



Representation concerning MC/23/0855

Written by Cllr. Michael Pearce (Group Planning Spokes).

"Hybrid Planning Application for (i) Full Planning Application (Phase 1) for the erection of 270 no. residential units (including affordable housing) and the local centre (up to 1,000 sqm Use Classes E and F) with open space, associated vehicle, cycle and pedestrian access off Christmas Lane, upgrade of existing Public Right of Way, associated services and infrastructure, public realm, landscaping and SuDS. (with associated highway works and (ii) Outline Planning Application (all matters except for access, to be reserved for future determination) for the erection of up to 490no. residential units (including affordable housing), and a primary school (Use Class F1(a)) with new vehicular access points, car and cycle facilities and provision of public open space, sustainable drainage and landscaping works."

Land East of High Halstow

Case Officer Report Rebuttal

Tuesday 3rd March 2026

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About The Independent Group (TIG)

The Independent Group (TIG) is a group of five Independent Councillors who sit on Medway Council. We represent the following Medway Council Wards and the following rural villages on the Hoo Peninsula in Kent:

Strood Rural Ward: Cliffe, Cliffe Woods, Cooling, Frindsbury, Wainscott and Upnor.

Hoo St Werburgh & High Halstow Ward: Chattenden, Hoo St Werburgh, High Halstow and Kingsnorth.

Cllr. Turpin (Group Whip) and Cllr. Williams (Group Member) represent Strood Rural Ward (achieving over 52.5% of the vote at the 2023 Local Election) and Cllr. Crozer (Group Leader), Cllr. Pearce (Deputy Group Leader) and Cllr. Sands (Group Member) represent Hoo St Werburgh & High Halstow Ward (achieving over 70% of the vote at the 2023 Local Election). TIG represents a clear and significant majority of the electorate on the Hoo Peninsula - a strong rural community with productive fertile agricultural land, valued landscapes, rich heritage, and internationally and nationally important habitats, supporting bio-diverse wildlife. The Hoo Peninsula is part of the proposed East Coast Wetlands designation to become a UNESCO Natural World Heritage Site.

The existing development plan for the Hoo Peninsula includes two recently adopted Neighbourhood Plans: (1) Hoo St Werburgh & Chattenden Neighbourhood Plan and (2) Cliffe & Cliffe Woods Neighbourhood Plan.

TIG also supports the residents and Parish Councils of **All Saints Ward:** Allhallows, St. Mary Hoo, Stoke and Grain.

1. Executive summary (reasons to refuse / defer)

This representation objects to MC/23/0855 and asks Members of the Planning Committee to **REFUSE** planning permission (or, at minimum, **DEFER** determination) because:

1. **Principle / plan-led decision making:** the site is **open countryside** and the officer report accepts the proposal conflicts with the adopted development strategy and **Policy BNE25** (development in countryside) and does not meet the policy exceptions.
2. **Landscape and visual harm:** the LVIA identifies **significant adverse** effects (including major adverse impacts on PRow users and nearby residents) and the officer report concludes the scheme would **erode rural character** and cause **permanent** landscape change/harm.
3. **Transport and active travel not resolved at decision stage: Active Travel England issued a Deferral / not in a position to support** position and raised fundamental evidence/design concerns, including deliverability of key PRow connections where enhancements are stated to be “subject to landowner agreement”.
4. **Designated sites mitigation is not demonstrably secured/deliverable:** Natural England’s position is explicitly **conditional on mitigation** (SAMMS and **Northward Hill SSSI** measures) and **RSPB maintains an objection** because the costs/specification/funding for the required 3.7km fencing mitigation are not agreed/secured.

5. **Ancient woodland (irreplaceable habitat) risk not adequately addressed:** Fisher’s Wood is adjacent; NPPF paragraph 193 applies. The officer report relies on minimum buffers and reserved matters/conditions, despite **Woodland Trust objection** and the inherent risk of deterioration from urbanisation effects.
6. **Wastewater and drainage capacity/deliverability remain uncertain:** Southern Water advise inadequate capacity / foul flooding risk requiring reinforcement and timing alignment; Lower Medway Drainage Board identifies defects in the receiving system and recommends remediation before development.
7. **Community infrastructure (sport) objection unresolved:** Sport England maintains an objection due to lack of robust mitigation/provision to meet demand from a scheme of this scale.

