

MC/23/1934

Date Received: 30 August 2023
Location: Land at Ratcliffe Highway, Hoo St Werburgh, Rochester Medway
Proposal: Outline planning application (all matters reserved except for access) for the erection of up to 240 residential dwellings, including 25% affordable housing, together with a new vehicular access point from Ratcliffe Highway, open space, landscaping and associated works.
Applicant Agent: Gladman Developments Ltd
Gladman House
Alexandria Way
Congleton Business Park
Congleton
CW12 1LB
Ward: Hoo St Werburgh & High Halstow
Case Officer: Hannah Gunner
Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 8 April 2026.

Recommendation - had an appeal against non-determination not been made the Council would have approved subject to:

A. Section 106 agreement to secure the following (the figures set out below reflect those included in the draft Reg.122 which are part of ongoing discussions/negotiations with the applicant):

i) NON-FINANCIAL

- Min 30 % affordable homes:
 - 62% affordable rent
 - 38% shared ownership
- Provision of a road link with no ransom strip up to the boundary with the adjacent Land West of Hoo site that will provide pedestrian, cycle and bus linkages through the site going forward.

ii) FINANCIAL

- Up to £54,475.20 towards improvements to facilities and equipment to Hoo Library and/or the community mobile library serving the Hoo Peninsula (£226.98 per unit x 240 units).
- Up to £60,441.60 towards **community facilities** (£251.84 per unit x 240 units) in Hoo including but not limited to a new community centre in Pottery Road and a new community hub.

- Up to £25,833.60 towards **youth development** across the Hoo Peninsula including but not limited to development of new youth facilities and enhancements of existing provision ensuring access to essential equipment and materials, and engagement of trained instructors (£107.64 per unit x 240 units).
- Up to £841,620 towards improvement and expansion of **open space and outdoor sports facilities** at Deangate Community Park and/or Cockham Wood Parkland and/or Hoo Wetlands and/or Hoo Common and/or Kingshill Recreation Ground, Hoo.
- Up to £18,000 towards improvements and enhancements Public Rights of Way (**PRoWs**) RS104, RS105 and RS100 including signage, drainage, wayfinding and access improvements, lighting surfacing and vegetation management if required to local) (£75 per unit x 240 units).
- Up to £88,754.40 towards improved civic space and gateways including greening, street furniture, paving, lighting and signage (**public realm**) in the Parish of Hoo and Chattenden (including greening, street furniture, paving, lighting, signage etc) (£369.81 per unit x 240 units).
- Up to £80,311.20 towards improvements to Hoo **Sports** Centre including but not limited to the development of gender-neutral changing area including improved shower facilities with increased accessibility for families, schools and disability users which enable the help and supervision of carers and development of a yoga studio to support mental well-being of residents. (£334.63 per unit x 240 units).
- Up to £57,081.60 towards **waste** containment facilities the maintenance and improvement of local bring centres and waste education and promotion. (£237.84 per unit x 240 units).
- Up to £68,908.80 towards **social care** services to meet the needs of the increased, aging population within 3 miles of the development including but not limited to community equipment provision, day care and activity services, personal care assistants, carer support services, home care provision and technology-enabled care solutions. (£287.12 per unit x 240 units).
- Up to £480,000 toward **Health – Primary Care** towards a new healthy living centre in the Parish of Hoo and Chattenden to provide appropriate level of enhancement to accommodate increase in patient numbers. (£2,000 per unit x 240 units).

- **Education**
 - a. Up to £728,376.00 towards the provision of **nursery** education within a new two-form entry or three-form entry primary school in Hoo.
 - b. Up to £1,787,832.00 towards the provision of **primary** education within a new two-form entry or three-form entry primary school in Hoo.
 - c. Up to £1,437,041.01 towards the provision of **secondary** education within a new six-form entry secondary school in Hoo.
 - d. Up to £229,193.14 towards the provision of **sixth form** education within a new six-form entry secondary school in Hoo.
- Up to £2,267,040 towards a package of **transport mitigations** including but not limited to Four Elms roundabout, Sans Pareil roundabout, local roundabouts in Hoo and sustainable transport improvement on the Hoo Peninsula (£9,446 per unit x 240 units).
- Up to £403,610.40 towards a **strategic environmental programme** on the Hoo Peninsula to protect designated sites and areas of significant flood risk, either now or in the future. To include conservation and enhancement of Lodge Hill SSSI, the Medway Estuary and Marshes SPA, Ramsar site and SSSI. (£1,681.71 per unit x 240 units).
- Up to £80,997.60 for **Bird Disturbance Mitigation (SAMMs)** to make financial contribution to take mitigating measures to protect wintering birds habitat areas from the additional footfall/visitors that will result from the development. (£337.49 per unit x 240 units).

B. And the imposition of the following conditions:

- 1 Approval of details of the appearance, landscaping, layout and scale (hereinafter called 'the Reserved Matters') shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of each construction phase.

Reason: To accord with the terms of the submitted application and in to ensure that these details are acceptable.

- 2 Application for the approval of the Reserved Matters referred to in condition 1 for the first construction phase of the outline consent shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission and all applications for approval of Reserved Matters for the remaining phases shall be made before the expiration of five years from the date of this permission. The development shall thereafter be carried out in accordance with the approved details.

The commencement of each construction phase pursuant to this outline consent shall be begun before the expiration of two years from the date of the last Reserved Matter in respect of that construction phase to be approved, and thereafter the development shall be carried out in accordance with the approved details.

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990.

3 The development hereby permitted relating to the outline planning permission shall be carried out broadly in accordance with the following approved plans:

- Location Plan (8277-L-01)
- Development Framework (Dwg no. 8277-L-03))
- Proposed Site Access Strategy (Dwg No. P23030-001).
- Land Use and Access Parameter Plan (Dwg no: 8277-L-06)

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Reason: For the avoidance of doubt and in the interests of proper planning.

4 Prior to the submission of the first application for Reserved Matters, a Detailed Phasing and Implementation Plan shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall demonstrate how the development of the entire site can be brought forward to secure development in a timely manner in accordance with following details and quantum:

- A maximum of 240 residential units
- Proposed construction phase details
- The order and timing of the proposed construction phases
- Development parcels and public realm
- Open space and green infrastructure including identified areas for any LEAP's, LAP's and informal play (play on the way)
- Drainage infrastructure
- Road layout and access arrangements, pedestrian, cycle networks and footpath and PROW Improvements

The development shall be implemented in accordance with the most recently approved Phasing Plan.

Reason: To ensure that the key elements of each phase of the development is completed in an order which ensures that infrastructure needs, landscaping/open space and access are in place relevant to each phase before further development is undertaken, in the interests of good design and proper planning.

5 The Detailed Phasing Plan approved pursuant to condition 4 may be amended from time to time to reflect changes to the phasing of the

development that were not foreseen at the time the Detailed Phasing and Implementation Plan was approved, subject to obtaining the prior written approval of the Local Planning Authority as long as it has been demonstrated that such changes are unlikely to have significant adverse environmental effects compared to the assessments contained in the ES and that they would not significantly undermine the delivery of the development.

Reason: To allow revisions to the approved Detailed Phasing and Implementation Plan and to enable development to be delivered in the interests of proper planning in accordance with the assumptions underpinning the ES.

6 Each Reserved Matters Application shall be accompanied as appropriate, by the following documents and/or information:

- i) A Design and Access Statement.
- ii) And in relation to the matter of layout, a Reserved Matters application shall include:
 - Details of the site layout access to the development parcel and within the development parcel or construction phase for vehicles, cycles and pedestrians;
 - Details of the siting and orientation of the proposed buildings and any relevant roads and footpaths, as well as the location of any landscaped or open space areas;
 - Details of any necessary temporary layout associated with boundary treatment and condition between the Development Parcels;
 - Details of parking areas, garages, servicing areas and plant Areas;
 - Details of cycle parking;
 - Details of proposed external lighting;
 - Details of pedestrian and cycle routes within the development Site;
 - Details and specification of proposed earth modelling, mounding, re-grading or changes of level to be carried out including spot levels;
 - Refuse storage details and collection points;
 - Details of Electric Vehicle Charging Points (EVCP) at a ratio of one EVCP per private driveway and one EVCP per 10% of parking spaces within communal areas.
- iii) And in relation to scale and design a Reserved Matters application shall include:
 - Details of building heights and massing (including the provision of bungalows, if any);
 - Details of housing mix including the mix and location of

- affordable housing;
 - Details of the internal layouts of buildings;
 - Details of the external treatment and design of the buildings.
- vi) And in relation to the matter of landscaping a Reserved Matters application shall include:
- Plans, drawings and specifications showing full details of both hard and soft landscape treatment and works, including materials (size, type and colour), existing and proposed finished ground levels; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas including roads and PRow improvements; all paving and external hard surfacing; decking; minor artefacts and structures (play equipment, street furniture, lighting columns/brackets, drainage arrangement, underground utilities, refuse receptacles, planters, tree grilles, any other decorative feature(s));
 - Tree planting details and specifications, schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance);
 - Details of the programme for implementing and completing the Planting.

Reason: In order that the Reserved Matters Applications can be properly considered and assessed and in the interests of proper planning.

- 7 No development within a construction phase shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control, lighting and site contact details in case of complaints; details of temporary site screening, details of the routing and parking of construction vehicles, loading/unloading and turning facilities, hours of access, access and egress arrangements, details for the storage of materials and mixing of cement, construction workers travel plan. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents, the countryside, wildlife and habitat and with regard to Policies BNE2, BNE37 and BNE39 of the Medway Local Plan 2003.

- 8 No development within a construction phase shall take place until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction

(including demolition and site clearance operations) is submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority (LLFA). The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

The approved CSWMP and shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- i. Temporary drainage systems;
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses;
- iii. Measures for managing any on or offsite flood risk.

The development shall be undertaken in accordance with the approved details.

Reason: Required prior to commencement to manage surface water during construction and for the lifetime of the development as outlined at Paragraph 181 of National Planning Policy Framework 2024.

- 9 No development within a construction phase shall take place (save for advance infrastructure enabling works) until details of the proposed means of foul sewerage disposal have been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 187 of the National Planning Policy Framework 2024.

- 10 No development within a construction phase shall take place until a scheme based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

The scheme shall include (where applicable):

- i. Details of the design of the scheme (in conjunction with the landscaping plan where applicable);
- ii. A timetable for its implementation (including phased implementation);
- iii. Operational maintenance and management plan including access requirements for each sustainable drainage component;
- iv. Proposed arrangements for future adoption by any public body, statutory undertaker or management company.

The development shall be undertaken in accordance with the agreed scheme.

Reason: Required before commencement of the development to manage surface water post construction and for the lifetime of the development as outlined at Paragraph 181 of National Planning Policy Framework 2024.

- 11 No further infiltration of surface water drainage in the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 181 of the National Planning Policy Framework 2024.

- 12 Prior to occupation (or within an agreed implementation schedule) a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved by the Local Planning Authority to confirm that the agreed surface water system has been constructed as per the agreed scheme and plans. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Reason: This condition is sought in accordance with paragraph 178 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 13 No development within a construction phase shall take place until the details of a Construction Traffic Management Plan have been submitted to and approved in writing by the Local Planning Authority. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Traffic Management Plan.

Reason: To ensure the efficient operation of the A2(T) and M2 Trunk Roads in accordance with paragraph 115 of the National Planning Policy Framework 2024.

- 14 No development within a construction phase shall take (including any ground works, site or vegetation clearance) shall take place until a construction ecological management plan (CEMP - Biodiversity) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP - Biodiversity shall be based on Chapter 7 - Ecology and Nature Conservation of the Environmental Statement (Wardell Armstrong - August 2023) and the Ecological Impact Assessment (EclA, FPCR 2023). The CEMP - Biodiversity shall include the following:

- Purpose and objectives for the proposed works;
- The identification of biodiversity protection zones and the use of protective fences, exclusion barriers and warning signs;

- Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
- Extent and location of proposed works (including receptor areas(s)) shown on appropriate scale maps and plans for all relevant species and habitats;
- Reference to the relevant protected species licences (e.g., badgers and dormice) to be obtained in advance of site clearance/construction and any relevant mitigation measures required;
- Reference to the measures required for protected and priority habitat and species mitigation and compensation;
- Reference to any Environment Agency permits required and any relevant mitigation measures required;
- Reference to or inclusion of a detailed arboricultural method statement to protect retained trees;
- Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;
- Disposal of any wastes for implementing work.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction in accordance with Policy BNE37 and BNE39 of the Medway Local Plan 2003.

- 15 Prior to the submission of the first reserved matters application industry standard breeding bird surveys (such as the British Trust for Ornithology (BTO) Breeding Bird Survey (BBS) methodology or Common Bird Census (CBC) techniques which would require six surveys spread between late March and early July, including at least one evening survey) are to be carried out and shall be and be submitted to and approved in writing by the Local Planning Authority.

Reason: Whilst there is a lack of optimal habitat within the application site, given the proximity of a large nightingale population and that the adjacent site had positive skylark registrations during the breeding season, this is to ensure that the absence of nightingales and skylarks can be confirmed and the council are satisfied that mitigation can be implemented should any nightingales and/or skylarks be surveyed.

- 16 No development within a construction phase shall take (including any ground works, site or vegetation clearance) until a detailed Ecological Design Strategy (EDS) for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The detailed EDS for that phase shall be clearly and explicitly informed by the Chapter 7 - Ecology and Nature Conservation of the Environmental Statement (Wardell Armstrong - August 2023) and the Ecological Impact Assessment (EclA, FPCR 2023), and up-to-

date ecological survey information, as advised by a suitably qualified ecologist. The EDS for each phase shall include the following:

- Purpose and conservation objectives for the proposed design;
- Review of site potential and ecological constraints;
- Updated biodiversity net gain calculations based on detailed designs for the current and previous phases, and where necessary outline designs (for subsequent phases), to objectively demonstrate that the development is on track to deliver a quantitative biodiversity net gain using the latest statutory biodiversity metric calculation tool;
- Detailed designs shown on scaled plans to achieve stated objectives, including;
- Lighting contour plans to show expected lux levels on the horizontal plane (and vertical plane where necessary), so that it can be clearly demonstrated that areas to be lit shall not disturb the activity of relevant ecological receptors;
- Soft landscaping plans and planting schedules;
- Habitat features shown on building elevation plans, soft landscaping plans, fencing plans etc. as appropriate;
- How and where external lighting shall be installed;
- The provision of technical specifications for the external lighting;
- Details of the precise location (including erection height from ground level and aspect), dimensions, construction materials (including make and model where relevant) and construction methodology of habitat features;
- Bat and bird boxes made of durable materials and targeted at species of conservation concern that could make use of the site;
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development and the site-wide EDS;
- Persons responsible for implementing the design;
- Details of initial aftercare and long-term management for the lifetime of the development to be provided in a Landscape and Ecological Management Plan (LEMP). The LEMP shall include:
 - Aims and objectives of management;
 - Prescriptions for management actions;
 - Preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten-year period);
 - Details for monitoring and remedial measures; and
 - Details of the individual, body or organisation(s) responsible for implementation of the plan.

The EDS shall be implemented in accordance with the approved details and all features shall be retained thereafter.

Reason: To ensure that the landscaping, habitat creation and ecological enhancement measures approved as part of the development are implemented, managed and maintained in accordance with Policy BNE37 and BNE39 of the Medway Local Plan 2003.

- 17 No dwelling within a construction phase shall be occupied until;
- a) the habitat retention, creation and enhancement works set out in the approved ecological design strategy for that phase pursuant to condition 16 have been completed; and
 - b) a completion report, evidencing that the completed habitat enhancements for that phase, has been submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure that the habitat creation and ecological enhancement measures approved as part of the development are implemented in accordance with Policy BNE37 and BNE39 of the Medway Local Plan 2003.

- 18 No development within a construction phase shall take place until an Air Quality Management Plan and Emissions Mitigation Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall be prepared in accordance with the Medway Air Quality Planning Guidance and include the mitigation measures contained within Chapter 6 of the Environmental Statement. The total monetary value of the mitigation to be provided shall be demonstrated to be equivalent to, or greater than, the total damage cost values calculated as part of the approved Air Quality Assessment. The development shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the approved Mitigation Statement.

Reason: To ensure the development does not prejudice conditions of amenity by way of poor air quality in accordance with Policies BNE2 and BNE24 of the Medway Local Plan 2003.

