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BY E-MAIL

30th November 2012
Our Ref: DW/E1730/TT/291112

Dear Tom

Medway Core Strategy
Lodge Hill Strategic Allocation – Nightingales
Biodiversity Offsetting Report

Thank you for circulating your report 'Biodiversity Offsetting to compensate for nightingale habitat loss at Lodge Hill, Kent (final draft November 2012)' for comment.

As this represents the conclusion of the technical process, with matters related mainly to the planning context due to follow, I am afraid I have felt it necessary to provide a rather fulsome response that captures key elements of the debate over the last few months (including the two technical meetings), but also touches upon the overarching issues and the bigger picture. There is a lot to cover, hence I have limited this covering letter to general comments on the process and its conclusions, and have attached a more detailed and technical critique of the report itself on the appended pages.

It seems best to start by reconsidering the terms of reference of the study. In her letter to Medway Council of 27 July 2012, and in the light of a flurry of evidence about the nightingale issue at Lodge Hill, the Inspector advised "*I am not satisfied that there is convincing evidence before me to allow me to reach the conclusion that there is a reasonable prospect that adequate mitigation measures could be introduced to enable the development to proceed. Even if such mitigation is possible, there is no evidence to indicate whether the timing of development envisaged in the plan is still achievable*". She went on to say that she wished to see further work undertaken "*to establish whether there is a reasonable prospect that adequate compensatory habitat could be established, thus reducing the residual impact of the development*".

As a point of first principle, it was not the case that the Inspector asked that this further work be based around the application of the fledgling biodiversity offsetting system. She refers merely to habitat compensation (the latter can of course be delivered without reference to the former). The decision to appropriate the offsetting system as a means to try and answer the Inspector's question must therefore have been made by Medway, consciously or unconsciously, at the point at which they appointed The Environment Bank Limited (EBL), or in the light of EBL's advice to Medway following that appointment.

Why is this important? Well, for the reasons set out below, I believe that ground has been lost in terms of answering the Inspector's question because of an apparent determination to adapt a system expressly designed for *habitats* to a population of a single *species*. I believe this has been to the detriment of the process, with the result that after four months there has been very little progress on investigating crucial matters to do with the prospects for practical deliverability of compensation. In the absence of any certainty on this, the only conclusion at this stage has to be that no substantive evidence has been provided that the prospects of adequate compensatory habitat being delivered can be placed anywhere near as high as 'reasonable'. Indeed the indications are that the further down the road one travels towards identifying offset sites at this scale, the more question marks there are about practical achievability.

EBL do at least appear to recognise this, even if this is not necessarily always explicit in the report. I yesterday (29/11/12) received an e-mail from your colleague Bexs Benmayor stating "*We do wish to ask all stakeholders to bear in mind that this phase of the work, in advance of identifying specific receptor sites, can only give estimates of creation/restoration targets*". This illustrates the point neatly. The detailed technical investigations seem to be concluding with nothing more than a set of moving estimates about the amount of compensation land required and only broad 'areas of search' within which further investigative work might usefully be carried out. This does not, I would suggest, assist the Inspector in coming to a view about prospects for delivery.

It has to be said that this rather unsatisfactory position has been arrived at despite our having had the benefit of estimates of minimum compensatory land area from the BTO back at the start of the process in September. The BTO figures were broadly accepted by stakeholders – of course they did not have matters such as 'delivery risk' systematically factored in, but they could have been treated as workable minima, in order to get on with the search for actual sites potentially suitable for compensation delivery. I do have to question (as I did at the time) the value of significant resources instead being expended on the process of re-surveying habitat parcels at Lodge Hill and allocating scores to them for the purposes of adapting the Defra system to attempt to provide a detailed offset metric for nightingales, notwithstanding that the Defra system was not designed to be used in this way. For the purposes of the Inspector's question, and in the context of the attenuated timescale for the task in hand, these resources would, in my view, have been better directed towards a more thorough investigation as to whether suitable offset sites of a minimum size are actually out there, and whether there is a reasonable prospect of any being secured. As it stands, only fairly nebulous zones within which specific sites might be found have been identified. There have been no, or only very limited, investigations made into matters such as existing development allocations, existing biodiversity interest, landowner willingness and likely acquisition values.

