



Medway Core Strategy  
Examination in Public

Matter 5: Lodge Hill Strategic Allocation

Additional information by

Kent Wildlife Trust

Respondent ref: 37

### **Lodge Hill Strategic Allocation**

- a) **Will the proposed development at Lodge Hill contribute to sustainable development having regard to:**  
ii) **Impact on Chattenden Woods SSSI**  
C) **Relationship to development brief**

1. Kent Wildlife Trust is a leading conservation non-governmental organisation operating throughout Kent and Medway. Our work includes land management and advice to other land owners, ecological data collection and analysis, community work and environmental education and the management of the Local Wildlife Site and Roadside Nature Reserve systems. In addition to these functions Kent Wildlife Trust employs a planning team who respond to national and local policy and planning applications. Expertise is available in planning law and practice, ecology and ecological development design.

### **Policy Context**

2. The National Policy Planning Framework defines sustainable development as having three dimensions economic, social and environmental. Paragraph 8 states that *to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system*. In relation to biodiversity paragraph 9 states that sustainable development should move *from a net loss of bio-diversity to achieving net gains for nature* with paragraph 113 stating that *Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks*.
3. Finally paragraph 118 states that

*When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:*

- *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse*

*effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that 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 Sites of Special Scientific Interest;;*

- *planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;*

4. It is Kent Wildlife Trust's view that due to the high intensity of development proposed for this site, the impacts likely to occur in regards the nightingale population due to loss and fragmentation of habitat, recreational pressure and cat predation, the lack of reliable survey information in respect of all species present within the locality and the uncertainties as to the level of mitigation required and the effectiveness of the mitigation proposed we do not feel that Policy CS33 is in conformity with the above national policy.
5. We welcome the proposed changes to CS33 as the additional clauses strengthen the policy in relation to the protection of biodiversity. If the mitigation detailed within the policy were deliverable it may be possible to ensure that the impacts on the SSSI and habitats and fauna present within both the woodland and the site could be protected, mitigated or compensated and therefore conform to the NPPF. However this cannot be guaranteed as
  - Owing to the lack of ecological information we are unable to assess whether the habitat preservation, enhancement and creation proposed will be adequate to support the rich biodiversity currently present within the locality.
  - We question whether the site has the capacity to accommodate approximately 5000 houses and employment whilst still delivering the level of mitigation likely to be required to protect the SSSI and biodiversity
  - We are concerned that the mitigation and management proposed within the masterplan will be inadequate to preserve biodiversity and in the case of the nightingale may not be mature enough to provide appropriate breeding habitat and or be accessed by the resident population owing to its locality, yet to be determined.
6. Owing to the above uncertainties, it is Kent Wildlife Trusts view that the quantum of development cannot specified at the present time, without the risk that habitats and species

for which the SSSI is designated, protected species and species of County and regional importance being impacted. We request that housing and employment numbers be deleted from the policy, until such time as information is available to ensure a rigorous assessment of the mitigation required on site and within the mitigation area and clarity is gained as to whether breeding habitat can be established and accessed off site for the nightingales to ensure there is no impact on the nationally important population. If development amounts are not specified that it is our view that Policy CS33 will be in conformity with the NPPF as housing and employment numbers can be dictated by the ecological sensitivities of the site.

### **Chattenden Woods SSSI**

7. Chattenden Woods SSSI is designated for its ancient woodland habitat and its breeding birds, the most important being the ground nesting nightingale for which the site is of national importance. The citation highlights the SSSI's likely importance for invertebrate species with historic records showing a rich assemblage of rare species typical of ancient woodland. The habitats present within the Lodge Hill site act as an extension to the SSSI, with the scrub and neutral grassland supporting significant numbers of nightingale with at least 1% and possibly up to 3% of the UK population breeding within the site and the adjacent woodland.

### **Protection of the Nightingale Population**

8. Within assessments for impacts on the Thames Basin Heaths SPA, where ground nesting birds were present, studies showed that there was a need for a 400m buffer between the SPA and development to ensure no impact on the birds due to cat predation and recreational disturbance. As the SSSI and Lodge Hill also contain ground nesting birds vulnerable to similar pressures, it is our view that a 400m buffer is likely to be required within this development. The masterplan currently only specifies buffers to the SSSI of 'up to 200m', translating to 100m-150m in the masterplan with only a 20m buffer for non-SSSI ancient woodland. Within these buffers it is suggested that it may be appropriate to provide certain forms of built development. All development proposed will increase recreational pressure which will disturb nesting birds. It is our view that if the required buffering for the nightingale were delivered it would be unlikely that the development proposed could be accommodated on site and would need to be significantly reduced.
9. There are concerns regarding the level of survey effort undertaken in relation to the nightingale population and a reliable estimate of the population size cannot be ascertained at

the present time. We are aware that a study is currently being undertaken by the British Trust for Ornithology and believe that this will provide a resilient assessment of the numbers of nightingale present within the area. However until such data is available levels of development cannot be decided as the amount of mitigation and compensation required on or adjacent to Lodge Hill is not known.

