

Preface

1. For the EiP, for robustness it is assumed that the SSSI notification will be confirmed. However, the extension has not and may not be confirmed. This evidence statement is submitted 'without prejudice' to MoD's¹ holding objection to the SSSI notification.

¹ Note: Defence Infrastructure Organisation (DIO) manages the MoD's property, land and associated services, and is one of the largest landowners in the UK with an estate covering c. 230,000 hectares

Response to 1) a) i):

2. There are none. As per CBRE's letter², the abolition has been widely publicised for over three years. The MCS has been fully considered in this context. SEP paragraph 19.5 was in any event supporting text, not a formal allocation. Based on evidence Lodge Hill reflects the most appropriate strategy consistent with NPPFpp182and52, and has consistently been³ including through independent scrutiny⁴. It is also consistent with a key Government priority⁵ to accelerate the release of surplus public sector land to deliver growth, the MoD targeting a c. 37% contribution to this⁶.

² Letter from CBRE on behalf of LS and MoD to Mr A Waters dated 22nd March 2013

³ RPG9a (1995), Kent and Medway Structure Plan (1996), Thames Gateway Inter Regional Planning Statement (2004), Creating Sustainable Communities: Delivering the Thames Gateway (ODPM 2005), Thames Gateway Interim Plan Development Prospectus (2006) and Kent and Medway Structure Plan (2006)

⁴ Kent and Medway Structure Plan 2006 Panel Report, and SEP Panel Report

⁵ The Plan for Growth, HM Treasury and BIS, 2011; Government announcement to 'release enough public land to build as many as 100,000 new, much-needed homes and support as many as 25,000 jobs by 2015', CLG, 8th June 2011; Accelerating the Release of Public Sector Land: Update, Overview and Next Steps, CLG, October 2011

⁶ The Government has set a target for land owned by central Government to be disposed of within the current spending review (CSR) period up to 2014/15 which has the capacity to deliver 100,000 new homes. As a major landowning department, the MoD has agreed a target, as part of that overall ambition, to sell land by 2014/15 with the potential capacity to deliver over 37,000 new homes

Response to 1) b) i):

3. The 'presumption against' in the 1st bullet point does not apply given that the avoid/mitigate/compensate test can be satisfied. Notwithstanding, the 2nd bullet point provides an exception where the benefits of the development outweigh its likely impacts.
4. NPPFpp152and8 require net gains sought simultaneously across all three mutually dependent dimensions of sustainable development. NPPFpp152's avoid/mitigate/compensate approach to significant adverse impacts relates to *any* of these dimensions.
5. **Economic and social:** The Statement in Annex 2⁷ explains why Lodge Hill is strategically important to realising ambitions to close the economic and social gap between Medway and the wider south-east. Its scale, proximity to Peninsula industries, flexible economic masterplan structure, single ownership and ability to be delivered now⁸ enable it to make an early and holistic contribution to the Government's social and economic growth ambitions.
6. **Environmental:** Green infrastructure and biodiversity are fundamental to the Lodge Hill vision, including the opportunity to reconnect a secured military site back into the wider area (NPPFpp109 3rd bullet point). The merits of the development relative to the impacts on the SSSI should be viewed in light of the proposed ecological avoidance*, retention*, mitigation*, compensation and enhancement* package (* allowing a proportion of the nightingale population to persist (see Annex 3)). The potential to secure associated biodiversity benefits through this is significant⁹, and could be co-ordinated with strategic landscape projects.
7. The SSSI notification encompasses land not formerly included within the national SSSI network, thus cannot have been integral to it before now. The precise location of nightingale habitat and grassland is not important in terms of the maintenance of the integrity of the SSSI network.
8. The exception is justified given the very clear economic and social benefits, and other significant environmental benefits (see paragraph 6), that would be secured. It represents the most appropriate means of the MCS achieving a balance across all three dimensions of sustainable development. NE has acknowledged that Lodge Hill is central to Medway's strategy, and that there are compelling reasons for the development of the site¹⁰.

⁷ Prepared by Quod

⁸ Subject to securing planning permission

⁹ For example, for a range of habitats (including grasslands, wetlands, scrub, woodlands), benefitting nightingales and other breeding and overwintering birds, mammals, amphibians, reptiles, invertebrates and rare plants

¹⁰ NE letter to Ms Alison Rock dated 9th July 2012

Response to 1) c i):

9. Policy CS6 establishes the *general* policy approach to biodiversity features as well as (per NPPFpp118) exceptions where the importance of the development is considered to outweigh the impact. There is nothing within the policy that would prevent Lodge Hill, where the policy tests are satisfied, which they are.
10. Policy CS33 has been identified in accordance the NPPF¹¹, including NPPFpps118,152,157, and is justified (NPPFpp182). However, for clarity it may be helpful to include a précis to Policy CS33 to explain that it is an exception to Policy CS6 as provided for by the NPPF, and include the following (with any references to the SSSI notification being clear that it is subject to confirmation or withdrawal by NE):
 - (i) Clarify that a strategy for the compensatory habitat for nightingales would need to be in place at the beginning of the development
 - (ii) Amend the first part of the 5th bullet point to: 'Mitigation **and/or compensation** for...'; and the last part to '... within the site, **Lodge Hill as a nationally designated site, and any other** internationally and/or nationally designated sites nearby' to reflect the status of the site
 - (iii) Amend the 2nd criterion under the 6th bullet point to reflect the SSSI notification across the site
 - (iv) Update Figure 10-12 'Lodge Hill Concept Diagram' to reflect the previous and extended SSSI extent
11. These are minor changes capable of being dealt with through MCS modifications.
12. MCS references to the Development Brief ('DB'), or the content of the DB itself, are not material to the soundness of the MCS. NPPFpp156and14 require Local Plans to set out policies to reflect strategic priorities and to be flexible. NPPFpp153 refers to the limited circumstances in which a DPD or SPD may be appropriate. The prescriptive nature of DBs mean that they do not accord with the approach required by the NPPF¹². The 5th bullet point of NPPFpp157 is clear on the scope of details that may be appropriate for Local Plan allocations; these are included within Policy CS33.

¹¹ And previously with PPS12 (now revoked)

¹² LS clarified their views on this through consultation on the draft Development Brief, in a letter to Medway Council dated 4th October 2011: 'In general terms, Land Securities supports the principles of, and the role provided by the draft Lodge Hill Development Brief, which usefully distils into a single document the site-specific engagement and work which has been prepared over a period of some 3 years. However, it is longer and more prescriptive than it needs to be, which may limit its resilience in the longer term. The role of the draft Development Brief is to supplement the Core Strategy, not to impose an additional layer of restrictive policies that may serve to affect the deliverability of any emerging scheme. In order to be resilient, it is considered that it needs to be more flexible, which should also have the consequential advantage of shortening the length of the document'.

13. NE has been consulted extensively over a period of many years, on regional and local policy/guidance¹³ (including the DB), and the planning application. Parts of the DB may need to be reviewed but this is as a direct consequence of the decision taken by NE to notify the site, at a very late stage in the process.

¹³ The site's development has featured in adopted regional policy, two Structure Plans and a Local Plan from 1996 to date, regional planning guidance since 1995, various Thames Gateway policy documents from the mid-2000s, two versions of Medway Council's Core Strategy (with various iterations from the late 2000s onwards) and an adopted Development Brief

Response to 2) a):

Context

14. The SSSI notification does not change the consistent working assumption by MoD, LS¹⁴ and Medway Council that the site is likely to be of national importance (i.e. >1%) for nightingales¹⁵. This has been recognised by NE for a considerable period of time¹⁶.

Principle

15. National importance is not a statutory designation in itself, and each special interest should be dealt with on a case by case basis. There is no presumption that a nationally important interest should automatically be incapable of mitigation or compensation. Equally, there is no statutory or policy bar to development within SSSI, nor is there a statutory or policy presumption against mitigation or compensation for the effects of development. The question to address, given the economic and social justification for the development, is whether or not the *special interests* (which may be of national importance) in question are capable of being adequately mitigated or compensated for (per NPPFpp118and152).