- 19 Prior to the commencement of any groundworks, including excavation or piling within a construction phase an Unexploded Ordnance (UXO) Risk Management Plan (including desk study and risk assessment) shall be prepared in accordance with the recommendations set out in the Enzygo Preliminary Geo-Environmental Risk Assessment where the site is identified as a moderate risk area. The Plan shall include:

1. Procedures for dealing with UXO if encountered, including emergency protocols;
2. Contractor training and briefings on the identification of UXO and response measures;
3. Monitoring arrangements during excavation and piling works, with specialist support available if required.

The UXO Risk Management Plan shall be kept on site during the construction phases and made available to view at the written request of the Local Planning Authority.

Reason: To ensure appropriate measures are in place to manage the potential risk of unexploded ordnance during construction, thereby safeguarding public safety and the integrity of the development.

- 20 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement, and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 21 No development within a construction phase shall take place until details of the proposed external lighting scheme including a plan showing the lighting design, underground cabling and location of the lighting has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels), demonstrating that areas to be lit will not disturb bats and other nocturnal animals. All external lighting will be installed in accordance with the approved details and shall be maintained thereafter.

Reason: To ensure protection of residential amenities and ecological interests of the site in accordance with Policy BNE2 and BNE37 of the Medway Local Plan 2003.

- 22 No dwelling within a construction phase shall be occupied until (or within an implementation schedule agreed by the Local Planning Authority) a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved by the Local Planning Authority to confirm that the agreed surface water system has been constructed as per the agreed scheme and plans. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Reason: This condition is sought in accordance with paragraph 181 of the National Planning Policy Framework 2024 to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk on site or elsewhere.

- 23 Applications for Reserved Matters relating to layout for any construction phase, shall show land reserved for parking or garaging in accordance with the adopted Parking Standards. No building shall be occupied until the area for parking relevant to that building has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning

(General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles would likely to lead to hazardous on-street parking and to accord with Policies T1 and T13 of the Medway Local Plan 2003.

- 24 Applications for Reserved Matters relating to landscaping for a phase or sub-phase shall include full details of both hard and soft landscape works, any artefacts to be located within the public space of that phase or sub-phase and a timetable for implementation. These details shall include existing and proposed finished ground levels; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; all paving and external hard surfacing; decking; minor artefacts and structures (play equipment, seating, refuse receptacles, planters, tree grilles, any other decorative feature(s)). Soft landscape works shall include details of planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 25 No part of the development within a construction phase shall be occupied until a Landscape Management Plan (LMP), has been submitted to and approved in writing by the Local Planning Authority. The LMP shall include long term design objectives, management responsibilities and maintenance schedules for all hard (including footpaths) and soft landscape areas (except for small, privately owned, domestic gardens) within that phase for a minimum period of five years and arrangements for implementation. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 26 Prior to any handover of the maintenance of the public landscape areas to a management company, there must be a site visit including the LPA, the proposed landscape management company and the developer. The site visit will include a review of the site area proposed to be transferred to the management company and will assess whether the approved landscape plans have been implemented as approved, the condition and maintenance of all planting and what measures are necessary prior to a handover to the management company. The results of the site visit/walk over shall be submitted to and approved in writing by the Local Planning Authority and the

agreed requirements in terms of re-planting/maintenance shall be undertaken prior to any hand over to the management company.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

27 No development within a construction phase shall commence until detailed street designs relevant to the phase have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the design of:

- Cycle routes;
- Shared use pavements;
- Footways, and
- Crossing points.

The details shall identify the purpose of each route (pedestrian only, cycle only, or shared use), showing widths, surfaces, gradients, side road priority treatments and tactile/kerb details, designed in accordance with LTN 1/20 and Manual for Streets; where shared use is proposed, explicit justification against LTN 1/20 Section 6.5 and Table 6 3. A Wayfinding and legibility strategy (signage, mapping, and lighting locations) and inclusive design features and a delivery programme and occupation triggers (including any temporary arrangements)

The designs shall provide high quality and suitable walking and cycling infrastructure throughout the site, maximising permeability for active travel as illustrated on the indicative plans contained within the Transport Summary Statement. The designs shall also include suitable crossing points to all bus stops. Off road provision for walking and cycling shall be provided along all primary roads. All shared use spaces shall be clearly marked.

The development shall thereafter be carried out in full accordance with the approved details.

Reason: To ensure the provision of safe, direct, and attractive walking and cycling routes throughout the site, supporting sustainable travel choices and facilitating access to public transport, in accordance with paragraph 117 of the NPPF.

28 No part of the development hereby permitted shall be first occupied or brought into use until a detailed Travel Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan(s) shall include, but not be limited to:

1. Updated baseline information, travel patterns and mode share targets appropriate to the relevant phase;
2. SMART targets for achieving a reduction in single occupancy car journeys and an increase in sustainable travel modes;

3. Full details of the Travel Plan Coordinator, including responsibilities, resourcing and management arrangements;
4. A programme of measures for residents, staff, pupils and visitors to promote and encourage walking, cycling, public transport and other sustainable travel options;
5. A programme of marketing and communication, including travel packs and information for new residents;
6. Monitoring arrangements, including TRICS compliant surveys, timescales, performance indicators and reporting mechanisms to the Local Planning Authority;
7. Review procedures, including triggers for remedial or additional measures should agreed targets not be met; and
8. Implementation timetable, linked to the phased occupation of the development.

The Travel Plan(s) shall thereafter be fully implemented in accordance with the approved details from first occupation of each phase, and all measures, targets and monitoring shall be maintained and reviewed for a minimum period of five years from first occupation of that phase, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that sustainable travel is promoted and that the development minimises reliance on the private car, in the interests of highway efficiency, climate objectives and sustainable development.

- 29 Applications for Reserved Matters for each construction phase shall include details of the measures to address climate change and energy efficiency for that phase. No dwelling within the relevant construction phase shall be occupied until a timetable for the submission of a verification report, prepared by a suitably qualified professional, has been submitted to and approved in writing by the Local Planning Authority. The verification report shall confirm that all approved measures to address climate change and energy efficiency have been fully implemented for each building within that phase.

Verification reports shall thereafter be submitted to the Local Planning Authority in accordance with the approved timetable, and the approved measures shall be retained thereafter.

Reason: In the interests of sustainability and to ensure that the development positively addresses climate change in accordance with paragraph 164 of the National Planning Policy Framework 2024.

- 30 No development above slab level within any phase or sub-phase shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 31 Prior to the first occupation of any dwelling within each phase or sub phase, details of the areas for equipped play facilities together with the play equipment and safe surfacing (within that phase or sub phase) to be provided shall be submitted to and approved in writing by the Local Planning Authority. The play area(s) shall be provided in accordance with the approved details prior to the first occupation of any dwelling herein approved and shall thereafter be retained.

Reason: To ensure the satisfactory provision of play equipment in accordance with Policy L4 of the Medway Local Plan 2003.

- 32 No development within each phase or subphase shall take place until a Noise Mitigation Strategy for that phase or sub phase has been submitted to and approved in writing by the Local Planning Authority. The strategy shall provide full details of the measures that will be implemented as part of the development. The scheme must demonstrate that the internal noise levels within the residential units will conform to the indoor ambient noise levels for dwellings identified by BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. All works which form part of the approved scheme shall be completed before the relevant property is first occupied and shall thereafter be maintained in accordance with the approved details.

Reason: Required before commencement of development of each phase or sub phase to avoid any irreversible detrimental impact on human health and/or residential amenity as a result of the potential disturbance and in accordance with Policy BNE2 and BNE23 of the Medway Local Plan 2003.

- 33 Prior to the commencement of development of the first phase of development, a scheme of traffic calming is to be submitted to and agreed in writing with the Local Planning Authority. This scheme should achieve and secure lowering speeds toward the main site entrance and proposed visibility splays from Ratcliffe Highway and any other crossings and shall be implemented prior to the occupation of the first dwelling on site.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy T1 of the Medway Local Plan 2003.

- 34 If, during construction, any archaeological remains or features are discovered, all works in the vicinity of the discovery shall cease immediately. An appropriate programme of archaeological investigation, recording and reporting shall then be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved programme.

Reason: To ensure that any archaeological remains are properly identified, recorded and preserved where necessary, in accordance with Policy BNE21 of the Medway Local Plan, Policy DM9 of the (Regulation 22) Medway Local Plan 2041, and paragraphs 207-212 of the National Planning Policy Framework.

- 35 Prior to the commencement of development above slab level, the location and design details for all proposed bus stops within the site (for inclusion at a later date) as well as details of swept paths for bus movements and evidence of how parking restrictions will keep bus routes clear shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that appropriate bus infrastructure is designed and provided within the site to facilitate safe, efficient and unobstructed bus movements, and to ensure that parking controls are in place to keep bus routes clear in the interests of highway safety and sustainable transport. This is in accordance with Policies T1, T3 and BNE2 of the Medway Local Plan 2003.

- 36 Prior to the commencement of development within any phase, a detailed Trip Distribution Assessment shall be submitted to and approved in writing by the Local Planning Authority. The Assessment shall quantify and assess the number of vehicle trips undertaking right turn movements from Bell's Lane onto Ratcliffe Highway (south). Where the Assessment identifies that this movement would result in an increased risk of queues backing up into the A228 Peninsula Way / Bell's Lane roundabout, appropriate mitigation measures shall be specified and submitted for approval.

The development shall thereafter be carried out in full accordance with the approved Assessment and any associated mitigation measures, which shall be implemented prior to first occupation of the relevant phase and retained thereafter.

Reason: To ensure that development related traffic does not give rise to unsafe queueing conditions on the local highway network, in the interests of highway safety and the efficient operation of the A228 Peninsula Way / Bell's Lane roundabout.

- 37 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, AA, B, C, D, E, F of Part 1, and Class A of Part 2 of the Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of the locality and neighbouring properties and to maintain a good quality environment.

- 38 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order amending,

revoking and re-enacting that Order with or without modification), the dwellings approved as part of this outline application shall remain in use as a single family dwellinghouse falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use to C4 shall be carried out unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policy BNE2 of the Medway Local Plan 2003.

Proposal

This application is for outline permission (with all matters reserved except for access) for the erection of up to 240 residential dwellings, including 25% affordable housing, together with a new vehicular access point from Ratcliffe Highway, open space, landscaping and associated works.

The submitted Development Framework (Dwg no. 8277-L-03) provides further details, demonstrating how the proposed quantum of development could be accommodated on the Site while providing sufficient open space, residential amenity and surface water attenuation.

The plans submitted with this application, which are being sought approval are:

- Location Plan (8277-L-01);
- Development Framework (Dwg no. 8277-L-03);
- Proposed Site Access Strategy (Dwg No. P23030-001);
- Land Use and Access Parameter Plan (Dwg no: 8277-L-06).

It is anticipated that the residential development would provide a mix of 2 to 2 ½ storey dwellings. The 2 ½ storey dwellings will be primarily located within the more central area of the Site, where they will be less visible in the landscape. The lower 2 storey dwellings will be located on the edges of the Proposed Development and will allow for a smooth transition between the built-up character of the village and the surrounding countryside.

A comprehensive Green Infrastructure ('GI') framework is proposed throughout the development. Of the overall 12 ha Site, approximately 5.15ha will be dedicated to GI and open space (c. 43% of the total Site area).

A Locally Equipped Area for Play ('LEAP') is proposed in the northeast of the development. An incidental 'play on the way' area is proposed in the southwest corner, adjacent to the footpath route connected with The Hundred of Hoo Academy School.

The Site measures circa 12 hectares ('ha') and comprises two agricultural fields with some mature hedgerow and a limited number of trees. It is relatively open and occupies land adjacent to existing residential development on the western edge of

Hoo St Werburgh. The Site is bound by Ratcliffe Highway to the north, beyond which is the A228 Peninsula Way. The settlement edge of Hoo St Werburgh lies to the east. To the northeast there is an active vehicle yard (Auto Renovation). The Grade II Listed Mill House is located to the northwest. City Way Health (former Windmill Public House) is located adjacent to the northern boundary off Ratcliffe Highway and is considered a non-designated heritage asset.

Both the western and southern boundaries of the Site abut open agricultural land. Further south of this is The Hundred Hoo Academy School site, which contains a primary and secondary school. To the northeast is open agricultural land with Kingshill Recreation Ground beyond, located to the north of Pankhurst Road. The Site has few features of interest with the exception of boundary vegetation. There is a public access in the form of Public Right of Way ('PRoW') RS102 which provides a link through the northeast of the Site linking Vidgeon Avenue and Ratcliffe Highway.

The Site is not subject to any statutory national or international designations for landscape or nature conservation.

Site Area/Density

Whole Site

Site Area: 12 hectares (30 acres)
Site Density: 20 dph (8 dpa)

Outline Residential Site ONLY (minus GI and open space)

Site Area: 6.85 hectares (17 acres)
Site Density: 35 dph (14 dpa)

Relevant Planning History

MC/18/3663 Outline planning application for the Construction of up to 210 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Ratcliffe Highway. All matters reserved except for means of access.

Decision - Withdrawn

MC/18/1575 Town and Country Planning Act (Environmental Impact Assessment) (England and Wales) Regulations 2011 - request for a screening opinion for the proposed development of up to 225 residential dwellings with landscaping and associated works.

Decision - EIA Required
Date - 14 September 2018

NB: it may be relevant to understand approvals in the locality to this scheme. These are listed below:

MC/24/2022 Outline planning application (with all matters reserved except access) for the construction of up to 450 dwellings, commercial floorspace (up to 500sqm), community use building (up to 500sqm), associated public open space, landscaping, outdoor sports facilities, drainage and earthworks.

Decision - Pending

MC/23/2597 Land at Former Deangate Ridge Golf Club
Change of use from former golf course to community park comprising works to existing access and car park, cycle parking, formation of footpaths, landscaping, tree/scrub planting, boundary treatments, site interpretation and benches with associated works.

Decision - Approved with Conditions

Date - 16 February 2024

Representations

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties.

The Lower Medway Internal Drainage Board, National Highways, Southern Water, SGN, Kent Wildlife Trust, Kent Police, Active Travel England, KCC Ecology have also been consulted.

62 Letters have been received of which **54** are objecting to the application:

- Construction lorries will damage the integrity of the Listed Building on Ratcliffe Highway;
- Infrastructure, schools and health facilities cannot serve the existing community and will be further overstretched;
- Four Elms roundabout and surrounding roads is beyond capacity already;
- Facilities for young people is not sufficient;
- Increasing road pressure from HGV's serving Amazon and Thames port;
- Loss of green and open space;
- Habitat destruction and loss of biodiversity;
- Deforestation – loss of trees and vegetation on site;
- Potential strain on local water resources;
- Impact on air quality and increase to air pollution;
- Pressures on the waste management and infrastructure;
- Construction will have an impact – contributing to the carbon footprint;
- Will lead to issues of overcrowding;
- Hoo Village character will be destroyed;
- Increase to noise and light pollution;

- Loss of agricultural land;
- New residents will effect the social fabric of the village;
- No sustainable design features incorporated;
- Increase in anti-social behaviour can be expected;
- Not a sustainable location;
- Should be refused in alignment with the 2014 application for the neighbouring site;
- Doesn't comply with National Planning Policy Objectives;
- Properties in Vidgeon Close will have to create higher fencing impacting outlook;
- Loss of views;
- Does not comply with Hoo St Werburgh & Chattenden Neighbourhood Plan or the NPPF paragraph 12;
- No Bus service and no guarantee of a bus operator commitment to the 'spine road'. Contradiction as to whether spine road is bus only or not;
- Public rights of way threatened by development and car led layout;
- Should be refused in line with previous inspector appeal dismissed;
- Could alter the design and character of settlement separation, Hoo and Chattenden would merge;
- Close proximity to single storey properties;
- Will impact health and wellbeing of existing residents;
- No train station or public transport makes this a car dependent development;
- Increase in crime and pressure on police & fire services;
- Previous planning applications on adjacent sites refused;
- No creation of employment opportunities;
- Poor design quality and loss of views;
- Risk to historic church building.

Councillor comments:

- Risk to nightingales;
- No land and visual impact assessment.

Hoo St Werburgh and Chattenden Parish Council have also objected on the following grounds:

- There is no bus route nearby;
- Unsustainable location;
- Impact on road network will be severe;
- No employment opportunities;
- There is a lack of facilities/shops;
- Lack of facilities leads to increased deliveries and car journeys;
- Medical facilities at Hoo are at capacity;
- Limited sports facilities in Hoo currently.

