



Representation concerning MC/23/1934 (Appeal 6002996)

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

"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."

Land At Ratcliffe Highway, Hoo

Case Officer Report Rebuttal and Reasons for Refusal

Wednesday 1st April 2026

INDEX

Page Number:	Chapter:
3	About The Independent Group (TIG)
3	Chapter 1: Executive Summary
4	Chapter 2: Purpose of this Representation
4	Chapter 3: The Report Gives Excessive Weight to the Emerging Local Plan
5	Chapter 4: The Report Underweights the Made Neighbourhood Plan
6	Chapter 5: The Public Transport Case Is Speculative
6	Chapter 6: The Site Depends on Third-Party and Future Infrastructure
7	Chapter 7: Active Travel England's Position Is Not a Minor Issue
7	Chapter 8: Ecology Is Not Resolved
8	Chapter 9: Habitat-Site Conclusions Are Too Confident
9	Chapter 10: Landscape and Settlement Separation Are Not Properly Answered
9	Chapter 11: The Report Relies Too Heavily on Later Conditions
10	Chapter 12: The Planning Balance Is Not Persuasive
10	Chapter 13: Conclusion
11	Chapter 14: Suggested Reasons for Refusal
13	The Independent Group (TIG) Signatures

About The Independent Group (TIG)

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

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

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

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

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

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

Chapter 1: Executive Summary

1. We object to the officer recommendation that, had a non-determination appeal not already been made, the Council would have approved this application. In our submission, the report is not a safe basis for a committee resolution to support the scheme at inquiry. It gives too much practical weight to the submitted emerging Medway Council Local Plan, too little weight to the made Hoo St Werburgh and Chattenden Neighbourhood Plan, and treats a number of unresolved transport, public transport, active-travel and ecological matters as though they can simply be deferred to conditions.

2. The report's principal weakness is its heavy reliance on the submitted emerging Local Plan allocation of this site. That approach is now materially undermined by the examining Inspectors' Initial Queries Letter of 27 March 2026, which states that the examination is still at an early stage, that adoption is unlikely during 2026, that the Inspectors have identified areas of particular concern and significant concerns, and that further evidence and potentially further consultation may be required before any hearings take place. In those circumstances, the emerging allocation cannot safely bear the weight the report places upon it.

3. The report is also vulnerable because it acknowledges unresolved active-travel and public-transport issues, including the fact that Active Travel England remained not in a position to support the application and that the Council is not currently in a position to secure a bus service improvement. Yet despite those admissions, the report concludes that the site is in an accessible location where safe and suitable access can be achieved for all. That conclusion is stronger than the underlying evidence supports.

4. The ecology section presents similar difficulties. The report records concerns from Kent Wildlife Trust and KCC Ecology, including the need for additional bird survey information and mitigation in relation to skylark and nightingale, yet still recommends approval subject to future surveys and later-stage conditions. In our submission, those are not merely implementation details; they go to whether the ecological case is sufficiently complete to justify permission at all.

5. The report also does not convincingly resolve the direct conflict with the Neighbourhood Plan on landscape and settlement separation. The Hoo St Werburgh and Chattenden Neighbourhood Plan identifies the open separation between Hoo and Chattenden as being of significant local value and says it should be retained. The report summarises this objection but does not adequately explain why it is overridden.

6. For those reasons, the committee should not endorse the recommendation. It should instead resolve that, had the application still been before it, planning permission would have been refused.

Chapter 2: Purpose of this Representation

7. This representation is made to assist members in scrutinising the officer report before the committee meeting of 8 April 2026.

8. We recognise that the purpose of the committee resolution is not to issue a planning permission, because the application is now at appeal for non-determination. The purpose is to determine what the Council's position would have been had it retained jurisdiction and, therefore, what position the Council will take at the inquiry. The committee is therefore not asked merely to note the report; it is asked to decide whether the reasoning in the report is sufficiently persuasive to justify the Council supporting the proposal at inquiry.

9. In our submission, it is not. The report contains a number of important internal tensions and unresolved dependencies which make a recommendation of support unsafe.

Chapter 3: The Report Gives Excessive Weight to the Emerging Local Plan

10. The report expressly acknowledges that the proposal conflicts with the spatial strategy of the adopted Local Plan, including Policies BNE25 and H11, and that the development conflicts with the adopted development plan when read as a whole. Yet it concludes that greater weight should be given to the emerging Local Plan and that the proposal is therefore acceptable in principle and should be approved subject to conditions and obligations.

