

CLIFFE AND CLIFFE WOODS RESIDENTS DEVELOPMENT GROUP

mycliffevillage@gmail.com

Constituted 29 March 2022 | Rule 6(6) party to appeal APP/A2280/W/22/3313673 | Nominating body for the APCM Recreation Ground asset of community value

Ms Hannah Gunner

Principal Planning Officer, Development Management

Medway Council, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR

By email: hannah.gunner@medway.gov.uk and planning.representations@medway.gov.uk, and via the planning portal

Copy: Mr Peter Hockney, Head of Development Management Planning Service

9 September 2026

Dear Ms Gunner

SUPPLEMENTARY OBJECTION

Applications MC/26/1465, MC/26/1466 and MC/26/1467

Reserved matters for appearance, landscaping, layout and scale — the 250 housing phase, the mixed-use community hub phase and the sports ground and pavilion phase — on the outline planning permission granted on appeal under APP/A2280/W/22/3313673 (application MC/22/0254), land to the east and west of Church Street, Cliffe, Rochester

The Cliffe and Cliffe Woods Residents Development Group objects to these applications. The group is a constituted residents' association, was granted Rule 6(6) status by the Planning Inspectorate in the appeal which granted the underlying permission, and is the nominating body for the listing of the APCM Recreation Ground as an asset of community value.

This letter is supplementary to the group's Formal Representation of 9 August 2026 and its representation of 21 August 2026, both of which are before the Council on these files. It raises one matter which neither of those documents addressed, and it does not repeat what they say.

The group is aware that the standard consultation period closed on 27 August 2026 for MC/26/1466 and MC/26/1467 and on 28 August 2026 for MC/26/1465. It asks that this letter nonetheless be placed on each file and taken into account. All three applications remain undetermined, with internal target dates of 2 and 4 November 2026.

This letter does not seek to reopen the principle of development, which was settled by the appeal decision of 28 November 2023. It does not suggest that the Health Impact Assessment was defective when the appeal was determined. It raises a narrower question, which is whether the environmental information now before the Council remains adequate for the decisions the Council is now taking.

1. Summary

- The permission is EIA development, and the Health Impact Assessment formed part of the environmental information before the Inspector.***
- One of the four Highparks Medical Practice sites on which that information rested, the Higham branch, has since closed with the approval of NHS Kent and Medway Integrated***

Care Board.

- **Regulation 9 of the EIA Regulations 2017 requires the Council to consider whether the environmental information before it remains adequate. It provides two courses and no third. The group asks the Council to say which it is taking.**
- **The Inspector treated the community hub's health use as a potential only. MC/26/1466 is the application at which that potential is either secured or it is not.**

2. What the Inspector found on health, recorded in full

The group records the findings which tell against it as well as those which assist it.

At paragraph 52 of the appeal decision the Inspector recorded that the proposal falls within Schedule 2, part 10(b) of the EIA Regulations and is therefore EIA development, supported by an Environmental Statement comprising four volumes.

At paragraph 57 he recorded that issues had been raised about the Health Impact Assessment, "including the use of flawed data and the use of the HUDU model". He found the Rapid HIA approach "proportionate and reasonable to the scale and type of development proposed", noted that it had taken account of the Joint Strategic Needs Assessments for Medway and area-specific health indicators and had been prepared in accordance with the HUDU framework guidance, and found that the only potential negative impacts were construction disturbances capable of mitigation by condition.

At paragraph 58 he concluded that he had been "provided with little sound evidence to lead me to doubt the findings of the HIA or its data and methodology in this instance, including the GP practice information", and that "I find the HIA to be sound, robust and has been prepared in compliance with the relevant requirements".

The group does not ask the Council to revisit any of those findings. They were made on the evidence before the Inspector and they stand.

3. What has changed since the appeal

At the time of the assessment Highparks Medical Practice operated from four sites: Cliffe Woods, Cliffe, Higham and Wainscott. The group understands that Highparks applied to NHS Kent and Medway Integrated Care Board for the permanent closure of the Higham branch, that the application was approved, and that patients are to be served from the three remaining sites.

The group puts that no higher than its own understanding. It has not obtained the Integrated Care Board's decision and does not put its date or its terms before the Council. It asks the Council to obtain that decision and place it on the file, because it is the Council, not the group, which is able to obtain it.

The group also records a point on which it may be wrong, and would rather state it than have it assumed. Highparks' own published material describes an enhanced home visit service, support for using the NHS App, and a trial of one-stop clinics as measures the practice introduced following patient feedback and included in its application. The group does not know whether the Integrated Care Board required those measures as a condition of its approval. That too is a matter for the Council to establish rather than for the group to assert.

The point is simply this. The healthcare baseline described in the environmental information was four sites. It is now three. That is a change of fact, not of opinion, and it postdates the decision the Council is relying on.