The Lower Medway Internal Drainage Board have stated that in view of the sensitive nature of the area with respect to flooding, the Board would like to stress that if minded to grant permission, it would be prudent to condition any consent that

prior to development a full scheme for surface water disposal based on SuDS principles is submitted to and approved by the local planning authority in consultation with the Council's own drainage specialists. We welcome the proposal for attenuation storage to reduce the development's surface water runoff from the site to greenfield runoff rates.

The LMIDB note that the management maintenance schedule of the surface water scheme has been outlined within the Flood Risk Assessment, but it would be prudent to formally condition permission that prior to development a maintenance schedule is submitted to and approved by the local planning authority. It should specify ownership, a timetable for implementation, provide a management and maintenance plan for the lifetime of the development. All SuDS should be located in accessible areas, and a plan should be included addressing the frequency of maintenance for each SuDS feature based on guidance in the CIRIA SuDS Manual 2015 as well as details of who will carry out the maintenance. Furthermore, it would be prudent to apply a condition to any permission that once constructed the surface water drainage scheme is verified on site by a competent engineer.

National Highways will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case, particularly within the vicinity of the M2 near Rochester.

Since their response dated 12 April 2024, additional information from the applicant has been received. This additional information comprises a Transport Technical Note 1A (TTN 1A) dated June 2024. Having reviewed TTN 1A and carried out their own analysis, National Highways have concluded that no SRN junction capacity assessments are required.

In order to ensure the sustainability of the site, they have recommended a condition for a detailed Travel Plan to be prepared, approved and implemented.

Accordingly, having assessed application MC/23/1934, National Highways are content that the proposal, if permitted, would not have an unacceptable impact on the safety, reliability, and/or operational efficiency of the Strategic Road Network in the vicinity of the site (M2) provided that the following condition is imposed, reflecting DfT Circular 01/2022 and NPPF December 2023 paras. 114-117.

Southern Water have stated that they will liaise with the developers in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement. Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored.

Conditions and informatives are requested relating to phasing of occupation to allow for the reinforcement of the network and detail submissions of the foul sewerage and surface water disposal.

This assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991.

SGN have stated that there is a high pressure pipeline in the vicinity of the proposed works. The proposals would require the exact location of this pipeline and other SGN assets to be located before any work commences, either by electronic detection or by hand excavated trial holes as specified in the attached SW/2 document. These works must be supervised by an SGN representative.

The SGN details are set out within an informative on the recommended approval.

The Kent Wildlife Trust state that the proposed development will result in the total loss of suitable foraging habitat for skylark and other ground nesting birds with no on-site or off-site mitigation measures put forward. In justifying the decision not to address the loss of habitat suitable for skylark the wintering bird survey states that there is significant agricultural land in the local area.

Given the dramatic and continuing decline in farmland bird population numbers it is recommended that measures are secured as part of any permission to adequately address the loss of habitat which provides suitable feeding areas for Skylarks particularly. A mitigation strategy should be put forward to outline what measures will be put in place to provide suitable compensatory skylark habitat off-site along with details on steps to be taken to ensure the availability of winter food for farmland bird species on-site and/or within this off-site provision. It is recommended that this information is provided prior to the determination of the application. This could be in outline form with further details to be provided via a suitably worded condition.

The proposed development to the south and west currently under consideration will result in the loss of suitable skylark habitat. The planning submission for that development has put forward mitigation measures in the form of skylark plots within areas of land not to be developed alongside buffer planting and species rich seed mix planting for a range of breeding and wintering birds. It has not been demonstrated that the mitigation measures for the neighbouring development are sufficient to address the impact of this development on ground nesting birds, skylark in particular.

Medway do not currently have a strategic based approach in place to address the continued decline of farmland birds and there is no evidence to suggest that a reliance on agri-environment schemes alone will halt and reverse the decline. It is, therefore, our view that in fulfilling their legal duty under the NERC Act the Local Authority should give due consideration to the provision of off-site mitigation measures and that such an approach is not an overstretch of the legislative intent when the wider context to the development is taken into account. Furthermore, when considering the steep decline in skylark numbers and that they are a priority species it is our view that a condition requiring the provision of offsite skylark mitigation measures would meet the 6 tests.

Nightingales have been recorded within the neighbouring site. The proposed development, in combination with that proposed for the neighbouring site, will likely have a negative impact on this species. It is recommended that further information on how impacts to the nightingales will be mitigated should be provided prior to determination of the application.

In the event planning permission is granted it is advised that a condition is included requiring the submission of a Construction and Environmental Management Plan (CEMP) to ensure appropriate mitigation measures are put in place to reduce the risk of adverse impacts on the retained habitats and neighbouring habitats from construction. The CEMP should be secured via a suitably worded condition and should specify mitigation measures for noise, surface water run-off, dust, and light impacts during the construction phase.

Conditions should also be included as part of any permission which require the submission and implementation of an external lighting strategy and a landscape and ecological management plan which cover the application site and provide details on the management of habitats being created and enhanced. Details should also be provided on the creation and management of buffer zones to the retained hedgerow and trees.

Kent Police have submitted standard comments relating to the need for applicants to consult directly with Kent Police in relation to Designing out Crime and to address Crime Prevention Through Environmental Design (CPTED).

Active Travel England initially recommended refusal of this application due to the fact that it is in, what they considered to be, an unsustainable location. They state that there is a need for the adjacent site to come forward to ensure the sustainable connections through to Main Road and Hoo Village. They note that the adjacent site will connect to this and will allow for connections through and also provide some amenities. The concern relates to the adjacent site, should it not come forward. On receipt of their initial concerns, in December 2024, the applicants produced a Transport Technical Note (TTN2) to address these issues. As of 24 June 2025, ATE's position was that it was not currently in a position to support this application and requests further assessment, evidence, revisions and/or dialogue as set out in their response of that date.

ATE also state they understood that the bus operator Arriva is supportive of the proposals and the potential to divert the 191 bus service including through the site, with the applicant willing to provide a pair of new bus stops on the spine road. ATE would welcome further information on how it is proposed to secure improvements to the bus service, and whether the LHA considers improvements to the bus service to be deliverable and feasible.

The applicant has set out a number of both 'hard' (physical infrastructure) and 'soft' (financial/literature-based) measures, which are welcome. It is noted that the applicant has offered to fund a speed reduction at some locations subject to the views of Medway Council and ATE would welcome clarification as to whether it is proposed to secure this.

ATE recommends that a scheme of traffic calming is agreed with the highway authority and secured to ensure that lower speeds are achieved, and the proposed visibility splays from Ratcliffe Highway and the crossings are acceptable. Clarification on this can be sought through the implementation of a condition.

KCC Ecology comments have recommended that additional information is required. This mainly relates to bird surveys and is set out in detail within the main report. They also note We note that despite the Natural England SSSI Impact Risk Zone indicating that the size and location of the proposals pose a risk to nearby designated sites, Natural England has not provided a consultation response that takes into consideration the submitted information.

The Independent Group (TIG) have submitted five rebuttals objecting to the application on the grounds of the Design and Access Statement, the Ecological Impact Assessment, the Environmental Statement, the Planning Statement and the Shadow HRA. A summary of those rebuttals is included below.

Design and Access Rebuttal

The rebuttal states that the conflicts with Neighbourhood Plan policies HOO5, HOO6, HOO8, HOO11 and HOO12, and the failure to demonstrate compliance with the design and transport principles of the December 2024 NPPF (notably 110, 115, 131, 135), the DAS does not provide a robust basis for approving the scheme “in accordance with the development plan.” The proposal should be refused unless and until a revised, locally-coded and movement-led design package is submitted which demonstrably satisfies the Neighbourhood Plan and the 2024 NPPF.

TIG states that the DAS does not demonstrate compliance with HOO6 or the NPPF (Dec 2024) design chapter. It is aspirational and non-prescriptive, lacks a site design code, allows inappropriate boundary treatments, defers climate-positive design, and fails to secure the public realm/active frontage outcomes that the Neighbourhood Plan requires. They state that the proposal should be refused unless and until a neighbourhood-aligned design code is submitted that binds the scheme to HOO6 outcomes and the Framework’s design tests.

TIG also claim that the submitted DAS conflicts with HOO8 – particularly the transition zones, separation openness, native/retention detail, and GI accessibility/community value limbs – and fails to demonstrate compliance with NPPF para 135, para 136, para 139 and para 140. Under NPPF para 12, permission “should not usually be granted” where there is conflict with an up-to-date neighbourhood plan that forms part of the development plan. The appropriate outcome on the current evidence is refusal on landscape/green infrastructure grounds (with reasons referencing HOO8 and NPPF para 135, para 136, para 139–para 140).

The rebuttal also claims that the DAS does not demonstrate compliance with HOO11 or HOO12: active modes are not secured as first priority, cycle/EV standards are uncommitted, parking risks dominating key streets, PRow treatments lack binding enhancements, and a major GI area is proposed without paths, foregoing accessibility gains. The submission also fails the NPPF (Dec 2024) transport tests – notably para 109–110, 115, 117–118 – because sustainable transport outcomes are illustrative, contingent, or deferred, rather than secured through current-guidance-compliant design codes. In line with the plan-led approach and NPPF decision tests, the application should be refused on transport/PRow grounds.

TIG continue to claim that the DAS does not demonstrate compliance with HOO5. It lacks secured dwelling-level cycle/EV/bin standards, demonstrable external amenity for all homes, NDSS-aligned liveability, and a Fields in Trust-based play/access plan. These shortfalls also place the proposal at odds with the NPPF's healthy places and open-space requirements (Chapter 8), and with the design/decision provisions that require outcomes to be ensured and plans to be clear.

The DAS's treatment of heritage is insufficient and out-of-date. Absent a proper HIA and setting-led revisions, the scheme conflicts with HOO7 and NPPF 208, 210(c), 212–216 and should be refused or significantly redesigned and re-submitted with binding heritage safeguards.

According to TIG the DAS does not demonstrate compliance with NPPF para 181–182 (SuDS incorporation, LLFA advice, minimum standards, lifetime maintenance, safe access/egress, residual-risk management) and under-delivers HOO6/HOO8's requirement for SuDS-led place-making and water efficiency. The reliance on a future, non-binding exploration of drainage – with a single attenuation pond headline – falls short of the design-led, parameterised approach that national policy now requires for major development.

TIG state that the DAS does not demonstrate compliance with HOO8 or the NPPF (Dec 2024) biodiversity duties. It lacks measurable Biodiversity Net Gain (BNG), mitigation hierarchy evidence, protected-site screening/buffers, native/retention specifics, and a habitat-led edge/transition strategy. Under NPPF para 193–para 195, proposals that cannot show avoidance/mitigation (and, where required, appropriate assessment) should not benefit from the presumption; under paras 187 and 192, measurable net gains are integral, not optional.

Applying the plan-led approach required by the NPPF, this proposal conflicts with the Hoo St Werburgh & Chattenden Neighbourhood Plan. Under NPPF 12 and 48, permission should not usually be granted where there is such conflict; and even if the tilted balance at 11(d) were argued to apply, the harms identified significantly and demonstrably outweigh the claimed benefits.

Ecological Impact Assessment Rebuttal

As it stands, the EclA's evidence base is not robust enough to demonstrate compliance with the mitigation hierarchy (NPPF 193–194(c)), to support a lawful HRA conclusion under para 195 of the December 2024 NPPF, or to show conformity with Neighbourhood Plan Policy HOO8. The key issues are (i) reliance on superseded NPPF policy text, (ii) incomplete seasonal coverage for bats, (iii) absence of breeding-bird baseline, (iv) pre-emptive reliance on SAMMS at EclA stage, and (v) lack of a statutory-metric BNG case.

The submission has not demonstrated compliance with NPPF paras 193–195, 198(c), 199 (and associated paras 105–110) for ecological networks, Habitats sites/SSSIs, light pollution, and air quality/cumulative effects. The EclA also relies on outdated NPPF and outdated technical evidence to draw favourable conclusions.

The scheme conflicts with HOO8, HOO10 and HOO12 on avoidance, ecological connectivity, lighting, measurable/secured net gains, and air-quality risk to sensitive sites.

Against the correct NPPF (Dec 2024) and Neighbourhood Plan (Sept 2024), the submission fails key policy tests on Habitats sites (para 195), ecological networks and measurable net gains (para 193), SSSI protection (para 194), air quality and cumulative impacts (para 199), and light pollution (para 198(c)), and it conflicts with HOO8, HOO10, HOO12. The policy conflicts are substantive and, absent robust revisions and secured design/mitigation, they provide clear reasons for refusal under the Framework's protective policies and the made Neighbourhood Plan.

None of the above asks are unusual for a major scheme in a coastal parish with SPA/SSSI sensitivities. They are simply the minimum needed to satisfy the Habitats Regulations, NPPF (Dec 2024) and the made Neighbourhood Plan before permission could lawfully be granted.

Right now, the application presents BNG headlines without the decision-grade evidence and governance required by NPPF 192–193 and HOO8. Until the applicant (i) proves the mitigation hierarchy has been applied (notably avoiding hedgerow severance or providing tested dark-corridor continuity), and (ii) supplies full metric outputs with a long-term, enforceable delivery plan, the proposal fails policy and carries material risk that claimed biodiversity gains will not be delivered on the ground.

As submitted, the application does not provide the analysis needed to lawfully conclude no adverse effect on integrity at AA for recreation and air-quality pathways, in combination with other plans/projects (NPPF 195). Nor does it meet the decision-taking requirements on cumulative pollution and AQMAs (NPPF 198–199), or the NP's targeted expectations in HOO10/HOO12. These are clear reasons for refusal unless rectified with the AA-ready and decision-grade cumulative evidence described above.

The presumption in favour does not apply where a plan/project is likely to have a significant effect on a habitats site unless AA concludes no adverse effect on integrity (para 195). Decision-taking on pollution must address cumulative effects, AQMAs/Clean Air Zones, and secure mitigation (paras 198–199).

On the applicant's own submissions, mitigation-dependent screening is being used to reach "negligible" residuals for internationally designated sites, and 2018 air-quality evidence is relied upon for in-combination dismissal. That approach is incompatible with People Over Wind, Waddenzee, Holohan/Wyatt, and NPPF 195, 198–199. Refusal on RR1–RR4 is, therefore, justified unless and until an AA-grade evidence base demonstrates no adverse effect on integrity and policy compliance.

On the current dossier, there are clear reasons for refusal under protective policies; benefits cited are insufficiently evidenced and, in any case, cannot override the unresolved legal and policy tests.

The application's ecological case relies on superseded policy, undeveloped mitigation, and outdated evidence to downplay risks to internationally and nationally designated sites and on-site ecological networks. In its current form it fails the Habitats Regulations, NPPF (Dec 2024) and the Hoo St Werburgh & Chattenden Neighbourhood Plan (Sept 2024). The lawful and plan-led outcome is refusal, with a clear pathway set out above should the applicant choose to resubmit on a compliant basis.

Environmental Statement Rebuttal

Decision-making must follow the development plan, including the made HSW&C NP, and current national policy. The NPPF states: "Planning law requires that applications for planning permission be determined in accordance with the development plan" (unless material considerations indicate otherwise). It also states: "Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted".

The ES is explicitly based on the July 2021 NPPF and out-of-date assumptions about the NP, not the December 2024 NPPF or the now-made HSW&C NP. The ES policy section says the "current version comprises the July 2021 NPPF" and carries that baseline through the technical chapters and appendices (Transport Assessment (TA) and Travel Plan (TP)). As a result, it cites obsolete paragraph numbering (e.g., highways refusal test as "para 111" and design priorities as "para 112") rather than NPPF (Dec 2024) paras 116 and 117. This is a procedural and substantive defect that permeates the ES's policy analysis.

Transport impacts conflict with the NP and risk failing the NPPF (Dec 2024) highways test. The HSW&C NP records Medway Council's advice that the A228 Peninsula Way is already at capacity and requires development layouts that prioritise active travel over private car use (Policy HOO11). Yet the applicant's own TA shows, for 2028 without the development, RFC>1.0 at the A228/Main Road Hoo arm (over theoretical capacity), with further increases with the development (e.g., Main Road Hoo arm RFC 1.12 and 1.30 in scenarios tested). Under the NPPF (Dec 2024) para 116, "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". The ES presents no credible mechanism to resolve baseline over-capacity and relies on unconsented future improvements it did not assess.

