

allen, caroline

From: mccutcheon, brian
Sent: 10 January 2013 11:54
To: allen, caroline
Subject: FW: Lodge Hill, meeting on 19th December 2012
Attachments: Grassland Map.jpg

Brian McCutcheon
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From: Cameron, Rob (NE) [mailto:Rob.Cameron@naturalengland.org.uk]
Sent: 14 December 2012 15:10
To: mccutcheon, brian
Cc: Neal, Stephen
Subject: RE: Lodge Hill, meeting on 19th December 2012

Dear Brian

The MG5 grassland looks like it is notifiable and I now expect that it will be in the package which goes to our Exec Board in February. It is our Exec Board that decides whether nature conservation interest is special and therefore should be notified. I am not prejudging the Exec Board's decision.

I attach a map showing the location of the grassland.

Yours

Rob Cameron
Principal Advisor, Land Use
Natural England
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Dover Place, Ashford, Kent TN23 1HU
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From: mccutcheon, brian [mailto:brian.mccutcheon@medway.gov.uk]
Sent: 14 December 2012 14:40

11/01/2013

To: Cameron, Rob (NE)
Cc: Neal, Stephen; Hanna, Sean (NE); Jennings, Nigel (NE); smith, catherine; jarrett, andy; stoddart, carly; pullin, mark
Subject: RE: Lodge Hill, meeting on 19th December 2012

Rob,
Thanks.

Discussion note and suggested agenda to come from me before close of play today. Apologies that I have not been able to get it out sooner. MG5 most certainly needs to be discussed. Are you implying it is of notifiable quality?
Kind regards,

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From: Cameron, Rob (NE) [mailto:Rob.Cameron@naturalengland.org.uk]
Sent: 14 December 2012 14:33
To: mccutcheon, brian
Cc: Neal, Stephen; Hanna, Sean (NE); Jennings, Nigel (NE)
Subject: Lodge Hill, meeting on 19th December 2012

Dear Brian

Have you a particular agenda or objective in mind for the meeting on Wednesday next week?

It would be useful to discuss the unimproved grassland

- Is the footprint of development capable of adjustment to accommodate it?
- If retained *in situ*, could it be managed by grazing?
- If not retained *in situ*, are there other means of mitigating the impact on the habitat?

I am expecting also that we will be discussing how compensatory habitat creation could be progressed.

Is there anything else that you expect to cover?

Rob

Rob Cameron

11/01/2013

Principal Advisor, Land Use

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allen, caroline

From: mccutcheon, brian
Sent: 10 January 2013 11:53
To: allen, caroline
Subject: FW: Lodge Hill grassland survey

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From: Cameron, Rob (NE) [mailto:Rob.Cameron@naturalengland.org.uk]
Sent: 19 November 2012 17:56
To: mccutcheon, brian
Cc: Hanna, Sean (NE); Jennings, Nigel (NE)
Subject: RE: Lodge Hill grassland survey

Dear Brian

Thank you for your email below. I can fully understand your disappointment at finding news of a further important feature being identified at the Lodge Hill site. Not only does it present another issue to be resolved at this late stage in the planning process but it indicates a weakness in the planning process up to this point.

You appear ready to suggest it is a failing on Natural England's part that the species rich grassland was not spotted earlier, yet your email seems to recognise neither that it is the quality of the Environmental Impact Assessment that collectively we rely upon most to identify the features that may be affected by development, nor that there are logistical and resource constraints in reality which mean that we must accept much of the information in the Environmental Statement in good faith.

I am pleased you recognise the importance Natural England has attached to this case and the substantial staff resources we have invested to advise on it. This effort has very largely been focussed on the information that we have been presented with by Medway Council, Land Securities and their consultants. In this case, as with the vast majority of all development cases, we have not had the opportunity ourselves to undertake comprehensive survey of the development site and surroundings. We are not resourced to do this and it would not be appropriate for us to do this, since it is the responsibility of the applicant to undertake EIA.

In this case, as the site has restricted access, it is unlikely that any party other than the applicant would have undertaken survey. There have been few visits by Natural England to the site over the consultation period you refer to, and until the ordnance clearance issue arose no visit had involved scrutiny of the grassland. It is sheer coincidence that the recent visit we made to assess the ordnance clearance was attended by one of our experienced grassland surveyors and that, despite the season, we were able to

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identify the grassland type. Thus in this case we were all clearly depending on the EIA to pick up any important features on the site.

You may then ask why, if it was probable that this special habitat existed on site, why did we not seek more detailed survey information earlier on in the EIA process. We were consulted on the survey proposals in **June 2010 and again in February 2011 as part of the EIA scoping opinion** and sought more detailed survey effort on a number of features (including **breeding birds**). However, we had no information to suggest that this rare habitat might be found on site. The 'phase 1' survey had wrongly classified this grassland as 'poor semi improved', which did not give any clue as to its importance. That survey was carried out in **November 2008** and could reasonably be expected at least to have highlighted the need for further survey to assess this part of the site. It did not, and given that one would not normally expect to find unimproved meadow on previously developed land, we did not question this.

You have provided a figure of the extent of 'MG5' grassland nationally. This is lower than the figure of which I have been advised of by our specialists, who nevertheless describe this habitat as highly restricted, typically found in small sites (less than 5ha) and widely in poor condition where it occurs outside SSSIs. The SSSI mechanism has been one of the important means of conserving this habitat, which makes it important that we provide clear information before any further consideration is given to whether the site should be notified as an SSSI.

We have not yet measured the extent on site, but do not expect that it extends to the proportion that you have suggested. You remark that the habitat can be recreated but without an indication of its extent on site or whether it could be accommodated by the layout of development, it would be premature to suggest that compensatory habitat creation should be provided in place of avoidance or mitigation measures. It goes almost without saying, of course, that none of these options could be considered if the habitat had not been identified.

