

Medway Council  
Pembroke (Compass Centre) Chatham  
Maritime  
Chatham  
Kent  
ME4 4YH

**Our ref:** KT/2006/000047/CS-05/IS1-L01  
**Your ref:**

**Date:** 11 May 2018

Dear Sir/Madam

### **Medway Council Development Strategy and Habitat Risk Assessment**

Thank you for consulting us on the above. We have the following comments to make.

#### **DEVELOPMENT STRATEGY**

##### **Groundwater and Contaminated Land**

We are generally happy with land contamination and environment and water protection policies. They cover most of our concerns raised through the direct consultation process. The Land contamination and Brownfield section could specifically mention landfill and development nearby perhaps. Dartford cover this aspect well and it may be worth looking at possible shared policy wording.

We believe the infrastructure policy on strategic sewer provision could be strengthened by linking to Groundwater protections needs as well. Shepway did this quite well recently we recall. Some rural areas of Medway, on the downs etc are not best served with mains sewer and any development, albeit smaller scale than main areas, need to consider infrastructure needs. In areas like Hoo St Werbough with large expansion plans then early provision of sewer/ treatment infrastructure ahead of construction needs careful consideration.

##### **Water Resources**

Main Document Section 7.37 needs reviewing as is difficult to understand. Here and in section 10.19, Medway is an area of serious water stress as identified by the Environment Agency.

Sections 8.10, 8.11& Policy BE2 - we support these policies.

##### **Flood Risk**

We have no major concerns with the consultation documents, however we would suggest that sections refers to both the Thames Estuary 2100 plan, and the emerging Medway Estuary and Swale Strategy as relevant policy documents.

We are pleased with, and support, the inclusion of policy NE7 and reference to flood risk management.

##### **Environment Management - Waste**

###### **Controlled waste**

Proposed sites of excavation which generate construction and demolition wastes must thoroughly assess such wastes as the producers of those materials to determine their characteristics, long term behaviour and to establish if the material is waste in line pertinent

Environment Agency

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legislation namely, the Environment Protection Act 1990 and Waste Regulations (England & Wales) 2011. All material subject to waste controls which leave the site of production must be accompanied by a written description. Secondary aggregates produced from the treatment of inert wastes must fully meet the terms of the Quality Protocol and produced under the authorisation of an Environmental Permit to meet end of waste status. Any site involved in waste importation, storage, transfer, deposit and/or treatment operations being undertaken at any site if not subject to any other exemptions or authorisations will require an Environmental Permit to be in compliance with the Environmental Permitting (England and Wales) Regulations 2016. Further guidance on permitted activities can be found on the GOV.UK website.

### ***Mining waste***

Any mining and extractive activities being proposed at a site giving rise to waste and forming part of the mining process will require a Mining Waste Permit under the Environmental Permitting Regulations 2016 for example the washing of quarried or extracted materials producing waste washing liquors or sediments. Additionally, an Extractive Materials Management Plan and statement will need to be submitted to the Environment Agency to assess products, by-products and waste materials arising from the sites activities if this has not already been assessed or discussed with us. Where a permit is required pre-application discussions will need to take place with this applicant where advice and guidance can be given regarding these proposed waste management activities. Further guidance on permitted activities can be found on the GOV.UK website.

### **Marine Environment**

#### ***General – estuarine/marine waters***

We are pleased to note the document recognises the importance of the Medway estuarine environment and its associated environmental designations, and also that it recognises that policies for managing and improving the water environment have been developed through the Thames River Basin Management Plan, among other documents. The Consultation Report also notes that the Marine Management Organisation (MMO) is preparing a marine plan for the south east that will provide guidance on managing marine development and activities.

#### ***Water Framework Directive (WFD) and water quality***

We would expect that, where appropriate, proposals for waterside development including all activities below Mean High Water Springs will in due course be subject to the requirements of a Marine Licence from the MMO. We will be able to provide detailed comments on any WFD water quality implications for such proposals through our capacity as a statutory consultee to the MMO. Marine Licence applications must be accompanied by a WFD assessment which follows the ‘Clearing the Waters for All’ guidance, which has been published on the GOV.UK website at: <https://www.gov.uk/guidance/water-framework-directive-assessment-estuarine-and-coastal-waters>.