Air quality and ecology: the ES's own modelling shows in-combination exceedances at sensitive ecological receptors, contrary to the NP and NPPF natural environment policies. The NTS acknowledges multiple international sites within 15 km and proximity to Chattenden Woods & Lodge Hill SSSI. Detailed results show in-combination NOx up to 3.67% of critical level and nitrogen deposition up to 1.58% of the critical load at several SSSI points – above Natural England's 1% screening threshold – while the ES still concludes "not significant" residual ecological effects. The NPPF (Dec 2024) para 193(b) states that development on or near an SSSI should not normally be permitted where it would have an adverse effect on its notified interest features. The HSW&C NP Policy HOO10 expects measures that improve air quality (e.g., active travel and EV infrastructure), with particular concern

around Peninsula Way/Four Elms Hill (AQMA). The ES/NTS do not bridge this policy gap.

EIA scope and alternatives are inadequately addressed for today's policy context. The ES scope was set off the 2018 screening opinion and limited to Transport, Air Quality, and Ecology, with other topics relegated to "standalone" reports; the ES asserts no significant effects for those omitted topics by assertion rather than integration. Schedule 4 requires an "outline of the reasonable alternatives considered... taking into account the environmental effects". The "Alternatives" chapter lists design tweaks and on-site layout iterations then declares the current scheme "the most suitable option," but it does not present reasonable location or modal alternatives that could avoid known network and ecological constraints on the Hoo Peninsula. This fails the EIA Regulations' Schedule 4 expectation in substance.

BNG headlines lack secured delivery detail. The NTS claims 10.20% habitat and 20.25% hedgerow net gain, but offers headlines only, with the delivery mechanism/30-year management not explained in the ES narrative itself (BNG report is appended). In an area with SSSI sensitivity and in-combination deposition exceedances, this is insufficient at decision stage.

Planning Statement Rebuttal

This representation by TIG scrutinises Gladman Developments' Planning Statement for MC/23/1934 against (i) the Hoo St Werburgh & Chattenden Neighbourhood Plan (September 2024) and (ii) the National Planning Policy Framework (December 2024), and cross-checks the proposal against the previously refused Taylor Wimpey scheme within Chattenden Valley (appeal ref. APP/A2280/W/15/3132141). It concludes that the proposal is in clear conflict with the development plan and fails key tests in the 2024 NPPF.

Even if the "tilted balance" were argued, NPPF paragraph 14 is decisive: where it applies to housing, "the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits" (subject to the criteria at (a)–(b)).

Gladman's Planning Statement relies on the 2021 NPPF and asserts that policies are "out-of-date" so 11(d) is engaged; however, the current NPPF (Dec 2024) frames the presumption expressly with paras 12 and 14 and identifies key policies for directing development to sustainable locations (paras 110 & 115), which are engaged here.

Core reasons for refusal (summary of chapters to follow):

Conflict with the Neighbourhood Plan: Chattenden Valley as a Valued Landscape. The site sits in the Chattenden Valley – designated locally as a Valued Landscape in Policy HOO8. The policy states that "the open character of the landscape separating Hoo St Werburgh and Chattenden is of significant local value and must be retained," requiring robust LVIA and landscape-led design to maintain separation.

Development that erodes this separation conflicts with HOO8. The Inspector in the Taylor Wimpey appeal found that developing the valley would compromise the

perceived separation between Hoo St Werburgh and Chattenden, thereby harming character and appearance (summary at paras 66–67). That reasoning applies with equal (if not greater) force to this proposal.

Unsustainable, car-dependent location with poor connectivity. NPPF para 105 requires that “Significant development should be focused on locations which are or can be made sustainable” with genuine modal choice; decision-makers must consider whether opportunities to promote sustainable transport have been taken (paras 110, 115). The Inspector previously concluded the location “would not be made adequately sustainable” and that the resulting high dependency on car travel is significant harm (paras 37–38; 85). HOO11 (Sustainable Transport & Active Travel) seeks exactly these outcomes – safe, direct walking/cycling networks and viable public transport – but the current scheme’s disconnection from the village fabric and reliance on the A228 interface run counter to that policy direction.

Bus service assumptions are unproven and risk undermining existing provision. Gladman’s Planning Statement promotes aspirational bus penetration and a new “spine road” concept, but provides no binding operator commitment. The previous appeal illustrates that bus penetration through the site was absent and off-site stops would remain outside the site (paras 18–19). In line with the refusal topics, diverting the 191 to serve a new corridor would likely dilute the main route that currently serves the critical mass of Hoo St Werburgh – contrary to NPPF’s requirement to prioritise pedestrian and cycle movements and public transport (paras 110, 115) and to HOO11’s intent to improve, not weaken, village connectivity.

Public Rights of Way / green access and HOO12 (Paths). HOO12 requires protecting and enhancing existing paths and delivering safe, attractive, and direct links. The scheme’s car-led layout and major road interface threaten the amenity and legibility of routes crossing/connecting the valley, falling short of HOO12’s outcomes.

Best and Most Versatile (BMV) agricultural land and biodiversity. NPPF para 187 requires decisions to recognise intrinsic character and beauty of the countryside and safeguard BMV land (Grades 1–3a). Gladman’s own statement accepts loss of some BMV land but downplays its significance; that is at odds with para 187(b)’s expectation to avoid unacceptable loss. The proposal also triggers NPPF Chapter 15 requirements on biodiversity and the mitigation hierarchy (e.g., para 193(a)); failure to avoid and minimise harm to farmland bird assemblages before compensating conflicts with national policy.

Design, character and settlement separation. The Inspector previously concluded that development here would erode the sense of separation and alter the valley’s role in the settlement pattern (paras 64–66), a harm that persists. HOO8 requires maintaining this separation; the current layout parameters, quantum and siting cannot deliver that outcome.

Plan-led decision and the presumption. The development plan (including the made Neighbourhood Plan) is the statutory starting point (NPPF para 48). The proposal conflicts with HOO8 (and with the thrust of HOO11–HOO12). Under NPPF para 12, permission should not usually be granted where there is such conflict. Moreover,

even if 11(d) were engaged, NPPF para 14 makes clear that allowing a proposal that conflicts with the neighbourhood plan is likely to fail the tilted balance.

Planning balance and outcome. Gladman's reliance on housing supply arguments and the presumption was considered in the Taylor Wimpey decision. The Inspector accepted the benefits were "substantial but time-limited" and found that the combination of enduring harms (car dependency; landscape/separation effects) outweighed the benefits – dismissal followed (paras 82–85). Those same harms arise again here, but today the Neighbourhood Plan is in force and gives even greater development-plan weight against the proposal.

Shadow Habitats Regulations Assessment Rebuttal

This representation from TIG scrutinises the Shadow Habitats Regulations Assessment ("sHRA") submitted by FPCR for Gladman Developments' outline proposal (up to 240 dwellings) at Land off Ratcliffe Highway, Hoo St Werburgh (MC/23/1934). It assesses:

- Legal compliance with the Conservation of Habitats and Species Regulations 2017 (as amended) ("Habitats Regulations");
- Conformity with the Hoo St Werburgh & Chattenden Neighbourhood Plan (September 2024, adopted November 2024); and
- Consistency with the National Planning Policy Framework (December 2024).

Overall, the sHRA does not provide the level of evidence and certainty required by the Habitats Regulations for competent authority Appropriate Assessment and decision-making, relies on generic mitigation without a project-specific integrity analysis, and omits key in-combination and environmental pathways. On the information before the authority, granting permission would be contrary to the Neighbourhood Plan and the NPPF's biodiversity and "habitats sites" policies.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan) and the Hoo St Werburgh and Chattenden Neighbourhood 2023-2040 (NHP). As the NHP was adopted in September 2024 it is, therefore, the most-up-date Development Plan document. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2024 (the NPPF) and are generally considered to conform. Where non-conformity exists, this will be highlighted and addressed in the appraisal section below.

Emerging Local Plan

In addition, the Final draft (Regulation 22) Local Plan - Medway Local Plan 2041 was submitted to the Inspectorate for examination in December 2025. The policies within this version of the Final draft plan have weight in the determination of planning (and associated) applications and relevant policies have been referenced where applicable in this report. This is of particular relevance to this application because the appeal site is allocated for housing development for up to 240 homes. The relevance of this emerging allocation is considered in greater detail below.

Planning Appraisal

Screening for Environmental Impact Assessment (EIA)

The EIA Regulations set out which types of development may require an Environmental Impact Assessment ("EIA"). Whilst development types listed in Schedule 1 of the Regulations always require EIA, types listed in Schedule 2 could potentially require EIA where the site is in a "sensitive area" or exceeds one of the relevant criteria or thresholds set out in Schedule 2 and has the potential to result in likely significant environmental effects.

In this case, it is considered that the location, scale and nature of the proposed development, notwithstanding the selection criteria in Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, may have the potential to give rise to significant effects on the environment. The proposed development falls within Schedule 2, part 10(b) of the EIA Regulations and is considered to be an Environmental Impact Assessment (EIA) development, as defined by the EIA Regulations. The planning application is, therefore, accompanied by an Environmental Statement (ES), prepared in accordance with the EIA Regulations.

The accompanying ES has been produced in accordance with the EIA Regulations and best practice guidance produced by the Government and other organisations including the Institute of Environmental Management and Assessment (IEMA). It has been prepared by the agents for this application along with their Consultant Team using information gathered during a formal EIA of the Proposed Development in September 2018 (Reference MC/18/1575), which was for 225 dwellings.

The Proposed Development to which this application relates is for a scheme of a similar nature, scale and function as that of the withdrawn application. It is, however, recognised that the quantum of development is marginally greater at up to 240 dwellings. Based on a review of the previous EIA and ES, the applicants have considered that the environmental baseline documented in the previous ES remains a valid and robust basis upon which to inform the scope of the EIA for the now Proposed Development. As such, the ES submitted in support of the current application covers the environmental topic areas agreed as part of the EIA scoping exercise for the previous application.

The ES submitted in support of the application confirms that no unacceptable environmental effects would arise from the construction and operation of the Proposed Development either alone or in combination with other developments.

Background

In 2018 an application on this site was submitted for up to 210 dwellings. However, prior to the application being determined, it was withdrawn so no decision on this site was made. Whilst the previous scheme had fewer houses proposed, the developed site area was different to the current application, bringing housing up to the Ratcliffe Highway with buffers on all edges apart from the northern one. The current proposals show a different area for development and alters the open space layout.

It is also noted that the previous application was self-contained whereas this application provides a link road that connects up to the adjacent development site to the west. This road is envisaged for use by cycle and pedestrian with emergency vehicle access if necessary – detailed in the highways section of this report.

As set out on the Relevant History section, the adjacent site has an application in since October 2024 - MC/24/2022. This site directly links into the application site and relates to this application in relation to connectivity, travel and sustainability. These matters are expanded upon throughout this report.

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004, together with section 70(2) of the Town and Country Planning Act 1990, requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

This site lies to the northwest of Hoo St Werburgh, located to the south of Peninsula Way and Ratcliffe Highway.

The site lies within open countryside, outside the rural settlement boundary as designated within the Local Plan, as well as the Hoo St Werburgh and Chattenden Neighbourhood Plan(NHP). As a site located within the countryside, the principle of the proposed development would fall outside of the development strategy as set out in the Local Plan, which directs development to brownfield sites.

Policies S1 and S2 of the Local Plan seek to prioritise development within the existing urban fabric, and then strategically sustainable development using a sequential approach to the location.

Policy BNE25 of the Local Plan sets out the approach for development in the open countryside. This policy states that development in the countryside will only be permitted if it maintains or enhances the character, amenity and functioning of the countryside, offers a realistic chance of access by a range of transport modes and meets one of the listed exceptions; namely that it is on a site allocated for that use; the development essentially demands a rural location, or it would involve the re-use or adaptation of an existing built-up area.

As the proposal does not fall within one of the identified exceptions in Policy BNE25, it is in conflict with that policy as a matter of principle. However, it is acknowledged that the Local Plan is of some age, being adopted in 2003, and the Council does not currently have a five-year housing land supply (paragraph 78 of the NPPF).

Paragraph 11(d) states that where there are no relevant Development Plan policies or the policies are out of date, to grant planning permission unless the policies in the NPPF provides a strong reason for refusing or where the adverse impacts of doing would outweigh the benefits. In relation to whether the policies in the Development Plan are out of date, Footnote 8 of the NPPF states that for applications involving the provision of housing, this would include where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate

buffer, as set out in paragraph 72), or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. The Council cannot currently demonstrate a 5 year supply of housing. Furthermore, the latest Housing delivery test results show the Council has provided 72% of its housing need and thus the presumption in favour of sustainable development applies. There is, therefore, a significant need for new housing in the Medway Area.

The NPPF seeks to pursue sustainable development, (including countryside sites where appropriate), in a positive way through a presumption in favour of sustainable development, unless the policies within the NPPF provide clear reasons for refusing development, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits (paragraph 11). Those elements of Policy BNE25 which seek to control the supply of land for housing outside of current settlement boundaries as a matter of principle are, therefore, considered to be out of date as the LPA cannot currently demonstrate a 5-year supply of deliverable housing land.

The Hoo St Werburgh and Chattenden Neighbourhood Plan (NHP) was adopted in September 2024. The NHP states that “future development needs to have cohesion and connectivity to ensure there is a sense of place throughout the village, with the village centre at the heart of our community.” (para 5.2.4). The NHP does not allocate sites for housing or employment outside of the existing village boundary. However, Policy H001 supports employment development subject to sites having adequate and safe access to a highway with sufficient capacity and there being no adverse impacts. Similarly, policies H004 and H005 of the NHP are supportive of new housing development coming forward on sites provided that they do not significantly affect the amenities of existing residents, the historic environment (in line with Policy H007), the landscape and natural environment (in line with Policy H008) and delivers a range of housing such as affordable housing and older peoples housing in order to meet local needs.

In determining whether the principle of this proposal is acceptable, it is important to have regard to material considerations, in particular, the Emerging Local Plan. This site is allocated within Regulation 22 Plan for housing (Site ID: HHH11). Significant weight also needs to be given to the benefits the proposal brings to the delivery of much needed housing to contribute towards the five-year land supply. It is also important to have regard to the current development taking place within the immediate vicinity of this site. These matters are considered below in the balance is set out at the end of this report.

Regulation 22 Medway Local Plan 2041

The Local Planning Authority is progressing the Medway Local Plan 2041 to replace the Medway Local Plan 2003. The Regulation 19 version of the emerging Plan was approved for publication at a full Medway Council meeting on Thursday 26 June 2025. A 6-week consultation period ran from Monday 30 June until Monday 11 August 2025. A pre-examination checklist was submitted in November 2025 to the Planning Inspectorate and their response confirmed that, subject to addressing some relatively narrow questions, the emerging Plan was ready for examination. The

Regulation 22 Local Plan was submitted for examination on 18 December 2025 and examining inspectors have been appointed. The expectation, as set out within the Local Development Scheme, is that the plan will be adopted in December 2026.

The Regulation 22 Local Plan will allocate the amount of housing and commercial land required to meet the borough's up-to-date targets. It provides for a housing need of 24,540 over the plan period, equating to 1,636 new homes per year. This meets the Local Housing Needs requirement as defined through use of the government's standard method formula. The Local Plan provides for housing land supply through implementation of schemes with planning permission – 'pipeline' sites, new site allocations for development, and allowance for 'windfall' sites. The supply provided in the draft plan consists of: Pipeline sites (with planning consent, not completed or allocated) – 1,762 Local Plan allocations – 21,194 and Windfall sites – 1,584. This provides a small buffer on supply over need.

The Spatial Development Strategy sets out a 'brownfield first' approach, using previously developed land to bring forward opportunities for investment in urban centres. However, the development strategy also recognises that greenfield sites also provide an important component of land supply, as the regeneration of brownfield sites will not meet the needs of all residents. Outside of the urban regeneration areas, the expansion of identified suburban neighbourhoods and villages will be supported, where the principles of sustainable development can be met, and where unacceptable impacts on infrastructure and the environment can be avoided. It is also recognised that some of the brownfield sites could take longer to be developed, and this could impact on housing supply earlier in the plan period. A mix of lower density housing on the edges of Medway's towns and villages will, therefore, assist in providing for greater choice in the housing market. Around 30% of the plan's housing is, therefore, proposed to be directed to Medway's rural areas.

