

Representation concerning MC/24/2022 (Appeal 6004418)

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

"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."

Land West of Hoo St Werburgh

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
5	Chapter 3: The Report Is Internally Inconsistent on the Principle of Development
5	Chapter 4: The Report Gives Excessive Weight to the Emerging Local Plan
6	Chapter 5: The Report Underweights the Made Neighbourhood Plan
6	Chapter 6: The Previous Dismissed Appeal Should Carry Far Greater Weight
7	Chapter 7: The Public Transport Case Remains Speculative
7	Chapter 8: The Site Depends on Third-Party and Future Infrastructure
8	Chapter 9: Active Travel England's Position Is Not a Minor Issue
8	Chapter 10: The Report Overstates the Accessibility and Highway Position
8	Chapter 11: Ecology Is Not Resolved
9	Chapter 12: Habitat-Site Conclusions Are Too Confident
9	Chapter 13: Drainage, Utilities and Infrastructure Are Underplayed
10	Chapter 14: The Report Relies Too Heavily on Later Conditions
10	Chapter 15: The Planning Balance Is Not Persuasive
10	Chapter 16: Conclusion
11	Chapter 17: 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 write in response to the Case Officer Report for MC/24/2022. We support the recommendation that planning permission should be **refused**, but we respectfully submit that the report is too narrow, too concessive to the applicant on several major issues, and too weakly reasoned to provide the strongest possible basis for the Council's position at Planning Committee and, if necessary, at appeal.

2. The report is right to conclude that the proposal would fail to provide a sufficient and effective landscape buffer functioning as part of a strategic landscape corridor, that it would erode the separation between Hoo and Chattenden, and that it would conflict with the Neighbourhood Plan's protection of that separation. Those conclusions are sound and should be upheld.

3. However, the report is materially weakened by its repeated acceptance that:

- (a) "the principle of residential-led development on the site is supported";
- (b) the site is in an accessible location where safe and suitable access can be achieved for all;
- (c) there would be no unacceptable habitat-site or SSSI harm with mitigation;
- (d) there would be no unacceptable flood risk harm; and

(e) transport works attract moderate positive weight.

Those are major concessions in a case where the site's strongest vulnerabilities remain sustainability of location, car dependence, the weakness of the active-travel and bus case, and conflict with the made Neighbourhood Plan.

4. The report also places excessive practical weight on the submitted emerging Medway Council Local Plan and draft allocation HHH8/SA8. That approach is now significantly undermined by the Local Plan Inspectors' Initial Queries Letter of 27 March 2026, which says the examination is still at an early stage, identifies areas of "particular concern" and later "significant concerns," indicates that the Plan is unlikely to be adopted during 2026, and states that further work and possibly further consultation may be necessary before hearings take place.

5. The report further underuses the significance of the previous refusal and dismissed appeal on substantially the same land. The earlier appeal was not dismissed only because of landscape harm. It was also dismissed because the site was not made adequately sustainable, had poor pedestrian connectivity, lacked bus penetration, and would result in significant car dependence. Those findings remain highly material and should have been given far more prominence in the current assessment.

6. Similar weaknesses have already been identified in the rebuttal to the adjacent MC/23/1934 case officer recommendation, including excessive reliance on the emerging Local Plan, underweighting of the made Neighbourhood Plan, speculative public transport assumptions, dependence on third-party and future infrastructure, unresolved active-travel issues, ecological uncertainty, overreliance on later conditions, and an unpersuasive planning balance. Those same categories of weakness are equally relevant here.

7. For those reasons, we respectfully ask Planning Committee not merely to endorse refusal on the single officer reason, but to strengthen the Council's position by resolving that, had the application remained before it, permission would have been refused on a broader and more robust basis, including unsustainable location, weak and unresolved active-travel/public transport provision, ecological uncertainty, and failure to secure the necessary section 106 mitigation.

