanisation impacts (including loss of functionally linked land, noise, air quality, water quantity and quality and lighting, for example), in addition to contributing to the SAMMS Bird Wise. Such proposals will be considered on a case-by-case basis by Natural England using the Natural England impact risk zones, and may be linked to the requirements of Policy S2.

Development with potential for urbanisation effects which are located in close proximity to both designated sites and/or functionally linked land, identified through reference to the Impact Risk Zone consultation area should be preceded by bird, invertebrate and habitat surveys to investigate whether these parcels of land (or adjacent land parcels of land) support a significant population of birds, invertebrates or plants, for which the North Kent Estuary and Marshes sites are designated or classified and whether each site plays an important role in maintaining or restoring the population of qualifying species at favourable conservation status. Surveys must be undertaken in the appropriate survey

⁹ 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 26 August 2026]

season and following best practice methods. Outputs from these surveys will inform requirements for mitigation measures which may include sensitive site layout and the incorporation of screens, planting, bunds, fencing, directional lighting, and low noise emitting equipment among other solutions. The output of any bird /invertebrate / habitat surveys should input to master planning and ongoing monitoring of avoidance and mitigation measures should be implemented.

Project level applications should be supported by a shadow HRA to ensure that development has no adverse impact on site integrity. All applications for development at the allocations set out should be accompanied with detailed ecological, noise assessments and lighting strategies and where necessary construction method statements and management plans should be put in place.

All mitigation measures for urbanisation impacts will be provided prior to occupation the commencement of development and delivered in perpetuity.”

6.18.3 The Council accepts that a proposed modification reflecting Natural England’s advice could clarify the requirements of this Policy.

6.19 Where Policy 3 refers to ‘project level applications’ (last paragraph), what does this mean?

6.19.1 This refers to planning applications.

6.20 Would the policy be effective in terms of what it is seeking to achieve, in reading the various paragraphs together?

6.20.1 The Council considers that the Policy as a whole is effective. However, representations from Natural England on the Published Plan have advised on some modifications to wording to strengthen the effectiveness of the Policy.¹⁰ In addition to the proposed modifications set out at 6.15 to 6.18 above revised text is proposed:

“In addition, large developments in close proximity to the North Kent Estuary and Marshes designated sites will be required to provide additional, site specific mitigation measures given the greater recreational pressure. Whilst such measures will be considered on a case-by-case basis, they could include additional, site specific wardening and high quality semi-natural greenspace provision, for example.

Nationally Designated Sites

Developments which may result in a significant direct or indirect impact to nationally designated sites (Sites of Special Scientific Interest, National Nature

¹⁰ Ibid

Reserves and Marine Conservation Zones) will need to be accompanied by an ecological or geological assessment. Developments should avoid direct and indirect impacts to nationally designated sites except in the exceptional circumstances detailed within the NPPF.”

Policy S4 Landscape Protection and Enhancement

6.21 Where Policy S4 refers to development retaining the separation of settlements and containing urban sprawl (first and third paragraphs), why is this a landscape matter?

6.21.1 This recognises one aspect of landscape character and value is in its role in buffering and defining separate settlements, local identity and sense of place. As an example, the Landscape Character Assessment (LCA) (Ref B7), at Chapter 7, page 172, identifies the key sensitivities and values of the Hogmarsh Valley as including “*forms an open landscape buffer between built-up areas of Medway City Estate, Frindsbury, Wainscott, Lower and Upper Upnor and Chattenden.*”

6.21.2 The LCA (Ref B7) at page 194 in the Landscape Strategy for the Hogmarsh Valley states: “*Rural character should be enhanced to further its role as an open landscape buffer between built-up areas and as a green gateway to the Medway towns.*”

6.21.3 The assessment (Ref B7) at page 195 further outlines Development Management advice: “*Maintain the sense of openness by resisting proposals for new development that impinge on its open character and role as an open buffer between built up areas;...*”