4. The question regulation 9 puts to the Council

Each of these three applications is an application for approval of reserved matters, required by condition before the development may be begun. Each is therefore a subsequent application within the meaning of the 2017 Regulations, and an EIA application, the permission being EIA development.

Regulation 9 is headed “Subsequent applications where environmental information previously provided”. Where it applies, paragraph (2) requires the authority to take the environmental information into consideration if it is adequate to assess the significant effects of the development on the environment. Paragraph (3) provides that where it is not adequate, the authority must serve a notice under regulation 25 requiring further information, which carries its own publicity and a period for representations.

The group puts the effect of those provisions carefully, and no higher than it goes. Regulation 9 does not require the Council to publish a separate adequacy assessment, and the trigger is expressed as what appears to the authority. But paragraphs (2) and (3) between them exhaust the field and prescribe mutually exclusive consequences. There is no third course.

The group therefore asks the Council to record, on each file, whether it considers the environmental information before it, including the Health Impact Assessment, remains adequate notwithstanding the change in the primary care baseline; and if it does not, to serve a notice under regulation 25. The group does not ask for a new Environmental Statement and does not ask for the assessment to be restarted.

5. The community hub: a potential is not a provision

At paragraph 58 the Inspector recorded that the community hub “would also have the potential to be” used for health facilities, the precise end use to be determined later. That potential formed part of the benefits weighed in the balance.

MC/26/1466 is the application at which the end use is determined. The group asks the Council to state what health or community use is actually secured by that application, by what legal mechanism, for how long, and whether any healthcare provider has been identified. If the hub is ultimately occupied for a commercial use within Class E with no health or community function, the benefit relied on at appeal will not have materialised, and the Council should say so expressly rather than carry the assumption forward.

6. The healthcare data point, and what the Inspector decided about it

At the inquiry the group argued that healthcare information in the Health Impact Assessment did not correspond with data Highparks had itself supplied under the Freedom of Information Act. The Inspector considered that argument and rejected it in the terms quoted at section 2 above, expressly including the GP practice information. The group does not ask the Council to revisit that finding, and it does not repeat the allegation.

The distinction the group draws is narrow. The Inspector found the evidence before him insufficient to displace the Health Impact Assessment. He did not find that its healthcare data had been verified as correct. Those are different things, and the branch configuration on which that data rested has since changed.

The group therefore asks the Council to establish what healthcare information was supplied to the authors of the assessment and by whom, what Highparks records having supplied, and

whether the two correspond; and, if the Council is satisfied that they do, to say so on the file. If they correspond, the point falls away and the group will not pursue it further.

7. There is no time pressure on the Council

The deemed discharge provisions in section 74A of the Town and Country Planning Act 1990 do not apply. Article 30(a) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, made under section 74A(6)(c), disappplies deemed discharge where the condition falls within Schedule 6 to that Order, and paragraph 2(1)(a) of that Schedule exempts a condition attached to the grant of planning permission where the development permitted is EIA development. The Council can take the time these applications need.

8. What the group asks the Council to do

- Place this letter on the file for each of MC/26/1465, MC/26/1466 and MC/26/1467, and confirm in writing to mycliffevillage@gmail.com that it has been done.***
- Obtain the decision of NHS Kent and Medway Integrated Care Board on the closure of the Higham branch, with its date and terms, and place it on each file.***
- Establish with Highparks Medical Practice and the Integrated Care Board the current configuration, capacity and accessibility of primary care serving Cliffe, addressing premises, workforce and appointment availability and not funding alone.***
- State on each file whether the Council considers the environmental information before it, including the Health Impact Assessment, remains adequate within regulation 9(2) of the EIA Regulations 2017; and if it does not, serve a notice under regulation 25.***
- State what health or community use, if any, is secured by MC/26/1466, by what legal mechanism and for how long.***
- Establish what healthcare information was supplied to the authors of the Health Impact Assessment and what Highparks records having supplied, and record on the file whether the two correspond.***
- Notify mycliffevillage@gmail.com on the day any decision is issued on any of the three applications.***

9. Closing

The group is not asking the Council to reopen the appeal, to require a new Environmental Statement, or to revisit anything the Inspector decided. It is asking a narrower and, the group hopes, an uncontroversial question. This is EIA development. The health evidence before the Council describes a primary care configuration which has since changed. The Regulations tell the Council what to do about environmental information in that position, and they give it two courses. The group asks the Council to say which it is taking, and why.

No member of the group is a lawyer. This letter is written by residents, on the documents the Council has published, and the group would welcome correction on any point where it has misread them.

Yours sincerely

Patricia Leslie (Chair)

For and on behalf of Cliffe and Cliffe Woods Residents Development Group

mycliffevillage@gmail.com