These issues are **fundamental** and cannot lawfully or safely be left to “later” details, conditions, or aspirations where the **deliverability and enforceability** are uncertain, depend on third-party land, or require long-term funded management.

2. Site context and policy context

2.1 Location and proposal scale

The application seeks a combined total of **up to 760 dwellings**, a local centre, and a new primary school on approximately **40.69ha** (100.5 acres).

The officer report records significant local concern including permanent loss of **~40.6ha Best and Most Versatile (BMV) agricultural land**, urbanisation of countryside lanes, proximity to protected habitats (SSSI/SPA/Ramsar), and dependence on the constrained A228/Four Elms corridor.

2.2 Adopted development plan conflict (open countryside)

The officer report confirms the site lies **outside the built confines** of High Halstow and is therefore **open countryside** in the adopted Medway Local Plan 2003. It states the proposal falls outside the adopted development strategy (Policies **S1/S2**) and **conflicts with Policy BNE25** because it is not an allocated site and does not meet the listed countryside exceptions.

The report later reiterates that the proposal would be **contrary to Policy BNE25** and would fail to wholly comply with NPPF countryside protection aims, but recommends approval by placing weight on the emerging plan allocation and housing benefits.

2.3 Emerging plan allocation and prematurity

The report relies heavily on the (Regulation 22) Medway Local Plan 2041, under which the site is allocated (HHH26) and Policy **SA9** anticipates up to **760 homes** over years 1–15.

However, the report also acknowledges that (i) the Local Plan examination is at an **early stage**, and (ii) SA9 is subject to **unresolved objections**, which reduces the weight that can be attached.

Given the admitted conflict with the adopted plan, Members are entitled to conclude that the emerging allocation does **not** outweigh the significant adverse impacts and the lack of certainty on key mitigation packages at the time of decision.

3. Detailed grounds of objection

3.1 Principle: unsustainable, not plan-led, and contrary to countryside protection policies

1. **Adopted plan primacy:** Section 38(6) requires determination in accordance with the adopted development plan unless material considerations indicate otherwise. Here, the report accepts the scheme is **contrary** to the adopted spatial strategy and countryside policy.
2. **Countryside exceptions not met:** Policy BNE25 allows countryside development only in limited circumstances (allocated site, location-dependent uses, reuse/adaptation etc.). Housing-led urban extension is not one of those exceptions and the report acknowledges the conflict.
3. **BMV agricultural land loss:** Objectors raised the permanent loss of ~40.6ha BMV land as a key harm. This is a significant and irreversible environmental and food resilience impact that must be afforded substantial weight in the planning balance.

Conclusion: On principle alone, the application should be refused because it is not in accordance with the adopted plan-led strategy and fails countryside protection policy tests.

3.2 Landscape character, countryside function, and visual harm (significant adverse, permanent)

The officer report records that the LVIA identifies significant adverse effects, including:

- **Major adverse** effects to “Agricultural Fields & PRow RS44”, users of PRow RS31/RS43/RS44, users of Britannia Road/Clinch Street, and residents directly overlooking the site.
- Even after establishment (Year 15), **residual significant adverse** effects remain for some receptors (including residents overlooking the site and PRow users).

Critically, the officer report itself concludes:

- the development would **erode the rural character** of the immediate area,
- the **loss of countryside would be particularly apparent** to PRow users and nearby residents, and
- it would therefore cause **harm to character and appearance**, conflicting with **Policy BNE25** and NPPF aims - harm which is acknowledged to be **permanent**.

Members should not treat an acknowledged, policy-conflicting, permanent harm as a “known and acceptable cost” of allocating greenfield land - particularly where the same report accepts the emerging allocation is not yet adopted and carries reduced weight due to unresolved objections.