Chapter 2: Purpose of this Representation

8. This representation is made to assist Members in scrutinising the Case Officer Report before Committee determination.

9. We recognise that, because the application is already at appeal for non-determination, the Committee is not issuing a planning permission or refusal notice in the ordinary way. The purpose of the Committee resolution is to determine what the Council's decision **would have been**, and therefore what position the Council should take at appeal. The question for Members is therefore not simply whether the report is professionally prepared, but whether its reasoning is sufficiently robust to justify the Council defending only the narrow refusal case currently recommended.

10. In our respectful submission, it is not. The report contains important internal tensions and makes concessions that are not justified by the evidence it summarises. It should therefore be treated as a starting point, not an endpoint.

Chapter 3: The Report Is Internally Inconsistent on the Principle of Development

11. One of the report's clearest weaknesses is its treatment of the principle of development.
12. The report correctly states that the site lies outside the built confines of Hoo St Werburgh, in open countryside, and that the proposal conflicts in principle with Policies **S1**, **S2**, **BNE25** and **H11** of the adopted Medway Council Local Plan, as well as with the spatial policies of the Neighbourhood Plan. It says explicitly that the proposal is in conflict with Policy BNE25 "as a matter of principle" and contrary to H11 because it is a major housing development outside the confines of the existing settlement.
13. Yet the report then states in the refusal reason itself that "the principle of residential-led development on the site is supported." That is a major and unnecessary concession. It creates an internal contradiction between the report's own description of development plan conflict and its headline conclusion.
14. The fact that paragraph 11(d) of the NPPF is engaged because of housing land supply does **not** mean the principle is supported. It means the development plan conflict must be weighed in the tilted balance. Those are different propositions. The report blurs them.
15. Members should therefore resist any suggestion that this is a site where the principle is effectively settled and only detailed mitigation remains. The report itself shows that is not the correct legal or policy position.

Chapter 4: The Report Gives Excessive Weight to the Emerging Local Plan

16. The report places substantial practical reliance on the submitted emerging Medway Council Local Plan and in particular on draft allocation **HHH8 / SA8**. It says the proposal is consistent with the spatial strategy of the emerging plan, that the site forms part of the planned extension of Hoo, and that the Council inevitably accepts a degree of landscape change by allocating greenfield land to meet strategic housing need.
17. That approach is now materially weakened by the Inspectors' Initial Queries Letter of 27 March 2026. The Inspectors say that, following their initial review of the Plan and evidence, they have identified "some areas of particular concern" and require further clarification at this early stage of the examination.
18. They also say that, because the examination is currently at an early stage, adoption is **unlikely during 2026**, and they ask the Council to explain how the Plan can comply with NPPF paragraph 22, which requires strategic policies to look ahead for at least 15 years from adoption.
19. Most importantly, at paragraphs 30 and 31 of the Inspectors' letter, they say the Council is likely to need to undertake further work; that they have raised "some significant concerns"; that they are not yet in a position to set a definitive timetable for the next steps of the examination; and that further new evidence is likely, such that **a further consultation may be necessary** before any hearings take place.
20. Those statements are fundamentally inconsistent with the report's practical treatment of the emerging Local Plan as a reliable, weight-bearing framework for approving development in principle. The submitted plan is clearly not yet settled.

21. This point is reinforced by the Richard Buxton Solicitors letter of 19 March 2026, which complains that major post-Regulation 19 evidence documents — including HRA, IDP, SFRA, STA and Hoo Peninsula Strategic Environmental Programme material — were published only at submission stage and had not been consulted on beforehand. Whether or not one accepts every aspect of that objection, it plainly shows that the evidential platform for the emerging plan remains contested.

22. In those circumstances, the Committee should not treat the emerging Local Plan as carrying anything more than **limited weight**, and certainly should not allow it to displace the current statutory development plan or to dilute the force of the made Neighbourhood Plan.

Chapter 5: The Report Underweights the Made Neighbourhood Plan

23. The Hoo St Werburgh and Chattenden Neighbourhood Plan is made and forms part of the statutory development plan. That is of major importance. It is not merely a local aspiration document. The starting point in law is that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

24. The report acknowledges the Neighbourhood Plan, but in practice it underweights it by relying so heavily on the emerging Local Plan and the tilted balance.

