



nature's voice

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By email only to ldfprogrammeofficer@medway.gov.uk

18 July 2012

Dear Ms Rock

**Medway Core Strategy Examination
Matter 5 - Lodge Hill Strategic Allocation**

We are writing in response to Natural England's letter to the Inspector of 9 July 2012 with regard to Matter 5 – Lodge Hill Strategic Allocation (LHSA). We would be grateful if you could draw our letter to the attention of the Inspector.

The RSPB welcomes the decision of the Executive Board of Natural England to commission an SSSI notification package in respect of the proposed allocation site. This supports the RSPB's view, as set out in its submission on Matter 5, that Natural England would have little option but to notify the SSSI and relevant parts of the LHSA site to reflect the importance for breeding nightingales in their own right, if it was confirmed the area held in excess of 1% of the species' national population. Natural England's letter states that it is now likely that the area supports well over 1% of the UK population of nightingales.

The RSPB maintains the position set out in its submissions to the Core Strategy examination:

- It is not possible to mitigate successfully the urbanisation effects on the nightingale populations within the LHSA (as has been recognised by NE) and within the SSSI; and
- There is no evidence to demonstrate habitat compensation for nightingales will succeed, particularly not at this scale, or in a timescale required for delivery in the lifetime of the core strategy.

We support Natural England's position that the site should be given the same weight as if it was an SSSI, for the purposes of considering the LHSA. Given this, we thought it helpful to set out the national implications that arise:

- Given the distribution of nightingales, the RSPB believes the SSSI should extend across most, if not all, of the LHSA site (please see paragraph 1 of NE 9th July letter to the Inspector);

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- This would be the first SSSI notified in the UK for nightingale in its own right, making it the only site in the SSSI network notified specifically for this species;
- Even if it is concluded that it is possible to mitigate the effects of the development on the existing SSSI (something the RSPB does not consider possible), development of the LHSA would cause the destruction of c.293ha (c.329ha LHSA less the existing c.38ha of overlapping SSSI) of the site. This is a site that Natural England recommends should be given the same weight as an SSSI and may in fact be designated as an SSSI (for nightingales in their own right, as well as any other interests identified) before any development can commence; and
- To the RSPB's knowledge, this would constitute one of the largest, if not the largest, loss of SSSI to a single development in the UK since the Wildlife and Countryside Act 1981 came in to force.

For these reasons, it is the RSPB's view that the LHSA is and will remain undeliverable and as a consequence, its inclusion in the Core Strategy would render that document unsound.

Against a backdrop of a serious national decline in UK nightingale numbers and with Lodge Hill constituting such a clear national stronghold for the species, it is the RSPB's view that a decision to accept the loss of such a site would conflict with the duties on all public bodies, whilst exercising their functions:

- To take reasonable steps to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the SSSI is notified (Section 28G of the Wildlife and Countryside Act 1981 (as amended)); and
- To have regard to the purpose of conserving biodiversity including restoring or enhancing that biodiversity (Section 40 of the Natural Environment and Rural Communities Act 2006).

Finally, we consider the LHSA cannot satisfy the requirements of the tests set out in paragraph 118 of the NPPF, that the benefits of development at this location outweigh the almost complete destruction of an SSSI, nor its broader impacts on the national network of SSSIs, through the loss of not only the largest, but the only SSSI for this species in the UK.

The RSPB therefore submit that the LHSA should be deleted from the Medway Core Strategy.

Please do not hesitate to contact me if you require further information.

Yours sincerely



Samantha Dawes
Conservation Manager, South East England