6.22 Does Policy S4 seek to use landscape protection to employ a strategic gap approach between settlements/development?

6.22.1 Yes, in areas, the Policy seeks to employ a strategic gap approach between settlements. This is justified by the LCA (Ref B7) where the analysis and recommendations have identified locations where development between settlements should be restricted to retain the identity of distinct communities. In addition to the example of the Hogmarsh Valley given at 6.21, further examples are identified in the LCA (Ref B7). These include at Landscape Character Area XX Nashenden Scarp (pages 202, 207, 209 and 211). In Landscape Character Area G3: Hoo St Werburgh Area the importance of the open buffer helping to prevent the coalescence of Hoo St Werburgh and Chattenden and maintaining their distinctive identities is identified as a key value (page 482) and a recommendation for Development Management (page 485).

6.23 Is the approach to development under Policy S4 in and alongside the undeveloped coast (fifth paragraph) positively prepared and consistent with national policy as regards landscape?

6.23.1 Paragraph 187 c) of the Framework states that ‘Planning policies and decisions should contribute to and enhance the natural and local environment by...maintaining the character of the undeveloped coast, while improving public access to it where appropriate. The Council consider that the Policy is positively prepared and consistent with national policy.

6.23.2 However, representations from Natural England¹¹ on the Published Plan advised on some modifications to the policy wording in relation to the undeveloped coast, to read:

“Development will be permitted in and alongside the undeveloped coast, only if:

- A coastal location is essential, and no suitable alternative site exists along the developed coast.*
- They fall within a sustainable location that works with wider coastal processes and does not have up or down drift implications.*
- Are managing flood risk consistent with the River Medway and Swale Estuary Shoreline Management Plan, or its replacement.*
- The scenic, heritage or scientific nature conservation value and character of the undeveloped coast is maintained and, where appropriate, and consistent with Policy S3, public access to the coast is improved.*
- Contributes positively to the enhancement, restoration or creation of landscapes.*
- Opportunities to restore coastal and estuarine processes to support the designated sites and nature recovery are maximised.”*

6.23.3 The Council would accept this proposed modification to the Plan.

6.24 Is Policy S4 justified by up-to-date robust and clear evidence as the supporting text (paragraph 4.5.13) refers to the draft Green and Blue Infrastructure Framework?

6.24.1 Yes, the Policy is largely informed by the Medway Landscape Character Assessment, 2024 (Ref: B7), and the Kent Downs National Landscape Character Assessment 2020, which a component of its Management Plan. These provide a robust and up-to-date evidence base. The reference to the draft Green and Blue Infrastructure Framework is more contextual in relation to this Policy.

6.25 How is Policy S5 distinct from Policy S2, and therefore effective, as it seems to concern similar biodiversity and landscape matters?

6.25.1 Policy S5 has a broader remit than the biodiversity focus of Policy S2. Policy S5 Policy recognises the wider functions and benefits of Green and Blue Infrastructure, including public access and health and wellbeing. The Policy is

¹¹ Ibid

welcomed by Natural England¹² as a specific policy for securing strong green and blue infrastructure and supporting the Green Infrastructure Principles in its Green Infrastructure Framework.¹³

6.26 Where Policy S5 refers to major new development proposals (fourth paragraph), how is this defined?

6.26.1 As per definition in The Town and Country Planning (Development Management Procedure) (England) Order 2015.

6.27 Please provide an update on the final version of the Green and Blue Infrastructure Framework, as Policy S5 also appears to draw on a draft version of this document.

6.27.1 The Council has reviewed the draft Green and Blue Infrastructure Framework following the publication of the Kent and Medway Local Nature Recovery Strategy¹⁴ in late 2025. Following an internal review, the Council plans to publish the updated document for stakeholder comments in September 2026, prior to finalising the document.

6.28 How is it intended that the final version of the Green and Blue Infrastructure Framework will be reflected in this policy?

