

Lodge Hill hearing
Matter 5 Medway Core Strategy Examination
Natural England
Closing statement by Rob Cooke, Director of Land Use

Natural England respectfully offers the following remarks to conclude its input to the examination hearing

1. Natural England is the Government's statutory adviser on the Natural Environment; we have specific duties with respect to SSSIs. We have submitted our formal advice; this closing statement reinforces that advice.
2. Throughout the Core Strategy process Natural England has advised on the environmental impacts of the various options put forward, consistent with our statutory remit. We have not advised on the socio-economic aspects of the various options, nor on the soundness of the overall SA/SEA process for ensuring that each of the development options is given equal consideration.
3. Chattenden Woods and Lodge Hill was notified as an SSSI on 13 March 2013. As such it is a nationally important wildlife site. The legislation requires that the notification be confirmed (with or without modification) within 9 months of the notification date or it will cease to have effect. Natural England is currently consulting on this notification.
4. Natural England's advice is, consistent with the duty placed on all public bodies by S28(G) of the Wildlife and Countryside Act 1981, [that] reasonable steps, consistent with the proper exercise of the authority's functions, [should be taken] to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest.
5. The proposed development at Chattenden Woods and Lodge Hill SSSI would damage a substantial proportion of the SSSI. NPPF policy gives significant weight to the protection of SSSIs and Natural England's advice is that the avoid, mitigate, compensate hierarchy, as specified in NPPF paragraph 118 should be followed, and that it is appropriate to consider this at plan stage because of the importance of this site to delivery of the plan.
6. Natural England recognises that, in certain specific circumstances, a planning authority may take a decision, having weighed up other matters in comparison to an SSSI's national importance, that results in the deliberate destruction of all part of an SSSI. If such a decision is taken then Natural England advises that, where possible, the damage should be fully compensated for. This would be in line also with paragraph 152 of the NPPF.
7. Therefore our advice is that if the Core Strategy is deemed to be sound, and if that decision includes the Lodge Hill allocation, then the Core Strategy should include explicit policy or policies to require the provision of habitat capable of compensating fully for the damage caused. Compensatory habitat provision in this scenario should be expected to commence as soon as possible, so as to maximise lead in time, and in addition reflect the residual risks that arise from the time lag before the new habitat becomes functional.
8. Natural England believes that habitat compensation for nightingale has a good chance of success, providing the sites chosen meet agreed criteria on design, location and scale. That is not to say it is without risk.

9. Natural England accepts that species rich grassland could be created, and could benefit from translocation of the material from the Lodge Hill site, but it is uncertain how similar this would be to the grassland which would be lost from Lodge Hill, should development proceed. Given the advice offered in the hearing on the timelines for grassland translocation at other locations, the Core Strategy should specify that phasing of the development should take into account the needs of conserving the important grassland on the site and measures to conserve the grassland should be undertaken early if development is to proceed, so as to maximise lead in time.

30 May 2013