3.3 Highways, transport and active travel: ATE Deferral and unresolved deliverability issues

(a) **Active Travel England: Deferral / not currently in a position to support**

The officer report confirms Active Travel England issued a **holding objection / Deferral** because the submitted package did not demonstrate compliant, safe, and deliverable active travel infrastructure.

(b) PRow deliverability depends on third-party land / agreements

The report records that a key PRow improvement and sustainable link is described as **contingent on landowner agreement**, and that is material to whether the NPPF test of “safe and suitable access for all users” and genuine non-car choice is met.

(c) The Committee should not approve while core access evidence remains unresolved

A scheme of this scale, in this location, must stand or fall on whether it can genuinely reduce car dependence and provide safe active travel routes. Where the national statutory consultee for active travel is not in a position to support and requests further evidence/revisions, the appropriate course is refusal or deferral until:

- deliverable, LTN 1/20-compliant designs are submitted,
- key off-site links are secured without reliance on uncertain third-party agreement,
- enforceable travel plan measures (with credible monitoring and consequences) are evidenced.

3.4 Designated sites: mitigation not agreed/secured; RSPB objection remains

(a) Natural England’s position is conditional

The officer report summarises Natural England’s position as “no objection” **subject to** securing (i) SAMMS contributions and (ii) a mitigation package for **Northward Hill SSSI**.

(b) RSPB maintains an objection on deliverability/funding of the mitigation

The report states RSPB objects because costs for approximately **3.7km of fencing** required to mitigate recreational disturbance at Northward Hill SSSI are not yet secured.

The report further explains that Nightingale is identified as particularly sensitive and the mitigation is intended to prevent uncontrolled public access to sensitive compartments, with a proposed ~3.7km fence line.

Planning point: Where (i) the ES acknowledges significant adverse effects absent mitigation and (ii) the land manager (RSPB) maintains an objection because the mitigation package is not agreed/secured, Members cannot rationally conclude at decision stage that effects on the SSSI/NNR will be acceptably mitigated.

(c) Reliance on strategic mitigation pots is not a substitute for a secured, specified scheme

The officer report indicates a Strategic Environmental Mitigation Strategy (SEMS) contribution is proposed to fund Northward Hill mitigation among other sites.

However, where the statutory/land-managing body disputes the adequacy of funding and specification, the Committee should require (before approval) that:

- the works are fully specified,
- costed and agreed with the land manager,
- secured legally with phasing/trigger points and long-term management commitments.

This has not been demonstrated to a standard that resolves the maintained objection.

3.5 Ancient woodland (Fisher's Wood): irreplaceable habitat at risk of deterioration

The officer report recognises Fisher's Wood as **ancient woodland** (irreplaceable habitat) and cites NPPF paragraph 193: development causing loss or **deterioration** should be refused unless wholly exceptional reasons and a suitable compensation strategy exist.

The report relies on:

- indicative buffers (15–21m) and a recommended **minimum 20m buffer** condition at reserved matters, plus fencing and planting to deter access.

Objection: This approach is not adequate for an irreplaceable habitat because the risk is not only direct loss; it is deterioration through:

- recreational pressure and informal access,
- lighting and noise,
- hydrological change,
- airborne pollutants/nitrogen deposition,
- construction encroachment, dust and contaminated runoff.

The report itself acknowledges the range of potential adverse pathways and that even single recreational visits can cause impact.

Given that:

- the parcels adjacent to the woodland are **outline**, and
- the buffer width, design, and long-term controls are left to later stages,

the Committee cannot be confident - at this decision point - that deterioration will be avoided. For an irreplaceable habitat, that level of uncertainty weighs heavily against permission.

3.6 Ecology: KCC ecology advice indicates insufficient information pre-determination

The officer report records KCC Biodiversity requires further information, including:

- Great crested newt licensing paperwork,
- an agreed mitigation strategy with NE/RSPB for Northward Hill SSSI,
- clarity on reptile habitat/receptor sites,
- amendments to secure at least a 20m ancient woodland buffer.