Applying the principle to the 'special interests' at Lodge Hill

16. The provision of compensatory habitat has been accepted in principle by NE¹⁷, and they have supported compensation in respect of nationally significant interests elsewhere¹⁸.
17. **Nightingales:** The BTO have advised that:
- (i) Habitat requirements are well known^{19 20}, it is feasible to create habitat (scrub and coppiced woodland) and if the right conditions are satisfied, there is a greater probability of achieving success in Kent than in most parts of the country²¹

¹⁴ This ecological value has been reflected through the planning process including within the ES accompanying the planning application (ES Tables 5-7)

¹⁵ CBRE letter to Ms A Rock dated 24th July 2012 (paragraph 11 in particular)

¹⁶ Outcome from National High Risk Casework Panel Lodge Hill, Natural England, circulated to LS in December 2010

¹⁷ *'We are engaged in discussion with Medway Council and Land Securities on how compensatory habitat creation could be secured. This discussion has the potential to substantially alter the residual impact of development and therefore to affect the balance between nature conservation impact and other public interests'*, NE letter to Ms Alison Rock, Programme Officer, dated 9th July 2012

¹⁸ For example, in respect of invertebrate assemblages on Isle of Grain, Kent

¹⁹ Fuller et al, 1999 and Wilson et al, 2005

²⁰ Fuller et al, 2005

²¹ Factors Potentially Affecting the Viability and Success of Biodiversity Offsetting to Compensate for Nightingale Habitat Loss, BTO, October 2012

- (ii) Colonisation of suitable habitat is very likely in the core of the range (Kent, parts of Essex, Suffolk and Sussex)²²
 - (iii) Nightingales are likely to shift habitats over time²³; they are opportunistic²⁴
18. Planting scrub and woodlands are standard techniques in the UK. Lodge Hill itself provides excellent evidence that nightingales are able to occupy new habitat as it becomes available. EBL has advised²⁵ that the habitat is not irreplaceable; *'The Lodge Hill habitat to be lost is a mixture of scrub and woodland which naturally regenerates almost anywhere in the absence of management intervention'*.
19. **MG5²⁶ grassland:** There are two approaches to mitigate loss: (a) create grassland using seeds (an MG5 seed mix is commercially available from multiple suppliers); or (b) translocation. It is well documented that both methods can be successful, if the right conditions are met, within a relatively short period of time^{27 28 29 30 31 32}. Lodge Hill may be a combination of both³³. The acceptability of translocation at Lodge Hill is enhanced because it: (i) is not an especially species-rich example; and (ii) was in arable cultivation until about 40 years ago, when it was re-seeded to grass.
20. **Ancient Woodland:** The masterplan avoids the loss of ancient woodland, on the basis that it is irreplaceable.
21. **Preservation in situ:** The masterplan retains the ancient woodland, and as far as possible retains and re-provides grassland and nightingale habitat within the site. This is described in Annex 3. The retained and reprovided habitat would be subject to management and maintenance so that it is able to successfully endure in the long-term. This structure of avoidance and mitigation would address a significant proportion of the likely impacts of the development, and would provide the conditions to support

²² Factors Potentially Affecting the Viability and Success of Biodiversity Offsetting to Compensate for Nightingale Habitat Loss, BTO, October 2012 (Sections 7.2 and 9)

²³ Technical Workshop 25th September 2012

²⁴ Fuller et al, 2005

²⁵ Letter from EBL to Mr Brian McCutcheon, dated 6th December 2012

²⁶ Asserted

²⁷ Creation: Walker et al, 2004 and Dicks et al, in press

²⁸ Creation: Wilson et al, 2013

²⁹ Creation: Walker et al, 2004

³⁰ Translocation: strategic infrastructure projects which have involved major grassland translocation include Manchester Airport second runway; Stansted Airport; Channel Tunnel Rail Link; Heathrow Terminal 5; M4 extension at Twyford Down; M6 Toll Road

³¹ Translocation: Tarmac's Durnford Quarry extension in Bristol – after four years of detailed surveying, 14 acres of species-rich neutral grassland were relocated to the new site at Ashton Hill in 1998/1999. Over 100,000 turves were moved. Following the completion of the 10-year monitoring programme, all turves were shown to still be alive and thriving (www.Agg-Net.com, 2010)

³² Translocation: British Library Book Depository in Boston Spa, Yorkshire – an earth bank supporting species-rich grassland with abundant orchids was translocated from this site in 2006. Monitoring of the grassland in June 2008 found that many of the targets had already been reached (Stanhope and Box, 2010)

³³ This is because a larger area of mesotrophic grassland is proposed as part of the mitigation package than the area being lost

nightingales. Compensatory habitat for nightingales is proposed in addition to this, in response to NE's concerns about residual impact.

22. As a matter of principle, it is appropriate to provide compensatory habitat for nightingales (albeit that a nightingale population is likely to persist at Lodge Hill) (with mitigation for MG5³⁴ grassland, and ancient woodland preserved in situ). EBL has advised³⁵ that: *'We think there certainly is a 'reasonable prospect of adequate compensatory habitat' for Lodge Hill being brought forward. It would provide the delivery mechanism for replacing an overgrown MoD site used serendipitously by colonizing nightingales without any long-term management plan with a very exciting huge and well-funded landscape-scale restoration project that has long-term nightingale conservation at its heart'.*

³⁴ Asserted

³⁵ Letter from EBL to Mr Brian McCutcheon, dated 6th December 2012

Response to 2) b) i):

How much compensatory habitat is required?

23. EBL³⁶ have deliberately taken a robust approach in terms of the assumptions that have been made: *'We have tried to be conservative in our assumptions...'*³⁷. For MCS purposes, they estimate c. 851ha of habitat creation or c. 466ha for habitat restoration. LS has articulated its views to EBL on their report³⁸ including that *for the purposes of the MCS*, the robust approach adds to the rigour of EBL's conclusion that there are reasonable prospects in the locality.
24. This robustness is very apparent given the BTO's advice that the area is *'probably in the order of 300 to 400 hectares'*³⁹. Further, they advise that in absolutely ideal conditions and circumstances, 100ha could hold 75 territorial males. For Lodge Hill, they suggest that an area of at least 300ha is more realistic⁴⁰. The BTO report was prepared by two of the Country's pre-eminent nightingale experts, and we endorse the significant weight the Inspector is minded to attach to it.
25. The BTO's conclusions on scale relate to creation, which compares to EBL's upper bound figure of 851ha. This illustrates the scale of difference between the application of robust assumptions and the expert advice of the BTO. To put this into further context, Thomson Ecology calculates that the amount of nightingale habitat directly lost through development would be approximately 106ha⁴¹, although taking the BTO's view on indirect losses of nightingale territories into account, this may amount to an effective habitat loss of around 155ha.
26. The precise scale of compensatory habitat must be determined through the planning application process (by 5th bullet point of Policy CS33), and not through the MCS as this may fetter the Council's ability to satisfy the mandatory CIL Regulation 122 requirements, and the requirements may change over the Plan period (ecology is not static).

³⁶ Biodiversity Offsetting to Compensate for Nightingale Habitat Loss at Lodge Hill, Kent, Environment Bank Ltd, December 2012

³⁷ Letter from EBL to Mr Brian McCutcheon, dated 6th December 2012

³⁸ Letter from CBRE to Dr T E Tew, dated 30th November 2012

³⁹ Factors Potentially Affecting the Viability and Success of Biodiversity Offsetting to Compensate for Nightingale Habitat Loss, BTO, October 2012 (page 34)

⁴⁰ Factors Potentially Affecting the Viability and Success of Biodiversity Offsetting to Compensate for Nightingale Habitat Loss, BTO, October 2012 (page 31)

⁴¹ Based on the total amount of suitable habitat (woodland, scrub, unmanaged grassland and tall herbaceous vegetation) to be cleared to facilitate development

How likely is it that sufficient land of a suitable type will be made available?