Hoo is one of the settlements identified for growth and the site in question is allocated as a site (HHH11) for up to 240 homes which would operate as an extension to the existing village of Hoo St Werburgh. Policy SA8 sets out the objectives and criteria for this and requires that any development integrates with new and existing communities in the village, retains the identity of Hoo St Werburgh and Chattenden, is landscape led and of high quality design. The policy also requires that future development come forward in accordance with a strategic masterplan for Hoo and Chattenden, providing a framework for design, landscape and green infrastructure, heritage, services, employment, transport, infrastructure, defining distinctive neighbourhoods and centres. Policy SA9 sets out that Medway Council and the Hoo Consortium, and wider developers will collaborate to produce a Hoo Planning Framework, including a masterplan, to guide planning applications and further approval of details. Site-specific information highlights a number of sites, including this application site highlighting appropriate land uses. This specific site (HHH11) is recognised as residential for up to 240 homes, with projected delivery expected in the first 5 years of the plan period.

The proposal is in conflict with the policies of the existing local plan and NHP concerning the principle of growth. However, it is consistent with the spatial strategy in the emerging Local Plan and is consistent with the allocation in the emerging Local Plan.

It should also be recognised that there is a significant need for housing, which can only be accommodated by developing appropriate sites outside of existing settlement boundaries.

On balance and in circumstances where there is no 5yr Housing Land Supply, it is considered that greater weight should be given to the strategy and allocations in the emerging Local Plan which will meet the area's housing need.

Therefore, the principle of development is acceptable.

SA8 Hoo St Werburgh and Chattenden Policy Allocation.

When looking at this particular site (HHH11), it is important to understand why this location has been selected as an allocation within the Emerging Local Plan.

The spatial strategy, broad locations and preferred site allocations were informed by iterative Sustainability Appraisal and Land Availability Assessment to identify an appropriate development strategy for the Emerging Local Plan.

This site forms part of a wider planned expansion of Hoo St Werburgh, which is a key component of the Emerging Local Plan's spatial strategy. This provides for a range of development needs and complements the council's regeneration programme. It supports improved services to the rural communities of the Hoo Peninsula, through strengthening the role of this large village as a rural service centre.

This site is considered as part of the planned extension of Hoo Village which will benefit from planned investment in infrastructure. It is also conveniently located adjacent to the existing village boundary. Hoo is considered to be an existing significant settlement, of over 12,000 residents, and planned expansion will provide targeted investment in specified areas.

This collaboration supports the strategic objectives of the emerging Local Plan for developing transport networks, and strengthening communities. Transport improvements are specific criteria in the proposed strategic site allocation policy for Hoo and Chattenden. The existing public transport network with Hoo provides regular bus links into Chatham with multiple buses an hour which extend into late evening. This will be further improved through planned development, and a sustainable transport strategy for the Hoo Peninsula, with Hoo providing a hub for enhanced bus services, such as a bus interchange, with links across the wider peninsula and improving and providing priority to public transport links to urban Medway for higher level services and employment.

Scheme Impacts

In determining whether this proposal is acceptable, it is essential to consider the impact of the development on the wider landscape, habitat sites and/or designated sites, irreplaceable habitats such as ancient woodland, designated heritage assets, flood risk, matters of sustainability, and the various issues discussed under the relevant headings below. An assessment must then be made as to whether:

“Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places, and providing affordable homes, individually or in combination.”

Accordingly, the planning application should be assessed against all relevant development plan and national policies before completing an overall assessment of impacts and benefits.

Site and surroundings

The application site measures circa 12 hectares ('ha') and comprises two agricultural fields with some mature hedgerow and a limited number of trees. It is relatively open and occupies land adjacent to existing residential development on the western edge of Hoo St Werburgh. The Site is bound by Ratcliffe Highway to the north, beyond which is the A228 Peninsula Way. The settlement edge of Hoo St Werburgh lies to the east. To the northeast there is an active vehicle yard (Auto Renovation). The Grade II Listed Mill House is located to the northwest. City Way Health (former Windmill Public House) is located adjacent to the northern boundary off Ratcliffe Highway and is considered a non-designated heritage asset.

Both the western and southern boundaries of the Site abut open agricultural land. Further south of this is The Hundred Hoo Academy School site, which contains a primary and secondary school. To the northeast is open agricultural land with Kingshill Recreation Ground beyond, located to the north of Pankhurst Road. The Site has few features of interest with the exception of boundary vegetation. There is a public access in the form of Public Right of Way ('PRoW') RS102 which provides a link through the northeast of the Site linking Vidgeon Avenue and Ratcliffe Highway.

The site is not subject to any statutory national or international designations for landscape or nature conservation.

The application site is situated adjacent to the village of Hoo St Werburgh, approximately 1.5km east of Chattenden and 3.5km north of Gillingham on the Medway estuary.

Much of Hoo consists of post war, mid-20th Century, residential development. The village core itself is much older with St Werburgh Church thought to date back to the 12th century. Development has spread to the northwest, between Main Road and Bell's Lane. In more recent years, significant development has also occurred to the east of Bell's Lane and on Stoke Road.

Existing development is of a medium density. Properties adjacent to the Site on Vidgeon Avenue are mostly single storey with some two storey towards Aveling Close.

The village core has a number of shops and other services with shops being located round the Main Road, Bell's Lane junction. Facilities in this area also include Pubs, Pharmacy and Restaurants and Take Aways. These extend along Church Road with

St Werburgh Church located to the south. More modern housing is also located to the south of the church.

Design and appearance

Policy BNE1 of the Local Plan states that the design of development should be appropriate in relation to the character, appearance and functioning of the built and natural environment by amongst other matters being satisfactory in terms of scale, mass, proportion, details, and materials. Policy BNE4 of the Local Plan supports the planting of new trees, hedges and hedgerows. Paragraphs 131 and 135 of the NPPF also emphasise the importance of good design.

Policy HOO6 of the NHP also states that all new housing design should respect the historic and rural character of the NHP area having appropriate regard to their design guidelines. Policy HOO2 states that new community facilities will be supported in existing built settlements or in other sustainable and accessible locations. Policy HOO4 states that support for housing will be subject to there being no significant adverse impact and references Policies HOO7 (historic environment) and Policy HOO8 (landscape and natural environment). The policy (HOO4) also expects housing to meet a range of local needs including housing suitable for older people, people with limited mobility and other specialist housing needs. Affordable homes should also be an integral part of the scheme and be tenure blind. Policy HOO1 supports employment development that has safe and adequate access and there being no adverse impact on amenity.

Given that this application is outline and the design and appearance of the proposed residential units have not been submitted for consideration, the design of the scheme cannot be fully assessed at this stage. This will be considered as part of the reserved matters applications that will follow should planning permission be forthcoming. However, it is considered that the development framework submitted for this outline application demonstrate that it is possible to achieve the number of units proposed.

The development framework illustrates the parameters of the development and identifies the following:

- The application boundary;
- The means of vehicular access into the Site;
- The location and extent of proposed land uses;
- The amount of built development (Net Developable Area).

The Residential Development (6.85ha) will provide up to 240 new homes at an average net density of 35 dwellings per hectare (dph) with a mix of dwellings types from 1–5-bedroom properties. The development will provide for a broad range of dwellings and house types offering a mix of market housing from first time homes to larger family homes. This leaves 5.15 hectares for green infrastructure and public open space.

An Illustrative Masterplan along with supporting text and illustrations is located within the Design and Access Statement. This shows the principles of urban structure, and

the urban grain, (i.e. the location, arrangement and design of the development blocks, plot arrangement, and green infrastructure).

The Illustrative Masterplan provides an indication of densities across the Site. The purpose of the Illustrative Masterplan is to provide one iteration of how the Site could be developed to accommodate up to 240 residential dwellings and associated infrastructure. It sets out the key urban design principles that the development will seek to adopt conforming with the development parameters of the Development Framework Plan.

It is considered that the proposal for up to 240 residential dwellings could adequately be accommodated on the site in a manner that is in accordance with Policy BNE1 of the Local Plan and paragraphs 126 and 130 of the NPPF.

It is noted that the relevant policies set out in the HCNP are HOO6 – Design and HOO8 – Landscape and Environment. HOO6 focusing predominantly on ensuring that new build design is attractive and has sufficient links to integrate it into the existing village. Use of materials, layout of public realm and connectivity being important in design terms. HOO8 aiming to secure that development enhances areas and achieves ecological enhancements.

Loss of Agricultural Land

Paragraph 187(b) of the NPPF states that planning decisions should recognise ‘the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland’.

Natural England states that 'High quality agricultural land is valued because of its important contribution to food production, and it also offers much greater potential than poorer land for growing alternative fuel/energy crops'. Natural England observes that land protection policy 'is relevant to all planning applications, including those on smaller areas but it is for the planning authority to decide how significant are agricultural land issues ...'.

A soil and agricultural land quality survey has been undertaken of the 12ha of land, subject of this application at land off Ratcliffe Highway. The land has a mixture of soil types, with heavy soils with impede drainage, giving land of subgrade 3b agricultural quality (limited by wetness), loamy soils over gravel also giving a subgrade 3b (limited by droughtiness) and other areas intergrade between these soil types giving land a subgrade 3a.

The areas occupied by each of the soil types is:

Grade/Subgrade	Area (ha)	% of the land
Subgrade 3a	4.43	37
Subgrade 3b	7.57	63
Total	12.00	100

The proposed development would, therefore, result in the loss of approximately 12 hectares of agricultural land, which is largely classified as Subgrade 3b with a

proportion of Subgrade 3a. The use of BMV land for development needs to be considered in the context of the need for the proposed development and the general high quality of agricultural land in the locality. In addition, and as the (Regulation 22) Medway Local Plan 2041 has demonstrated, through its proposed Spatial Development Strategy it is unlikely that the Council could meet its housing land supply requirements without the loss of some agricultural land of Grade 3a or lower.

Furthermore, and when balanced against the contribution that the site would make to housing delivery, this proposal would not amount to any loss of Grade 1 or Grade 2 agricultural land as the survey results in the table demonstrate. Consequently, the proposal would not conflict with the principle that local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality (footnote 65) of the NPPF.

Amenity

Paragraph 135f of the NPPF states that achieving well-designed places should include creating a high standard of amenity for existing and future users. Policy BNE2 of the Local Plan expects all development to secure the amenities of its future occupants and protect those amenities enjoyed by neighbouring properties. The design of the development should have regard to privacy, daylight and sunlight, noise, vibration, light, heat, smell and airborne emissions and activity levels and traffic generation. Policy H005 of the NHP states that residential development should be well designed to be flexible to meet residents changing needs.

There are two main amenity considerations, firstly the impact of the proposed dwelling on neighbouring amenity and secondly the living conditions which would be created for the potential occupants of the development itself.

Neighbouring Residential Amenity

The closest neighbouring residents to this site are in Vidgeon Avenue. The Illustrative Masterplan shows that the residential development would back onto the properties that sit on the western side of the road (49-69 – odds only). It is acknowledged that the garden depth of properties here are not excessive as some are only 7.5m in depth. It will, therefore, be essential that any Reserved Matters applications coming forward would have to acknowledge this depth and ensure that window to window distances are sufficiently spaced to ensure that overlooking is not an issue here. It is considered that the proposal would not have a detrimental impact on the amenity of the residents of those properties, providing that any new development coming forward takes account of distances.

There is potential disturbance from noise and dust as a result of construction activity and consequently a condition requiring a Construction Environmental Management Plan (CEMP) is recommended.

Overall, it is considered that, in principle, the relationship to neighbours will be acceptable and whilst it is acknowledged that outlook from some of these existing properties would be forever altered, it will not cause detrimental harm.

Amenity of Future Occupiers

In terms of the amenity of future occupants, it is expected that proposals submitted as part of reserved matters applications will show dwellings that meet the Nationally Described Space Standard for internal floorspace and the garden depths and/or additional internal space for flats to meet the Medway Housing Design Standards (MHDS) where applicable. The parameters for building heights are set out within this proposal, and no objection is raised at this stage in this regard.

The proposal is considered acceptable with regard to the residential development element of the proposal both in considering the impact on existing and future occupiers. The proposal is in accordance with Policy BNE2 of the Local Plan and paragraph 130 of the NPPF.

Heritage impact

Policy BNE18 of the Local Plan relates to development affecting Listed Buildings. Section 16 of the NPPF sets out how the historic environment should be conserved and enhanced. Paragraph 208 of the NPPF states that local authorities, when considering proposals that affect a heritage asset, should seek to avoid, or minimise any conflict between the conservation of the heritage asset and any aspect of the proposal. Paragraph 203 is concerned with plan-making strategies, and says the strategy should take into account, among other things, the desirability of new development making a positive contribution to local character and distinctiveness. H007 of the NPH states Development should take opportunities to enhance and avoid significant harm to the character and significance of Hoo's military and war heritage, as well as take opportunities to enhance and avoid significant harm to non-designated heritage including the Windmill former pub (Ratcliffe Highway).

In terms of proximity to Listed assets, this includes the Grade II Listed Mill House, which is situated approximately 50m west of the site. As a Grade II Listed Building, Mill House is considered to be a designated heritage asset of less than the highest significance, as defined by the NPPF.

Mill House principally derives its significance from its built form, which has architectural, artistic and historic interest as an example of a building constructed in the 18th century. As well as this, Mill House also derives some significance from its setting, predominantly from the mill pond, recorded to the north of the asset, and its historic association with the former mill. Immediately adjacent agricultural land in the immediate vicinity of the asset is considered to make a minor contribution to the significance of Mill House, as part of its wider setting which provides some separation from Hoo St Werburgh. This includes the northern area of the site.

The proposed development within the site will result in the construction of modern built form to the east and south-east of Mill House, and the character of the land will be altered from agricultural to residential. Views east from Mill House towards the site comprise the agricultural land within the site, and existing development along the eastern boundary of the site. The residential development will be set back from the Listed Building by open green space. The northern area of the site is considered to make a minor contribution to the significance of the Grade II Listed building, as part

of land which separates it from Hoo St Werburgh. The agricultural land to the south of the heritage asset would remain unchanged. There is no historical functional association between the land within the site and the heritage asset. On the basis of an alteration of views and development within the vicinity of Mill House, the proposed development within the site would result in less than substantial harm at the lower end of the spectrum to the heritage significance of the Grade II Listed Mill House, through changes to setting.

Under paragraph 215 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The non-designated The Windmill is recorded immediately north of the site. The proposed development within the site will result in the construction of modern built form to the south of The Windmill, and the character of the land will be altered from agricultural to residential. There are clear views south from The Windmill across the agricultural nature of the site, and these would be altered to comprise modern built form set back beyond open space in the northern extent. The site is considered to make a minor contribution to the significance of The Windmill, and as such this alteration would result in minor harm to the significance of the non-designated heritage asset, with regards to setting. This aligns with the Appellant's heritage statement (paragraph 6.36).

Under paragraph 216 of the NPPF, the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The low level of less than substantial harm to designated heritage assets should be given considerable importance and weight in the decision making process. However, the balancing exercise in paragraphs 215 of the NPPF has been carried out and the public benefits of the scheme include the significant provision of housing (including affordable), accessible open space and play provision, enhanced footpath link and ecological benefits and, therefore, it is considered that these public benefits are considered to outweigh the heritage harm identified.

The development is considered to comply with Policies BNE1 and BNE18 of the Local Plan and Section 16 of the NPPF. Overall, the proposal is considered acceptable in heritage terms.

Archaeology

Chapter 16 of the Framework contains national policy on the conservation of the historic environment. Local Plan Policy BNE18 (Setting of Listed Buildings) states that development which would adversely affect the setting of a listed building will not be permitted. Policy BNE21 (Archaeological Sites) requires applicants to assess the impact of development on archaeological assets.

An Archaeological and Built Heritage Assessment prepared by Pegasus Group has been submitted in support of the planning application. It provides information with regards to the significance of the historic environment and archaeological resource of the Site, and any harm to the historic environment resulting from the proposed development (including impacts to significance through changes to setting).

There is relatively sparse evidence within the study area and no evidence within the site for prehistoric finds or features. Therefore, the potential for significant prehistoric archaeological remains within the site is considered to be low.

The only evidence of a significant Roman site in the vicinity is located some distance to the south-east of the site, and no evidence for Romano-British finds or features has come from within the site. Roman finds recorded during improvements to the A228 to the north of the site are interpreted as chance or lost finds. Therefore, the potential for significant Romano-British archaeological remains within the site is considered to be low.

