

Our ref: 748732/grh

23rd July 2012

Alison Rock
Programme Officer
Medway Council
Gun Wharf, Dock Road
Chatham
Kent ME4 3TR

Dear Ms Rock,

RE: Response Letter from Natural England - Dated 9 July 2012 Re Lodge Hill

Thank you for forwarding Natural England's letter of response to the ecological issues surrounding the Lodge Hill strategic allocation in the Medway Core Strategy.

We note that Natural England (NE) recognises that the allocation site meets the criteria to be designated a Site of Special Scientific Interest (SSSI), that it should be considered as such in the application of the National Planning Policy Framework (NPPF), and that this places a *'very substantial question over the soundness of this development allocation'*. It is our view that in the light of the nightingale survey information and the high value of the site for biodiversity, Policy CS33 is unsound as it is not in conformity with the NPPF. Paragraph 109 of the NPPF states that *"The planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity."* Paragraph 110 states that *"Plans should allocate land with the least environmental or amenity value, where consistent with other policies in this Framework."* Natural England's confirmation that the allocation site meets to criteria for SSSI designation reinforces our position that the site should not be allocated.

While the high environmental value of the allocation site has been highlighted by the latest nightingale survey data, NE also state that the other interests of the existing SSSI will have to be considered, such as the wider breeding bird assemblage, and woodland and grassland vegetation. We wish to draw to your attention the fact that the allocation site contains a substantial area of neutral grassland, an extensive breeding bird assemblage and an insect assemblage that is likely to be at least of regional importance. These are features mentioned in the existing SSSI citation and will also need to be taken into account by NE during the SSSI notification process. We would also request the inspector take into account the importance of the site for bats and great crested newts (all are European Protected Species), as well as the other nationally protected species and priority species. The presence of these species further highlights the high environmental value of the site and brings into question the soundness of the allocation.

Natural England's letter discusses the potential to mitigate impacts, concluding that the development not going ahead is the most certain means of protecting the nightingale population (and we can assume that this also applies to the other substantial environmental features of the site).



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Paragraph 10 may be misleading however, and we'd like to clarify some points. The statement '*it is clear that nightingale have colonised relatively new habitat and it is credible that the same could be achieved at other locations*' is not quantified. While the habitats within which the nightingales on the allocation site are found are relatively new compared to the ancient woodland on site (for example), from current knowledge of nightingale habitat requirements and aerial photographs of the site, it is clear that these habitats have taken well over a decade to develop. This point was made at the public enquiry; the time it would take to re-create the habitat to compensate those impacts would mean that the ability to deliver the development within the time specified within the policy would not be achievable, making Policy CS33 unsound.

Paragraph 10 also makes mention of a review of potential habitat creation sites on the Hoo Peninsula, commissioned by Land Securities. It should be noted that this study aims to identify appropriate locations for nightingale habitat creation, not answer the question of whether or not it is possible to compensate nightingale habitat loss (which is considered in paragraph 9 of the letter from NE). We are aware of this work and while we appreciate it is a 'work in progress', we have severe concerns over the approach taken. Some of the potential sites identified for new nightingale habitat are wholly inappropriate (by virtue of having existing habitat or even existing nightingale populations, or locations where creation of nightingale habitat would conflict with management of existing biodiversity interest). It is Kent Wildlife Trust's view that the inspector should not attribute this study any weight when considering the Lodge Hill allocation. The final paragraph of NE's letter states that they are in discussion with Medway Council and Land Securities regarding how compensatory habitat creation could be secured. We believe the more fundamental question of whether or not habitat compensation can be delivered remains to be answered.

Conclusion

From the comments made by NE in their letter and for the reasons given above, we believe the Lodge Hill Core Strategy allocation can be considered unsound on three grounds:

1. Allocation of this site of high environmental value and national importance (SSSI quality) would not be in conformity with the National Planning Policy Framework
2. Notwithstanding the above, questions remain over whether or not it is possible to compensate impacts upon the biodiversity of the site to deliver sustainable development, and these questions may not be answered for some time
3. Notwithstanding the above, the time it would take to deliver the compensatory habitat automatically rule out the allocation site contributing the significant quantum of development detailed within Policy CS33 within the plan period.

For all the reasons above Kent Wildlife Trust maintains our objection to Policy CS33. The confirmation from Natural England that this site meets the criteria for SSSI designation substantiates the claims made by Kent Wildlife Trust and the RSPB that this site is of national importance and we recommend that the inspector exclude this site from the list of allocations in the interests of sustainable development and biodiversity conservation.

Yours sincerely



Greg Hitchcock
Thames Gateway Officer