6.28.1 The Policy refers to both the Local Nature Recovery Strategy (LNRS) and the Green and Blue Infrastructure Framework. The final version of the Framework will have a closer alignment with the LNRS. The Council does not consider that the wording of the Policy would need significant modifications on the final version of the Framework. However, Figure 2 in the introduction to the Policy would be updated.

6.29 How would Policy S5 result in networks that are strategically planned and that spaces and places are connected, which are identified key features of green infrastructure (paragraph 4.6.2), especially for development on non-strategic sites?

6.29.1 The Policy promotes connectivity in design to contribute to the features of green networks. This supports the development of strategically planned networks, such as in proposed strategic site allocations, at Capstone Valley and Hoo St Werburgh and Chattenden. Development on non-strategic sites can be informed by reference to the Policy, promoting the use of the Natural England Green

¹² Ibid

¹³ Natural England (2023) Green Infrastructure Framework. Available at: <https://designatedsites.naturalengland.org.uk/GreenInfrastructure/Home.aspx> [Last accessed 26 August 2026]

¹⁴ Kent County Council (2025) Kent and Medway Local Nature Recovery Strategy. Available at: <https://naturerecoverykent.org.uk/uploads/Complete%20Kent%20&%20Medway%20Local%20Nature%20Recovery%20Strategy.pdf> [Last accessed 26 August 2026]

Infrastructure Principals, and local access networks and plans such as the Rights of Way Improvement Plan¹⁵ and the Local Cycling and Walking Improvement Plan.¹⁶ The Council will seek to identify opportunities specific and appropriate in scale to individual planning applications, reflecting location and local features.

6.30 Why does the policy appear to largely focus on green, rather than blue, infrastructure? Please also explain why blue infrastructure assets are not shown on the Policies Maps.

6.30.1 The components of green infrastructure are more varied, and there are more opportunities to influence development on land through land use planning. The greater focus on land in comparison with water assets is also seen in work such as the Kent and Medway Local Nature Recovery Strategy. Additional consideration is given to blue infrastructure in wider Plan policies, such as DM1: Flood and Water Management, and T21: Riverside Infrastructure. The Council has also prepared a Medway River Strategy that focuses on the river and estuaries.¹⁷

6.30.2 The key blue infrastructure assets of the designated Marine Conservation Zone, Sites of Special Scientific Interest and Special Protection Areas are shown on the Plan Policies Maps.

Policy S6: Kent Downs National Landscape

6.31 Is Policy S6 consistent with national policy in respect of the level of protection which it applies to the national landscape for considering development proposals?

6.31.1 Yes. The primary legislation relating to AONBs is set out in the Countryside and Rights of Way Act 2000. Section 85 of this Act, as amended by the Levelling Up and Regeneration Act, requires that in exercising any functions in relation to land in an AONB, or so as to affect land in an AONB, relevant authorities, which includes local authorities, must seek to further the purpose of conserving and enhancing the natural beauty of the AONB.

6.31.2 Paragraph 189 of the NPPF (2024) specifies that 'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the

¹⁵ Medway Council (2020) Rights of Way Improvement Plan (2020-30). Available at: https://www.medway.gov.uk/downloads/file/5531/medway_rights_of_way_improvement_plan_2020_to_2030 [Last accessed 26 August 2026]

¹⁶ Medway Council (2025) Medway Local Cycling and Walking Improvement Plan. Available at: https://www.medway.gov.uk/downloads/file/9205/medway_local_cycling_and_walking_infrastructure_plan_lcwiip [Last accessed 26 August 2026]

¹⁷ Medway Council (2026) The River Medway Strategy. Available at: <https://democracy.medway.gov.uk/mgconvert2pdf.aspx?id=85788&ref=localauthority.news> [Last accessed 26 August 2026]

Broads and National Landscapes, which have the highest status of protection in relation to these issues.’

