

Medway Core Strategy - Lodge Hill Strategic Allocation

NIGHTINGALE COMPENSATION HABITAT MEETING

9 November 2012

Notes of Meeting

Present:

Tom Tew	The Environment Bank Ltd
Bexs Benmayor	The Environment Bank Ltd
Robin Cooper	Medway Council
Brian McCutcheon	Medway Council
Andy Jarrett	Medway Council
Mark Pullin	Medway Council
Carly Stoddart	Medway Council
Catherine Smith	Medway Council
Anna Heslop	RSPB
Andrew Henderson	RSPB
John Day	RSPB
Dave Burges	RSPB
Liz Mason	CBRE for Land Securities
Steve Neal	Land Securities
Paul Howarth	Defence Infrastructure Organisation
Sarah Lyne	Thomson Ecology for Land Securities
Richard Arnold	Thomson Ecology for Land Securities
Judith Ashton	Judith Ashton Associates for Barratt Strategic
Kathy Putnam	Barratt Strategic
Martin Hall	Greening the Gateway Kent & Medway
Dominic Woodfield	Bioscan (UK) Ltd for McCulloch Homes, Rochester Bridgewood and Medway Sports & Leisure
Owen Sweeney	Medway Countryside Forum
Greg Hitchcock	Kent Wildlife Trust
Rob Cameron	Natural England
Sean Hanna	Natural England
Chris Hewson	British Trust for Ornithology
Graham Warren	Graham Warren Ltd for Medway Magna Ltd
John Taylor	Page & Wells for Jones, Ballard, & Sawtell

1. Aims for the day and workshop programme

- 1.1 It was noted that participants in the Core Strategy process had already lodged formal representations, and any comments made at the workshop were on a without prejudice basis.
- 1.2 The purpose of the workshop was to consider the feasibility of delivering a habitat compensation package for nightingales. It was acknowledged that there were other matters that parties wished to

raise in relation to the proposed Lodge Hill strategic allocation, but these were not the subject of the workshop.

2. Summary of conclusions from Technical Workshop held 25 September

- 2.1 An overview of biodiversity offsetting was provided, explaining that its aim was to achieve no net loss of biodiversity. It was acknowledged that the approach had not been designed for species, damaged or protected areas, and there was some uncertainty in application of this new methodology for Lodge Hill. However the strengths of this approach were presented as its transparency and accountability in supporting sustainable developments.
- 2.2 The key findings of the technical meeting had been summarised in the draft EBL report on page 4. It was noted that some comments had been contested in the minutes produced from the technical meeting. It was queried why some of the actions arising from the workshop had not been followed up, specifically, further consideration of case studies to provide more certainty on the possibility of creating nightingale habitat, additional refinements to the list of criteria for receptor sites, and opportunities to comment on the application of the metrics.
- 2.3 In response it was stated that the level of detailed work carried out was appropriate for this stage, and further refinement and information would be built into delivery work on sites. It was considered that the methodology was 'fit for purpose' at this stage. The metrics used reflected a cautious approach to acknowledge uncertainty. This was a central matter to the discussions at the workshop, with a number of participants questioning the level of certainty and extent of information held in determining the feasibility and deliverability of compensatory habitat. Others asserted that the offsetting methodology specifically acknowledged any uncertainties through the application of multipliers, and that it was appropriate to consider this on a strategic basis at this time to establish feasibility with the ongoing process bringing further details as site specifics were understood. The difference in the areas of land recommended for compensatory habitat by the BTO advice and the EBL offsetting approach was derived from the use of multipliers to reflect uncertainties. It was considered by some participants that there were concerns about the lack of certainty at this stage and the time afforded to this process.
- 2.4 This led to a wider discussion about the impact on the proposed development timetable resulting from the requirements to establish the compensatory habitat, and the detail that would be required by the Planning Inspector to determine if there was a reasonable prospect that the compensation/mitigation package could be delivered. This included discussion of the time required to secure land, negotiations with landowners and establishment of habitat. It was stated that there

had been initial discussions with a number of landowners of potential sites for compensatory habitat.

