

From: Judith Ashton
To: Tom Tew (The Environment Bank Limited)

By email only, no hard copy to follow

Tom

Like Graham I'm not qualified to comment upon the technical aspects of your report – I leave that to NE, The RSPB, Medway Countryside Forum etc. I am however interested in knowing that the Inspector's queries as set out in her letter of the 27th July - that there is convincing evidence before her to allow her to reach the conclusion that there is a reasonable prospect that adequate mitigation measures could be introduced to enable the development to proceed; and that there is evidence to indicate that the timing of development envisaged in the plan is still achievable; are addressed.

I am also interested to see how the council address the Inspector's concerns about the assessment of alternatives as set out in her letter of the 14th September, albeit I accept that is not part of your remit.

With the above in mind, and having regard to both the content of your draft report of the 13th November and the debate at the workshop on the 9th November I would like to highlight the following:

1) Your report still does not appear to acknowledge the fact that the offsetting mechanism envisaged is not yet deemed appropriate in SSSI's and that if Lodge Hill is designated a SSSI the matter will need to be reviewed.

If nothing else your report should I believe make it clear to the Inspector that offsetting is not appropriate for compensation when designated sites are affected, that this site is under consideration for SSSI status, and that NE have advised that it should be treated as if designated until such time as the designation is confirmed or otherwise; a position the Inspector herself has indicated she gives significant weight to in her letter of the 27th July.

2) Your report still avoids the issue of whether the timing of development envisaged in the plan is still achievable. If this is not part of your remit it needs to be made clear. That said the timescale for the bedding in of the replacement habitat is something you can, I assume, provide a clearer steer on. In order to establish if the timing of development envisaged in the plan is still achievable it would in my opinion be helpful for the inspector to be provided with a clear steer on how long a 'temporal lag' will be so she can look to establish from others how much development could be expected within that timeframe.

The question as to whether there is evidence to indicate that the timing of development envisaged in the plan is still achievable goes to the heart of whether the Core Strategy is sound and whether Medway need to look at the possibility of alternative provision if the inspector feels a temporal lag is not appropriate. If the inspector feels a temporal lag is not appropriate she has the opportunity of deciding whether Lodge Hill should be pushed back in the plan period, and other sites identified to address the shortfall in provision in the short term, or whether the plan is unsound and is incapable of being rectified by such modifications. Whilst that is a matter for debate at a resumed EIP, to be able to identify how far Lodge Hill might need to be pushed back the inspector needs to know the timescale for the bedding in of the replacement habitat – from my reading of your table 2 this would be circa 4 years minimum.

As table 10.23 of the Core Strategy suggests that Lodge Hill will be delivering 300 dwellings pa from 2014, it's clear the timing of development envisaged in the plan is

not achievable. Furthermore, it would appear to me that in order to address the issue of temporal lag one would need to look to deliver at least 1500 dwellings and circa 6500sqm of employment floorspace (B1, B2 and B8) elsewhere within Medway and to push development at Lodge Hill back to 2020 to enable some form of replacement habitat to be bedded in prior to development commencing.

Having regard to the above, it is of concern that your report fails to address the timescale for the bedding in of the replacement habitat or acknowledge that there is an alternative to temporal lag and all its associated implications.

3) Whilst your report suggests that sufficient land can be identified to provide potential nightingale habitat creation areas the deliverability of the sites identified is not resolved, indeed you admit yourself that there are a plethora of practical issues to overcome in bringing these sites forward and that 'applying further criteria may well further limit the suitability of those sites identified thus far'. As such it is not clear to me that adequate mitigation can be provided for. In addition I have to say that the distance of those sites identified thus far from Lodge Hill makes me wonder how realistic an alternative they are.

4) The Defra matrix upon which your assessment is based appears to be designed for habitats and you have modified this to deal with species – is this correct and if it is, what are the potential implications on your findings? Again this should be clarified for the Inspector.

Given the above and all the caveats contained in your conclusions I am not convinced it has been demonstrated that there is a reasonable prospect that adequate mitigation measures could be introduced to enable the development to proceed; and that there is evidence to indicate that the timing of development envisaged in the plan is still achievable. Whilst this is ultimately a matter for the Inspector I believe addressing the points raised above would assist her in coming to a final decision on this matter.

Regards

Judith

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