For all of these reasons, it is quite proper that Natural England has raised this issue now. In the circumstances, we could not reasonably have raised it earlier, because we had no means of knowing about it, and if we had not raised it now, it would surely have been neglected by the planning process.

Lastly, I must emphasise that we share your concerns about public safety, and have as a consequence gone to significant lengths to identify and advise DIO of the parts of the site in which clearance works could go ahead with least risk to the important nightingale population. We have sought to indicate as big an area as possible, so that DIO can clear the maximum amount. In doing so we have included some areas which BTO have since been described as suitable for nightingales. Thus, I do not think you could consider our advice on ordnance clearance to be over precautionary or unmindful of public safety implications.

Yours sincerely

Rob

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From: mccutcheon, brian [mailto:brian.mccutcheon@medway.gov.uk]

Sent: 07 November 2012 14:54

To: Cameron, Rob (NE)

Cc: Neal, Stephen; jarrett, andy; Andy Jarrett; Hanna, Sean (NE); Jennings, Nigel (NE); Edwards, Chris (NE); cooper, robin; langford, hannah; smith, catherine; stoddart, carly; pullin, mark

Subject: RE: Lodge Hill grassland survey

Dear Rob,

I refer to your email below and have delayed responding as you were on leave and I was out of the office earlier this week.

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I need to begin by saying that the email came as a complete shock. We had not heard from MoD/DIO about the issue and cannot understand how it has arisen at this juncture.

It seems that I need to remind you that Natural England (and English Nature before it) have been consulted on the proposals for the new settlement at Lodge Hill since 1995. Initial engagement was with a Government task force (Thames Gateway) followed by the Council in relation to a number of development plan documents promulgated on the new settlement. The regional assembly also engaged with you on the South East Plan that included references to Lodge Hill. In 2008 the Council and Land Securities engaged you in intensive pre-application discussions and that was a continuous process until November 2011 when the outline planning application was submitted. Subsequently you have been formally consulted on the planning application and provided with the Environmental Statement and revisions to it. You have also been consulted on the Core Strategy and the Lodge Hill Development Brief.

Particularly since 2008 we have been pleased to note the importance attached to the case by Natural England and the staff resources dedicated to it as a result. All this seemed to be in line with one of the central principles underlying the planning system since 2004. That is that all parties to both planning applications and plan preparation should frontload their efforts as far as possible to avoid surprises later in the process.

This also seemed to acknowledge the fact that in excess of £25 million expended on the project to date has been taxpayers' money and that it is a nationally important development.

Given NE's 17 year involvement and all the recent research undertaken to assess nightingale habitats on the site we find it quite extraordinary that you **now** think there **might** be MG5 unimproved grassland on the site and that (in terms of a plan supplied) it could extend to about a fifth of the enormous Lodge Hill Training Area. Such a habitat is neither mobile nor quick to establish and yet you have had staff regularly visiting the site and critically assessing all third party surveys.

Accordingly the Council simply cannot understand how you could possibly have missed it – if indeed it is MG5.

We wait to see what the results of your survey actually are. In the meantime we note that there is an identified 4,000 plus hectares nationally of MG5, that it is relatively easy to replicate and that it has been the subject of successful translocation schemes.

I should also point out that we only fairly recently became aware of the fact that unexploded ordnance needs to be cleared from the site and note that DIO has sought advice from you. This would appear to be in light of your "advice" that you expect the site to be treated as though it were a SSSI, despite your Executive Board's decision not to notify it as such. I do not want to comment further on that again now but I do need to make it clear that the Council is concerned over the potential public safety implications of not fully clearing the site of ordnance. Training activity has now virtually ceased and the site is therefore becoming ever more vulnerable to trespass. There is a large established housing estate very close by and this has a high proportion of young people with few play facilities. I do hope this has been taken into account.

Given what has happened in this case and our continuing commitment to working closely with you we think there should be an early meeting at a senior level to review matters and determine the way forward.

I apologise for replying in such a candid way but I hope the reasons for doing so are obvious.

I have restricted circulation of this response at this stage to your distribution list plus others directly involved within the Council.

Kind regards,

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From: Cameron, Rob (NE) [mailto:Rob.Cameron@naturalengland.org.uk]

Sent: 26 October 2012 10:47

To: mccutcheon, brian

Cc: Neal, Stephen; jarrett, andy; Andy Jarrett; Hanna, Sean (NE); Jennings, Nigel (NE); Edwards, Chris (NE)

Subject: Lodge Hill grassland survey

Dear Brian

I understand that MoD has contacted Medway Council about a proposed survey of grassland within the Lodge Hill site. I am writing now to explain the background to this.

MoD contacted Natural England to seek advice on ordnance clearance which was planned as a preparatory measure for disposal of the land. We agreed to provide an indication of the parts of the site in which these works could go ahead with lowest risk to the habitat which supports nightingale. Whilst on site our staff observed an area of grassland, thought to be 3 or 4 hectares, of a type which is rare and declining. It is known in the terms of the National Vegetation Classification as MG5. The conservation status of this habitat is such that examples of this size would normally be considered for notification as a Site of Special Scientific Interest.

It was not to our knowledge picked up in the surveys for the Environmental Statement for the Lodge Hill development. Its existence on the site was therefore information which was new to Natural England.

The time that our staff spent on site and the purpose of their visit meant that they were not able to assess fully the extent and quality of the grassland. To enable such an assessment, we have requested further access to survey the site as soon as possible.

Yours sincerely

Rob

Rob Cameron

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