25. This is particularly problematic because the Neighbourhood Plan directly addresses the precise matters that are most controversial in this application: the Hoo–Chattenden separation, Chattenden Valley, landscape character, ecology, sustainable transport, active travel, and path quality.

26. The adjacent MC/23/1934 rebuttal is helpful on this point. It rightly says that a made Neighbourhood Plan should not be subordinated to an unsettled emerging Local Plan, especially where the Neighbourhood Plan is the current statutory plan and directly addresses the very issues in dispute.

27. Members should therefore give substantial weight to Policies **H008**, **H0011** and **H0012** rather than treating them as secondary to draft SA8.

Chapter 6: The Previous Dismissed Appeal Should Carry Far Greater Weight

28. The report summarises the 2014 application and the 2016 appeal decision. It quotes the earlier Inspector’s findings on loss of separation between Hoo and Chattenden and the difference between severance and true separation. That is useful.

29. But the report does not sufficiently carry through the other decisive findings from that appeal. The 2016 Inspector found that the site would not be made adequately sustainable because of the almost complete absence of on-site employment, the paucity of nearby employment, the extent of the site, the absence of bus penetration, poor pedestrian connectivity with adjoining parts of Hoo, and the resulting significant car dependence. He dismissed the appeal despite substantial housing benefits and despite a worse housing land supply position than exists today.

30. Those findings are not historical curiosities. They remain highly material because they concern the same land, promoted by the same development interest, and they go to the enduring structural weaknesses of west-of-Hoo expansion.

31. The report should therefore have used the previous appeal not only as landscape evidence, but as a powerful comparator on sustainability and transport. Its failure to do so materially weakens its reasoning.

Chapter 7: The Public Transport Case Remains Speculative

32. The report does not present a secure public transport case.

33. It records that **Active Travel England** was not currently in a position to support the application and wanted more information, more revisions, and greater confidence on the deliverability of bus improvements.

34. It also records objections that the proposal risks diverting bus services away from the centre of Hoo, that the scheme relies heavily on bus assumptions, and that the public transport case is overly optimistic.

35. The adjacent MC/23/1934 rebuttal frames this correctly: the public transport case is speculative where the authority is not in a position to secure the bus improvement relied upon and where the scheme's sustainability depends materially on unsecure future service changes.

36. The current report nevertheless gives positive transport weight to the scheme. In our respectful submission, that is too generous. A site should not be treated as sustainably located on the basis of bus improvements that remain unproven, unsecured or dependent on later arrangements.

Chapter 8: The Site Depends on Third-Party and Future Infrastructure

37. Another serious weakness is the report's reliance on infrastructure and movement arrangements not fully secured within this application.

38. The adjacent rebuttal for MC/23/1934 is directly relevant here. It correctly criticises the use of third-party and future infrastructure as part of the present sustainability case, including dependence on adjoining land, future links and unresolved design features such as bus gates.

39. The same problem exists here. The Taylor Wimpey site's active-travel and bus strategy has repeatedly been described as part of a broader strategic pattern of growth. But that is not the same as a secure, self-contained and deliverable access strategy now.

40. If the proposal's public transport and active-travel performance depends materially on adjoining sites, later agreements, bus gates, later route connections and unresolved operational decisions, that is a strong indicator that the site's claimed sustainability is not yet properly demonstrated.

Chapter 9: Active Travel England's Position Is Not a Minor Issue

41. The report's treatment of Active Travel England is too dismissive.

42. This is not a case where ATE offered broad support subject to modest refinement. The report itself says ATE was not currently in a position to support the application and sought further evidence and revisions.

43. That matters because the Committee is being asked to accept that the site is in an accessible location and that safe and suitable access can be achieved for all. If the specialist consultee on active travel remains unconvinced, that ought to carry significant weight against the report's optimistic conclusions.