11. That is a major weakness. A submitted but unexamined Local Plan allocation is not equivalent to an adopted development plan allocation. The emerging plan is a material consideration, but its weight depends on stage, objection and soundness. The report's practical reasoning goes beyond that and uses the draft allocation as one of the central reasons for supporting the scheme.

12. The report's reliance on the emerging plan is now weaker still because of events after the report's internal policy analysis was prepared. On 27 March 2026, the examining Inspectors wrote to Medway Council stating that, following their initial review of the submitted Plan and evidence, they had identified "some areas of particular concern" and matters on which they required clarification at this early stage of the examination.

13. The Inspectors also stated that, because the examination is at an early stage, adoption is unlikely to occur during 2026 and asked the Council to explain how the Plan would satisfy the NPPF requirement that strategic policies look ahead for a minimum period of 15 years from adoption. That is directly relevant to the report’s assumption that the submitted plan is a sufficiently settled strategic framework to justify present approval.

14. Most importantly, in paragraphs 30 to 31 of their letter, the Inspectors stated that the Council would likely need to undertake further work, that they had raised “some significant concerns,” that they were not yet in a position to set out a definitive process or timetable for the next steps of the examination, and that they anticipated further new evidence and other documents might need to be submitted, such that a further consultation may be necessary before any hearings take place.

15. In those circumstances, it is not sound for the officer report to place such substantial practical weight on the draft allocation of this site in the emerging plan. Members should be slow to support a scheme today on the basis of an allocation that is plainly still under significant scrutiny and which may yet be modified, delayed or found unsound in part.

16. This concern is reinforced by the Richard Buxton Solicitors letter of 19 March 2026, which raises objections to the lack of consultation on substantial new post-Regulation 19 evidence, including HRA, strategic transport, flood risk and infrastructure material, and identifies allocation HHH11 among a number of Hoo Peninsula allocations close to sensitive ecological sites. Whether members agree with every submission in that letter or not, it demonstrates that the emerging plan is not a settled and uncontroversial framework.

Chapter 4: The Report Underweights the Made Neighbourhood Plan

17. The Hoo St Werburgh and Chattenden Neighbourhood Plan is already made and forms part of the statutory development plan. That is not a peripheral consideration. It is the current plan-led framework for this locality.

18. Yet the report, in substance, subordinates it to the submitted emerging Local Plan. It acknowledges conflict with the Neighbourhood Plan on the principle of growth and summarises objections based on HOO8, HOO11 and HOO12, but then approves anyway by placing overriding reliance on the emerging allocation and the tilted balance.

19. This is especially problematic because the Neighbourhood Plan is directly concerned with the very issues that remain contested here: transport and active travel, landscape and settlement separation, and ecology. It is therefore not enough to note conflict and move on. Members need to ask whether the report has truly engaged with the force of that conflict.

20. The treatment of Policy HOO11 is a good example. The report says that HOO11 “relates better to detailed plans and reserved matters applications” because it refers to matters such as secure cycle storage, EV charging, parking and quality pedestrian links. That, with respect, is too narrow. HOO11 is also about the broader requirement to prioritise safe active travel and sustainable movement over private car use and to link conveniently and safely to public transport. Whether that can be achieved on this site goes directly to present acceptability, not merely later design detail.

21. By reducing HOO11 largely to a reserved matters issue, the report weakens the force of one of the most relevant current development plan policies. Members should, in our submission, reject that approach.

22. The same is true of HOO8. The report summarises submissions that the proposal conflicts with HOO8 because it would erode the open landscape separation between Hoo and Chattenden and because that separation is identified in the policy as being of significant local value and required to be retained. The report does not squarely explain why that policy conflict is overcome. It simply moves to a broad planning balance in which the emerging allocation and housing need do most of the work.

Chapter 5: The Public Transport Case Is Speculative

23. The officer report does not present a robust or secure public transport case.

24. Active Travel England initially recommended refusal because it considered the site to be in an unsustainable location and said that the adjacent site would need to come forward to ensure sustainable connections through to Main Road and Hoo Village. As of 24 June 2025, ATE remained “not currently in a position to support” the application and requested further assessment, evidence, revisions and dialogue.

25. ATE also stated that, while it understood Arriva to be supportive of the potential diversion of the 191 bus service through the site, it would welcome further information on how bus improvements would be secured and whether the local highway authority considered them deliverable and feasible. That is a very important caveat. It means the specialist consultee was not treating the bus improvements as resolved, secure or proven.

26. The report then compounds the problem by stating that Medway Council is “not in a position to secure a bus service improvement currently.” That is a stark admission. A scheme of 240 dwellings should not be supported as sustainably located where the authority itself cannot presently secure the key bus improvement on which the sustainability case appears to rely.