When the relevant ecological advisers state additional information is required before determination, the Committee should not treat these matters as “details” suitable to discharge after permission: they go to whether the authority can lawfully conclude impacts are acceptable and mitigable.

3.7 Drainage and wastewater: capacity constraints and downstream risk

(a) Southern Water: network capacity/foul flooding risk and reinforcement timing

The officer report records Southern Water's assessment that additional flows **may lead to an increased risk of foul flooding** in the sewer network and that reinforcement may be necessary.

Separately, the officer report notes that foul capacity at the nearest connection point is currently **inadequate** and that off-site reinforcement will be required.

Planning point: Where reinforcement is required and timing is uncertain, the Committee should be satisfied (before permission) that:

- the required works are clearly identified,
- deliverable within a defined programme aligned to occupation triggers,
- funded and secured by enforceable obligations.

Absent that, there is a real risk the development could be occupied ahead of adequate network reinforcement, increasing foul flooding risk.

(b) Lower Medway Drainage Board: receiving system defects and need remediation

The Drainage Board notes the downstream catchment is sensitive to flooding, identifies defects in the receiving system, and advises that remedial works to address deficiencies should be required prior to development so the system is fit to receive discharge and aligned to the development's design life. (Statutory consultee representation in the consultation bundle.)

Planning point: This reinforces that "Flood Zone 1" is not the end of the analysis. Deliverability, condition, and long-term maintenance of drainage infrastructure must be secured now - not deferred.

3.8 Sport and recreation: Sport England objection remains

The officer report confirms **Sport England objects**, stating the amended scheme removed previously proposed on-site sports provision (including the cricket pitch concept) and does not demonstrate how the sporting needs generated by a development of this scale will be met, nor how indoor demand will be mitigated.

While the report argues that open space, a possible MUGA, and/or contributions could address this, Sport England's maintained objection indicates the evidence base for adequate provision has not been demonstrated.

3.9 Prematurity and policy weight: Committee is entitled to refuse or defer in light of acknowledged uncertainties

The report sets out NPPF tests on prematurity and confirms SA9 is subject to unresolved objections and that this reduces weight.

Given:

- the admitted conflict with adopted countryside policy,

- the maintained statutory consultee objections/deferrals on key environmental and active travel matters,
- and the dependence on mitigation packages not yet fully agreed/secured,

it would be entirely reasonable for Members to conclude that determination should be deferred until the emerging plan position is clarified through examination and until the core deliverability evidence is provided.

4. Response to the officer's suggested planning balance

The report suggests that because the emerging plan proposes growth and because housing need is acute, the Committee should accept permanent countryside and landscape harm and approve subject to S106/conditions.

Objection: that planning balance is not robust where the harms are certain and policy-conflicting (countryside/landscape) while key benefits/mitigation are uncertain (transport mode shift and SSSI mitigation funding/specification, ancient woodland deterioration risk, wastewater reinforcement timing). A lawful and defensible planning balance must be grounded in **deliverable** mitigation and **evidence-led** conclusions at the point permission is granted, not aspirational future compliance.

5. Requested decision

Primary request: REFUSE

Members are respectfully requested to refuse planning permission for the following principal reasons (drafted to assist):

1. **Conflict with the adopted Development Plan:** the proposal represents major residential development in the open countryside, contrary to the Medway Local Plan 2003 development strategy and **Policy BNE25**, failing to maintain or enhance the character, amenity and functioning of the countryside and not meeting the policy exceptions.
2. **Unacceptable landscape and visual impact:** the LVIA and officer report identify significant adverse effects (including major adverse effects on PRow users and nearby residents) and permanent erosion of rural character, contrary to countryside/landscape objectives.
3. **Transport and active travel evidence insufficient / unresolved statutory deferral:** Active Travel England's Deferral indicates the scheme has not demonstrated safe, suitable, and deliverable access for all users, including where key connections depend on third-party landowner agreement; therefore, the NPPF tests for sustainable and safe access are not met.
4. **Designated site mitigation not demonstrably secured:** Natural England's position is conditional and **RSPB maintains an objection** because the necessary Northward Hill SSSI recreational disturbance mitigation (including 3.7km fencing) is not agreed/secured; the authority cannot be confident significant effects are avoided/mitigated at decision stage.
5. **Irreplaceable habitat risk (ancient woodland deterioration):** the application fails to demonstrate that Fisher's Wood ancient woodland will be protected from deterioration in accordance with NPPF