27. NPPFp152 states that mitigation should be 'considered' and compensation 'may be appropriate'. In practical terms, a reasonable likelihood of availability of sufficient, suitable compensation land should suffice for the purposes of establishing the likelihood of delivery during the Plan period, given that planning permission should, in any event, be contingent upon adequate mitigation/compensation being provided, and this can be safeguarded by way of a requirement within the allocation policy.
28. The BTO has advised that it is feasible to create habitat (paragraph 17 above)⁴². The GGKM study⁴³, based on application of ecological criteria⁴⁴, identified a number of strategic sites with the potential to accommodate compensatory habitat. A number of the sites visited by GGKM were accompanied by the BTO, to ensure that GGKM's assessment of sites was consistent with the 'right conditions'.
29. NE has stated⁴⁵ that '*GGKM has longstanding delivery experience in Kent and the areas are sensibly described. They do in our opinion present reason for optimism that land could be found for offsetting*'. EBL has stated⁴⁶ that '*We believe that there is a realistic opportunity of being able to find sufficient compensatory offset habitat...*'. The process that has been undertaken is proportionate to the MCS process and enables a confident 'very likely' to the Inspector's question.
30. Further work has been undertaken in the context of the planning application, to demonstrate the relative scale of land with the 'right conditions' that is likely to be available, which provides further confidence that the answer to this question is 'very likely', and 'reasonable prospects' exist.
31. The scale of potential suitable compensatory land identified on MoD landholdings is estimated at c.485ha⁴⁷. Combined with potential private sector land with willing landowners (see Annex 4), it is clear that it would be possible to easily fulfil the EBL upper bound estimate of 851ha to accommodate compensatory habitat. NE has clarified their view that further progress has been made in identifying site options for habitat compensation and '*provided a positive indication that land could be made available*⁴⁸.

⁴² Factors Potentially Affecting the Viability and Success of Biodiversity Offsetting to Compensate for Nightingale Habitat Loss, BTO, October 2012 (page 33)

⁴³ Study of Nightingale Habitat Creation Opportunities across Kent, GGKM, 31st October 2012

⁴⁴ Identified through the Technical Workshop held on 25th September 2012, and the BTO's advice on nightingale-specific criteria

⁴⁵ Letter from NE to Tom Tew, dated 30th November 2012

⁴⁶ Letter from EBL to Mr Brian McCutcheon, dated 6th December 2012

⁴⁷ Potential sites include, but are not limited to: (i) Potton Island, Shoeburyness (c. 190ha); (ii) Havengore Island, Shoeburyness (c. 195ha); (iii) Wakering Stairs, Shoeburyness (c. 100ha). The potential areas identified to date represent broad proposals. At the appropriate time, detailed assessments will be required (though the appropriate planning process) to ensure that the selected MoD site(s) is(are) able to integrate with military requirements and pre-existing contractual arrangements

⁴⁸ Nature England letter to Adam Waters, dated 14th January 2013

What potential adverse impacts may arise?

32. The compensatory nightingale habitat will be similar to that found on the Lodge Hill site currently, comprising a mosaic of dense scrub patches with open areas of grassland and tall herbaceous vegetation, with some areas of short vegetation and bare ground. The soil moisture content will be high and some standing water is likely to be provided alongside the scrub. The impacts of provision will vary. Briefly:
- For biodiversity, the effects will be overwhelmingly positive – any existing features of biodiversity interest being retained, and protected or enhanced (see paragraph 6). Any local and minor reductions in widespread and/or common open habitat and farmland species will be more than offset by the expected significant increase in diversity and abundance of wetland, scrub and woodland species
 - For landscape, the conversion of large areas of open land into scrub will be particularly obvious at large open sites, but very much less so on smaller sites in more wooded areas, where the creation of habitat would most likely comprise extending existing wooded habitats into grassland, or cutting back existing woody vegetation and allowing re-growth
 - For archaeology, any adverse effect on archaeological features should be completely avoidable by laying out the habitats appropriately
 - Detailed design of compensation schemes will look to minimise socio-economic impacts, including avoiding adverse impacts on military training, test and evaluation activities and the health, safety and security of MoD sites
33. For agriculture, none of the MoD land referred to in paragraph 31 contains Grade I or Grade II agricultural land in current agricultural use. They comprise largely of Grade III agricultural land, with some Grade IV and Grade V. The potential significant impacts on receptor sites on the best and most versatile agricultural land (BMVAL) are considered to be limited. It should be possible, providing a scale of compensatory habitat within DIO land consistent with the BTO's upper bound, to restrict it to Grade III or lower. Over 87% of the MoD land adjacent to Lodge Hill proposed for mitigation is Grade III.
34. The precise location and extent of the compensatory habitat (and any impacts, including BMVAL) are matters to be determined through the planning application process, but are considered to be justified by the demonstrable need for the development.

Response to 2) b) ii):

What are the likely consequences of the time lag between loss of habitat at Lodge Hill and the provision of new habitat if development proceeds as currently proposed?

35. During the Technical Workshop⁴⁹, NE expressed their view that temporary impacts are less important than long-term impacts. In their letter to EBL on the metrics⁵⁰, NE has advised that a 15⁵¹ year period for the creation of habitat should be applied. This is considered to be conservative and therefore robust for the purposes of the MCS, given that it would be possible to provide habitat much more quickly⁵². Suitable habitats could be in the right condition within 5-10 years, and maybe even as little as 3 years if coppicing of existing woodland is undertaken (see BTO report⁵³).
36. Based on the BTO 2012 data, as reflected within the Statement of Common Ground⁵⁴, there are 53 nightingale territories within the Strategic Allocation ('SA') excluding the area of the previous Chattenden Woods SSSI which falls within the SA, in which there are 16.
37. LS considers that some nightingale territories will persist within the retained areas of Chattenden Woods and Lodge Hill SSSI (see Annex 3). Without prejudice to this, Figure 1 shows the nightingale territories that would be affected by the development on a phased basis. In summary, it estimates the following on commencement of each phase:

Table 1: Broad Sequence of Development

Phase	Years (based on indicative phasing within the ES)	Nightingale territories lost (direct and indirect)
1	1-8	32
2	9-16	32
3	17-20	5

38. Development – and the loss of nightingale habitat – will occur in three phases, co-ordinated with phased EOD clearance (which would be undertaken in consultation with NE). Compensatory and mitigation habitat to address the potential effect of the whole of the development on nightingales would be frontloaded, secured through the S106

⁴⁹ Held on 25th September 2012

⁵⁰ Letter from NE to Tom Tew, dated 30th November 2012 (Annex A, page 4 of 5)

⁵¹ LS accepts this for the purposes of the MCS process on the basis that it reflects a conservative approach, however, considers that a much shorter period may be justified and this will be a matter for debate through the planning application process

⁵² For example through translocation, planting well developed shrubs, re-instating coppicing within woodland, or bringing existing scrub into active management

⁵³ Factors Potentially Affecting the Viability and Success of Biodiversity Offsetting to Compensate for Nightingale Habitat Loss, BTO, October 2012 (Section 7.1)

⁵⁴ Statement of Common Ground submitted to the Medway Core Strategy Examination, signed between RSPB, KWT and Medway Council signed 22nd June 2012

Agreement. There is a strong likelihood that nightingales disturbed in the early phase of development will relocate elsewhere on or adjacent to the site.