The consequence is that no certainty whatsoever can be attached to the practical achievability of delivering an adequate quantum of compensatory habitat for the loss of nightingales at Lodge Hill. Such conclusions cannot be considered alone, but have to be set alongside highly important and unresolved matters such as whether, even if appropriate compensation were found and secured, it would be acceptable, in planning policy terms, to wait a decade or more after the realisation of significant impacts on biodiversity at Lodge Hill (which we now know is likely to be 'front loaded' due to ordnance clearance), before finding out whether uptake of compensatory habitat by the species was at all successful. During this period the result would be significant 'net loss' of biodiversity with no guarantee of it ever being recovered. I don't think I am stretching the point to say that legal considerations might come into play here, in the context of the biodiversity 'duty' imparted by the NERC Act.

In any event, such an 'open-ended' and risky compensation strategy cannot surely be acceptable in a situation where we are dealing with a site that there is little real doubt meets the threshold for SSSI designation, and which Natural England has advised should be treated as if designated as a SSSI until such time as their formal decision on notification is made early in 2013.

There can surely be no clearer imperative now for Medway to seriously apply itself to the task of looking at alternatives, starting with its Sustainability Appraisal.

Best regards

A handwritten signature in black ink, appearing to read 'D Woodfield', written in a cursive style.

Dominic Woodfield MIEEM CEnv
Director

cc Medway Council

Enc: Critique of offsetting report as assessed using the Government's guiding principles

DETAILED REVIEW OF THE ENVIRONMENT BANK LTD. (EBL) FINAL DRAFT REPORT

1) Appropriateness of offsetting at Lodge Hill

The RSPB and others have raised the question of whether the offsetting approach is appropriate for application to the high biodiversity interests at stake at Lodge Hill, in the light of stated Government policy on how the system should be applied.

Having looked into this myself, not only do I agree that the circumstances at Lodge Hill do not accord with the Government endorsed 'guiding principles' for biodiversity offsetting¹, but as those principles were designed as a safeguard against the risk of misuse or misappropriation of the system, I feel they provide a useful metric against which to test the credentials of the report and its conclusions.

I have therefore taken the approach of testing the offsetting proposals for Lodge Hill, as they are set out in the report and as far as they have been taken to date, against each of these guiding principles:

Guiding Principle (i):

"Biodiversity offsetting must not become a 'licence to destroy' or damage existing habitat of recognised value. In other words, offsets must only be used to compensate for genuinely unavoidable damage. Development should avoid adverse impacts first, mitigate impacts second and compensate for unavoidable impacts as a last resort"

The Lodge Hill development site is of undisputed high biodiversity value. That value extends to biodiversity elements beyond the exceptional nightingale population (I note no compensation provision has yet been calculated for these other interests). The site adjoins and partly includes areas of the designated Chattenden Woods SSSI, and the majority of the remainder is being considered for notification as an extension to this SSSI (with the statutory authority advising it should be treated as notified until such time as any decision is made to the contrary). The need to ensure any impact on this site is 'unavoidable' is therefore key to the acceptability of offsetting being proposed in the first instance. The case for impact being unavoidable has not been made. There are clear flaws in Medway's process of identifying and selecting Lodge Hill as the key delivery site in their Core Strategy, including gross underestimation of its biodiversity importance. And yet despite clear indications from the process that the Sustainability Appraisal (SA) should be reviewed, Medway are on record as saying that they will not commence any reassessment of the SA until the study into the potential for offsetting to be applied at Lodge Hill has been concluded. This suggests a prejudicial approach to the process and does not indicate any

¹ As set out in 'Making Space for Nature' (Lawton et al 2010) and endorsed in the Natural Environment White Paper (para 2.40).

intention to comply with the 'avoid', 'mitigate', 'compensate' hierarchy endorsed by Government and which it is essential be followed if offsetting is not to be misused as a 'licence to destroy'. Such statements are also made in the face of the emergence, from the technical stakeholder meetings, of significant impacts on biodiversity resources that have not been considered in the SA, nor indeed in the EIA currently before the Council.