6.31.3 The Council has prepared a specific strategic policy in the Plan that promotes the conservation and enhancement of the National Landscape that is consistent with national policy, recognising that the designation has the highest status of landscape protection.

6.32 Are the criteria which are set out in Policy S6 consistent with the objectives of the Kent National Downs Landscape?

6.32.1 Yes, the Council has prepared Policy S6 in consultation with the Kent Downs National Landscape unit and with reference to the Kent Downs National Landscape Management Plan (2021-2026). The Council has adopted this Management Plan.

6.32.2 Representations from the Kent Downs National Landscape Unit¹⁸ on the published Plan supported the proposed Policy S6, but advised a minor alteration to criteria e. : replace landscapes with landscape components. A further minor modification to the supporting text at paragraph 4.7.5 would remove ‘primarily’ to clarify the single purpose of the National Landscape.

6.32.3 The Unit also identified opportunities in other parts of the Plan to raise the importance of this area, such as the addition of the National Landscape designation to the key diagram.

6.32.4 The Council accepts the Unit’s comments could be considered as modifications to the Plan.

6.33 Does all development within the national landscape under Policy S6 need to be accompanied by a landscape assessment/landscape visual impact assessment, or only development which is of a defined scale?

6.33.1 The Council considers that this requirement should only apply to development of a defined scale in the National Landscape, and would not apply to minor householder or commercial development.

Policy DM1 Flood and Water Management

6.34 Is Policy DM1 consistent with national policy and how it deals with flooding, in particular tidal flooding, and the sequential test, and how has this informed the allocation of sites including those in Flood Zone 3?

6.34.1 Generally, Policy DM1 is consistent with national policy. The policy states that priority will be given to avoiding development in high and medium flood risk

¹⁸ Kent Downs National Landscape Unit (2025) Regulation 19 Representations. Available at (pages 94-110 of the electronic file): <https://medway.oc2.uk/docfiles/35/File%20U.pdf> [Last accessed 26 August 2026]

areas (as far as possible), considering all sources of flooding. This is line with the aim of the Sequential Test, steering development to lower risk areas. The policy wording could potentially be strengthened by taking out reference to high and medium flood risk areas and simply refer to flood risk areas. The Sequential Test methodology applied as part of the SFRA refers to low flood risk areas where mapping shows a small area of the site to be affected by flooding, predominantly pluvial. These have still been considered to pass the Sequential Test due to only a small area being affected by flooding.

- 6.34.2 The policy further refers to ‘Investigate measures to control the risk of flooding affecting the site’. Flood defences are considered one form of controlling flood risk and are pivotable to enabling development on some of the allocated sites and potential windfall sites. Flood defences are most impactful to protect against fluvial and tidal flooding, and therefore, tidal flooding has indirectly been considered as part of this point. Further reference has also been made to managing residual risk, which generally includes a failure of the defences. Such a scenario can have a high impact, particularly where tidal reaches are reliant on flood defence infrastructure. As such, tidal flooding has again been considered in a wider context.
- 6.34.3 Whilst tidal flooding may be one of the main sources within the borough, the risk of flooding from all other sources will also need to be considered.
- 6.34.4 The site allocations have been informed by the findings of the Strategic Flood Risk Assessment (SFRA) Level 1, the Sequential Test Methodology Report and the Strategic Flood Risk Assessment Level 2. The Level 2 SFRA also details the further required considerations required to each specific site, to ensure the risk of flooding is lowered.
- 6.34.5 The SFRA Level 1 was prepared in the first instance to obtain an understanding and overview of the flood risk in the borough. Following this, it was apparent that some of the sites that came forward as part of the Local Plan would be located within flood risk areas. Consequently, a Sequential Test Methodology was developed which took account of the NPPF and NPPG at the time of writing. Where it was identified that only a small area of a site would be affected by flooding and flood risk can be avoided through the application of the sequential approach, these sites have still been preferentially preferred over other sites. This is considered to be in accordance with Paragraph 175 of the NPPF (the latest guidance at the time). The Sequential Test Methodology was applied to the SFRA Level 2 to rank the sites based on their identified flood risk.
- 6.34.6 This information has then fed into the wider sustainability appraisal, enabling sites shown to be at lowest risk (and little to no other constraints) to be allocated

in the first instance. However, as it was not possible to meet the housing target by only considering sites at low risk, sites at higher flood risk had to be allocated. Nevertheless, the list of preferential sites in terms of flood risk has been followed, in accordance with national policy.

