

From: Medway Countryside Forum

Inspector Laura Graham BSc MA MRTPI

Examination into the Medway Core Strategy Development Plan Document (DPD): Lodge Hill

1. Thank you for a sight of Natural England's response letter dated 9th July 2012 following yours (via Alison Rock) of 14th June.

2. Medway Countryside Forum (MCF) notes Natural England's revised position on the development allocation in the light of new data from BTO's 2012 National Census of nightingales submitted to the Examination by RSPB. In particular, we note NE's para.14 which states that "our advice is that the importance of the nightingale population and the likely extent of impact, place a very substantial question over the soundness of this development allocation".

3. We recognise that Natural England has now taken on board the significance of the nightingale presence in the face of recent evidence - particularly on the proposed development site - and as such justifying a SSSI notification. We stress that NE acknowledges that the site holds more than 1% of the UK population and that the advice is that it should be treated as if it were an SSSI for the purposes of this allocation. We believe therefore that its overall position, in accordance with its mission, should rather be one of an unambiguous objection to the development. And so lead to the removal of the Lodge Hill allocation from the Core Strategy in order to make it sound.

4. Where our Forum also parts company with Natural England is in the matter of possible mitigation of impacts and specifically the notion of providing compensatory habitat "on the Hoo peninsula". First, we agree with NE's para.8 conclusion that the numbers and spread of nightingales throughout the proposed development area effectively rules out on-site mitigation measures. However, we are not impressed with the rationale behind the hopes for compensatory habitat creation whether near to the site or, worse, at some remove elsewhere "on the Hoo peninsula".

5. We should appreciate more information about NE's comments at the start of their para.9. Does the "mixed success" refer to habitat creation for biodiversity generally, or bird species or, more relevantly, nightingales?. Particularly if nightingales, we should like to hear the details, please. It's interesting that the proposers of this development have had several years to show that such compensatory habitat can be successfully created and perhaps to supply some credible examples from elsewhere in support. This would not of course prove that such examples could be re-created here at Lodge Hill/Chattenden or even on the Hoo Peninsula...but their absence is still noteworthy. No, we agree with the

remainder of para.9 about the undoubted risks and " the most certain means of protecting the nightingale population" ie if the proposed development was not to go ahead.

6. We have several problems with the search for "potential habitat creation sites on the Hoo peninsula". How far in distance and conceptual terms is it acceptable to seek and provide such compensatory habitats and stay relevant to a proposed development? As well as a fair question in general terms, it has particular relevance when it comes to nightingales. BTO has commented in print that, nationally, not only has this species been declining severely in recent years but that there has been an ongoing contraction into the South East counties of England. This may explain why Kent, and Chattenden/Lodge Hill, seem to be doing a bit better at retaining their numbers against the national fall. It looks from the data so far in from the 2012 National Census that, in keeping with this trend, Kent is likely to remain the top county in UK for this glorious songster (with Chattenden/Lodge Hill probably the largest single population in Kent, and UK). We therefore question how even if some nightingales were to choose to establish in any newly created habitats that they could be linked in any sure way to Lodge Hill since they could well be birds that have contracted into Kent from neighbouring English counties to the North and West - and would have done so naturally in any case in keeping with that ongoing trend. (BTO has already stated that all existing core nightingale habitats must be maintained "if the species is to survive as a breeding bird in Britain".) Thus the destruction of high quality Lodge Hill/Chattenden breeding sites resulting from the proposed development would most likely lead to a straight net loss to the remaining UK population. In what way then could this result be claimed to be "compensatory"?

7. The truth is that neither Medway Council, Land Securities nor Natural England have any clear idea that "compensatory" habitat creation would work for this idiosyncratic species and Medway Council admitted as much at your Hearing by accepting there could be no guarantees. So are we to have to concede the destruction of the foremost site in UK for nightingales - a severely declining and iconic species in English culture - on the basis of a hope and a prayer? We say to ask for such a leap of faith is unacceptable when set against the certain damage to a known, nationally important, biodiversity jewel in Medway which should instead be celebrated. RSPB say this site should not be chosen for an experimental exercise in compensation for nightingale. MCF agrees with RSPB. This is the very last place in UK to be chosen for an experimental exercise in compensation for a fast-declining (Red List to be) species which declined by 60% between 1995 and 2009. There are many habitat sites in Kent and more widely in the southern counties which on the face of it might be suitable for nightingales - but which do not have them. It is therefore a much more complex amalgam of need than the proposers appear to suggest - though we do know for sure that Lodge Hill/Chattenden has that X-factor combination. The identification of possible sites on the Hoo Peninsula, even with, in Natural England's view, "considerable potential" - whatever that means - surely takes us no further and to

ask you for more time "for this discussion to reach a conclusion" seems pointless, in our opinion.

8. The issue of timing raised in the previous paragraph has a more fundamental aspect as far as the Core Strategy is concerned. No matter what ideas Medway Council/Land Securities/Natural England come up with for exploring possible last resort solutions, the requirement remains that any compensatory habitat must be fully functioning before any development takes place. Since the nightingales are widely distributed across the proposed development area - as recognised by Natural England - then even phasing the development will not allow for a start on site clearance, infrastructure laying, early development etc before that alternative new habitat has been proven to be established with nightingales. This would take years before we even knew if it proved successful.....and if it isn't? Given this delay, what is clear is that the Lodge Hill entry in the Publication Core Strategy for housing numbers etc is undeliverable within the timescale given. The Core Strategy is therefore unsound, we continue to submit. We respectfully ask that Medway Council is asked by you, please, to remove it or better, from the point of view of Medway residents, that our Council chooses to do so.

9. (That last request is because there are many other objections, aside from the needs of nightingales and other biodiversity, to the Lodge Hill development proposals. There have never been, in our experience, so many and varied objections from different organisations and/or individuals to any Outline Planning Application as evidenced by the current Letters of Representation on that Medway Council file. Our Forum points out that the development is planned for an Area of Local Landscape Importance and two Protected Open Spaces. Such designations are aimed at conserving our last remaining green lungs in Medway and should be respected, and it is wrong, in our opinion, that our Council should ride rough-shod over them; please also see the Prime Minister's comments during the public debate on the NPPF about not endorsing "swamping" developments alongside small settlements in the countryside. The inadequacies of the buffer-zone and on/off-site mitigation (cat fences etc) and access management proposals are stark. There are serious adverse transport and health provision consequences, for all of Medway, if this huge development goes ahead. It would benefit Medway, its people and wildlife if this development does not take place.)

Yours sincerely

Medway Countryside Forum

18th July 2012