Guiding Principle (ii):

"Where developers propose to create replacement habitat there needs to be some certainty that the habitat type can be (re-)created. Applying the precautionary principle, and recognising that some habitat creation schemes may be less successful than initially planned, each individual offset scheme should aim to achieve a net gain for biodiversity."

The stakeholder meetings established very early on that there was little, if any, dispute that if the crucial precursors of an appropriate land area, appropriate site characteristics, and an appropriate lead-in time were met, creation of habitat capable of supporting nightingales was theoretically feasible. Despite this position having been established more or less at the outset, scant resources appear to have been applied in the weeks and months since to the practical question of deliverability. Instead, an inordinate amount of time, effort and (it has to be said) public money, appears to have been spent on trying to reconfigure a habitat-based system in order to create a new metric for use in calculating the compensation needs of a single species. The focus at times appears to have shifted away from the Inspector's question, towards trying to prove that the offsetting system can be made to work in such situations. I believe the consequence has been that inadequate consideration has been given to critical matters such as a) whether an appropriate offset site or sites can be found, and b) whether some certainty can be offered to the Inspector that there is a reasonable prospect that such a site or sites could actually be secured for the purpose. We are thus left with a very high degree of uncertainty as to whether an appropriate compensation site can even be found, let alone secured, and as others have commented, such closer application to the task that there has been (a task that appears to have fallen largely to GGKM) has merely increased the level of uncertainty as the process has gone on.

Guiding principle (ii) also states that when using offsetting the precautionary principle should be applied, and that it should be recognised that habitat schemes may be less successful than initially planned. Such factors are normally allowed for in the Defra habitat-based metrics through the application of 'risk multipliers'. However as the appended correspondence with EBL will testify, it would appear that some of these multipliers have been dispensed with on grounds such as their application being 'optional' and a matter of choice for the local authority, or because EBL have devised an alternative (typically less onerous) strategy for this particular exercise. I contend that a highly optimistic approach therefore appears to have been taken to assessing risk, in clear contravention of the precautionary principle, and indeed guiding principle (ii).

Finally on guiding principle (ii) there is the principle that each offset scheme should aim to achieve a net gain for biodiversity. Such an approach does not appear to have been taken by EBL in this instance. The terms of reference would appear to have been to seek no more than like-for-like compensation of nightingale territories.

Guiding Principle (iii):

“Benefits should be secured in the long term with supporting mechanisms in place to deliver long term management (often more than 25 years)”

For the same reason that inadequate consideration has been given to practical deliverability considerations (as outlined under principle (ii) above), we are now at the conclusion of the technical process with no potential offset sites having been identified (beyond a range of nebulous zones or search areas) and little or no investigation having been carried out as to whether land can or would be made available in these zones, whether it would be suitable for the purpose and the likely financial implications of securing it, if it is. The conclusion of the study therefore leaves the Inspector with no certainty about the prospects of suitable offsetting sites being found and secured into the long-term, let alone the appropriateness or robustness of any preferred supporting mechanisms.

There is some confusion in the report as to what the duration of management commitments would be in any event (variously 20 and 25 years are cited). Management intervention to maintain habitat condition beyond 25 years will be crucial for nightingale, given its dependence on a highly dynamic mid-succession community (scrub).

Guiding Principle (iv):

“There must be recognition that some habitats cannot be re-created (e.g. ancient woodland) while others can take decades to develop their wildlife interest”

Recognition of the varying difficulty and timeframes for habitat creation in the EBL report appears either absent (e.g. in the case of ancient woodland²), or selective and variable (in respect of the time required for scrub habitats suitable for nightingales to develop). The reluctance to accept the pivotal place of what has been termed ‘temporal lag’ by EBL in assessing the acceptability or otherwise of offsetting as a workable solution for impacts on nightingales at Lodge Hill (framed as they are within the fifteen year delivery timescale imposed by the Core Strategy), has in my view been a consistent and major failing of the process to date. After a certain amount of what I would have to call foot dragging, we have at least now reached a position where it has finally been accepted as an inevitability if the