27. The report nevertheless continues by saying that the current Arriva 191 route offers a reasonably good service to the village and by looking ahead to future wider transport improvements through the Sustainable Transport Strategy and growth on the Hoo Peninsula. That is not the same thing as a secured site-specific public transport offer. It is aspiration.

28. Members should therefore be wary of any suggestion that the bus issue is resolved. It is not resolved on the report’s own terms.

Chapter 6: The Site Depends on Third-Party and Future Infrastructure

29. A further weakness is that the report repeatedly relies on infrastructure and movement arrangements that are not secured within this application alone.

30. The report expressly states that the proposed spine road “only works in conjunction with the adjacent Taylor Wimpey site” and that collaboration with that site will be required to continue the proposed cycleway and footway to the same or similar specification. It justifies this by saying the adjacent site is making headway and remains allocated in the emerging Local Plan.

31. That is a vulnerable line of reasoning. The current site should be capable of being judged on its own merits now. If its better active-travel and public-transport performance depends materially on the future

delivery of another site, another application, another road connection and another set of details, that suggests the current site is not yet demonstrating a complete and robust transport solution.

32. The same issue arises with the proposed bus gate. The report notes that the Taylor Wimpey transport assessment proposes a spine road that would not be a through route for all traffic and would instead rely on a bus gate or camera enforcement so that only buses, pedestrians and cycles could pass between the two sites. Medway Council supports the use of bus gates and asks the applicant to provide a joint statement on the topic, identifying the location and clearly demonstrating its inclusion in the site design. The report says this can come forward by condition before commencement.

33. That is another example of a major operational feature of the sustainable-transport strategy not being settled at decision stage. Members should ask whether a bus gate is genuinely a later detail, or whether it is a key part of the scheme's claimed sustainability which ought to be resolved before support is given.

34. The eastern pedestrian connection is also problematic. The report accepts that the strategic design of the site appears to rely on the narrow alleyway between 69 and 71 Vidgeon Avenue, but acknowledges that this alleyway offers no realistic opportunity to meet the needs of all users such as cyclists, wheelchair users, mobility scooter users or people with pushchairs.

35. That is a serious weakness. A route that is acknowledged to be inadequate for inclusive use cannot reasonably be treated as a sound answer to HOO11 and HOO12 or to the broader question whether safe and suitable access can be achieved for all.

36. The report then speculates that there is no reason a bus-only route could not proceed along the line of the eastern connection and refers to land north of Vidgeon Avenue shown on the applicant's masterplan as a potential site for development by others. Again, that is a future possibility, not a secure current solution.

Chapter 7: Active Travel England's Position Is Not a Minor Issue

37. The report's treatment of Active Travel England should concern members.

38. This is not a case where ATE offered broad support subject only to fine-tuning. It is a case where ATE was not in a position to support the application, sought further information and revisions, wanted more confidence on bus deliverability, and recommended an agreed traffic calming scheme to secure lower speeds and acceptable crossing conditions on Ratcliffe Highway.

39. ATE's position matters because the committee is being asked to support a scheme partly on the basis that it is in an accessible location and that active travel and public transport can be prioritised and improved. If the specialist statutory consultee on those matters remains unconvinced, that is plainly a significant weight-bearing factor against approval.

40. The report should therefore have been slower to conclude that the site is acceptable in active-travel terms. Instead, it appears to move relatively quickly from unresolved consultee concerns to a position that later conditions can fill the gap.

Chapter 8: Ecology Is Not Resolved

- 41.** The ecology section is another area where the recommendation is more confident than the underlying evidence.
- 42.** Kent Wildlife Trust states that the development will result in the total loss of suitable foraging habitat for skylark and other ground-nesting birds and that no on-site or off-site mitigation has been put forward. It recommends that measures be secured to address the loss of habitat, including a mitigation strategy for compensatory skylark habitat and winter food provision. It also recommends that further information on how impacts to nightingales will be mitigated should be provided prior to determination.
- 43.** Those are not minor points. They go to whether the proposal's effect on important bird species is sufficiently understood and whether adequate mitigation exists now.
- 44.** KCC Ecology, as summarised in the report, has recommended that additional information is required, mainly relating to bird surveys. The report also notes 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.
- 45.** Members should ask themselves whether this is really the right moment to support the scheme. If additional ecological information is still required, if bird impacts remain live, and if there is no up-to-date Natural England response on the submitted information in a sensitive location, the safer course is not approval.
- 46.** This concern is reinforced by condition 15, which would require industry-standard breeding bird surveys before the first reserved matters application. The reason given for that condition is explicit: there is a lack of optimal habitat within the application site, but given the proximity of a large nightingale population and the fact that the adjacent site had positive skylark registrations during the breeding season, the authority wishes to confirm absence and ensure mitigation can be implemented if those species are found.
- 47.** In other words, the report is recommending approval while accepting that the baseline bird evidence is not yet good enough to provide confidence on key species. That is not a secure decision-making position.
- 48.** The report also notes that carrying out just one breeding bird survey early in the season is not adequately justified and that the adjacent site recorded nine skylark registrations during the breeding season. That underscores the point that the ecological case is not settled.
- 49.** Conditions can regulate implementation of ecological mitigation. They should not be used to discover, after permission is granted, whether a material ecological problem exists and what must then be done about it.