6.34.7 Where it was necessary to allocate sites within Flood Zone 3, The Exception Test will be required for most and a site-specific flood risk assessment will be required. The assessment will need to adhere to national policies to ensure development and occupants are safe throughout the anticipated lifetime. This will be dealt with on an individual basis.

6.34.8 Generally, the policy could potentially be set out clearer and restructured to follow the flood mitigation hierarchy better. However, it is felt that the most important points are covered in line with national policy.

6.35 Is Policy DM1 reflective of the Strategic Flood Risk Assessment (SFRA) (B6.1 to 6.5), as SFRA was published in November 2025?

6.35.1 Yes, Policy DM1 (ref: A1) is reflective of the Strategic Flood Risk Assessment (refs: B6.1 to B6.5). A previous version of the Strategic Flood Risk Assessment, which was published at Regulation 19 consultation stage (originating in January 2025 and updated in May 2025),¹⁹ set out policy recommendations at chapter 6. The policy recommendations refer to flood risk management and sustainable drainage. The policy recommendations remained unchanged in the submission for the Strategic Flood Risk Assessment (November 2025) (refs: B6.1 to B6.5).

6.36 Where there is reference to an updated SFRA (paragraph 4.8.24) to inform site allocations going forward, is this the SFRA (November 2025) (B6.1 to 6.5)?

6.36.1 Paragraph 4.8.24 of the MLP (ref: A1) appeared in the Council's second Regulation 18 consultation document, which was held during 15 July 2024 to 8 September 2024.²⁰ The Strategic Flood Risk Assessment was produced in January 2025 and updated in May 2025; these versions informed site allocations. The Strategic Flood Risk Assessment was updated again in November 2025 once the North Kent Coast Flood Domain 2 Model became available. Paragraph 4.8.24 should have been deleted at the Regulation 19 consultation stage.

6.37 Have the Environment Agency's views been sought on the SFRA (B6.1 to 6.5)?

6.37.1 Yes, the Environment Agency's views have been sought on the Strategic Flood Risk Assessment (refs B6.1 to B6.5).

¹⁹ Strategic Flood Risk Assessment (2025). Available at: <https://medway.oc2.uk/docfiles/30/Strategic%20Flood%20Risk%20Assessment.pdf> [Last accessed 26 August 2026]

²⁰ Medway Council (2024) Medway Local Plan (Regulation 18, 2024). Available at: <https://medway.oc2.uk/document/18> [Last accessed 26 August 2026]

6.37.2 The Strategic Flood Risk Assessment was produced in January 2025 and updated in May 2025. The May 2025 version was published at Regulation 19 stage.

6.37.3 In response to the Council's Regulation 19 consultation, the Environment Agency raised concerns about the model used as the basis for the Strategic Flood Risk Assessment.

6.37.4 The Strategic Flood Risk Assessment that was published to support the Council's Regulation 19 consultation was not based on the latest flood risk information from the North Kent Coast Flood Domain 2 Model, and this would render the Sequential Test and the Exception Test outdated. However, the North Kent Coast Flood Domain 2 Model was unavailable when the Council's consultant produced the Strategic Flood Risk Assessment. The Council's consultant subsequently updated the Strategic Flood Risk Assessment (November 2025) based on the North Kent Coast Flood Domain 2 Model, along with the Sequential Test and the Exception Test.