² Appendix A of the EBL report appears to suggest a timeframe of 15 years for ancient woodland habitats (some of which are SSSI designated) to be recreated to a target condition of ‘good’. The technical difficulty of recreating (‘expanding’) these habitats is put no higher than ‘medium’.

site is to be delivered in accordance with the CS, and there is now consensus that there will be a significant hiatus between loss of nightingale territories at Lodge Hill and any compensatory habitat coming into condition. It now emerges that the 'loss' part of that equation is likely to be both up front and comprehensive because of the need for wholesale remediation of unexploded ordnance. There remains dispute on the length of that hiatus, but as the process has gone on, even the most optimistic assessments have been revised steadily upwards and towards the figures that are already in front of the Inspector (including in correspondence from myself). The point has been made by other stakeholders that offsetting along the lines currently being envisaged (and as would be necessary to deliver the CS) would amount to a highly risky 'experiment' played out using perhaps the most important UK concentration of an iconic species of conservation importance, and on a site that Natural England have advised should be considered as equivalent to SSSI.

Guiding Principle (v):

"'Receptor areas' for creating habitat must not be places of existing high wildlife value."

In the light of the high measure of uncertainty about where any receptor sites might be, and what they might be like, it is difficult to assess how any eventual strategy would or would not comply with this guiding principle. However it has been noted by myself and others that a significant proportion of the search areas identified by the GGKM GIS-based analysis of Kent are likely to be constrained by existing high wildlife interest (e.g. in the form of 'Priority' habitats under the UK Biodiversity Action Plan and Habitats of Principal Importance further to sections 40-41 of the NERC Act - examples include grazing marsh). In some cases identified sites have existing designations up to European level (SPA) which are based on a very different suite of biodiversity interests to that which would be compatible with scrub creation. The risk of trading one impact for another, and potentially ending up with net loss, cannot therefore be assessed. Taken cumulatively with the other uncertainties over delivery, the study is a long way from demonstrating that the prospects of finding an adequate quantum of land available for compensation purposes in the shortlisted search areas are even close to reasonable.

Guiding Principle (vi):

"Suitable multiplier ratios need to be applied to compensation in recognition of that the new site may be of a different value to the network than the original one, and to take account of factors such as distance from the site of damage, the time needed for habitat creation, the types of habitat being lost and accessibility for people. Usually these multipliers will be greater than one but they need not always be."

As the attached e-mail correspondence confirms, the approach taken by EBL represents a departure from guiding principle (vi), despite all of the considerations it covers being directly applicable to devising an appropriate compensation strategy for nightingales. Multipliers have been put aside (in some instances apparently because of the uncertainty about the nature and location of the offset site, a matter that it was within EBLs/Medway's hands to remedy) or have been applied in a limited fashion on the basis of highly optimistic assumptions that have questionable relevance and were not the subject of discussion and/or consensus with the technical stakeholders.

Guiding Principle (vii):

"Wherever possible, the created habitat should be in place before the original site is lost."

This guiding principle cannot be adhered to at Lodge Hill because of the delivery timescales for development imposed by the CS (and the site development brief), compounded by the likely effect of site remediation in advance of development works. On current schedules there is likely to be a time-lag of at least a decade, and quite possibly significantly more, before the created habitat is in place and (in nightingale terms) suitable, even before considering whether it is successful in a) attracting nightingales and b) sustaining an equivalent population to that currently at Lodge Hill. The departure from this guiding principle has to be seen in the context of the fact that the site is of high biodiversity value and therefore of a type considered by the Government to be unsuitable for offsetting (principle i).

Guiding Principle (viii):

"Offsets should be used to compensate both for the loss of current wildlife sites and for damage to other wildlife network components, for example areas identified as important for ecological restoration but not yet managed as such."

Due to the high level of uncertainty surrounding the identification, location and delivery of suitable compensation/offset sites, compliance or otherwise with this guiding principle cannot be assessed at this stage. No certainty can be offered that this principle can or would be adhered to.

Guiding Principle (ix):

"Opportunities should be taken to pool habitat compensation from different developments so that larger habitat blocks can be created. There should be community agreement on what is to be achieved (and what contributions are expected) through local plans, so developers are clear at the outset what scale of contribution is expected of them."

