

Please contact: Brian McCutcheon

Your ref:

Our ref: BM/LDF/Exam

Date: 23 July 2013

Medway Core Strategy Inspector  
C/O Programme Officer  
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## **BY EMAIL ONLY**

Dear Inspector,

### **Medway Core Strategy**

I refer to your letter dated 21 June 2013 and I have been authorised to respond to you as set out below.

I apologise that it has taken a little time to compile this response but as I am sure you will appreciate it has been necessary to seek member views and to fully review the legal and procedural implications for the Council.

Having very carefully considered all the matters raised in your letter I have to advise you that the Council does not intend to withdraw the Core Strategy at this stage. There are a number of reasons for this but first and foremost is the fact that the SSSI notification process is not yet complete and is being contested. We fully appreciate that the Examination needs to be concluded and so we set out below a process that we believe would achieve this and be fair to all parties.

After a detailed and objective review that includes all the matters covered in your letter we have found nothing to indicate other than that the Core Strategy was sound when submitted for Examination. Moreover, although the need for some limited 'main modifications' had become apparent after the initially scheduled round of hearings, these were by no means exceptional and did not seriously threaten soundness. The most significant of these was the NPPF "model" policy but the need for this could not have been anticipated prior to submission.

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All factors affecting the plan since then have resulted solely from events outside of the control of the Council and, again, could not have been anticipated before submission. The most significant of these is of course the SSSI notification but that process is incomplete and so is discussed further below. More recently we had the new PINS requirement to reassess local housing need and we note that this has resulted in a number of current examinations being extended to allow the necessary work to be carried out.

The Council did anticipate revocation of the South East Plan and this is referred to in the Core Strategy itself and in a number of evidence documents. However what has perhaps been less apparent is the council's stance in relation to that Plan.

Although the Council felt able to support the plan as adopted this was only because it reflected local considerations.

This is important in considering whether the Core Strategy is locally distinctive and we would emphasise that it was fully supported by the Local Strategic Partnership that has a membership that includes over 350 local organisations. That support included the strategic allocation at Lodge Hill.

Given your comments in relation to the assessment of "reasonable alternatives" and the Sustainability Appraisal we have compared what we have done and the level of detail used with ten recently adopted core strategies. We have not found any that has used such a detailed approach. Nor can we find any case where the statutory SA consultees participated directly in the appraisal process, as was the case with our Addendum SA.

However we also accept that, through no fault of our own, we have become something of a test case for paragraphs 118 and 152 of the NPPF and so are undertaking further work to further evaluate the alternatives.

In your letter you highlight the delay in publishing the GGKM final report and point out that possible compensation sites are "*some considerable distance from Lodge Hill*" and "*none are within Medway, let alone the Hoo Peninsula*".

While we note what you say we hope that the following comments will provide further clarity.

It is regrettable that publication of the final GGKM report was delayed due to the need for permission from each landowner but it is also a short report (8 pages including cover) and most of the sites in it feature in an earlier GGKM report included as an appendix in the Environment Bank report (EX76). Perhaps because of this we have found no indication that any party was in any way disadvantaged by the delay in publishing it.

A further (first) GGKM report is also reproduced in an Environment Bank report (EX59) and it features a comprehensive search for sites across Medway and on the Hoo Peninsula in particular. It shows good potential for compensatory measures over much of the Peninsula and the Medway Valley and this is, of course, confirmed by the specific proposals already made for Islingham Farm adjoining Lodge Hill.

We make these points simply to avoid any possible misconceptions.

Returning to the matter of the SSSI notification we would emphasise that it was common knowledge long before submission that Lodge Hill and its environs had a nationally significant nightingale population. This dates back to the national survey of 1999 and a KOS report, which included Lodge Hill on a list of sites in Kent found to have more than 1% of the national population. More recently, but still well before submission, it was referred to in the ES accompanying the planning application and by Natural England's own National High Risk Casework Panel in December 2010.

We highlight this simply to illustrate why the submission of the 2012 site count of nightingales submitted by RSPB was suggesting nothing to us that was not already known or expected. It also explains our consternation over Natural England's subsequent complete change of position after the originally scheduled hearings had finished.

Natural England has now begun but importantly not completed a notification process. Landowners (which include the Council) and the local planning authority have until 9 August to submit objections/representations and Natural England have nine months from the original notification (March 2013) to confirm or withdraw the notification. If it does neither the notification ceases to have effect.

Having gathered a significant amount of scientific evidence, including a new grassland survey the Council intends to object to the notification. It will be doing so on entirely scientific grounds and it considers that there are clear and cogent reasons as to why notification would be unsafe. It is understood that the Ministry of Defence is also of this view and is similarly objecting.

Various 2013 grassland surveys have already been completed and exchanged by the parties, along with a new site nightingale survey that records reduced numbers. No further surveys are anticipated. Given this the Council is writing formally to Natural England to request that it completes the notification process as expeditiously as possible.

It follows that there is uncertainty as to whether the notification will be confirmed but there is a known timetable for the matter to be resolved.

Given this, the obvious importance you attach to the SSSI notification and the way in which the whole matter came about after submission we consider it only right that reasonable flexibility is exercised and the Examination is held open until the notification process has been concluded. If confirmation were the outcome the Council would consider the position again at that stage having regard to all the available evidence and the reasoning you have set out in your letter.

Although this would involve a further unplanned delay to the process it would run in parallel with the separate requirement to undertake a new local housing needs assessment and so need not involve any further delay than would naturally occur through the need to complete the needs assessment.

As indicated earlier we have also commenced further assessments of the original spatial options and the variants advanced by some participants at the May 2013 hearing. This will be wholly objective and will allow some of the assertions made at the hearing to be further tested, for example nature conservation impact, loss of agricultural land etc. It will also include a further transport appraisal, notwithstanding that this has already been done twice. We expect the full assessment to be completed within the same timescale as the notification process and the needs assessment and so it will not cause any further delay. On the other hand it will be available to inform any further hearing should that be justified.

We trust that you will regard this as a reasonable and equitable way forward and commend it to you.

Yours sincerely,

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

Brian McCutcheon  
Planning Policy & Design Manager