6.37.5 The Environment Agency's response concerning the 'Review of updated SFRA data and implications for the Regulation 19 Sustainability Appraisal', published as part of the Council's 'Supporting Evidence Documents' consultation, is available in MLP/ED16A.

6.38 How is it intended the emerging Flood Defence Strategy, referred to in the Council's response to the Inspectors next steps (MLP/ED10) (page 3), would be reflected in this policy?

6.38.1 The strategy is designed to support the delivery of the policy and was developed in connection with the EA from their comments on the LP draft. Future flood defence work can be implemented through the implementation of policy for development.

6.39 What does 'coastal squeeze' (Policy DM1 criterion towards the top of page 52 of the Plan) mean and what would be the Environment Agency's role in this?

6.39.1 Loss of intertidal habitat due to rising sea levels and fixed flood defences. This is relevant to the Medway Estuary area as shown within the MEAS Strategy. Environment Agency has a role in flood risk management, and they would be consulted on any application that is within the river boundary.

6.40 How would obligations/S106 agreements be used to support flood risk works (last paragraph under 'Flood Risk Management' section of Policy DM1)?

6.40.1 Currently, the Council has no obligation. This could be secured through S106, but it will need to relate directly to development or strategic measures.

6.41 Under the 'Water Supply' section of the policy, how are Groundwater Source Protection Zones and Principal Aquifers defined for the purposes of the policy and what does a 'suitable' risk assessment mean?

6.41.1 Based on the Environment Agency definition. A 'suitable' risk assessment means no unacceptable impact on ground water quality.

6.42 Is foul water drainage and wastewater a matter for the Plan and therefore justified, or else solely for statutory undertakers?

6.42.1 Mainly for the Statutory undertaken (Southern Water). The Council considers it during planning responses from the LLFA to ensure applicants engage with Southern Water. We do consider drainage capacity but cannot agree capacity of the receiving system. Southern Water are consulted on planning applications.

6.43 How does the Plan have a role in determining the acceptability of flood risk in relation to emergency planning capability (paragraph 4.8.4)?

6.43.1 Development proposals are considered during planning to ensure that they are safe from flood risk and do not increase flood risk within the catchment. The Council considers access and Egress during flooding as well as evacuation if needed but we ensure that they are fully assessing Finished Floor Levels.

Policy DM2: Contaminated Land

6.44 Is it intended that Policy DM2 covers land stability matters (end of the first paragraph of the policy)? If so, please clarify what is proposed in that respect and what the sources of land stability are in Medway.

6.44.1 The reference to land stability within DM2 followed the reference in the NPPF which stated in previous NPPF para 197 and new NPPF Policy P2, point 4 "Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner."

6.44.2 There are no specific land stability issues in Medway that would expect a different approach to that of national Policy.

6.45 Is Policy DM2 consistent with national policy?

6.45.1 Yes. Consistent with previous NPPF para 196 and new NPPF Policy P2.

Policy DM3: Air Quality

6.46 Is Policy DM3 reflective of the HRA, as regards air quality modelling (A4.1 to 4.3), as the HRA was published in December 2025?

6.46.1 Policy DM3 (Air Quality) states that proposals must be consistent with Policy S2 through the consideration of air quality to conserve the natural environment.

6.46.2 Adverse air quality impacts from the MLP at the North Downs Woodlands SAC were identified. 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, paragraph 6.1.5).

6.46.3 The Statement of Common Ground with Prescribed Bodies (ref: A12.1, chapter 4) points to ongoing cooperation and further assessment. Paragraph 6.89 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 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.

6.46.4 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."

6.46.5 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.”

6.46.6 Given that Policy DM3 (Air Quality) states that proposals must be consistent with Policy S2, which may be subject to the proposed main modifications, the Council is not proposing modifications to Policy DM3.

6.47 Is the policy consistent with national policy, particularly as it refers to the Council’s own guidance (third paragraph of the policy)?