There is no evidence for settlement features or finds within the site, and there is little evidence for finds and features of medieval date within the study area, aside from the nunnery. The potential for remains of archaeological significance of medieval date within the site is considered to be low.

Within the site, a Second World War gun emplacement was constructed in the 1940s, which has since been demolished. Any below-ground remains (if present) are not considered to be of heritage significance. Numerous buildings were constructed in the post-medieval to modern landscape around the site, focused both at Hoo St. Werburgh and in the wider study area forming the Second World War defences of the Hoo Peninsula. The potential for significant post-medieval and modern archaeological remains within the site is considered to be low.

The submitted information meets the requirements of paragraph 207 on the NPPF. The Assessment concludes that there is low potential for any significant archaeological remains within the Site. As such, subject to conditions securing an appropriate programme if archaeological matter is found during construction, the proposal is considered to accord with Policy BNE21 of the Local Plan, Policy DM9 of the (Regulation 22) Medway Local Plan 2041 and paragraphs 207–212 of the NPPF.

Landscaping

This site is identified as being part of the Landscape Character Area G3 - Hoo St Werburgh in the Medway Landscape Character Assessment 2024. This is an undulating arable landscape composed of large-scale arable fields bounded by fragmented hedgerows with a resulting open character. The large villages of Hoo St Werburgh in the east and Chattenden to the west are not well-integrated into the landscape, and their settlement edges are highly visible. St Werburgh church spire is a prominent landmark on the edge of Hoo St Werburgh. The settlement edges of Hoo St Werburgh and Chattenden, as well as any new development should be integrated into the landscape using appropriate boundary treatments.

As with the design of the scheme, it is noted that the landscaping of the scheme is also limited in its detail due to the fact that this is an outline application. Landscaping is a Reserved Matter that is not anticipated to be detailed until this next stage. Despite this being the case, it is noted that there is a certain amount of detail that comes forward within this outline application which is to be secured going forward.

There is to be a total of Green Infrastructure and Public Open Space of 5.15 ha within this proposal. A comprehensive Green Infrastructure Framework is proposed throughout the Site (43%). The existing Public Right of Way will be upgraded with an additional link provided to the southwest corner. Additional footpaths lead around the Public Open Space and attenuation pond. New tree planting is located to the green link and Public Open Space. An Equipped Area of Play (LEAP) will be provided on Site and will supplement the existing play provision within the local area. An incidental 'play on the way' area will also be implemented to the southwest corner, adjacent to the footpath route. All landscaped areas will be designed and managed for ecological benefits as well as amenity use.

One of the key elements of the applicant's design vision has been to create an attractive, multi-functional landscape setting for the development, to maintain character and create sense of place. The green infrastructure (GI) would be designed as multi-functional spaces that will enhance biodiversity and landscape character as well as providing play and recreation opportunities. The GI would include:

- Existing retained habitats and features (e.g. existing trees and hedgerows);
- New areas of green space including multi-functional areas of public open space and well-vegetated landscape buffers around the perimeter of the Site;
- Attenuation pond, with planting to encourage habitat diversity;
- Equipped children's play area and 'play on the way' space;
- Improved pedestrian connections across the Site including upgrading the existing Public Right of Way and providing an additional link to the south providing an opportunity to create a new and sustainable active travel route to the school and village Centre;
- Orchard planting to encourage community engagement;
- Significant tree planting around the Site providing ecological and aesthetic benefits: and
- An open area of green space to the north with scrub and meadow planting to increase biodiversity.

The Hoo St Werburgh and Chattenden Neighbourhood Plan has Policy H008 (Landscape and Environment) in place to ensure that the areas landscape character is enhanced through development. This also must account for Biodiversity loss/harm and impacts on bird protection areas and woodlands.

Ecology

No statutory nature conservation designations are located within or adjacent to the site. The Medway and Thames Estuaries and Marshes lie within 5km of the site and are designated as SPAs, SSSIs and Ramsar sites. Other international designations,

national and local designations close to site are sufficiently distant and buffered from the site to not be significantly impacted by proposals.

The site is dominated by species-poor semi-improved grassland with scattered patches of scrub and tall ruderal vegetation along boundaries adjacent to hedgerows. A small woodland lies along the southern boundary. These represent common and widespread habitats supporting limited botanical diversity.

The more valuable habitats included the woodland and hedgerows, most of which (5 out of 7) are considered as habitats of principal importance under Natural Environment and Rural Communities (NERC) Act Section 41. Surveys undertaken by the applicants have demonstrated that the site is used by a relatively low number of common bat species for commuting and foraging. Four trees with roosting bat potential were identified in the woodland. Badger latrines were identified along the central field divide, indicating they use the site for foraging and commuting. Additionally, a low population of breeding great crested newts has been found within a pond 20m north of site.

The site supports common and widespread generalist/farmland bird assemblages and is not used by SPA or Ramsar-designation species.

A suite of ecological update surveys and assessments were undertaken on and around the site. The full reports include:

- Bat Survey Report (FPCR, 2022);
- Great Crested Newt Report (FPCR, 2022);
- Wintering Bird Survey Report (FPCR, 2022);
- Shadow Habitat Regulations Assessment (FPCR, 2023);
- Biodiversity Net Gain Report (FPCR, 2023);
- Environmental Statement Chapter 7: Ecology and Nature Conservation (Wardell Armstrong, 2023).

Impact on nightingales

Three nightingale territories have been identified within 400m of the application site and, therefore, an assessment of potential impacts has been required.

In terms of the proposed development itself, there will not be any significant direct impacts on the nightingales or associated habitats on Deangate Ridge. There is a lack of suitable habitats onsite, as detailed in the Ecological Impact Assessment (EclA, FPCR 2023). Surveys of the site did not find any nightingale using the site and the scrub habitat area onsite was too small to be suitable. In addition, the intervening distances between the site and Deansgate Ridge (closest point is 160m north, with the nightingale territories further north) and the presence of the A228 (Peninsula Way) provide adequate buffers between the development and the nightingale territories.

In terms of indirect impacts, residential developments are associated with a potential increase in cat predation, but there are no empirical studies to provide evidence for this. In addition, the A228, a busy four-lane (20m wide) national speed limit dual carriageway, lies between the application site and Deangate Ridge, which would act

as a significant barrier to cat dispersal. In the very rare event that a cat is able to cross the A228 and get into Deangate Ridge, any potential predation is reduced by thick thorny scrub protecting nightingale nests. As such, it is highly unlikely that cats from the proposed development would lead to a significant negative effect on the breeding populations of nightingales.

The proposed Ratcliffe Highway development will lead to increased recreation in the local area, including potential recreation at the proposed community park at Deangate Ridge, given its proximity. It is noted that Deangate is currently open for recreational use and is popular for with dogwalkers daily. However, the creation of the community park on a former disused golf course is specifically aimed at providing recreational opportunities for local residents and, therefore, impacts on nightingales will have been considered in relation to the Deangate Ridge planning application (MC/23/2597). Indeed, the BBS report (Ecology Partnership, November 2023) predicted a minor positive effect for nightingales due to the improved habitats to be created and maintained as part of the proposed community park.

The FPCR report has also considered that there is limited possibility of nightingales occurring on-site due to a lack of suitable habitat. Whilst there is a lack of optimal habitat, given the proximity of a large nightingale population, the Council would consider confirming absence through industry standard breeding bird survey, a sensible exercise. It is suggested that if recommended for approval a condition is included that requires these surveys prior to the submission of any Reserved Matters application to ensure that suitable mitigation is sought.

Skylark

The submitted report has the following to say regarding skylark:

“Skylark are farmland specialists and forage and breed within arable and grassland fields. Since the field is the main habitat to be lost as a result of the development, this will inevitably lead to the displacement of the small number of skylark identified on site.

However, intensively grazed pasture is generally of limited suitability for breeding skylark, illustrated by only the single skylark recorded onsite. Skylark generally require longer grass and so the grazed pasture onsite is most likely sub-optimal for this species. Given this, the small scale of the site and the abundance of arable land within the wider area, it is likely that skylark will move into neighbouring habitats”.

The industry standard for breeding bird surveys is six surveys spread between late March and early July, including at least one evening survey. Fewer surveys need to be robustly justified. We do not consider that there is adequate justification for carrying out only one breeding bird survey very early in the breeding bird season.

An adjacent planning application MC/24/2022 recorded nine skylark registrations during the breeding season, although as the skylark were recorded off-site, the number of skylark territories on this application site is not stated.

To ensure that this site provides the level of surveys are conducted here it is again suggested that if recommended for approval a condition is included that requires

these surveys prior to the submission of any Reserved Matters application to ensure that suitable mitigation is sought.

Bats

Four trees within the woodland on-site were identified as having low roosting bat potential. The four bat potential trees will be retained as the woodland is to be incorporated into the proposed green infrastructure (GI). Therefore, the Council are satisfied that currently there are no needs for further surveys. Should this change and the trees be proposed for removal, then further assessment and/or surveys may be required.

The woodland, hedgerows and scrub provide some suitable foraging and commuting habitat. Several species/species groups were recorded during the surveys which included common pipistrelles, Brown long-eared bat, Soprano pipistrelles, Nathusius' pipistrelle noctule, Plecotus sp., Nyctalus sp, Nyctalus/Eptesicus and Myotis sp. Lighting can negatively impact nocturnal species, like bats, that are foraging and commuting on site and in the surrounding habitat. Currently there is no lighting plan or information submitted. Therefore, as bats are present foraging/commuting within the area, there is a risk that any lighting may have a negative impact.

To mitigate against potential adverse effects on bats, and in accordance with the National Planning Policy Framework 2024, it is recommended that the Bat Conservation Trust's 'Guidance Note 08/23 Bats and Artificial Lighting at Night' is consulted in the lighting design of the development. The incorporation of sensitive lighting design for bats is to be submitted to the local planning authority and secured via an attached condition with any planning permission.

Habitats of Principal Importance

The EclA identified seven hedgerows present along the field boundaries. Some of these hedgerows are proposed to be removed but replaced, plus hedgerows are to be planted in addition to what is being lost. The council are satisfied that no existing hedgerow will be placed in gardens to stop homeowners cutting them, and that they are to be managed as part of green infrastructure instead.

A narrow woodland strip runs along southern boundary of the site. The mitigation proposed regarding the woodland is considered to be satisfactory and will ensure that it will be retained, buffered, and protected.

Should planning permission be granted, the proposed mitigation, compensation, and enhancement measures are to be secured by a condition and incorporated into a Construction and Environmental Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP).

It is also recommend that an ecological design strategy be secured by condition should planning permission be granted. This strategy should include detailed landscaping plans, including habitat features for the benefit of biodiversity. This includes the features set out in submission such as bat and bird boxes, log piles, hedgehog highways, plus insect and bee hotels. The strategy should detail how significant ecological receptors shall be avoided, mitigated, and compensated for as part of proposals. The strategy should also provide ecological enhancements as far

as possible. The strategy will need to provide details regarding the proposed management of proposed habitats for the benefit of biodiversity for the lifetime of the development.

Biodiversity Net Gain

Under section 40 of the Natural Environment and Rural Communities Act 2006 (NERC) , and paragraph 193 of the NPPF 2024, biodiversity should be maintained and enhanced through the planning system.

Site habitat surveys were carried out in March and May 2018. An update survey was carried out in August 2022 to inform a biodiversity net gain assessment. The submitted information indicates that proposals are anticipated to result in a net gain of 10.20% in habitat units and the proposed hedgerows would result in a net gain of 20.25%. Commitment to a quantitative biodiversity net gain on site could be secured by condition, underpinned through planning policy for this application. A quantitative biodiversity net gain would need to be demonstrated, once detailed landscaping plans are available through the use of the most up-to-date statutory biodiversity metric.

As already indicated, it is advised that a detailed ecological design strategy, including Landscape and Ecological Management Plan (LEMP) be secured by condition should planning permission be granted.

Other

The site was assessed as having suitable habitat for badger, including the scrub and grassland. Two latrines were identified along the fence line between the two fields in August 2022. No setts were identified on-site, but evidence suggests individuals from the surrounding area use the site for foraging and commuting purposes. Whilst the presence of badgers unlikely, it cannot be ruled out. The Ecological Impact Assessment (EclA) has set out precautionary mitigation for badgers and it is, therefore, recommend that if planning permission is granted, these precautionary mitigation measures are incorporated into a Construction Environment Management Plan (CEMP) secured by condition.

In addition, mitigation measures for hedgehogs, hedgerows, trees, woodland, bats, GCN, breeding birds, and reptiles should be incorporated into a CEMP secured by condition should planning permission be granted.

Flood and drainage

In light of recent changes to national policy and updated technical guidance, further information will be required at detailed design stage for all developments proposing to discharge surface water to the Hoo Stream or its tributaries.

Recent updates to the National Planning Policy Framework (NPPF) and the 2025 National SuDS Standards require that drainage strategies are supported by robust evidence of runoff volume control, updated hydrological data, and clear demonstration that flood risk is not increased on- or off-site. These requirements are particularly important within the Hoo Catchment, which displays a flashy hydrological

nature, due to limited channel capacity, rapid onset of flood conditions during storm events. A precautionary and resilience-led approach is, therefore, necessary.

It is advised that the following matters must be addressed within the detailed surface water drainage design, and will be included as part of a condition:

- i. Update all the drainage design work to comply with the 2025 National SuDS Standards, including requirements for volume control, treatment, and exceedance routing;
- ii. Provide a comparison of pre-development and post-development runoff volumes for the 1% AEP (1 in 100), 6-hour rainfall event, quantify any increase in runoff volume in addition to peak flow assessment;
- iii. Where post-development runoff volume exceeds greenfield conditions, incorporate appropriate volume-control measures. Peak-flow restrictions alone will not be sufficient mitigation;
- iv. Include all contributing impermeable areas in extreme-event hydraulic modelling (1% AEP + Climate Change), unless interception evidence is presented to demonstrate that surface runoff will not be generated;
- v. Confirm attenuation storage requirements and drawdown performance using the discharge rate set out within the Strategic Water Management Plan;
- vi. Demonstrate consideration of interception, source-control measures and water-reuse opportunities to reduce reliance on large downstream attenuation basins;
- vii. Update all rainfall inputs to FEH22, replacing FEH13, for runoff calculations, modelling, and system sizing;
- viii. Provide clarification on the application of the 10% urban creep allowance, including how it has been incorporated within the network capacity assessments and attenuation design.

Given the flash flood nature of the Hoo Catchment, designs must prioritise reduction of runoff volume, enhancement of local storage and interception, and improvement of overall system resilience. These measures are required to ensure that new development does not increase flood risk elsewhere and aligns with current national SuDS policy expectations.

The condition will ensure that these issues are all fully addressed prior to submission of detailed design stage.

Highways

Policy T1, T2 and T13 of the Local Plan states development proposals should not have a significant or unacceptable impact on highway safety or the existing road network and should make vehicle parking provision in accordance with the adopted standard. Policies DM15 and DM18 of the (Regulation 22) Medway Local Plan 2041 requires that development of over 50 homes should demonstrate how vehicle trip generation would be materially lower than the vehicle trip credit set in the Infrastructure Delivery Plan. It also requires that a Transport Assessment or 277 Transport Statement will need to be agreed with National Highways for development proposals that impact on the Strategic Road Network (SRN).

Policy SA8 of the (Regulation 22) Medway Local Plan 2041 requires that the development shall be designed to ensure strong integration and permeability for pedestrians, cyclists and provision for improved public transport to the surrounding residential neighbourhoods and villages by providing high quality and maintained active travel routes.

The policy further requires that development should also support the improvement of bus services to provide effective sustainable transport links for Hoo and surrounding villages, with consideration of expansion of fast-track bus services linked to the urban area. Land will be safeguarded to the east of Hoo for a future potential use of the freight line for passenger traffic.

In addition, Policy SA8 requires that developers must contribute towards the delivery of highways mitigation measures necessary to accommodate planned growth, including capacity improvements at the following locations:

- Four Elms Roundabout;
- Main Road, Hoo (junction with the A228);
- Dux Court Road / Bells Lane junction with the A228;
- Ropers Lane junction with the A228.

