

# LOCAL DEVELOPMENT FRAMEWORK EXAMINATION MEDWAY COUNCIL

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Date: 14 September 2012

Ms Samantha Dawes  
RSPB  
South East Regional Office  
1<sup>st</sup> Floor Pavilion View  
19 New Road  
Brighton  
BN1 1UF

Dear Samantha Dawes

Thank you for your letter of 29 August. My response to the Council's letter of 28 August will be available on the Council's website, or from the Programme Officer. In addition, my response to the points you raise is as follows:

*Appointment of independent expert.*

The general expectation in planning inquiries and examinations is that 'expert' witnesses will provide the inquiry/examination with their best professional judgement. Professional views may differ and the examination process allows for evidence to be tested. The weight to be given to the evidence of witnesses may depend, at least in part, on their relevant qualifications and experience, but it is not usual practice to require the appointment of an 'independent' expert. I note, however, that the Council's consultants have secured the services of Professor Rob Fuller, the British Trust for Ornithology's (BTO) Director of Science. The BTO is a widely respected organisation and I have no doubt that Professor Fuller will be aware of the nature of the role of an expert witness.

*Case studies.*

I accept the point that compiling case studies will take time, but this is work that stakeholders can undertake whilst other work is being undertaken by the Council's consultants, so it is not clear to me that this needs to be a separate stage in the process. I have expressed the view to the Council that there would be merit in agreeing a common format for such studies and suggested that this issue is discussed at the workshop that has been arranged for 25 September. You indicate that you have compiled further information relating to two of the case studies cited by EBL in their preliminary report. The most appropriate course of action would be for you to submit this information for consideration through the proposed programme of work, not directly to me.

*Sustainability appraisal.*

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Please see my response to the Council on this issue.

Thank you for your positive engagement in this process,

*Laura Graham*

Inspector

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