39. Restored or created habitat will reach 'right conditions' within c. 5-10 years – potentially more quickly. Given the phased loss of habitat, the frontloaded compensatory habitat, and the frontloaded on and off-site mitigation which will provide the conditions to allow a nightingale population to persist, the risk of time lag is largely confined to the 1st phase of development and potentially the beginning of the 2nd phase – by which point all of the compensation and mitigation nightingale habitat will be in place. EBL consider⁵⁵ that '*...a phased loss of habitat would almost certainly reduce that risk*'. NE has stated⁵⁶ that '*... greater certainty of the effectiveness of such a scheme [new habitat provision] would be provided by an arrangement in which as far as practicable, the whole requirement of compensatory habitat is estimated and put in place at the outset, with minimum reliance on subsequent monitoring and contingency measures later in the phasing of the development*'.
40. Even if 'right conditions' take slightly longer, because of the frontloaded nature of habitat provision the risks are reduced and LS does not consider this to be a significant issue. This is consistent with NE who have advised, on the risk of time lag, that '*... we do not consider this so grave as to rule out habitat compensation as worthwhile for nightingale, as long as measures are taken to minimise risk*⁵⁷'.

Alternatively what are the implications for the Core Strategy if development at Lodge Hill is delayed to allow for new/restored/improved habitat to become available?

41. It would fundamentally undermine the Council's spatial strategy and compliance with the NPPF. The MCS vision sets out a number of ambitions, not least housing and economic growth, reducing deprivation, securing benefits through large scale physical regeneration, and through Lodge Hill providing a new focus for services on the Hoo Peninsula. Of the 16 MCS Strategic Objectives⁵⁸, over 80% would either be fundamentally (Nos. 3, 4, 7, 8, 9, 13, 16) or significantly (Nos. 1, 5, 10, 11, 12, 14) undermined.
42. The benefits of Lodge Hill outweigh any harm. Accordingly, delay in delivery may reduce any harm but will do so at the cost of denying or delaying the realisation of those benefits, and in so doing will prejudice the MCS. Further delay on the grounds of time lag would prejudice the delivery of a sustainable development that is critical to the regeneration of Medway and Thames Gateway, and would contradict NE's (as statutory body) and the BTO's (as experts) views on this.

⁵⁵ Biodiversity Offsetting to Compensate for Nightingale Habitat Loss at Lodge Hill, Kent, Environment Bank Ltd, December 2012 (page 11)

⁵⁶ Letter from NE to Stephen Neal, dated 31st August 2012

⁵⁷ Letter from NE to Tom Tew, dated 30th November 2012 (Annex A, page 4 of 5)

⁵⁸ Submission Draft Core Strategy, paragraph 3.22

Response to 2) c) (this is assumed to be 'c' although in the Inspector's Matters and Issues is referred to as 'b'):

43. The c. 11.5ha MG5⁵⁹ grassland is located within part of the site that is proposed for development. It would not be possible to adjust the masterplan to retain it, as it would fundamentally undermine the critical mass necessary to support a sustainable and balanced new settlement, and would result in an illogical disposition of built form.
44. Mitigation through off-site provision would therefore be necessary (per NPPFp118). Grassland is straight-forward to translocate, and there are many examples of successful translocation across the UK (see paragraph 19 above). In the case of Lodge Hill, it is anticipated to result in a beneficial impact in the long-term, given that it is accepted by NE that the MG5⁶⁰ grassland is at the lower end of the quality spectrum.
45. Approximately 25ha has been set aside for the creation of species-rich grassland at the off-site mitigation area (translocation/creation)⁶¹. There would also be scope to translocate the grassland into the buffer zone, or possibly as an adjunct to the compensatory habitat. There are no fundamental risks to the delivery of Lodge Hill arising from the MG5⁶² grassland.

⁵⁹ Asserted. LS has made plain its views to NE that the grassland does not meet the MG5 classification. MoD's experts also disagree with NE conclusions on grassland. Both NE and Thomson Ecology agree that there are 'gaps' in the NVC classification. Thomson Ecology consider that the grassland is more closely associated with a non-MG5 grassland, whilst NE consider that it conforms best to MG5 grassland. In discussions with them, NE have described it as atypical, and at the lower end of the quality spectrum. There is no guidance on this and it seems to LS to be an entirely subjective and arbitrary matter, and not a robust basis upon which to consider designating the site as a SSSI. On this basis, it is being treated disproportionately within the plan-making process – but it is recognised that this is a SSSI notification matter

⁶⁰ Asserted

⁶¹ DIO land adjacent to Lodge Hill

⁶² Asserted

Response to 3) a) i):

46. DPDs are typically prepared over c. 3 years, during which time circumstances will change. The MCS has had to adapt to a new Government, the Localism Act 2011, the NPPF, the partial revocation of the SEP, as well as the considerable uncertainty in the plan-making system that existed throughout the late 2000s. The Council has anticipated and responded proactively to these changes, despite the delays that these have caused (the MCS is now in its 5th year of preparation).
47. What the Council could not have reasonably anticipated is the actions of RSPB (and others) on the **penultimate day of the Hearings** (June 2012), the response of NE who **fundamentally shifted their position** despite a considerable number of years of consistent support for a new settlement at Lodge Hill, and ultimately their decision to notify the site as a SSSI **9 months after the June 2012 Hearings, when the MCS Examination should (in theory) have been completed.**
48. The Council should not be going back to 'first principles'. Whilst the SSSI notification does reflect a change in circumstance, this can be, and has been, dealt with through the SA Addendum. This is consistent with *Cogent*⁶³ where the Court held that the SA Addendum produced after the Submission of the draft Plan was capable of addressing and making good any perceived defects in the SA process; in other words, properly prepared (on the basis that the ecological value of the site is recognised), the SA Addendum can be relied upon to justify the decisions that have already been taken. *Cogent* also ruled on the need for a strategic approach appropriate to the Core Strategy level of plan-making; this implies that proportionality is needed through the SEA/SA which *Cogent* clearly describes as a process.

⁶³ *Cogent Land LLP v Rochford DC and Bellway Homes Ltd*

Response to 4):

49. Yes. Lodge Hill is the only spatial option which meets the definition of PDL within NPPF Annex 2, and is the only one that has been previously used. In relative terms, it must therefore score more positively by comparison to the alternatives on this point.

Response to 4) a):

50. The extent of PDL within the Strategic Allocation is 172.16ha – just over 67%. The extent of built form would not exceed this.

Response to 4) b):

51. No. The SA Addendum criterion relates to PDL, and Lodge Hill is the only option comprising PDL (see paragraph 49).
52. NPPFpps110and111 must be considered in the context of NPPFpp17, given that the latter is a core principle. The 'where consistent...' (NPPFpp17 7th bullet point) should therefore apply to NPPFpp111. For the reasons expressed elsewhere within this statement, locating the scale of development that Lodge Hill is expected to deliver in another location(s) would conflict with the achievement of other policies within the NPPF. Therefore the NPPF flexibility to look beyond land with lesser environmental value to meet sustainable development needs applies. NPPFpp118, and the ability to mitigate/compensate, is therefore relevant.

Annex 1: Inspector's Matters and Issues for Hearing on 22nd May – Lodge Hill

- 1) Policy context:
 - a) South East Plan (SEP) revocation.
 - i) What are the implications of the revocation of the South East Plan (in particular paragraph 19.5) for the Lodge Hill allocation?
 - b) The National Planning Policy Framework (the Framework).
 - i) Does the proposed allocation comply with paragraph 118 which indicates that proposed development on a SSSI⁶⁴ should not normally be permitted.....an exception should only be made where the benefits of the development.....clearly outweigh both the impacts it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs?
 - c) Core Strategy
 - i) Is there an internal conflict between Policies CS6 and CS33?
- 2) Mitigation/compensation measures:
 - a) Is providing compensatory habitat, rather than preservation in situ, the right approach for a site with nature conservation value of national importance?
 - b) If it is acceptable, I am minded to give significant weight to the conclusions of the BTO study that it is 'theoretically feasible to create habitat that will be occupied by nightingales in lowland England' and that '**if the right conditions are satisfied**', there is greater probability of achieving success in Kent than in most parts of the Country'. On that basis:
 - i) How much compensatory habitat is required and how likely is it that sufficient land of a suitable type will be made available and what potential adverse impacts may arise, such as loss of good quality agricultural land?
 - ii) What are the likely consequences of the time lag between loss of habitat at Lodge Hill and the provision of new habitat if development proceeds as currently proposed? Alternatively what are the implications for the Core Strategy if development at Lodge Hill is delayed to allow for new/restored/improved habitat to become available?
 - c) To what extent can the loss of the area of MG5 Grassland be mitigated by changes to the Masterplan and if offsite provision is necessary what are the risks to delivery?
- 3) SA Addendum:
 - a) Does the SA Addendum provide a robust assessment of alternative options? In particular:
 - i) Are there other reasonable alternatives that should be evaluated in greater detail bearing in mind the changing circumstances in relation to Lodge Hill? For example, is it right to reject a more dispersed pattern of development without a more detailed evaluation of what that might mean in practice? Should neighbouring authorities be approached under the duty to cooperate in order to avoid development at Lodge Hill if there really is no reasonable alternative within Medway?