Paragraph 110 of the NPPF advises that significant development should be focused on locations which are, or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

The Hoo NDP has two highway related Policies relevant to this proposal. These being HOO11 – Sustainable Travel and Active Travel and HOO12 – Paths. Policy HOO11 relates better to detailed plans and reserved matters applications as it requires the provision of secure cycle storage and EVCPs, as well as adequate parking and the provision of quality pedestrian links. All of these matters will be detailed in a reserved matters application and are not covered within an outline application. HOO12 relates to PROWs and paths. The application has a PROW within the boundary and whilst outline, the development framework plan clearly demonstrates that the existing PROW is to be retained and where possible enhanced.

The applicant's environmental statement describes the access from Radcliffe Highway to the north with a spine road running through to the Taylor Wimpey site to the west. This is described in paragraph 5.5.3 as including a "6.75m wide carriageway... to accommodate buses" and a "2m wide cycleway and a separate 2m wide footway ...on the southern side of the spine road with a 2m wide footway on the northern side". Medway Council are supportive of this promise for the spine road to accommodate buses and the segregated provision of cycle and pedestrian infrastructure.

It is noted and acknowledged that this spine road only works in conjunction with the adjacent Taylor Wimpey site. Ensuring that this is secured up to the boundary with this adjacent site is considered acceptable at this point, given that the adjacent site is also now making headway with submissions for development. Collaboration with the Taylor Wimpey Site will, therefore, be required to demonstrate the continuation of the proposed cycleway and footway to the same or similar specification. Despite the recommendation for the adjacent site at this time, it is fundamental to understand that this adjacent site will be coming forward as part of the Emerging Local Plan and remains an allocated site. Access and road up to the boundary with the adjacent site will, therefore, be detailed and secured to be provided through the S106 as part of the non-financial obligations.

Paragraph 6.4.8 of the Transport Assessment for Application MC/24/2022 (the Taylor Wimpey Site) includes the proposal that the spine road “would not be a ‘through route’ for all traffic, and only buses, pedestrians and cycles would be permitted to cross between the two sites”. The paragraph goes on to say “this could be enforced with either a bus gate or cameras. The reason for making it bus, pedestrian and cycle only is to prevent rat-running through the Proposed Development ... and to encourage bus priority”. Medway Council are supportive of the use of bus gates (which can be camera controlled, not necessarily physical gates), particularly in this context. The applicant is, therefore, requested to provide a joint statement on the topic of the bus gate, identifying the location and clearly demonstrating the inclusion of the bus gate within the site design near the boundary. This can come forward as part of a condition and should be required prior to the commencement of development.

There should be a section of roadway which is clearly marked and signed as bus only. This should be appropriately designed – for instance avoiding planning driveways and other infrastructure too close to the bus gate and showing appropriate inclusion of signage and ANPR cameras.

Off-site impact: Ratcliffe Highway / Bell's Lane

With or without a bus gate between the Land West of Hoo development and this site there is some concern about the impact of this development on the Ratcliffe Highway / Bell's Lane crossroads and by extension, the A228 Peninsula Way / Bell's Lane roundabout. Any increase in traffic turning right from Bell's Lane onto Ratcliffe Highway (south) increases the risk of queues backing up into the A228 Peninsula Way / Bell's Lane roundabout. Therefore, a detailed trip distribution assessment to estimate the number of trips making this movement is to be required as a condition coming forward. As well as this, there is to be an agreed commitment to funding mitigation measures at Ratcliffe Highway / Bell's Lane.

Site design: Connections to the East

Pedestrian connections to Vidgeon Avenue are referenced in the application. This is interpreted as the relatively narrow alleyway between 69 Vidgeon Avenue and 71 Vidgeon Avenue which is used by the existing right of way. The strategic design of the site appears to be reliant on this alleyway which offers no realistic opportunity for upgrades to meet the needs of all users (e.g. cyclists, people using wheelchairs or mobility scooters, people with pushchairs etc) due to its width limitations between the properties.

Approximately 20m to the north, Vidgeon Avenue ends at a full width stub which may represent a rare opportunity to provide a more substantial and attractive connection for walking and cycling. The stub already leads to an informal footway towards Kingshill Recreation Ground.

When Vidgeon Avenue was built this stub was probably intended for future expansion of housing to the north and general traffic use. A general traffic connection would risk creating a 'rat-run' through existing residential areas, but this stub could foreseeably provide a bus-only connection, enabling a future bus route to serve and benefit both existing and proposed neighbourhoods.

Land immediately north of Vidgeon Avenue (east of the applicant's site) is not allocated for development in the Submission Local Plan. It is, however, identified on the applicant's masterplan as "Potential Site for Development by others". Any hypothetical development of this land could also benefit more from a bus compatible connection to this site.

Whilst the current situation is considered acceptable due to the fact that it retains the current road layout situation with the adjoining housing development to the east, it is highly recommended that if opportunity comes forward to secure better connections through to this area by way of inclusion of this adjacent parcel, then any forthcoming reserved matters should allow for connection opportunities to be possible (with realistic and achievable amendments).

Site design: Retail provision and accessibility standards

Submission Local Plan Policy SA8 Criteria 8 and 11 and Policy DM12 refer to a network of small retail and community centres across Hoo with uses to meet daily needs of residents. Local retail and community provision is seen as reducing the need to travel and increasing the chance of residents walking and cycling for "top up shopping, community uses, services [and generally] provide convenience for local communities (allowing various activities to be undertaken)". The current application for this site does not include such provision, therefore, an assessment of how provision within the Taylor Wimpey site coming forward and existing provision will provide similar opportunities is set out within an appropriate condition.

In addition to reviewing access to 'top-up' grocery shopping, Policy T26 in the Emerging Local Plan requires developers to describe how residential properties fall within a 15-minute walk of schools, places to socialise, and places to exercise. As a site immediately adjacent to the village boundary of Hoo and also recognised as playing a part in a wider strategic approach to the expansion of Hoo it is considered that the existing services will all be reachable and accessible to this development, only to be significantly improved as part of the planned expansion, therefore, complying with the criteria within the Emerging Local Plan.

In terms of pedestrian routes to and out of the site, it is considered that the current level of footways and pathways in the surrounding area to be of good quality with The Ratcliffe Highway being paved for pedestrians the whole length and connecting directly to Bells Lane and City Way Health on Ratcliffe Highway. The PRow improvements through the site will also connect directly to the alleyway through to Vidgeon Way. Whilst the alleyway itself is quite narrow, this is fixed but it is only a

short run. Design on a reserved matters application will ensure that the alleyway opens into a safe and improved PRow.

Cycle Routes are found running through Hoo also, with the Ratcliffe Highway serving as a safe, quiet and visible alternative to Peninsula Way. Ratcliffe Highway, despite not being lit, is a straight road so can be clearly navigated by cyclists. This directly links to the application site and will ensure that cycle use from future residents is safe. The link road to the adjacent site will enable cyclists to link directly down to Main Road also.

Bus Servicing and Bus Stops

The proposals should demonstrate clear compatibility with Medway's Bus Service Improvement Plan (BSIP) by ensuring the site layout, highway design, and phasing strategy actively support higher bus mode share. In addition (potentially through a condition) swept paths for bus movements and evidence of how parking restrictions will keep bus routes clear would help evidence the potential benefits for operators using this route.

Paragraph 5.5.1 of the applicant's Environmental Statement refers to initial discussions with Arriva. Further details on progress with these discussions and collaboration with Taylor Wimpey on introducing a service would be welcomed. A strategy and timeline for introducing service in line with the development of both sites, and a joint commitment to provide any necessary funding to ensure early bus access at occupation would greatly support the sustainable mode share objectives. It is recognised that the Council are not in a position to secure a bus service improvement currently. However, the existing bus service through Hoo (Arriva Bus 191 – Grain to Chatham) provides a reasonably good level of service with multiple buses per hour. The closest stops to the site are found on Bells Lane or through the alleyway to Knights Road. On balance, it is considered that this current situation would provide a reasonable bus service to serve the future residents of the proposal site.

Importantly, the Sustainable Transport Strategy developed as part of the Emerging Local Plan, will secure strategic-level investment for the wider planned growth of Hoo which in turn will include opportunity to improve and invest in bus services.

Consistent with this vision, the proposed development will provide an access route through the site that will connect to the adjacent Taylor Wimpey site to the west and once fully operational, this would create a spine road between both sites. The spine road would have a 6.75m wide carriageway in order to accommodate buses. A 2m wide cycleway and a separate 2m wide footway would be provided on the southern side of the spine road with a 2m wide footway on the northern side. The intention is that the spine road, once fully operational, could facilitate improved bus services which are supported by Arriva, the main bus operator in the area. It is proposed that at least one of the three 191 bus services per hour is diverted through the Taylor Wimpey and Gladman sites using the new spine road. Such bus service improvements would have potential to further improve the sustainability of the site.

Contamination

In relation to contamination, it is considered that the site has historically been in agricultural use although it sits under grass currently. There are no recorded activities on site that imply that the soil conditions would be of concerns or that significant contamination issues may arise.

Having reviewed the application (including the Preliminary Geo-Environmental Risk Assessment by Enzygo Ltd dated August 2023) and based on the results of the report, which is in line with current guidance, it is considered that the standard conditions dealing with contamination via a watching brief can be applied here.

A preliminary Unexploded Ordnance (UXO) identification indicated that the site is located in an area where the regional World War Two (WWII) bombing density was Moderate, which is defined as “Areas indicated as having a bombing density of 15 to 49 bombs per 1000acre”.

A Detailed UXO Risk Assessment was commissioned which concluded “there is a Low-Medium Risk that items of unexploded German aerial-delivered ordnance could have fallen unrecorded within the site boundary” and “there is a Low Risk that items of unexploded Allied ordnance could be present unrecorded within the site boundary”. The recommendations made in the UXO report inform the mitigation measures to be adopted.

Given the low risk for contamination and subject to the aforementioned contamination condition and a condition requiring a UXO Risk Management Plan that outline the mitigation measures to be adopted it is considered that this development would comply with Policy BNE23 of the Local Plan, Policy DM2 of the (Regulation 22) Medway Local Plan 2041 and paragraphs 196-197 of the NPPF.

Noise

The applicant has submitted a Noise Assessment Report, which involved undertaking noise monitoring over a period of more than 24 hours to determine a baseline noise level at the development site.

The scope of the submitted noise assessment comprises a consideration of transportation and commercial noise at the proposed residential dwellings and specification of detailed mitigation as required. This includes noise levels in external amenity areas, break in calculations to measure the internal noise levels for noise sensitive rooms and sound insulation requirements to achieve internal noise guideline levels. An assessment of changing traffic emissions on the wider road network is also included.

The assessment utilises data that was collected in April and May 2023 (appropriate for submission) and was carried out in accordance with current guidance and includes general recommendations based on the principals of good acoustic design and, where appropriate, on an indicative plot-by-plot basis, with reference to the most recent masterplan.

Noise modelling was undertaken to confirm the appropriate mitigation strategy for the development. The noise mitigation scheme should be followed to ensure that noise level guidelines are met within all proposed dwellings.

Where all mitigation recommendations detailed are considered in the final site design, the site is suitable for residential development, and the Proposed Development complies with industry standard guidance and paragraphs 187 and 198 of the NPPF. Noise should not, therefore, be a barrier to the Proposed Development going ahead.

In relation to potential construction noise and disturbance, it is not possible to accurately assess vibration levels, as these will depend on factors currently unknown, including proposed construction methods. The majority of construction-related noise and vibration issues can be imagined through the implementation of a Construction Environmental Management Plan (CEMP).

Subject to the conditions as outlined above the proposal is considered to be in accordance with Policy BNE2 of the Local Plan Policy DM4 of the (Regulation 22) Medway Local Plan 2041 and paragraphs 187 and 198 of the NPPF.

Air Quality

Due to the size and nature of the proposed development, and in accordance with the requirements as set out in Medway Councils Air Quality Planning Guidance, the applicant has submitted a chapter within the ES which considers the impacts of Air Quality.

This includes an assessment of the impact of dust and fine particulate matter during construction from the proposed development and road traffic emissions associated with the operational phase.

The effect of the construction phase of the Proposed Development has been assessed with mitigation in place, in accordance with the guidance. During the construction phase, site specific mitigation (such as a best practice dust mitigation plan) will be implemented at the Site. With mitigation measures in place during the construction phase of the Proposed Development, the residual effect is considered to be 'Not Significant' at nearby sensitive receptor locations. The implementation of mitigation will ensure that the Proposed Development maintains compliance with relevant guidance including the NPPF. Full details of the mitigation will be provided as part of a site wide construction management plan as a condition of the approval.

In accordance with Medway Air Quality Planning Guidance, a damage cost calculation has been undertaken to provide a basis for quantifying the financial commitment required for offsetting potential development-generated emissions. The total damage cost of NOx and PM10 combined is £71,339 for the Proposed Development's impact. Mitigation measures implemented at the Site should at least meet this value. Taking into account potential mitigation strategies, the residual effect is unchanged. Further details of which will be secured by condition.

In view of the above, and subject to a condition requiring the submission of an Air Quality Emissions Mitigation Statement giving full details of the measures that will be implemented as part of the development with regards to road transport emissions, as well as further details of dust control measures, no objection is raised with regards to Policy BNE24 of the Local Plan, Policy DM3 of the (Regulation 22) Medway Local Plan 2041, Policy HOO10 of the Hoo St Werburgh and Chattenden Neighbourhood 2023-2040 and paragraphs 187 and 199 of the NPPF.

Climate Change and Energy Efficiency

The application has been submitted with a Climate Change and Energy Efficiency Statement (dated September 2023). Due to the fact that this application is outline only with only access detailed it is considered that the details of the final climate change and energy strategy will be determined at the reserved matters stage. Despite this, there are a number of measures and opportunities that have been set out within the Statement that could be utilised to aid in ensuring that the future dwellings do not overheat. These measures will also contribute to reducing the energy demand and emissions of the dwellings.

Such measures include:

Minimisation of internal heat generation through energy efficient design, including:

- Minimising heat gain from lighting by using energy-efficient lighting design Solutions;
- Maximising the availability of natural light by optimising the light transmittance of the façade's glass elements;
- Utilisation of air source heat pumps for heating and hot water.

Reducing the amount of heat entering the building in the summer, including:

- Limiting the amount of glazing on the dwellings' facades to mitigate solar heat gain while optimising daylight penetration;
- Specifying glazing with a low g-value to minimise the amount of solar heat transferred through the facades' glazed elements.

Using exposed thermal mass and high ceilings within the dwellings to manage heat, including:

- Designing dwellings to have high ceilings to encourage stack ventilation.

Passive ventilation, including:

- Openable windows on multiple aspect spaces to provide passive ventilation and crossflow ventilation to maximise the potential for natural ventilation within the dwellings.

Low carbon and renewable technologies:

- Solar Photovoltaic – the use of solar photovoltaic panels can displace and reduce requirements for grid electricity and can be used for lighting, electric vehicle charging and other electrical appliances;
- Solar Thermal – solar thermal devices can be used to generate hot water;

- Ground Source Heat Pumps – ground source heat pumps can be used to meet space heating requirements. Heat pumps operate by moving heat from location to another;
- Air Source Heat Pumps – air source heat pumps operate in a similar way to ground source heat pumps. They extract low grade heat from the outside air around a dwelling and can be used to meet space heating requirements;
- Waste Water Heat Recovery – a waste water heat recovery system extracts heat typically from waste water, such as showers or sinks, to heat warm incoming mains water, thus reducing heating demands.

Further details of these measures will be requested as a condition in accordance with Policy DM6 of Emerging Local Plan and paragraphs 161 and 164 of the NPPF.

Bird Mitigation

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff, that at the time of submission, stands at £337.49 per dwelling (excluding legal and monitoring officer's costs) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. This tariff should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation).

These strategic SAMMS mitigation measures are being delivered through Bird Wise North Kent, which is the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, and the mitigation measures have been informed by the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. Further information regarding the work being undertaken is available at The Bird Wise website which can be found at <https://northkent.birdwise.org.uk/about/>.

The applicants have agreed to pay this tariff, and this would be secured as part of a section 106 agreement. The proposal is, therefore, in accordance with Policies S6 and BNE35 of the Local Plan, Policy S3 of the Emerging Local Plan, Policy HOO8 of the NHP and paragraphs 194 and 195 of the NPPF.

A decision from the Court of Justice of the European Union detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive.

Given the need for the application to contribute to the North Kent SAMMS, there is a need for an appropriate assessment to be carried out as part of this application. This is included as a separate assessment form.

