

Please contact: Brian McCutcheon
Our ref: BM/LDF/Exam
Your ref:
Date: 28 August 2012

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Via Email

Dear Inspector,

Core Strategy Examination: Matter 5: Lodge Hill

I am pleased to be able to respond to your letter of 27 July concerning the above.

In your letter you asked the Council, *in consultation with Natural England and other stakeholders, to produce a more detailed assessment of the work that needs to be undertaken, including the additional information highlighted in the preliminary assessment contained in the appendix to your statement, and a timetable for the completion of that work and public consultation to accord with your SCI.*"

This suggests a two stage process. First a technical piece of work to establish whether there is a reasonable prospect that adequate compensatory nightingale habitat could be established for Lodge Hill and second a formal public consultation process.

In relation to the first matter the Council approached the main stakeholders and arranged and held meetings as follows:

Kent Wildlife Trust	14 th August
RSPB	15 th August
Natural England	16 th August
Land Securities	17 th August (teleconference)

Subsequently we have also spoken to all other participants to the Lodge Hill hearing to advise them of the approach being advocated by the Council and detailed below. All have endorsed the approach and all but two wish to participate directly. The remaining two, CPRE Protect Kent and Frindsbury and Wainscott Community Association, want to be kept informed and attend any further hearing that might result.

At the meetings with the stakeholders listed above, the Council:

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- Explained that the purpose of the meetings was to consider your request and to seek to agree a process or methodology and a timetable to guide the technical work and negotiations required
- Suggested a methodology drawn from the Environment Bank Ltd report it had submitted as part of its response to the Natural England letter of 9th July, while inviting any alternatives or variations to it
- Made clear that participation in the process could be explicitly without prejudice to the stated position of the party
- Offered to retain the services of Environment Bank Limited, or any other suitable party, to facilitate the subsequent process and produce an independent report
- Stressed the importance of progressing matters quickly but thoroughly and in the most cooperative way possible
- Noted that you would also need a response, in due course, on the possible implications for the timing of development at Lodge Hill and whether any contingencies, including appropriate trigger mechanisms would be required
- Advised that the Council recognised the need to review the Sustainability Appraisal, that the original consultants Enfusion had been retained but that the necessary work could not be completed until the outcome of other processes was known. It also accepted the need for consultation on any such update.

I am pleased to be able to report that there is agreement between the parties listed on the following:

- That they would participate in the process detailed below, albeit without prejudice to their previously expressed position
- That stakeholders would seek to agree methodologies for survey work
- That the approach and timetable would be broadly as set out below but subject to a caveat discussed below
- No objection to Environment Bank Ltd. carrying out the role as described above.

I can also confirm that, on the basis of this agreement, Environment Bank Limited has been retained to undertake survey and other work and produce a further report that takes account of input from the stakeholders.

Process

The suggested process has the following stages:

1. Seek to agree the main habitat types important for nightingales in and around Lodge Hill – provisionally identified as semi-natural broadleaved woodland, planted broadleaved woodland and scrub
2. Seek to agree a methodology for assessing the existing quantum and condition of each habitat type at Lodge Hill and carry out site surveys as necessary
3. Seek to agree the survey results to establish the quantum and condition of each habitat type

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4. Seek to agree the likely impacts on the nightingale population, were development to proceed as currently proposed
5. Seek to agree criteria and methodology for the selection of 'receptor' sites. Identify options for receptor sites where created and/or enhanced habitats could be provided to compensate for on site losses; survey sites for suitability.
6. Seek to agree survey results and the assumptions to be applied, on the basis of 5 above, as to the likely future condition or 'carrying capacity' of identified sites
7. Seek to agree the management principles that would be required for each type of receptor site to achieve the required quality and assess their deliverability
8. Seek to agree multipliers or other methodology to determine the quantum of new (created) and/or enhanced habitats required and set out what would be required for it to be secured.

It is intended that the process will include:

- A technical meeting between the main parties to consider detailed methodological issues such as survey methods and protocols; and
- A stakeholder workshop that can consider preliminary work, other research and survey results and determine what level of consensus has been achieved. It is also intended that an independent report will be produced at the end of the process. This will set out the findings of the consultant and record each party's agreement or disagreement.

Timetable

A proposed timetable is set out in the attached chart. At 9 weeks it represents a balance between certain parties that considered the required tasks could be completed more quickly and others who considered they would take longer.

Subsequent Process

The details of any subsequent process and timetable are, of course, entirely at your discretion. However, at this stage the Council would make the following observations:

- It is considered that an updated Sustainability Appraisal should be informed by the outcome from the work detailed above and a formal decision by Natural England on notification (by the end of September). It would then need to be subject to adequate public consultation. It is considered that this should be for a minimum of 4 weeks and a maximum of 6 weeks, although the SCI is not prescriptive about this
- In order to make the best use of resources and avoid confusion for the public it is considered that all matters requiring public consultation should be dealt with at the same time. That is the SA and all "main modifications"

It follows that this might best follow any further hearings that you consider might be necessary.

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Assuming that the work detailed above can be submitted to you at the end of October it is hoped that a decision on whether or not a further hearing would be appropriate could be made after that. However it is fully appreciated that these are matters for you.

Conclusions

It is hoped that the above sets out an appropriate response to your letter and the Council wishes to record its thanks to all stakeholders in agreeing a process as you requested.

The Council will use all its efforts to complete the programme of work as set and will regularly keep the Programme Officer informed of progress.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Brian McCutcheon', with a long horizontal flourish underneath.

Brian McCutcheon
Planning Policy & Design Manager

Proposed Programme

Task	Lead	Already Completed	Week 1 3-7 Sept	Week 2 10-14 Sept	Week 3 17-21 Sept	Week 4 24-28 Sept	Week 5 1-5 Oct	Week 6 9-12 Oct	Week 7 15-19 Oct	Week 8 22-26 Oct	Week 9 29-02 Oct/Nov
Submit process and timetable to Inspector for approval to proceed as set out	MC	28/8/12									
Appoint independent consultant	MC	21/8/12									
Approval to proceed/further instructions	Inspector										
Issue GGKM final report and invite stakeholders to suggest other possible 'receptor' sites they consider should be considered	MC										
EBL issue initial methodology paper for consideration at subsequent technical meeting											
Technical meeting to consider: <ul style="list-style-type: none"> Target habitat types Survey methods Shortlisting of receptor sites 	EBL										
Survey Lodge Hill for habitat condition and type	EBL										
Survey short listed receptor sites	EBL										
Dissemination of survey results to stakeholders											
Stakeholder workshop to seek to agree: <ul style="list-style-type: none"> Quantum and condition of retained habitat and associated nightingale 											

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population <ul style="list-style-type: none"> Options for receptor sites, including management principles and assumptions on future condition Multipliers or alternative methodology to determine mitigation/compensation package Preferred mitigation package and delivery requirements 											
Produce and publish draft independent report of findings	EBL										
Stakeholder views on draft report	Stakeholders										
Final report submitted to Inspector	MC										

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