⁶⁴ NE has commenced the process of notification of the enlargement of Chattenden Woods SSSI and its renaming as Chattenden Woods and Lodge Hill SSSI. As set out in my letter to the Council dated 27 July 2012, it would be inappropriate for me to comment on NE's decision to consider notification of the site or the underlying evidence which has led to that decision. Please note that these matters will not be discussed at the hearing

- ii) Does the SA Addendum meet the requirement established in *Heard v Broadland* that alternatives must be appraised as thoroughly as the preferred option; and the implications of *Cogent Land LLP v Rochford DC* and *Bellway Homes Ltd* (as reported in *JPEL* issue 2 2013 (pages 170-192)) that an addendum report must be a genuine exercise rather than a mere justification for the decisions that have already been taken.
- 4) Is the 'very positive' score given to the Lodge Hill option in relation to previously developed land justified?
- a) How much of the development area meets the definition of previously developed land set out in Annex 2 to the framework?
 - b) Should the scoring be tempered by the Framework's core planning principle that reusing previously developed land should be encouraged, provided that it is not of high environmental value?
- 5) Delivery and Implementation:
- a) Further to my comments to the Council in my letter of 23 January 2013 I intend to have a brief discussion with the Council. I am not inviting any further written statements.

Annex 2: Socio-Economic Statement (prepared by Quod)



**Lodge Hill: Statement of Social
and Economic Benefits**

3 May 2013

Our Ref: Q20120

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1 INTRODUCTION

a) Context

1.2 Lodge Hill is identified, in Policy CS33 of Medway Council's Submission Draft Core Strategy¹, as a strategic allocation for a 'free standing mixed use settlement' providing approximately 5,000 new homes; employment opportunities broadly in balance with the aim 'to create a new focus for higher value economic activity in Medway;' and the transport, green and social infrastructure required to support such a settlement.

1.3 As part of the Examination of the Core Strategy the Inspector is holding a site specific hearing on matters and issues relating to Lodge Hill. This includes a question (1) on Policy Context which refers to the National Planning Policy Framework (NPPF) and its reference to the 'benefits' of development (paragraph 118). This statement has been prepared to provide a concise summary of the social and economic benefits, two of the three dimensions of sustainable development identified in the NPPF (paragraph 7). Where appropriate it cross references to the wider evidence base that has been prepared and published which supports the allocation.

b) Social and Economic Development: National Priorities

1.4 The National Planning Policy Framework identifies three dimensions to sustainable development: economic, social and environmental (paragraph 7).

The Economic Dimension

1.5 The economic dimension is a critical priority at national level with the Government's 'Plan for Growth'², published alongside the 2011 Budget, focussed on the urgent need to re-balance the economy and promote private sector led growth.

¹ Local Development Framework Submission Draft Core Strategy, Medway Council

² The Plan for Growth (2011) HM Treasury and BIS

- 1.6 The Local Growth White Paper³ sets out how growth should be achieved at a sub-national level by encouraging local authorities to lead their own development using positive planning to increase investment and promote their comparative advantages.

The Social Dimension

- 1.7 The social dimension includes the achievement of an increase in house-building, which is described in the Government's Housing Strategy as:

“central for our plans for economic growth – but more importantly, it is essential to the hopes and plans of young people, families and older households across the country.” (paragraph 2).

- 1.8 Through the Housing Strategy (HS) and the NPPF the Government requires local authorities to plan positively for growth. In particular Government is seeking to free up public sector land (HS, paragraphs 32 to 37), and to promote “locally planned large scale development”, rather than imposing unwanted development on Councils or areas. (HS, paragraphs 41 to 44)
- 1.9 The key emphasis of all policy is for local authorities to take the lead in promoting growth in their areas, working with the private sector to develop a vision and an evidence based approach through an open and transparent plan making process.
- 1.10 This is precisely the approach that has been adopted by Medway Council which has promoted growth as a strategic Council priority for many years, and provides a consistent thread through the Council's strategic policies. The following sections set out how this has been applied to Lodge Hill.

³ Local Growth, Realising Every Place's Potential (October 2010), CM 7961, BIS

2 STRATEGIC APPROACH TO GROWTH

a) Medway Council Policies & the Need for Growth

2.2 Medway Council's Sustainable Community Strategy (Doc: EB87) identifies as its first ambition:

"Medway to have a thriving, diverse and sustainable economy matched by an appropriately skilled workforce and supported by a higher and further education centre of excellence."

2.3 This is based on an understanding that while Medway has major achievements in securing inward investment since the closure of the Dockyards on which its previous prosperity had been based, it still lags significantly behind regional and national indicators in relation to wages, unemployment, skills, business registrations and economic output (EB87, page 9).

2.4 The Council's Economic Development Strategy (Doc: EB52) sets out how the Council intends to address these issues, which require a 'step-change' in perceptions and economic performance. This identifies five strategic priorities: Sector Development; Skills Development; Higher Education; Employment Space; and, Image Building.

2.5 The Strategy identifies Lodge Hill as having:

'the potential to be a site of considerable significance to the local economy, offering an excellent opportunity to achieve a sustainable balance of land for housing, employment and public services.' (paragraph 8.34)

2.6 As we will set out below the allocation for Lodge Hill, and proposals in the Masterplan, have been developed in consultation with the Council's Economic Development Team and with key strategic partners involved in delivering the Council's five priorities, to ensure that the conditions are in place to allow this potential to be achieved.



b) Consistent Strategic Policy Support for Lodge Hill

- 2.7 The importance of growth in Medway and at Lodge Hill is also a longstanding regional and national priority. Strategic policy has identified Medway, and the Lodge Hill site specifically, as key regeneration locations in the Thames Gateway for nearly twenty years. This has remained consistent despite changes in Government and policy regimes.
- 2.8 The Thames Gateway Planning Framework (RPG9a) identified in 1995 the Medway Towns and the Hoo Peninsula as an important focus for growth. This included the ability of Chattenden (now known as Lodge Hill) to help contribute to a balance of housing and employment land on the Peninsula and the need for a comprehensive response to its potential.
- 2.9 This has subsequently been re-stated in the previous Government's Sustainable Communities Plan, Thames Gateway Interim Plan, and in the (now partially revoked) Regional Spatial Strategy for the South East. The Coalition Government has restated their commitment to the Thames Gateway area.
- 2.10 The Government has encouraged the establishment of Local Enterprise Partnerships (LEP) to take a 'sub-regional' strategic view of growth and development. Medway is part of the South East Local Enterprise Partnership. This covers the counties of Essex and Kent, along with the Unitary Authorities which formed part of the historic counties, and the county of East Sussex.
- 2.11 The LEP has retained the strategic spatial focus of previous policy. The first strategic objective of its Mission and Vision statement is to secure the growth of the Thames Gateway. The LEP is also committed to strengthening the competitive advantage of strategic growth locations. Medway is specifically identified as one of these locations.

c) The Importance of Strategic Sites

2.12 Strategic Sites have a particularly important role to play in the regeneration of the Thames Gateway and in maximising the use of brownfield sites.⁴

2.13 They have a number of particular features which enable them to meet policy objectives in a comprehensive way. These are:

- An ability to deliver infrastructure efficiently, by being of sufficient scale to provide a comprehensive range of facilities, avoiding the need to add pressure on already stretched services;
- An ability to provide a critical mass of new employment uses which can support the 'step change' needed to attract new occupiers to an area;
- An ability to promote a mix of uses "in order to provide opportunities to undertake day-to-day activities including work on site." (paragraph 38 of the NPPF).

d) Lodge Hill as a Strategic Allocation

2.14 The NPPF requires local authorities to "plan pro-actively to meet the development needs of business and support an economy fit for the 21st century." (Paragraph 20) It sets out clearly how local authorities should draw up plans to achieve this in paragraph 21.