44. The adjacent MC/23/1934 rebuttal is again instructive. It treats ATE's unresolved position not as a minor detail, but as a major concern that weakens the credibility of the sustainability case. That same reasoning applies here.

Chapter 10: The Report Overstates the Accessibility and Highway Position

45. The report says the site is in an accessible location where safe and suitable access can be achieved for all, with highway impacts appropriately mitigated. That is one of the most generous and potentially problematic conclusions in the whole document.

46. That conclusion sits uneasily with the report's own summary of objections:

- poor public transport links,
- poor road conditions,
- congestion and parking difficulties,
- poor road safety for pedestrians near Chattenden School,
- disputes about the spine road / bus-only route,
- diversion of buses away from the centre of Hoo,
- and the wider cumulative pressure on Hoo.

47. It also sits uneasily with the previous appeal findings and the Neighbourhood Plan's evidence of poor connectivity and A228 pressure. The better view is that the site remains transport-constrained and car-dependent, even if some mitigation could reduce certain impacts.

48. The Committee should therefore avoid endorsing the proposition that the accessibility issue is essentially solved.

Chapter 11: Ecology Is Not Resolved

49. The ecology section of the report is too confident.

50. The report records concerns from the RSPB and Kent Wildlife Trust about nightingale sensitivity, recreational pressure, domestic pets, dog disturbance, habitat protection and the effectiveness of mitigation. It records that KCC Biodiversity requires updated species surveys and recommends conditions.

51. The adjacent MC/23/1934 rebuttal is persuasive on the same point: where key ecological issues still depend on further bird survey information and later-stage mitigation, that is not merely implementation detail; it goes to whether the ecological case is sufficiently complete to justify permission at all.

52. The report nevertheless concludes that, with mitigation, there would be no unacceptable habitat-site or SSSI harm. That is stronger than the underlying narrative justifies.

53. Where a sensitive ecological setting exists and further species work is still required, the Committee should be slow to endorse such confidence.

Chapter 12: Habitat-Site Conclusions Are Too Confident

54. The report's final habitat-site conclusion is especially vulnerable because it comes after a long summary of unresolved or qualified ecological concerns.

55. The adjacent MC/23/1934 rebuttal rightly warns against habitat-site conclusions that are too confident where evidence, mitigation delivery and species effects remain live issues. That criticism is equally apt here.

56. At the very least, the ecological side of the planning balance should have been treated more cautiously and with less confident positive framing.

Chapter 13: Drainage, Utilities and Infrastructure Are Underplayed

57. The report records that Southern Water's desktop study indicates that additional foul sewerage flows may increase the risk of foul flooding from the existing sewer network. It also records that the Lower Medway Drainage Board considers further clarification necessary because the FRA predates the 2025 National SuDS Standards and because runoff volumes, modelling assumptions, FEH22 rainfall, interception and reuse, and other matters still need to be addressed at detailed stage.

58. These are not trivial details. They go to whether the site's infrastructure and drainage impacts are genuinely understood and whether the proposal can be safely and sustainably accommodated.

59. The report also lists a very substantial package of section 106 contributions, including health, education, social care, waste, transport mitigation, the Hoo Peninsula strategic environmental programme and bird disturbance mitigation. It says these contributions are necessary to make the development acceptable in planning terms and that failure to secure them would result in planning harm.

60. Yet the report then assumes, for its own purposes, that the appropriate section 106 agreement will be entered into. That may be a convenient reporting assumption, but it means the report understates the significance of unresolved obligations and infrastructure delivery.

Chapter 14: The Report Relies Too Heavily on Later Conditions

- 61.** One of the clearest patterns in the report is the extent to which it seeks to defer key concerns to later conditions.
- 62.** The adjacent rebuttal for MC/23/1934 correctly identifies this as a weakness. Conditions are appropriate for genuine detail. They are not an answer where the underlying problem is whether the site is suitable in principle or whether the evidence base is complete enough to justify approval.
- 63.** Here, the report relies on conditions for ecology, drainage detail, lighting, route design, traffic calming, bus-related matters and more. That is too much deferral in a case where the site's sustainability and environmental performance are already under serious scrutiny.