10. Even if the above information were available Kent Wildlife Trust would continue to have serious concerns regarding the quantum and deliverability of the mitigation within the time scale of the development detailed within the mitigation masterplan. The off-site mitigation and new habitats proposed would take at least a decade to establish before they became viable for to be used for nightingale breeding habitat. However within the mitigation masterplans it is proposed that this habitat will be created only 6 months to a year before the habitat on site is cleared. It is unlikely that such new habitat will be accessed by the nightingale and the development of Lodge Hill will lead to a significant loss in breeding habitat that will not be replaced for another ten years. If this occurs then loss of habitat is likely to lead to a severe reduction of the numbers of birds breeding within the locality. Considering the national significance of the nightingale population this is likely to lead to a significant reduction in the national population already in serious decline.
  
11. Irrespective of the maturity of the habitat there is a concern that due to the nightingale's recognised fidelity to breeding territory, using the same territory each year, there is a high risk that the population will not use the alternative mitigation provided. This becomes even more pertinent if replacement habitat is located away from the development within other parts of the Hoo peninsular as proposed. We do not feel that it has been proved within either the Core Strategy or the documentation submitted as part of the masterplanning process that the nightingales currently using the site and the SSSI will use the habitat re-created within the surrounding area or whether further habitats will need to be retained on-site to ensure the population's survival. Until clarity is obtained regarding the success of any proposed mitigation it is our view that the level of development that can be accommodated on site cannot be ascertained and therefore no housing numbers should be specified within Policy CS33.

### **Preservation of Protected and Notable Species**

12. As with the nightingale population, surveys carried out to assess protected and other notable species populations do not meet best practice guidelines. In relation to many of the species, the number of surveys visits has been inadequate to reliably assess population numbers, the

methodologies have not ensured that all species present will be recorded and in certain instances not all habitats that may contain the protected and notable species have been surveyed. Due to the lack of ecological information Kent Wildlife Trust is unable to assess whether the habitat preservation, enhancement and re-creation proposed will be adequate to support the rich biodiversity currently present within the locality. Without information to determine the amount of mitigation and compensation required it is impossible at the present time to assess the level of development that could be delivered on site whilst still accommodating the species that use the site and the SSSI.

13. Lodge Hill is thought to be at least of County importance for its reptile and bat population with four species of reptiles being noted on site and six species of bats. The bat roosting potential on site is likely to be of County importance with at least seventeen bat roosts identified at Lodge Hill. Great crested newts are present within the wetland areas and badgers reside within the woodland and forage within the site.
14. In addition to this suite of protected species the Lodge Hill Strategic Allocation is likely to be of regional importance for its communities of invertebrates associated with the neutral grassland and scrub mosaic. The wild flower rich neutral grassland and scrub present on site provide ideal habitat for these communities with ruderal vegetation and bare ground supporting additional species. The suite of invertebrates present on site is thought to be rare at least a regional level, with the Thames Gateway area being one of the last hotspots nationally for some of these assemblages.
15. Irrespective of the lack of reliable information we are concerned that in a number of instances the same mitigation areas will be managed for a number of species with different requirements. The diversity of habitats and the different land uses at Lodge Hill have enabled species with varying requirements to colonise the site. Although in some instances it may be possible to manage habitats for a suite of species some have very different needs and require very different management regimes.
16. In conclusion it is our view that the quantum of development identified for the site needs to be determined by the environmental constraints present, rather than setting such a high level of development that cannot, realistically, be delivered sustainably. We welcome the policy changes and feel they provide appropriate mitigation measures for biodiversity. However owing to the lack of reliable survey data, no identification of alternative mitigation areas for

the nightingale, uncertainty as to whether habitats will provide the conditions conducive to breeding and whether the nightingale will use the re-created habitats and the inadequate survey mitigation and management mechanisms for wider biodiversity we do not feel that any indication of development levels should be included within Policy CS33 until these issues have been clarified. If the strategic allocation detailed within the current policy were delivered there would be a high risk that the development would contravene policy incorporated within the National Planning Policy Framework.