Again, due to the high level of uncertainty surrounding the identification, location and delivery of suitable compensation/offset sites, compliance or otherwise with this guiding principle cannot be assessed at this stage. The ability to assess the scope for compliance with this guiding principle is hindered by the absence of a defined offsetting strategy for Medway, who have only lately it would appear taken an interest in offsetting. Whilst the Lodge Hill site sits within a Nature Improvement Area, with defined strategies that can be linked in to offsetting schemes, the objectives for that NIA are at variance with the compensatory requirements for Lodge Hill. Scrub creation is not, for example, directly compatible with restoration or expansion of Thames Grazing Marsh.

2) Technical errors / questionable assumptions

Various and in places quite significant errors, unsupported assumptions and unjustified or otherwise questionable deviations from the Defra methodology have been identified in the technical elements of the report. A proportion of these are highlighted by the attached e-mail correspondence, which was entered into to attempt to seek clarity and transparency in the face of various modifications to the system that appeared to have been applied. The balance of 'favourable' against 'unfavourable' modifications (in terms of reducing the offset burden) does appear to suggest an element of 'cherry picking', which includes resurrecting elements of draft methodology that allow dismissal of low grade habitats from trade up calculations that were dismissed from the final Defra metric. However, because the net result of these issues is merely to vary the offset calculation outputs, and hence the land area required for offsetting purposes, (albeit sometimes significantly - up to three times the cited land area may be required if certain omitted multipliers are applied), they do not alter the points of principle raised above other than further underlining the lack of certainty that can be attached to the report's conclusions, and about the prospects for delivery. Further detail on these technical errors can be provided on request.

3) Overall Conclusions

The approach to offsetting being pursued to date would appear to conflict with all of the applicable guiding principles set down in the Lawton report and adopted in the White Paper. This calls into serious question the legitimacy of seeking to apply the offsetting system to the issues at Lodge Hill in the first instance. What has compounded the problem however is that the clear desire of those managing the process to try and 'make the offsetting system fit' has led to questionable management of time and resources that would have been better spent trying to identify and seek as much certainty as possible on the practical delivery of offset or compensation sites. This is now the essential, but missing, piece of the jigsaw in respect of the Inspector's question about 'reasonable prospect'. After some four months, we are in hardly any more an informed position about this essential component of any offsetting strategy than we were at the outset of the process. As it stands, such work that

has been done in that direction (largely by GGKM) has merely highlighted the practical problems and acute uncertainties that surround the process of identifying and acquiring (or otherwise securing control over), the large areas of land required. What this indicates is that the answer to the Inspector's question as to "*whether there is a reasonable prospect that adequate compensatory habitat could be established, thus reducing the residual impact of the development.*" is much more likely to be negative than positive.

From: bbenmayor@googlemail.com on behalf of [Bexs Benmayor](#)
To: [Dominic Woodfield - Bioscan](#)
Cc: [Tom Tew](#); [mccutcheon, brian](#); [Burgess, Dave](#); [smith, catherine](#); [cooper, robin](#); [jarrett, andy](#); [pullin, mark](#); [stoddart, carly](#); [langford, hannah](#); [Heslop, Anna](#); [Mason, Elizabeth @ London HH](#); [Neal, Stephen](#); [paul.howarth@de.mod.uk](#); [Sarah Lyne](#); [richard.arnold@thomsonecology.com](#); [Judith Ashton](#); [tom.tew@hotmail.co.uk](#); [hall, martin](#); [Owen Sweeney](#); [Greg Hitchcock](#); [Cameron, Rob \(NE\)](#); [Hanna, Sean \(NE\)](#); [Chris Hewson](#); [Graham Warren](#); [John Taylor](#); [rob.fuller@bto.org](#); [acbh@btinternet.com](#); [Day \(Arne\)](#); [John](#); [Dodd, Andrew](#); [Dawes, Samantha](#); [Keir Parsons](#)
Subject: Re: Medway Core Strategy- Lodge Hill strategic allocation - biodiversity offsetting report
Date: 29 November 2012 13:19:14

Hi Dominic,

Thanks for your email. Please find answers to your queries below. I have tried to address these in order but there was some overlap between the queries. We do wish to ask all stakeholders to bear in mind that this phase of the work, in advance of identifying specific receptor sites, can only give estimates of creation/restoration targets.