Chapter 9: Habitat-Site Conclusions Are Too Confident

- 50.** The report ultimately states that, with the implementation of the proposed mitigation measures, the development would not give rise to any unacceptable impacts on habitat sites or SSSIs.
- 51.** That final conclusion is difficult to reconcile with the report's own narrative:
- additional ecological information is still required,
 - Natural England has not provided a response taking account of the submitted information,
 - the Hoo Peninsula strategic environmental programme in the emerging Local Plan is still under examination scrutiny,

- and bird mitigation is still not fully developed.

52. Members should be cautious before endorsing that level of certainty.

Chapter 10: Landscape and Settlement Separation Are Not Properly Answered

53. The report also fails, in our submission, to provide a convincing answer to the landscape and settlement separation case.

54. It summarises the objection that Policy HOO8 states the open character of the landscape separating Hoo St Werburgh and Chattenden is of significant local value and must be retained, and that development eroding this separation conflicts with HOO8. It also summarises the point that the Inspector in the Taylor Wimpey appeal found that developing the valley would compromise the perceived separation between Hoo St Werburgh and Chattenden, harming character and appearance, and that the same reasoning applies with equal or greater force here.

55. Yet the recommendation does not squarely explain why this direct current development plan conflict is overridden. It leans instead on the emerging allocation and the general planning balance.

56. That is inadequate. Members are entitled to ask for a clear explanation of why a policy saying that this separation is of significant local value and should be retained is not offended by the current proposal. In our submission, the report does not provide that explanation.

57. The presence of a councillor comment raising the absence of a land and visual impact assessment adds to the concern. Even if members ultimately take a different view from that comment, it highlights the degree to which landscape assessment remains an issue rather than a closed matter.

Chapter 11: The Report Relies Too Heavily on Later Conditions

58. One of the clearest themes running through the report is that many key matters are left to conditions:

- phasing,
- bird surveys,
- ecological design strategy,
- external lighting,
- traffic calming,
- bus stop locations,
- swept paths,
- trip distribution and mitigation,
- and detailed walking/cycling route design.

- 59.** Conditions are appropriate for true details. They are not an answer where the unresolved issue goes to the basic principle of whether the site is suitable and whether impacts are properly understood.
- 60.** In transport terms, members are being asked to support the scheme before bus improvement is secured, before the bus gate is fixed, before Bell’s Lane impacts are fully assessed, and before the connection to the adjacent site is designed and locked in.
- 61.** In ecological terms, members are being asked to support the scheme before the baseline bird surveys are sufficiently robust and before species mitigation is clearly worked through.
- 62.** In landscape terms, members are being asked to support the scheme despite a direct policy concern about retaining separation and without a fully persuasive answer to that conflict.
- 63.** Taken together, this is too much deferral. The committee should not endorse a recommendation that depends so heavily on “approve now, sort later.”
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Chapter 12: The Planning Balance Is Not Persuasive

- 64.** The report’s final planning balance gives moderate positive weight to economic benefits, very substantial positive weight to market and affordable housing, and then concludes that the adverse impacts do not significantly and demonstrably outweigh the benefits.
- 65.** But the balance is only as good as the premises on which it rests.
- 66.** If the emerging Local Plan is carrying too much weight, if the Neighbourhood Plan is carrying too little, if public transport is still speculative, if active-travel performance depends on third-party land, if ecology remains unresolved, and if settlement separation conflict is not properly addressed, then the balance is unsound.
- 67.** The report itself accepts that the development conflicts with the adopted development plan when read as a whole. That should have been a starting warning sign, not a hurdle that could be cleared simply by reference to an emerging allocation and general housing need.
- 68.** In our submission, the correct planning balance points the other way. The current statutory development plan should carry real force; the submitted emerging plan should carry only limited weight at this stage; and the unresolved transport, active-travel, ecological and settlement-separation issues should weigh materially against support.
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Chapter 13: Conclusion

- 69.** For all of the reasons set out above, we respectfully urge members not to follow the officer recommendation.
- 70.** The report is not a secure or convincing basis for a committee resolution to support the appeal. It relies too heavily on a submitted but unsettled emerging Local Plan, underweights the made Neighbourhood Plan, accepts an unsecure and speculative public transport strategy, depends on third-party and future

infrastructure, and acknowledges important ecological uncertainties while seeking to push them into conditions.