paragraph 193, given the scale and proximity of built development, the uncertainty of buffer design/controls at reserved matters, and the acknowledged pathways of harm.

6. **Wastewater/drainage capacity uncertainty:** Southern Water advises increased risk of foul flooding / need for reinforcement and the report notes inadequate capacity at the connection point, with insufficient certainty that necessary works will be delivered ahead of occupation.
7. **Sport provision not evidenced:** Sport England maintains an objection due to lack of clear, robust mitigation to meet sport demand generated by a development of this scale.

Alternative request: DEFER

If Members are not minded to refuse outright, the application should be deferred until:

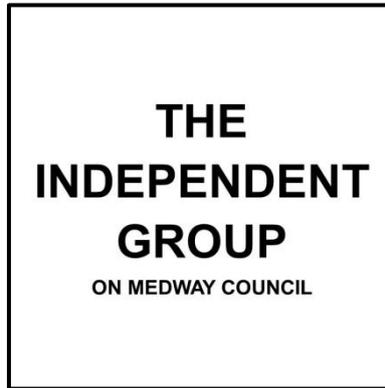
- ATE withdraws its Deferral and the Council has a complete, LTN 1/20-compliant, deliverable active travel package with off-site links fully secured;
- the Northward Hill SSSI mitigation package (specification, costs, land rights, long-term management and funding) is fully agreed with RSPB and secured with enforceable triggers;
- wastewater reinforcement requirements are clearly identified, costed, programmed, and tied to occupation limits;
- the ancient woodland buffer and deterioration avoidance package is demonstrated as adequate at outline stage, consistent with NPPF paragraph 193.

6. Schedule of key statutory consultee positions reviewed

Provided for Committee clarity; full documents are contained within the statutory consultee representations bundle submitted with the application.

- **Active Travel England** – Deferral / not in a position to support (most recent response July 2025).
- **RSPB** – Maintained objection (July 2025) re Northward Hill SSSI mitigation funding/specification.
- **Natural England** – No objection **subject to** secured SAMMS and Northward Hill SSSI mitigation (May 2025).
- **Woodland Trust** – Objection (June 2025) re Fisher’s Wood ancient woodland deterioration risk and buffer adequacy.
- **Sport England** – Maintained objection (June 2025) re sport provision/mitigation.
- **Southern Water** – Capacity concerns / potential foul flooding risk and need for reinforcement (June 2025).
- **Lower Medway Drainage Board** – Receiving system condition and flood risk concerns; recommends pre-development remediation and robust conditions (May 2023).
- **Environment Agency / National Highways** – No objection subject to conditions (various dates), noting this does not override the unresolved active travel and ecological objections/deferrals.

Thank you for taking the time to read this representation.



George Crozer

Cllr. George Crozer (Ind)

Group Leader

Hoo & High Halstow Ward

Michael Pearce

Cllr. Michael Pearce (Ind)

Deputy Group Leader

Hoo & High Halstow Ward

Ron Sands

Cllr. Ron Sands (Ind)

Group Member

Hoo & High Halstow Ward

Written by Cllr. Michael Pearce (Group Planning Spokes).

Please note: this representation has not been signed by Cllr. Elizabeth Turpin and Cllr. John Williams - one of these Councillors will substitute for Cllr. Michael Pearce, who is a member of the Planning Committee, when the application is decided. Cllr. George Crozer, Cllr. Michael Pearce and Cllr. Ron Sands are Ward Councillors for where the application is located.