2.15 These actions listed are precisely what Medway Council has done in producing the Core Strategy, and indeed should be regarded as exemplary in that it has consistently been doing so for many years even before the publication of the NPPF.

⁴ Thames Gateway Interim Plan Development Prospectus: South East (CLG, 2006)



2.16 It has set out a 'clear vision and strategy' for growth across all corporate and planning policies. It has identified Lodge Hill as a strategic site to meet this strategy, capable of accommodating economic clusters and growth sectors in a flexible way. And it has sought to integrate commercial and residential uses, supported by a high quality environment and appropriate infrastructure.

2.17 The NPPF also contains a range of policy requirements setting out how local authorities should plan for the development of new communities. This includes the potential for some housing needs to be met in larger scale developments including new settlements (paragraph 52) through neighbourhood planning which promotes a mix use uses which enable healthy inclusive communities (paragraph 69) and through the provision of community facilities including schools (paragraphs 70 to 72) and for open spaces, sport and recreation (paragraph 73).

2.18 It also confirms that,

"For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties." (paragraph 38)

2.19 Again this is precisely the approach Medway has followed in the strategic allocation for Lodge Hill, requiring a mixed use development, supported by the necessary social infrastructure, and employment opportunities.

2.20 The following Section shows how the 'strategic' allocation has been further developed in the light of the evidence base, including commercial evidence, and consultation with partners to ensure that the strategic objectives for the site are deliverable.

3 LODGE HILL: APPROACH & EVIDENCE

a) Lodge Hill Allocation and Development Brief

- 3.2 Medway Council has been progressing its Core Strategy for a number of years. The potential for the allocation of Lodge Hill as a strategic site has been identified throughout all of the stages of the process from the Issues and Options in 2009 to the Submission Draft Core Strategy in 2012.
- 3.3 The site offers the best potential to achieve the aspirations and vision the Council has for Medway, both because of its specific economic attributes, and because of the potential for a transformative mixed use development which can change perceptions of Medway in a way that a series of smaller developments could not. This is supported by a detailed evidence base including an Employment Report (Doc: LH07), a Market Report (Doc: LH13) and a Social Infrastructure Report (Doc: LH18).
- 3.4 The Lodge Hill site has a strategic location unique in Medway in that it has a direct link to the M2/M25 and is also located close to the Medway urban area, including the stations at Strood and Rochester with fast rail access to central London. It is at the gateway to the Isle of Grain which contains some of Medway's largest employment sites with employers in the environmental and energy sectors.
- 3.5 It is also a 'stand-alone' site, which offers the opportunity to create a new place, with a new identity from the outset. Medway has previously struggled to attract higher value investment to the main Medway Towns because of the lack of such an identity or 'brand.'
- 3.6 Consistent with Medway Council's Economic Development Strategy it is seeking to achieve higher value investment in knowledge intensive and research sectors, potentially linked to its growing education base, and to build on its strengths in environmental business by attracting some of the 'upstream' activities.
- 3.7 In recent years Medway has seen little investment in high quality office and business park space, with much of the sub-regional market being captured by high quality self-contained developments such as Kings Hill in Tonbridge and Malling and Crossways Business Park in Dartford. If Medway is to achieve its objectives it needs to compete with this quality of development which requires a high



quality, branded product, as part of a high quality environment.

- 3.8 It is recognised that recent economic conditions have meant that there is little immediate market demand for such floorspace but in the longer term Lodge Hill provides the best opportunity for Medway to provide such a product and attract employers from the M25 and beyond.
- 3.9 Key to marketing Lodge Hill and establishing an employment base will be a strong sales message – and strong place-making which puts Lodge Hill on the map, differentiates it from other employment centres and creates a compelling case for companies to establish at/relocate their business to Lodge Hill. This would be based on developing a lifestyle location that will attract occupiers who wish to improve their home and work surroundings. Lodge Hill should emerge as a location that can increase employers’ productivity because of the tangible benefits it offers for work-life balance.
- 3.10 Lodge Hill also offers the potential to provide a unique hotel and leisure offer to promote rural and business tourism. This could include a limited service/mid-market hotel close to the A228 in the lower part of the site and a higher quality leisure hotel, which could take advantage of the rural environment and links to sports and leisure activities in the northern part of the site.
- 3.11 The Council has produced a Development Brief for the site. It identifies the specific comparative economic advantages of the site, namely:
- Excellent transport links to London and Europe via the High Speed 1 rail link;
 - Good road links (M2 and M25 via the A289);
 - Potential for direct energy supply from on-site generation and nearby power stations; (needed for some energy-hungry IT uses such as data centres);
 - Located within North Kent’s corridor of innovation centres and networks;
 - Rural setting including golf course adjoining the site; and
 - Bridging location between emerging industries at Grain and Kingsnorth and the main urban area, including the universities at Chatham Maritime.
- 3.12 It also identifies the opportunity to create a community. Development on this scale provides a unique opportunity to create family housing on a large scale, but also a housing product which is

qualitatively different from the rest of Medway and can attract aspirational and highly skilled residents from across the Kent area. Census data shows that the development at St. Mary's Island in Chatham has attracted a similar demographic but that the lack of appropriate employment offer in Medway means that residents commute out of Medway.

3.13 Lodge Hill, uniquely, offers the opportunity, consistent with paragraph 38 of the NPPF, to provide opportunities to work on site and therefore retain more highly skilled residents and create a virtuous economic cycle for Medway.

3.14 The Brief also identifies the requirement for the site to provide the necessary social infrastructure to meet the needs of the up to 12,500 people who might live there. It identifies the need to deliver these on site, or off site where it provides the most efficient use of resources or benefits to local communities. This is particularly significant for the Hoo Peninsula/Isle of Grain because the area has some significant infrastructure investment needs, particularly for new schools and for sport and recreation. This has become more acute as the Core Strategy has been developed because of the significant reduction in resources available to the Council since the economic downturn and the likely continuation of this situation for the foreseeable future.

3.15 Any planning permission for Lodge Hill would include requirements on the applicant to secure the delivery of such associated infrastructure and contributions towards specific improvements to Deangate Ridge. This contrasts with the difficulty local authorities often face when trying to bring together a range of contributions from developments which do not provide for infrastructure requirements on site, particularly secondary schools.

b) Lodge Hill Masterplan

3.16 In parallel Land Securities (LS), as land sale delivery partner for the Defence Infrastructure Organisation (DIO), has been working up a masterplan for the site which reflects the strategic policies described above and the emerging development plan policy whilst, by necessity, providing a considerable amount of detail on the quantum and types of uses than would be required to support the strategic allocation.



Consultation

3.17 DIO and LS have undertaken extensive consultation with local stakeholders to discuss these emerging themes and issues. This has included meetings with the University of Greenwich, University for the Creative Arts, Mid-Kent College and also with the other major landowners - namely Hutchison Ports, National Grid Property, and EoN - to develop the economic strategy. Local school, Medway Council service departments and the NHS have been consulted in relation to social and community infrastructure.