- 2.5 There was some discussion of the ecological status of the Lodge Hill site and its value for nightingales, and whether the use of biodiversity offsetting was appropriate in this case. This debate included consideration of the 'precautionary principle' and if it was appropriate to apply on a non-Natura 2000 site. It was questioned if the offsetting approach would be progressed if the development site were to be notified as a SSSI. It was suggested that the report could consider the development site in two scenarios – with and without SSSI notification.

3. Quantum and condition of retained habitat and associated nightingale population

- 3.1 The methodology underpinning biodiversity offsetting identified the biodiversity distinctiveness and the impact of development. BTO and EBL had worked together on nightingale specific criteria, so that the metrics could consider a species, rather than a habitat basis. The condition criteria had been defined in relation to nightingales, ie, habitat was defined as in a good condition if it supported nightingales. It also took account of specific needs of nightingales, eg, access to water and scrub. A conservative approach had been taken to the assessment work.
- 3.2 The Lodge Hill site surveys carried out in October noted that there was increased scrub from the time of the last Thomson Ecology surveys. There was an amount of semi-improved grassland evolving to scrub, and which could develop over the next few years into high quality nightingale habitat. The condition results had been collated and a draft map produced. 2/3^{rds} of the site was considered to be in good condition for nightingales. It was noted that a further survey would be needed if the work were to proceed, particularly in field edges and around standing water. However the assumptions of habitat had been made on the basis of the nightingale population, and there was unlikely to be a major change in categorisation if the work was carried out in the optimal season. There was a query on missing data on nightingale numbers to the NW of the site shown in Figure 1. It was pointed out that a number of areas defined as high quality habitat fell within 500m of existing development and activities, and this could be challenged as being contrary to the assumptions made in the assessment of the mitigation and compensation measures.
- 3.3 The group discussed the assessment of the surviving nightingale population post development. BTO advice was that the territories in the development area would be lost, but there was uncertainty on the scale of loss that could occur in the adjacent SSSI (potentially a third to half lost). The EBL report had taken a cautious approach and was based on the loss of all sites. It was noted that there were a number of conservative assumptions made, and it was queried if the report could

usefully present a spectrum of scale of loss, and acknowledge that it could be a better outcome than the assumptions indicated.

- 3.4 It was suggested that higher values could be assigned to some areas to recognise the site's importance for nightingales, which would then increase the multipliers.
- 3.5 There was some discussion about the classification of the habitat condition for nightingales, and it was explained that a moderate rating had been used to take account of risk factors. Marginal nightingale habitats, such as grasslands, had been included, as these were often used for feeding.

4. Discussion - Methods to determine mitigation/compensation package

- 4.1 There was some discussion of the time used to calculate the compensation strategy – the estimates had been based on 20 years. It was acknowledged that sites could be brought into suitable condition over a shorter time.
- 4.2 It was pointed out that the delivery of the compensatory habitat was the critical matter rather solely considering a specific scale of land required. It was also noted that quality was an essential consideration, and the focus should not be on scale of land alone. The meeting discussed criteria to determine quality and how delivery could be successful. It was noted that some nightingale habitat creation schemes had been unsuccessful, but it was pointed out that these case studies were in areas outside of the core range of the species.
- 4.3 It was viewed that the BTO and EBL methodologies were complementary rather than conflicting.
- 4.4 The BTO work had assumed that no territories within 500 m of housing would remain. It was argued that a 1km figure was more appropriate, but this view was countered by pointing out the number of territories found within 1km of existing development.
- 4.5 The discussions drew a distinction between technical feasibility to deliver compensatory habitat and practicality.

5. Temporal Lag

- 5.1 The meeting discussed the reference made to 'unavoidable' (draft report p4) temporary reduction in habitat availability. The view was presented that some consideration could be given to alternative development scenarios, if the delivery of Lodge Hill was delayed. The impact of development would also need to be addressed in the Sustainability Appraisal.

