

**From:** Greg Hitchcock (Kent Wildlife Trust)

**Subject:** RE: Medway Core Strategy- Lodge Hill strategic allocation - biodiversity offsetting report

To: Tom Tew (The Environment Bank Limited)

**By email only, no hard copy to follow**

Dear Tom,

Here are Kent Wildlife Trust's comments on the report.

As with all engagement up to this point, they are without prejudice to our position on the allocation, and nor have I commented on the potential future designation of the site by NE. I have made some general comments, some requested additions, and asked for a few points to be clarified. As the deadline for comments was today, I do not expect these questions to be answered before the next draft is produced. However, if the questions are not addressed in the submission draft (and I appreciate this may not be practical) I would appreciate an answer to help any representations we may make in future.

General Points:

Maybe it's too late, but numbering the paragraphs would help with (future) referencing

I would request, in the section at the start about the process we have gone through, a disclaimer that the report does not necessarily reflect the views of the stakeholders.

It appears, perhaps unsurprisingly, that even if we can agree on the technical aspects (more on those later) we are going to end up with a fundamental disagreement over the definition of 'reasonable prospect'. It is not clear to me how we got from 'technically feasible' in the previous draft to 'a reasonable prospect' by way of the Stakeholder meeting on the 9th November. We discussed at the first meeting that in order for there to be a reasonable prospect the strategy needs to be both ecologically sound and logistically feasible (in the context of the Core Strategy). There appears to still be some disagreement over the finer points of the former, and from the bullet points set out on page 11 and the fact that 'an offsetting strategy could not be definitively recommended', we are a long way from the latter. Needless to say I disagree with the paragraph under the bullet points on page 11. The next step in addressing these issues would answer the question 'can you deliver?', not 'so how would you deliver?'

Regardless of whether or not we agree the importance of the logistical issues when determining if there's a 'reasonable prospect', owing to the uncertainties present it could not be expected that all of these questions could be answered after planning consent was granted (no doubt the finer details would be conditioned, but the delivery of development is key). This therefore has a bearing on the deliverability of the development within the timescale given in the core strategy, at least with regard to the initial phases (assuming an acceleration in building rates to 'catch-up'). It would therefore be wise to give the inspector some idea of how long it may take to complete this hypothetical offsetting strategy and get the legal agreements etc. in place.

### Section 3 - Potential

The statement ‘it therefore appears likely that there will be enough sites available in the area to provide compensatory habitat’ is not consistent with the following two paragraphs that suggest these sites may not be deliverable at all with further investigation. It is not entirely clear from the addendum to Appendix 3 which three Medway sites are being referred to, but of those spoken about positively two are SSSIs, at least one of which the habitat creation we have been discussing would be contrary to conservation objectives, and I consider the use of offsetting to deliver management of SSSIs to be contrary to the guiding principles set out by Defra.

It would appear that a species requiring (primarily but not exclusively) ‘mid-successional’ habitats is perhaps the worst to experiment with applying habitat metrics to species (not to mention one that may also rely upon social attraction and cannot be translocated). I think it should be emphasised that, with regard to scrub or coppice habitats, the nature of the management means that habitat is functional for nightingales only for a certain period of the management cycle. Therefore, the area of habitat contributing to the compensation is not the area of habitat created (or restored), but the area of that habitat that is functional for nightingales at any point in the management cycle. This has a bearing on multipliers that have nothing to do with risk or timelag, and is also important in determining the area of functional habitat that a receptor site can support. I would appreciate clarification on how this has or hasn’t been considered.

### Section 3 – Temporary Loss

The second paragraph states that lag owes to start of habitat creation and the habitat being functional. This will only be true if the habitats are created at the same time (or before) existing habitats are destroyed. Given that we don’t know when habitat creation will start, or the exact phasing of the development (complicated by clearance of ordnance), or how long it will take to develop an offsetting strategy, given the development schedule currently proposed, the lag would more accurately be described as starting with the destruction of existing habitats.

Given the uncertainties in this section (with regard to source populations, the importance of the site as a source population, etc, as set out in the 4th paragraph), the second bullet point in the conclusion is not supported.

I would also like the potential wider impacts acknowledged, not just those from the loss of a source population, but also the increased intraspecific competition that could result from displacement of returning nightingales to other areas (e.g. Northward Hill, Cliffe Pools, Cockham Wood). This brings into question the suitability of applying offsetting to species.

It is perhaps unhelpful to refer to the ‘Kent’ population. I’m assuming we know little of Nightingale metapopulation dynamics, but I think it’s safe to assume the Kent population is not discreet. In the context (including policy and legislation) it would be preferable just referring to the ‘UK population’ (unless referring to the population of individual nightingales within any particular habitat or land-use area).

I appreciate the hierarchy of ensuring delivery of compensation set out in the first three bullet points on page 11, but regarding EBL’s legal contracts for long term monitoring and enforcement (third bullet point, page 11), I would appreciate clarification of enforcement – at the moment I am assuming it would require EBL to instigate a civil action against the party in case of breach of contract. Who would

monitor compliance with these contracts long-term, and in case of future liquidation of EBL (hypothetical, of course) who would then monitor and enforce these?

In the table starting on page 11, in the notes section under mulching, I would like it acknowledged that this is not a generally desirable woodland management tool (owing to its impact on other flora and fauna). This would speak to suitability of potential restoration sites.

#### Habitat Distinctiveness

This is perhaps the area where applying the offsetting matrix to species causes the most confusion. Though I do not recall any conclusion being reached at the meeting, I can understand not trying to redefine distinctiveness with regard to nightingales owing to the uncertainties over wider habitat use; the extent to which non-nesting habitats supports the population. However, more of the compartments meet the 'High' distinctiveness criteria than are reflected in Appendix 1 and A, indicated by the various surveys submitted in support of the Outline Planning Application. These include a BAP habitat map (these can be qualified to a certain extent by additional work done towards an invertebrate habitat assessment, e.g. it is probably safe to exclude SII) and the results of protected/priority species surveys (primarily reptiles). I'm sure these can be provided by Thomson Ecology or Medway Planning. The distinctiveness assessments should be updated accordingly.

If you have any questions please do not hesitate to contact me.

Kind regards,

Greg

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