3.18 The Higher Education Providers and other partners have expressed an interest in working with DIO, LS and the Council to develop ideas for economic development of the Hoo Peninsula and the Medway Towns, and the indicative masterplan has the spatial capacity to host a wide range of business and educational uses. Similarly the masterplan reflects the service priorities of the Council and other providers, providing strategic provision for the development and the Peninsula as a whole, and significant infrastructure investment which would not be available to the Council otherwise.

Economic Strategy

3.19 The Economic Strategy aims to ensure that Lodge Hill can help to re-position Medway in the south-east commercial property market, providing a range of employment provision of sufficient quality to allow Medway to compete with other locations. Evidence suggests that those locations which have attracted inward investment such as Kings Hill and Crossways Business Park (Dartford), have been able to provide a critical mass of high quality, branded commercial space and have the capacity to respond flexibly to change. Lodge Hill is the only major mixed use site in Medway that has the capacity to achieve this. It has the capacity to provide for around 5,000 jobs, broadly equivalent to the likely working age population.

3.20 Given current economic uncertainties, LS, based on its unrivalled commercial knowledge, has sought to produce a flexible approach which can address likely key growth sectors and also provides a balanced economic base so that there is no over reliance on a single sector. This will require a pro-active approach to marketing, working with inward investment agencies such as Locate in Kent, with the Local Enterprise Partnership, the Council and other employers on the Hoo Peninsula.



- 3.21 In line with the need to develop the identity of Lodge Hill as a high quality location the Masterplan proposes a phased approach including a range of potential commercial products. These include:
- Office units clustered in the village 'hub' areas and centre of the development;
 - Workshops and 'flextech units' integrated into the masterplan
 - A larger scale business hub in the central area that could also accommodate educational and research uses.
- 3.22 This includes capacity for all of the uses identified in Medway's Economic Development Strategy including a significant "B Class" Business space offer which can range from small office units through incubation space to large single occupier units, which could provide R+D or back office space for the low carbon, energy and manufacturing sectors in the area.
- 3.23 It is likely that the larger business spaces will be brought forward after the sense of place and identify of Lodge Hill has been established, although a marketing strategy will be adopted from the outset of development and there is the potential to bring it forward opportunistically should potential occupiers be identified.
- 3.24 The Masterplan includes a range of other employment generating uses, including retail and leisure, hotels, and public services. Together they can help provide a critical mass of activity, with uses feeding off one another.
- 3.25 The table below shows the anticipated jobs by use in the development.

Total Employment (FTE) at Lodge Hill

Use	Ratio (sqm per job unless otherwise stated)	Total (FTE)	Total (Headcount)	Definition
Foodstore	17	150	220	Foodstore, NIA
Other A1/2	19	60	90	High Street
Food and Drink (A3 to 5)	19	20	40	Restaurants and Cafes
Office Village	10	2,380	2,700	B1 (A) Business park, FTE, NIA
Flextech/Business Park	10	600	680	B1 (A) Business park, FTE, NIA
Workshop/Creative	25	240	270	General B2
Hotel - Limited Service/Mid-Market	0.3/room	40	50	Jobs Per Room
Leisure Hotel	0.8/room	60	80	Jobs Per Room
Nursing Home/Close Care	0.5	60	80	Jobs Per Unit (FTE)
Primary Schools	25/FE	200	280	Per FE Including Nursery
Secondary Schools	15/FE	120	170	Per FE
Healthcare	50	30	40	Per sqm GEA
Other Community	50	20	20	Per sqm (GEA)
All Jobs (FTE)		3,970	4,720	
Working from Home	15% of homes	750	750	Proportion per dwelling
Total		4,720	5,470	

Source: Lodge Hill Outline Planning Application, Economic Strategy

Social Infrastructure

- 3.26 It also includes a comprehensive range of social infrastructure provision based on a demographic assessment of the likely population that will live within the development, and an audit of local provision. This includes the identification of the necessary infrastructure including education and health provision, which allow the development to meet its own needs whilst providing the opportunity to address gaps in services in the wider Peninsula, and improve neighbouring provision such as Deangate Ridge sports centre.

- 3.27 In particular it includes provision of a secondary school which is one of the main movement generators from housing development. Being of sufficient scale to support a secondary school is one of the critical measures of self-containment for a new community, for example in the previous eco towns guidance. This is particularly important at present as Medway, in common with other authorities in the south-east, is seeing significant pressure on school places and is struggling to meet demand even from current residents in the urban centres.
- 3.28 High quality schools, both primary and secondary, are also a key factor in attracting and retaining more highly skilled and higher income households which Medway lacks. They are critical to achieving a mixed and balanced community and for establishing Medway as a place with a labour force that is attractive to inward investors.

Conclusion

- 3.29 These opportunities are only available as the result of Lodge Hill being of sufficient scale to support a range of uses, and under the control of a single landowner who can engage with the Council and other partners. Its status as a 'stand alone' site allows the creation of a new identity and brand to attract residents and investors. This is essential to secure inward investment in Medway and allow it to meet the strategic aspirations for the Thames Gateway.

c) Alternative Development Patterns

- 3.30 The Core Strategy process has considered alternative development patterns, which have also been considered thoroughly in the Sustainability Appraisal.
- 3.31 This included four alternative options - an expanded Hoo, a Capstone Urban Extension, an East of Rainham Urban Extension and a North of Rainham Urban Extension. This includes consideration of a range of Sustainability Objectives including the delivery of housing (objective 6), health provision (objective 8), addressing poverty and social exclusion (objective 9), reducing crime (objective 10) raising educational attainment (objective 15), and supporting employment and economic competitiveness (objective 16). The appraisal finds that Lodge Hill best achieves the full range of social and economic criteria.

4 SUMMARY AND CONCLUSION

- 4.1 Economic growth and the development of new homes and communities are amongst the most important of the Government's objectives. The National Planning Policy Framework requires local authorities to 'positively seek opportunities to meet the development needs of their area.' (paragraph 14).
- 4.2 Many local authorities have struggled to address this policy requirement, either through choice or lack of capacity. This couldn't be further from the case in Medway.
- 4.3 The Council has pro-actively and consistently, over many years, pursued a clear and positive economic and social vision for the area which sets ambitious but realistic (consistent with paragraph 154 of the NPPF) and practical objectives of providing for new homes and jobs, and closing the gap between Medway and the rest of Kent and the wider South-East across a range of social and economic indicators.
- 4.4 The approach to the allocation of the Lodge Hill site has been entirely consistent with this, and with the requirements for plan making set out in the National Planning Policy Framework. In particular it:
- Is a strategic site required to meet the Council's strategy, capable of accommodating economic clusters and growth sectors in a flexible way, with integrated commercial and residential uses, supported by a high quality environment and appropriate infrastructure (paragraphs 20 and 21)
 - Provides a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site, importantly being large enough to provide a secondary school (paragraph 38)
 - Provides for the full range of housing provision, and associated community infrastructure, as well as improved provision for existing residents which would not otherwise be forthcoming (paragraphs 69 to 73);
 - Provides for a new large scale planned settlement on surplus publically owned, previously used land (paragraph 52, and the Government's Housing Strategy)



- 4.5 The site has market interest, and a well considered and robust masterplan, which can bring forward development in a location which has been identified as strategically important by both national and regional policy for nearly two decades. It has been the subject of a large scale process of consultation and is, subject to securing planning permission, ready for development. The Sustainability Appraisal suggests there are no sites which share this combination of advantages, and none which would be likely to be capable of being brought forward in the same timescales.
- 4.6 As a 'stand-alone' site it has the ability to deliver a new brand and identity for Medway. The site overall has the potential to deliver 5,000 new homes, around 5,000 jobs, new schools and other community facilities, providing very substantial social and economic benefits to a relatively deprived area. We would suggest that great weight should be given to the economic benefits in consideration of the site allocation within Medway Council's Core Strategy (para 19) as part of the contribution to achieving net gains across all three strands of sustainable development (NPPF paragraph 152).