- 5.2 The temporal lag issue was discussed and it was confirmed that the Council would accept some temporary loss of habitat if supported by evidence. It was acknowledged that this was not in accordance with the Lodge Hill development brief, but as circumstances had changed since the publication of this document, it may be necessary to review some areas. It was noted that the group was unlikely to reach agreement on this matter. It was suggested that measures for compensatory habitat should be determined pre-development and it was considered that the nightingale population was not likely to change significantly over the period of establishing new habitat. There was some concern expressed on the uncertainty of the habitat creation process, particularly in the context of a potentially nationally important site for nightingales. In response it was noted that the biodiversity offsetting methodology specifically recognised risks.
- 5.3 Phasing of development and the impact on habitats was discussed. It was indicated that although the development would be progressed in stages, disturbance arising from the ordnance disposal and infrastructure work could have a wider impact on nightingales. DIO would be planning the disposal works in consultation with NE, with an aim of managing the level of disturbance.
- 5.4 It was asserted that the Council could consider further options, including bringing forward alternative development sites to progress housing and employment land delivery to allow further time to establish compensatory habitat in advance of development at Lodge Hill. This was also considered in the context of the SA review and potential that in the light of the new ecological information, Lodge Hill may not be assessed as the most sustainable location for development. It was considered that this would be a matter for the Planning Inspector's consideration, and the review required to the plan making process would also incur significant delays.
- 5.5 The group discussed if nightingales were site faithful and if it would be necessary to establish compensatory habitat sites close to Lodge Hill. It was advised that the species could move territories and the proximity to other nightingales was of more importance than distance from Lodge Hill.

6. Options for receptor sites

- 6.1 MH presented GGKM's work in assessing possible locations for compensatory habitat. The starting point was the habitat criteria information identified by BTO and scale of habitat required, and an assessment on a Kent wide basis. This was developed into a GIS based analysis and further refined with local information. Four areas considered as most favourable for compensatory habitat were discussed in more detail: Abbey Farm, near Faversham; Grove Ferry to Sandwich; DIO land at BB West, near Hythe; and Conningbrook Lakes,

north of Ashford. A further site in the Medway Gap was also considered. The group discussed the selection criteria, and it was advised that woodland sites less than 10 years old had been discounted based on BTO advice.

- 6.2 Issues of land ownership, purchase costs, surrounding land uses and development proposals were discussed. There was a further debate on feasibility v practicality of delivery. It was noted that there would need to be more detailed site assessments, and these could present difficulties in sites being delivered. There had been discussions with a number of landowners who had expressed support for the proposals. It was suggested that sites in south Essex could also meet the criteria established. It was also debated if the sites considered should be presented to the Planning Inspector as possible examples or definitive options.
- 6.3 The group was reminded that the focus of the workshop was the feasibility of delivering compensatory habitat and establishing criteria, and that it was not the purpose of the session to consider the delivery strategy and individual site discussions. Again it was noted that the biodiversity offsetting methodology took account of these areas of uncertainty.
- 6.4 The group discussed the legal and Planning mechanisms that may be used to secure the delivery of compensatory habitat. It was agreed that it was necessary to tie in the delivery mechanisms to a planning strategy for long term management. There were different mechanisms available through covenants or planning law.

7. Potential compensation package

- 7.1 The group discussed restoration v creation of compensatory habitat. It was noted that natural processes were preferable and that it was important to select sites where restoration would not have taken place through other mechanisms. It was pointed out that there may be sub-optimal sites where management could bring the area up to optimal condition for nightingales. The preferred habitat was successional woodland at a young stage.

8. Summary of next steps

- 8.1 EBL would produce a draft version of the report by 14 November, and stakeholders would have two weeks for comments. All responses would be submitted to the Planning Inspector as part of the package of material to be sent before the re-opening of the Examination. EBL would then consider all comments and produce a final version of the report by 7 December. Any comments made by the parties on the draft report would form part of the public record on this matter and be presented to the Inspector.

Sustainability Appraisal

- 8.2 The Council was working on a review of the SA. A workshop was to be held with statutory consultees in December. Consultants were producing a SA addendum report for submission to the Planning Inspector in January. It was the Council's view that public consultation on the revised SA would be best timed alongside the consultation on the 'main modifications' arising from the Core Strategy examination. Others asserted that a separate consultation period on the SA, in advance of the 'main modifications' would be preferable.
- 8.3 Participants were thanked for their involvement and assistance in the workshop and the consideration of a mitigation/compensation package.