6.47.1 The Council considers that Policy DM3 is consistent with paragraph 199 of the NPPF (2024). Policy DM3 requires proposals to take account of the Council’s Air Quality Planning Guidance, which provides a screening checklist for major development and development within or close to an AQMA, and enables the Council to require Air Quality Assessments and Emissions Mitigation Assessments where appropriate. This supports the NPPF’s objective of ensuring that air quality impacts are identified, assessed and mitigated. The policy therefore provides an effective mechanism for implementing national policy concerning air quality and development.

6.48 Is there a particular reason why there is specific reference to the Four Elms Air Quality Action Plan (paragraph 4.10.6), as opposed to any other of the Air Quality Management Areas?

6.48.1 There are four Air Quality Management Areas (AQMAs) in Medway. The central Medway, Pier Road (Gillingham) and Rainham High Street AQMAs are addressed in the current Air Quality Action Plan. The Four Elms Hill AQMA is addressed in a separate Air Quality Action Plan, referenced at paragraph 4.10.6 of the MLP (ref: A1).

6.49 Why is the management of air pollution a cross-boundary issue (paragraph 4.10.8) and how does Policy DM3 reflect this in terms of the effectiveness of the policy? Please include any discussions which have taken place with neighbouring Local Planning Authorities or other relevant bodies.

6.49.1 Chapter 10 of the Council’s Duty to Cooperate Statement (ref: A11) states that the AQMA on the A2 via Newington, located in the borough of Swale, has been identified as a strategic planning matter (human health) in DtC meetings with Swale Borough Council and Kent County Council, given the established commuting flows between Medway and Swale.

6.49.2 The record of engagement activity, attached to the Duty to Cooperate Statement (ref: A11), shows seven meetings were held: one with Kent County Council in December 2024; and five with Swale Borough Council in between April 2024 and November 2025. The outcome of these meetings informed the site selection process, specifically the rejection of site RSE10, a large-scale housing

development to the east of Rainham that has been promoted by a developer in the plan-making process.

6.49.3 The Council is a member of the Kent and Medway Air Quality Partnership. Data and information about air quality throughout Kent is combined and shared through the partnership's dedicated website, KentAir.

6.49.4 Policy DM3 is a development management policy; it is limited to the development and use of land in Medway only. Policy DM3 is concerned with adverse impacts on human health. Policy DM3 states that proposals must be consistent with Policy S2.

6.49.5 With regard to potential adverse air quality impacts on the North Downs Woodlands SAC, which is also a strategic planning matter, the Council is proposing the additional wording as a main modification to Policy S2 and SA7 of the MLP (ref: A1), which is consistent with Policy LPRSP4(B) and LPRSP14(A) of the adopted Maidstone Local Plan Review (2021-38). The proposed addition wording is set out in the Council's Hearing Statement for Matter 1.

Policy DM4: Noise and Light Pollution

6.50 Why have noise and light pollution been put together into a single policy?

6.50.1 This was a presentational choice. The Council would accept a modification to the Plan to split the Policy, if advised.

6.51 Why does Policy DM4 refer to significant adverse effects in the first paragraph and then adverse effects in the bullet points in the next paragraph?

6.51.1 The first sentence refers to the potential of 'significant adverse effects'. The subsequent bullet point refers to demonstrating no 'adverse' impacts, which could reflect mitigation measures, such as design and choice of materials, incorporated into the development proposal.

6.52 Is Policy DM4 justified and based on up-to-date evidence, as it states that the format and range of evidence will be agreed on a case-by-case basis (third paragraph of the policy)?

6.52.1 Yes, the Policy reflects the Planning Practice Guidance on [Light Pollution](#) and [Noise](#). The reference to the consideration on a case-by-case basis refers to the requirements for development management being proportionate and appropriate to the scale and nature of the proposed development.

6.53 Why is a Landscape and Visual Impact Assessment a matter for this policy (fourth paragraph of the policy), rather than Policy S2 or Policy S6, and why is it relevant to non-landscape designations?