Annex 3: Summary of Nightingale Mitigation On-Site (prepared by Thomson Ecology)

The retained areas of Chattenden Woods and Lodge Hill SSSI, i.e. the areas not directly affected by the development, currently support around 30 nightingale territories (this includes the territories that are beyond the Strategic Allocation; the Statement of Common Ground indicates that 16 of these are within the Strategic Allocation). It is anticipated that some nightingale territories will persist in these areas when the development is completed, even taking into account urbanisation effects. The reasons for this are described within the Breeding Bird Masterplan and the Access Management Strategy which are submitted as part of the planning application, but in short may be summarised as follows:

Measure 1: Protecting key areas of habitat from the direct effects of development

- (i) All of the original Chattenden Woods SSSI will be retained and protected from the direct effects of development. The areas retained include Rough Shaw, an area with a high density of nightingale territories. In addition, approximately 75ha which lies within the enlarged SSSI (i.e. Chattenden Woods and Lodge Hill SSSI) but which was not part of the original Chattenden Woods SSSI, will be retained. Taken together, the retained areas are capable of supporting around 25-30 nightingale territories with the habitats in their current condition.

Measure 2: Implementing mitigation measures to reduce indirect effects of development

- (ii) A buffer zone, designed to protect the original Chattenden Woods SSSI, will be retained in the development masterplan. This buffer, referred to now as the Chattenden Woods buffer, will continue to provide protection of some, but not all, the retained areas of the enlarged SSSI. The area protected by the buffer zone will include Rough Shaw, an area with a high density of nightingale territories.
- (iii) A cat management strategy will be implemented to limit the effects of cat predation on breeding birds, especially nightingales. The main feature of this strategy is the Chattenden Woods buffer described under (ii) above which will predominantly be 200m wide, accompanied by appropriately located dense thorny scrub planting, wet ditches and some fencing within the buffer zone; encouraging pet owners to manage their pets responsibly, particularly during the bird breeding season; and consideration of ultrasonic devices to further deter cats entering defined areas of breeding bird habitat.
- (iv) An Access Management Strategy will be implemented to reduce the negative effects of recreational use within most of the retained areas in the SSSI. Measures included within the Access Management Plan will be:
 - (a) Green infrastructure, which includes a network of accessible multi-functional parks that will help reduce the numbers of new residents that use the ancient woodlands and retained parts of the SSSI as areas of recreation;

- (b) Measures to minimise the risk of people entering the retained parts of the SSSI from the proposed bridleway which will run along Chattenden Ridge;
- (c) Features designed to restrict access by people into the Chattenden Woods buffer to the west, where habitat has been retained for nightingales;
- (d) Features designed to restrict direct access from housing adjacent to the Chattenden Woods buffer and Lochat Road, into the Chattenden Woods buffer (now part of the recently notified SSSI);
- (e) Clearly defined footpaths and bridleways which will be routed through less sensitive areas of habitat;
- (f) Wardens, which will be employed to control unpermitted activities in the retained parts of the SSSI; and
- (g) Interpretation boards and other measures designed to promote responsible recreational use and an appreciation of the local wildlife, including nightingales and information on their protection.

Measure 3: Creating new habitats to replace those lost to development

- (v) The adjoining off-site mitigation area, approximately 88ha in size, will be used for habitat creation (designed to accommodate military operational requirements), and much of that habitat will be capable of supporting nightingales, provided that 'urbanisation effects' are adequately controlled. The off-site mitigation area will therefore be brought into the Access Management Strategy described under (iv) above, which will include measures to prevent public access and incursion by cats into this area.

Measure 4: Retained and created habitats will be subject to monitoring, management and enhancement measures

- (vi) The resilience of the nightingale population within the retained parts of the SSSI and the off-site mitigation area will be improved through the maintenance of habitats in optimal condition for this species. This will be achieved using appropriate management techniques informed by monitoring of the condition of the habitats and bird numbers. The management strategy would be expected, where it's not contradictory with other objectives of the retained SSSI, to improve some areas as habitat for nightingale.

In the UK range of the nightingale, there is no evidence of a 400m zone around residential land within which this species does not breed; even in areas not subject to the mitigation and management measures described above. For example, using the BTO data for nightingales from 1980 and 1999, we have identified 222 nightingale records representing 605 singing males occurring within 400m of a major residential area. The total number of records we

have for Kent is 703 representing 2,185 singing males – so roughly a third of all records (and between a quarter and a third of all males) were identified within 400m of an urban area.

For Lodge Hill in particular, 21 nightingale territories (out of the 84 recorded by the BTO in 2012) are within 400m of existing residential areas (Chattenden). This equates to 25% of the Lodge Hill nightingale population. Based upon the nightingale distribution and survey work at Lodge Hill and elsewhere, it is clear that this species can occupy habitat close to residential areas and that it is tolerant of a degree of human activity, including military training operations, construction activity (including a concrete crusher at Lodge Hill) and recreation, such as golf.

It is therefore reasonable to expect that some nightingale territories will exist within the retained and created habitats around the completed development. The assumption that some nightingale territories will persist is wholly consistent with the views of the BTO, as expressed within their report⁶⁵.

⁶⁵ Factors Potentially Affecting the Viability and Success of Biodiversity Offsetting to Compensate for Nightingale Habitat Loss, BTO, October 2012

Annex 4: Letter from Savills

2 May 2013
Our Ref: PMA/PJG/SVDV217869



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Dear Stephen,

LODGE HILL, CHATTENDEN
MITIGATION / COMPENSATION LAND FOR NIGHTINGALES

We write to summarise and update you in respect of your instructions to date regarding availability of private sector agricultural land and woodland. Our Rural Practice Division management and agency Directors have provided input to this report.

In summary, the process that Medway Council has been pursuing in relation to nightingales in the context of the Core Strategy has led to you asking us, in the context of the planning application, to contact the owners of land to pursue potential opportunities identified as suitable sites by Greening The Gateway Kent and Medway (GGKM). Several landowners have been identified and approached.

We have also made an assessment of the amount of land generally coming available for sale in the market place in the wider area, and have made a general assessment of further land availability either for purchase, rent or other agreement and reported any other observations in respect of schemes and agreements to create habitat elsewhere.

We have engaged with you on the positive progress that we have made to date, but you have asked us to prepare this letter in order to provide a high level overview of our findings, in order to help inform the Core Strategy. This is set out below. Please note that given the commercially sensitive nature of our work, we cannot disclose the nature of our detailed discussions with landowners in respect of specific sites.

GGKM has identified sites which could provide potential habitat and approaches have been made to landowners by GGKM and Savills. Progress has been made to the extent that it should be possible to acquire the land subject to agreeing commercial terms.

However, these are not the only opportunities. The scale of the potential is considerable. We estimate that over 4,000 hectares per year are publicly marketed across the South East with privately negotiated sales in addition. Our research department confirm this is for farms/land areas over 20 hectares and does not include private transaction statistics or sales of heath and woodland.



Privately owned farms and estates have participated in habitat creation and improvement over recent years and we are familiar with various structures of agreements.

Most land managers have clients in the area who are familiar with and willing to participate in negotiating terms for management agreements. Some of the organisations familiar with and able to confirm this are:

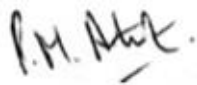
- Bax Thomas French
- Smiths Gore
- Batchelor and Thacker
- Strutt and Parker
- CLM
- Knight Frank
- Carter Jonas
- Lambert and Foster
- Hobbs Parker

I understand from you that for the purposes of the conservative testing that has been applied through the Core Strategy process, the theoretical upper bound of land that may be required in order to accommodate compensatory habitat for nightingales as a consequence of the development of Lodge Hill is 851ha. Based on the work that we have been undertaking we have concluded that it would be possible to fulfil this from private sector land, whether through the purchase of land, rent or other agreement, within a short timescale.

I trust this report is an adequate update but please contact me if you require further information.

With regards,

Yours sincerely,

A handwritten signature in black ink, appearing to read "P.M. Atherton".

Paul Atherton MRICS
Director