Chapter 15: The Planning Balance Is Not Persuasive

- 64.** The report's final planning balance gives substantial positive weight to housing delivery and related benefits, but it does so on the basis of several premises that are, in our submission, too favourable to the applicant.
- 65.** If the emerging Local Plan is given too much weight, the made Neighbourhood Plan too little, the previous dismissed appeal too little, the active-travel and public transport case too much credit, and ecological/drainage concerns too much deferral, then the resulting balance is not reliable.
- 66.** The adjacent MC/23/1934 rebuttal reaches a very similar criticism: where the supporting analysis is too generous on emerging policy, too soft on transport/public transport, and too deferential to conditions, the final planning balance becomes unpersuasive. That same critique applies here.
- 67.** Members should therefore not accept the report's balancing exercise without qualification. A more cautious and policy-led balance would weigh much more heavily against the proposal.

Chapter 16: Conclusion

- 68.** For all of the reasons set out above, we respectfully support refusal of the application but object to the narrowness and over-generosity of the Case Officer Report.
- 69.** The report correctly identifies the major landscape and coalescence harm, but it materially weakens the Council's position by:
- (a) conceding that the principle is supported;
 - (b) overstating the weight of the emerging Local Plan;
 - (c) underusing the significance of the previous dismissed appeal;

- (d) overstating accessibility and public transport confidence;
- (e) understating ecological, drainage and infrastructure uncertainty; and
- (f) relying too heavily on later conditions and assumed section 106 delivery.

70. Planning Committee should therefore refuse the application and, in our respectful submission, do so on a broader and more robust basis than the single reason currently recommended.

Chapter 17: Suggested Reasons for Refusal

71. We respectfully suggest that the Planning Committee consider the following reasons for refusal.

72. 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. Only limited weight should be given 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, is unlikely to be adopted during 2026, and is subject to significant concerns raised by the examining Inspectors. The proposal would therefore represent an unjustified departure from the development plan.

73. 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; the scheme's active-travel and public-transport performance depends materially upon future third-party delivery and unresolved later-stage infrastructure; and the proposal has not demonstrated convenient, inclusive and effective pedestrian and cycle connectivity for all users. The development would therefore conflict with Policies T1, T2, 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 2023–2040, as well as paragraphs 110, 115 and 117 of the NPPF.

74. 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 Council is not satisfied that these matters can properly be deferred to later surveys and later-stage mitigation by condition. The proposal would therefore conflict 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 2023–2040.

75. 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

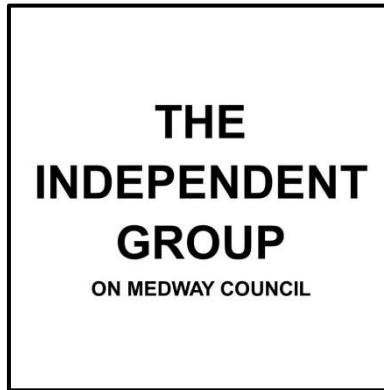
HOO8 of the Hoo St Werburgh and Chattenden Neighbourhood Plan 2023–2040, and, insofar as material weight is afforded to them, draft Policies SA8 and S4 of the emerging Medway Council Local Plan 2041.

76. And, If necessary, Reason 5 – Failure to secure necessary planning obligations

In the absence of a completed and binding planning obligation, the proposal fails to secure the infrastructure, mitigation and contributions that the Council itself considers necessary to make the development acceptable in planning terms, including but not limited to affordable housing, transport mitigation, health, education, waste, social care, strategic environmental programme funding and bird disturbance mitigation. The proposal would therefore conflict with paragraph 58 of the NPPF, Regulation 122 of the Community Infrastructure Levy Regulations 2010, and the policy framework relied upon by the Council in seeking those obligations.

77. For all of those reasons, we respectfully request that the Planning Committee resolve that, had the application remained before it, planning permission would have been refused on the above grounds.

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.