S106 Matters and Affordable Housing

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, planning obligation (a s106 agreement) may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The following S106 contributions have been requested as part of this application.

iii) NON-FINANCIAL

- Min 30 % affordable homes
 - 62% affordable rent
 - 38% shared ownership
- Provision of a road link with no ransom strip up to the boundary with the adjacent Land West of Hoo site that will provide pedestrian, cycle and bus linkages through the site going forward.

iv) FINANCIAL

- Up to £54,475.20 towards Improvements to facilities and equipment to Hoo Library and/or the community mobile library serving the Hoo Peninsula (£226.98 per unit x 240 units).
- Up to £60,441.60 towards **community facilities** (£251.84 per unit x 240 units) in Hoo including but not limited to a new community centre in Pottery Road and a new community hub.
- Up to £25,833.60 towards **youth development** across the Hoo Peninsula including but not limited to development of new youth facilities and enhancements of existing provision ensuring access to essential equipment and materials, and engagement of trained instructors (£107.64 per unit x 240 units).
- Up to £841,620 towards improvement and expansion of **open space and outdoor sports facilities** at Deangate Community Park and/or Cockham Wood Parkland and/or Hoo Wetlands and/or Hoo Common and/or Kingshill Recreation Ground, Hoo.
- Up to £18,000 towards improvements and enhancements Public Rights of Way (**PRoWs**) RS104, RS105 and RS100 including signage, drainage, wayfinding and access improvements, lighting surfacing and vegetation management if required to local).. (£75 per unit x 240 units).

- Up to £88,754.40 towards improved civic space and gateways including greening, street furniture, paving, lighting and signage (**public realm**) in the Parish of Hoo and Chattenden (including greening, street furniture, paving, lighting, signage etc) (£369.81 per unit x 240 units).
- Up to £80,311.20 towards improvements to Hoo **Sports** Centre including but not limited to the development of gender-neutral changing area including improved shower facilities with increased accessibility for families, schools and disability users which enable the help and supervision of carers and development of a yoga studio to support mental well-being of residents. (£334.63 per unit x 240 units).
- Up to £57,081.60 towards **waste** containment facilities the maintenance and improvement of local bring centres and waste education and promotion. (£237.84 per unit x 240 units).
- Up to £68,908.80 towards **social care** services to meet the needs of the increased, aging population within 3 miles of the development including but not limited to community equipment provision, day care and activity services, personal care assistants, carer support services, home care provision and technology-enabled care solutions. (£287.12 per unit x 240 units).
- Up to £480,000 toward **Health – Primary Care** towards a new healthy living centre in the Parish of Hoo and Chattenden to provide appropriate level of enhancement to accommodate increase in patient numbers. (£2,000 per unit x 240 units).
- **Education**
 - a. Up to £728,376.00 towards the provision of **nursery** education within a new two-form entry or three-form entry primary school in Hoo.
 - b. Up to £1,787,832.00 towards the provision of **primary** education within a new two-form entry or three-form entry primary school in Hoo.
 - c. Up to £1,437,041.01 towards the provision of **secondary** education within a new six-form entry secondary school in Hoo.
 - d. Up to £229,193.14 towards the provision of **sixth form** education within a new six-form entry secondary school in Hoo.
- Up to £2,267,040 towards a package of **transport mitigations** including but not limited to Four Elms roundabout, Sans Pareil roundabout, local roundabouts in Hoo and sustainable transport improvement on the Hoo Peninsula (£9,446 per unit x 240 units).

- Up to £403,610.40 towards a **strategic environmental programme** on the Hoo Peninsula to protect designated sites and areas of significant flood risk, either now or in the future. To include conservation and enhancement of Lodge Hill SSSI, the Medway Estuary and Marshes SPA, Ramsar site and SSSI. (£1,681.71 per unit x 240 units).
- Up to £80,997.60 for **Bird Disturbance Mitigation (SAMMs)** to make financial contribution to take mitigating measures to protect wintering birds habitat areas from the additional footfall/visitors that will result from the development. (£337.49 per unit x 240 units).

The total sum of the contributions requested equates to **£8,709,516.55**.

These requests above have been made in accordance with the Medway Developer Contribution and Obligations Guide (December 2025) which forms part of the evidence base for the Emerging Local Plan. These have been assessed in terms of the tests as set out in paragraph 58 of the NPPF and Regulation 122 the Community and Infrastructure Levy Regulations 2010.

Planning Balance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal represents a significant development on a greenfield site outside the settlement boundary of Hoo. As such, and as recognised above, it conflicts with the spatial strategy of the adopted Medway Local Plan (2003), including Policy BNE25, which collectively seek to restrict development in the countryside unless specific exceptions are met, ensure that development maintains or enhances the character, amenity and functioning of the countryside, and limit new housing in rural areas to sites allocated for that purpose or where an exceptional justification can be demonstrated. It is also in conflict with spatial policies in the NHP.

However, the Council cannot currently demonstrate a five-year supply of deliverable housing sites as required by paragraph 78 of the NPPF (currently at approx. 3 years), and, therefore, the most important policies for determining the application are deemed to be out-of-date. In such circumstances, paragraph 11(d) of the NPPF is engaged, requiring that planning permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF taken as a whole.

Simply because the presumption in favour of sustainable development has been engaged, that does not mean that development plan policies relevant for the supply of housing should be ignored. Rather it is for the decision maker to decide how much weight should be afforded to them.

As is considered further below, an important material consideration in this case is the fact that the proposal is consistent with the strategy and policies of the Regulation 22 Local Plan and would assist in delivering housing early during that plan period.

Whilst acknowledging the conflict with existing development plan policy, officers consider that greater weight should be given to the emerging Local Plan and, therefore, consider the proposal to be acceptable in principle.

In assessing the proposed development against the policies in the NPPF as a whole, as well as relevant Local Plan policies, the NPPF indicates that there are three dimensions to sustainable development: economic, social and environmental. It is, therefore, appropriate to balance the assessment of the development as set out above, against the Local Plan policies and policies in the NPPF in these terms and unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits, of doing so, planning permission should be granted.

Economic

The new residents will generate more demand for local services and facilities, and this would contribute to boosting the local economy and vitality of the surrounding area. The development would also boost the local economy in the form of direct, indirect and induced jobs from the construction of the development. As these benefits would be both short-and long-term, moderate positive weight is given to this.

The planning obligations set out in the s106 include a range of financial contributions to make the proposal acceptable. These financial contributions are intended to mitigate the effects of the development and render it acceptable in planning terms.

Accordingly, neutral weight is attributed to this. In addition, and although Council Tax receipts would be created for Medway, they are not benefits, as they are collected or paid to mitigate the additional demand that the new homes would bring on services that Medway provides. These matters, therefore, attract neutral weight.

Social

The development would deliver up to 240 new dwellings towards housing land supply, of which 25% would be affordable dwellings (60) contributing to the identified need in the Medway area at a time when delivery is well below the annual requirement. It is anticipated that the whole development will be delivered over approximately a 5-year build-out programme. The proposal would, therefore, contribute significantly to the number of dwellings delivered in Medway in the next five years. Overall, the proposal would also provide a suitable mix of house types and sizes to reflect what is required locally. The proposal would, therefore, make a meaningful contribution to the supply of housing in the forms identified and help address the existing shortfalls. Given the quantum of development involved, and the fact that the delivery of that housing is in accordance with the strategy in the emerging Local Plan, very substantial positive weight is attached to the provision of market and affordable housing.

Upgrades to existing PRoW and general links through to Main Road and Hoo Village are expected as part of this proposal and will be secured further with the linkages that will be provided via the adjacent site (set out as an allocated site within the emerging local plan). This would also promote walking and cycling and provide an alternative to the private vehicle. However, these measures are largely mitigation

associated with the delivery of housing in a countryside location. As such this would carry moderate weight.

The proposal should be designed in the Reserved Matters coming forward, with generous sized plots, and, for the majority of house types, the internal layout should also allow home working to be facilitated. This would contribute positively to the health and wellbeing of future occupiers by supporting flexible living arrangements. However, only limited weight is afforded to this benefit as it would primarily be experienced by the occupiers of the development itself, rather than the wider community.

The proposal would also contribute financially to enable the provision of mainstream education within a new school (within a radius of 2 miles from the development site for Nursery and Primary provision) and/or SEND education within Medway, allowing for the development to be mitigated satisfactorily.

By financially contributing to allow for the needs of new residents to be met, and supporting sustainable patterns of growth, the financial contribution for education represents a valuable benefit.

Environmental

The proposed development will incorporate a high level of energy efficiency through a fabric-first approach, and all dwellings would be equipped with electric vehicle charging points. The Climate Change Statement submitted alongside the application states that climate and energy measures are to be incorporated and detailed as the reserved matters comes forward. Ideally this would achieve a reduction from 2021 Part L baseline. While a large variety of measures are increasingly common in modern residential schemes, they nonetheless represent a clear environmental benefit and contribute positively to the scheme's overall sustainability credentials.

These features are, therefore, afforded moderate weight in the planning balance.

There is no statutory requirement to deliver Biodiversity Net Gain (BNG) in this case, as the planning application was submitted prior to 12 February 2024, when mandatory BNG requirements came into force. Nonetheless, Local Plan Policy BNE25 requires new development to conserve and enhance the natural environment, while paragraph 193(d) of the NPPF seeks to ensure that proposals secure measurable net gains for biodiversity. In addition, Policy S2 of the Regulation 22 Medway Local Plan 2041 requires development to achieve a minimum 10% BNG, consistent with national legislation.

The submitted information indicates that proposals are anticipated to result in a Biodiversity Net Gain of 10.20% in habitat units and the proposed hedgerows would result in a net gain of 20.25%. Commitment to a quantitative biodiversity net gain on site is to be secured by condition, underpinned through planning policy for this application. The projections exceed emerging policy requirements and would contribute positively to local biodiversity enhancement and the wider national objective of reversing biodiversity decline. However, as the site currently comprises

undeveloped greenfield land of relatively low ecological complexity, the net gain achieved is afforded limited positive weight in the planning balance.

The proposed development would deliver approximately 5.15 hectares of open space, including play areas, SuDS features and green corridors, all of which would be accessible to the wider community through enhanced connections to the surrounding area. This would provide meaningful benefits for health, wellbeing and community cohesion. However, as these measures function primarily as mitigation and largely benefit future occupiers of the development itself, they are afforded limited weight in the overall planning balance. Further, large areas of landscaping are necessary to achieve an appropriate balance between the amount of built form proposed and a visually attractive development that is sympathetic to local character whilst making effective use of land.

The scheme also conflicts with paragraph 187 of the NPPF, by resulting in the loss of open countryside and approximately 12ha of Best and Most Versatile (BMV) agricultural land (albeit not of the highest quality, with no Grade 1 or Grade 2 BMV being lost). Given the quality and extent of BMV lost, and the fact that it is unlikely that the Council could meet its housing land supply requirements without the loss of some agricultural land of Grade 3a or lower, limited negative weight is given the loss of BMV.

It is also noted that the proposed upgrades to the PRow network and pedestrian links, especially when viewed in conjunction with the adjacent site, would enhance wider opportunities for walking and cycling beyond the site boundary. The site is served by nearby bus services, and the primary routes through the development have been designed to accommodate future bus provision, thereby supporting a shift towards more sustainable modes of travel. While the wider infrastructure contributions are necessary to mitigate the proposal's impacts on the road network, they would also deliver broader benefits to the existing community and future development in the area overtime. The proposal is considered to support objectives of Section 9 of the NPPF (promoting sustainable transport) and Policies SA8 and T26 of the Emerging Local Plan. As such, these works attract moderate positive weight in the planning balance, reflecting their wider strategic value.

Weight of the Emerging Local Plan

The site (under ID HHH11) is allocated for development in the Regulation 22 Medway Local Plan 2041, recognising its role in meeting housing needs and delivering strategic growth on the Hoo Peninsula. Therefore, by allocating a greenfield site in the countryside for development within the emerging Local Plan, the Council inevitably accepts that a degree of landscape change will occur. Such allocations inherently require the transition of open rural land to built form, and the associated effects on openness, character and visual amenity are an anticipated and unavoidable consequence of meeting strategic housing needs. The process of allocation, therefore, recognises that, while landscape harm will arise, this must be balanced against the wider requirement to plan positively for growth and to identify deliverable sites capable of supporting sustainable expansion in accordance with national planning policy. This site is considered as part of the planned extension of Hoo Village which will benefit from planned investment in infrastructure. It is also

conveniently located adjacent to the existing village boundary. Hoo is considered to be an existing significant settlement, of over 12,000 residents, and planned expansion will provide targeted investment in specified areas. The scheme is, therefore, considered to be in accordance with the emerging local plan.

In this regard, and while the emerging plan is not yet adopted, it is at an advanced stage (submitted for examination, December 2025). In accordance with NPPF paragraph 49, at least moderate weight can appropriately be given to this allocation. This weighs positively in favour of the proposal, particularly as the site forms a key part of the Council's spatial strategy for meeting identified housing need.

Prematurity

The issue of prematurity is a material planning consideration that should be considered in the Planning Balance. Paragraph 49 of the NPPF states "Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced its preparation, the greater weight that may be given);
- b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."

Paragraph 50 of the NPPF then goes on to consider prematurity:

"However, in the context of the NPPF – an in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

- a) The development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about scale, location or phasing of new development that are central to the emerging plan: and
- b) The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area"

Paragraph 51 of the NPPF further considers prematurity:

"Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan making process".

The Council has an obligation to determine a validly submitted application in accordance with the statutory framework. The issue of prematurity is one the LPA should consider in determining submitted applications of scale which are both in accordance with the emerging Local Plan and not in accordance with the emerging Local Plan.

Paragraph 50 sets out the 2 circumstances which BOTH must apply for an application to be considered premature. The second is that the emerging plan is at an advanced stage but not yet formally part of the Development Plan. This is correct. However, the first part states that “the development is so substantial that to grant permission would undermine the plan making process by predetermining decisions about scale, location or phasing of new development that are central to an emerging plan.” In this respect the scale of the development at up to 240 dwellings must be considered in the context of a housing requirement of 24,540 over the Plan period. In this context the proposal cannot be considered as substantial, and its effect (even when considered cumulatively with the adjacent site) is not so significant to undermine the plan making process.

Conclusion on Planning Balance and Reasons for Approval

The planning system should be genuinely plan-led. The development plan directs development to suitable locations to enable strategic growth and development to help meet the objectively assessed needs of the Council by providing for the development of housing, employment, retail and other necessary development. The adopted Local Plan is of significant age, and for the reasons outlined earlier within the report, its spatial strategy is not keeping pace with the housing needs of the district. Whilst the proposal would conflict with the spatial strategy of the adopted Local Plan, including Policies BNE25 and H11, it would be consistent with the spatial strategy of the emerging local plan, and delivery would help the Council meet its identified housing need

The less than substantial levels of harm to heritage assets is outweighed by the public benefits. There is considered to be no unacceptable harm in respect of flood risk. Furthermore, with the implementation of the proposed mitigation measures, the development would not give rise to any unacceptable impacts on habitat sites or Sites of Special Scientific Interest (SSSIs). In addition, the proposal would deliver a range of much-needed homes in an accessible location where safe and suitable access can be achieved for all, with appropriate mitigation secured to address its highway impacts. Furthermore, the development is capable of responding appropriately to local character in any reserved matters coming forward, through its layout, form, density, scale and appearance, with the expectation of achieving a well-designed place that incorporates appropriate landscaping, connections and green corridors while making effective use of land.

Overall, the proposal gives rise to a number of benefits, as well as identified harms. Taken together, those harms mean that the development conflicts with the adopted Development Plan when read as a whole. However, when applying the tilted balance under paragraph 11(d) of the NPPF, the adverse impacts of granting permission would not significantly and demonstrably outweigh the scheme’s benefits when assessed against the policies of the NPPF taken as a whole. Material

considerations, including in particular the scheme's compliance with the allocation in the emerging Local Plan, therefore, indicate that planning permission should be granted other than in accordance with the Development Plan, and accordingly, planning permission should be approved subject to the attached conditions.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the significance of the proposal and the number of objections received contrary to this recommendation. This application has been appealed for non-determination. An appeal is being heard at Public Inquiry. The purpose of the resolution is to determine what the Council would have done if the application was still before them and consequently what its position will be at the appeal.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>