#### **Development and sewage works**

We would expect that the implications of proposed development for existing sewage works in the Medway area will be fully assessed by IEP teams to ensure that there is sufficient ‘headroom’ in the environmental permits.

### **Marine Ecology**

Looking Through the plans we can see an issue regarding an increase/encouragement of water related activities including water taxi services. Any water related development that puts pressure on habitats within Medway towns above the baseline needs careful consideration regarding protected species and such development needs to be directed towards areas where there is existing traffic infrastructure to support this activity including



making use of existing piers and harbours and not to build new ones over already squeezed habitats.

### **Fisheries, Biodiversity and Geomorphology**

#### ***Question NE 1***

1. We support this policy subject to the buffer zones for any given activity are sufficiently big and support the use of the SAMMS to help mitigate for impacts in the designated sites

#### ***Question NE2***

1. It is good to see consideration given to Local Wildlife Sites, and we hope that this remains irrespective of other National Planning Policy changes.
2. Development should always provide enhancements for the environment and biodiversity in particular.

#### ***Question NE3***

No comment

#### ***Question NE4***

No comment

#### ***Policy NE5***

This should be re-written:

New development **must** provide for green infrastructure that supports the successful integration of development into the landscape, and contributes to improved connectivity and public access, biodiversity, landscape conservation, design, management of heritage features, recreation and seeks opportunities to strengthen the resilience of the natural environment.

#### ***Question NE5:***

If re-written, yes.

#### ***Question NE6***

No comment

#### ***Policy NE7: Flood and Water Management***

Explicit reference to the Water Framework Directive is required in this section.

#### ***Question NE7***

Yes subject to a clearer explanation of the reasons for our shared interest in the provision of good water quality in all water bodies – rivers, seas and groundwater.

#### ***Question NE7***

No comment

### **HABITATS RISK ASSESSMENT**

For consideration in future work:

On p28, Table 5: Summary of Potential Impacts within the Scope of the HRA, there is the suggestion that Habitat (& species) fragmentation and loss will be affected by “Introduction of invasive species (predation)”. This is too simplistic as the effects of INNS are much wider than this.



For example, *Didemnum vexillum*, the carpet sea squirt, has a major effect simply through exclusion of other species and smothering of flora and, mostly, fauna on the sea bed. This is not a predatory impact.

Other non-natives e.g. Red Valerian can act to exclude terrestrial species or influence the feeding behaviour of native species.

In the same table, there is reference to Disturbance by Noise. As work on the plan progresses, this should include noise in the marine environment both from marine boat traffic (a transient but ongoing phenomenon) and noise from exploratory work or construction in the aquatic environment (a temporary but occasionally intense occurrence).

In 7.2.3 Mitigation Measures, there is reference to provision of “adequate facilities for recreation . . . particularly for dog walking on and off the lead.”

This measure needs to be accompanied by local legislation and enforcement otherwise it will not be effective in achieving its stated aim.

Policy NE7 We support proposals to expand the policy “to ensure that major proposals for new development demonstrate that there are, or will be, adequate water supply and waste-water treatment facilities in place to serve the whole development”.

8.1.3 Policy H7: Houseboats is of interest to the Environment Agency given the regulatory position on discharges from them and the impact that they can have on water quality and on geomorphology of the coast and coastal features – when moored in large numbers rather than singly.

#### 10.4 Further Steps

Given the emerging National Planning Policy Framework, it is assumed that in future work, there will be a presumption in the Local Plan that all development will result in net gains for biodiversity and the wider environment at all times and in all places, accepting that this might be by compensation or off-setting.

We hope you find our comments useful.

**Ms Jennifer Wilson**  
**Planning Specialist**

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