71. In those circumstances, the prudent and planning-led course is for the committee to resolve that, had the application remained before it, planning permission would have been refused.

Chapter 14: Suggested Reasons for Refusal

72. The following draft reasons for refusal are suggested for members' consideration.

73. Reason 1 – Principle of development / conflict with the development plan

The proposed development, by reason of its location outside the existing settlement boundary and within the countryside, would conflict with the spatial strategy of the adopted Medway Council Local Plan 2003, including Policies **BNE25** and **H11**, and with the Hoo St Werburgh and Chattenden Neighbourhood Plan insofar as the proposal has not demonstrated compliance with the current statutory development plan when read as a whole. The committee gives only limited weight to the submitted emerging Medway Council Local Plan because it remains at an early stage of examination, has not been found sound, has not been adopted, and is subject to significant concerns raised by the examining Inspectors. The proposal would therefore represent an unjustified departure from the current development plan.

74. Reason 2 – Transport, public transport and active travel

The proposal has failed to demonstrate that the site is, or can be made, genuinely sustainable in transport terms. In particular, the public transport case depends on unsecure and speculative future bus improvements; the authority is not currently in a position to secure the bus service improvement relied upon; and the scheme's active-travel and public-transport performance depends materially upon future third-party delivery on adjoining land. The proposal also fails to demonstrate convenient, inclusive and effective pedestrian and cycle connectivity for all users. The development would therefore conflict with Policies **T1, T3, T4, T5 and T6** of the Medway Council Local Plan 2003 and Policies **HOO11** and **HOO12** of the Hoo St Werburgh and Chattenden Neighbourhood Plan.

75. Reason 3 – Ecology and wildlife impacts

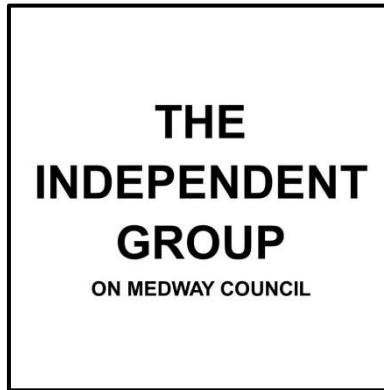
The proposal has failed to provide a sufficiently robust and complete ecological evidence base at the point of determination, particularly in relation to breeding birds including skylark and nightingale, and has not demonstrated that there would be no unacceptable harm to biodiversity, ecological connectivity and nearby designated ecological receptors. The committee is not satisfied that these matters can properly be deferred to later surveys and later-stage mitigation by condition. The proposal therefore conflicts with Policies **BNE35, BNE37, BNE38 and BNE39** of the Medway Council Local Plan 2003 and Policy **HOO8** of the Hoo St Werburgh and Chattenden Neighbourhood Plan.

76. Reason 4 – Landscape and settlement separation

By reason of its siting, scale and encroachment into open land west of Hoo St Werburgh, the proposal would erode the open landscape separation between **Hoo St Werburgh** and **Chattenden**, harm the role of the **Chattenden Valley** corridor, and undermine a characteristic that the Hoo St Werburgh and Chattenden Neighbourhood Plan identifies as being of significant local value and which should be retained. The proposal would therefore harm the character and appearance of the area and contribute to coalescence and urban sprawl, contrary to Policies **BNE1** and **BNE25** of the Medway Council Local Plan 2003 and Policy **HOO8** of the Hoo St Werburgh and Chattenden Neighbourhood Plan.

77. For those reasons, we respectfully request that the Planning Committee reject the officer recommendation and resolve that, had the application remained before it, planning permission would have been refused.

Thank you for taking the time to read this representation.



George Crozer

Cllr. George Crozer (Ind)

Group Leader

Hoo & High Halstow Ward

Michael Pearce

Cllr. Michael Pearce (Ind)

Deputy Group Leader

Hoo & High Halstow Ward

Ron Sands

Cllr. Ron Sands (Ind)

Group Member

Hoo & High Halstow Ward

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

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