6.53.1 This reflects the sensitivity of these areas. Noise and light are recognised to have potential adverse effects on biodiversity. The Council would accept a modification to include this aspect of the Policy in Policies S2 and S6.

6.53.2 In its representations on the Published Plan Natural England (ref E.148) welcomed this aspect of the Policy and advised on additional wording to clarify the Policy and more closely align with the Framework. The Council would accept a modification based on this advice which would read:

“Where development proposals may result in noise or lighting impact:

- a landscape and visual impact assessment for proposed major developments within the Kent Downs National Landscape, and its setting, will be required considering the impacts to the special qualities will be required along with details of any required avoidance and mitigation measures;*
- an ecological assessment for developments within a relevant SSSI impact risk zone, along with details of any required avoidance and mitigation measures, will be required.”*

6.54 Is dark skies a light pollution consideration for this policy, or elsewhere in the Plan?

6.54.1 Yes, although Medway has a large urban area, there are parts of the Kent Downs and Hoo Peninsula with higher levels of tranquillity. The Policy under the fourth paragraph, where it sets out the requirement for a Landscape and Visual Impact Assessment in the Kent Downs National Landscape, North Kent Marshes or a SSSI, reflects the aspiration to manage light pollution and secure dark skies.

6.55 Is it intended that Policy DM4 covers vibration matters? If so, please clarify what is proposed in that respect.

6.55.1 Not specifically, this is a matter for the development management process, when the Council will consider vibration, typically from demolition, as part of the process for determining applications and securing mitigations through conditions, as required.

6.56 How does Policy DM4 deal with any mitigation which might be required for lighting?

6.56.1 The Policy sets out considerations for lighting in development, but specific mitigations will be determined through the development management process and from the recommendations in the reports submitted to demonstrate acceptability. This was the case recently for floodlighting of a sports pitch at St John Fisher School, MC/25/1049.

6.57 Where the Institution of Lighting Professionals guidance as regards zones has been applied to Medway (Table 1), please explain how these have been defined under the table as regards the zones and where they apply in Medway? Should the table be contained within the policy itself?

6.57.1 The Institution of Lighting Professionals guidance [GN01-26 The Avoidance of Obtrusive Light](#) identifies lighting environmental zones in Chapter 8 and recommends that Local Planning Authorities specify these zones in their Development Plans.

6.57.2 The table in Guidance GN01-26 is replicated below, with how this has been applied to Medway. The Council has considered the large urban area, suburban locations, rural areas and sensitive locations, such as the National Landscape and biodiversity designations.

Lighting Environmental Zones

Zone	Surrounding	Lighting environment	Examples	Medway
E0	Protected	Intrinsically dark	Astronomical Observable dark sky, UNESCO starlight reserves, IDA dark sky places	Not applicable
E1	Natural	Dark	Relatively uninhabited rural areas, National Parks, Areas of Outstanding Natural Beauty, IDA buffer zones etc	Kent Downs National Landscape, SSSIs (includes North Kent Marshes)
E2	Rural	Low district brightness	Sparsely inhabited rural areas, village or relatively dark outer suburban locations	Countryside and villages (largely on the Hoo Peninsula and Medway Valley)
E3	Suburban	Medium district brightness	Well inhabited rural and urban settlements, small town centres of suburban locations	Suburban areas covering much of Medway
E4	Urban	High district brightness	Town / City centres with high levels of night-time activity	Central urban areas

6.57.3 The Council would accept a modification to the Policy to include the Table for clarification in interpretation. Alternatively, a map showing the zones could be included in the supporting text.

6.58 How does Table 1 cater for types of development where high levels of light are required and are exempt from statutory nuisance (paragraph 4.11.7)?

6.58.1 The Council acknowledges that certain types of development are exempt from statutory nuisance, and considers that the final paragraph in the Policy could be modified to recognise the criteria for exemptions.