The assumptions we have made are based on a range of information and we believe these tend to be a mid-point conclusion. So for example, the setting of 'moderate' target condition for habitat creation is a conservative approach and were the target condition set at 'good' this would increase available offset credits and this would reduce the offset requirement. The selection of a 'moderate' condition target reflects the degree of uncertainties related to this case and is an additional approach to multipliers in dealing with risk. We could, as you suggest, explore both extremes, as indeed we started to do in our preliminary report, but the consequent range of offsetting areas would be so wide as to be uninformative.

For our assumption on spatial location - that offsets will contribute to ecological networks - the rationale is:

- Spatial risk multipliers are optional (Defra guidelines) and it is choice of the local authority as to whether it is appropriate to consider applying these if the offsets are not contributing to an ecological network.
- Were the spatial multipliers, designed to reflect ecological risks associated with a change in location, considered, then the fact that steps have been taken to minimise spatial risks identified by applying a site-selection protocol which addresses some intrinsic characteristics desirable for nightingale offset areas, and that offsets would be located within the core range of nightingale distribution (increasing the potential likelihood of colonisation by nightingales compared to peripheral areas) is key. It seems appropriate to consider offsets within the core range for nightingales and proximal to nightingale populations as contributing to the offsetting strategy of this species. The multipliers outlined in figure 6 of the Defra guidelines apply in a habitat offsetting context - we think prioritising nightingale requirements is the appropriate aim here. The guiding principles suggest that decisions about where offsets should be targeted geographically, and towards which conservation priorities, should be taken at a local level which is why it has been discussed at the stakeholders meeting and is being addressed where possible in the report.
- Multipliers are one way of dealing with risk. A further approach is also considered in this strategy by a) recommending a combined creation/restoration offsetting strategy and b) recommendations will be made for a variety of techniques to be put forward at a management plan level e.g. combinations of planting and natural regeneration.

Not applying multipliers to 'trade up only' options has not been arrived at solely on the basis that the aim is the creation/restoration of a better habitat; as mentioned above multipliers are one way of dealing with risk and alternative approaches to multipliers have also been taken e.g. a combination approach of restoration and creation and moderate target setting for creation which absorb significant risk. In any case, the lack of multipliers for this category has little effect - for example, were multipliers for restoration of semi-natural habitats to be applied it is estimated the offset area would increase by 4 ha. A trade up option has been recommended for habitats of low biodiversity distinctiveness and is primarily composed of the improved grassland areas at Lodge Hill which were not considered to contribute towards nightingale home ranges. Not all habitats of low biodiversity distinctiveness fall into the trade up option as the contribution to nightingale habitats has been taken into consideration. Therefore, the 'worst case' scenario as suggested would not vary significantly from the proposed offset requirement. Having said this we considered this issue also and multipliers are included in the trade up options in the revised calculations for the final report.

The assignation of no value to 'very low' biodiversity distinctiveness is based on work by Jo Treweek (which formed the basis for Defra guidelines - paper attached, see figure 1). The 'very low' category was originally included in the first set of Defra guidelines that were published and, although it was dropped from the revised guidelines for the sake of simplicity, it is a useful label that we have adopted here.

The national guidelines on offsetting are designed to give LPAs clear and simple advice for habitats - we have followed the Defra guidelines where appropriate and have adapted our approach in places to tailor the metrics to best suit nightingales and addressing uncertainties and delivery risk. These guidelines are a good basis for offsetting but variations to address issues at a local level and to deal with species where appropriate are part of the process.

Best wishes,

Bexs

On 27 November 2012 15:35, Dominic Woodfield - Bioscan
<dominicwoodfield@bioscanuk.com> wrote:

Hi Bexs

I am grateful for your prompt response on this. If you don't mind, could I just seek some further clarity on some of your statements below as in my advancing years there is an element of just not 'getting it'!

You say "general assumptions have been made with regards to spatial location and condition uplift at receptor sites". Would it be fair to say that such assumptions are generally weighted towards the positive end of the spectrum of possibilities? (e.g. it is assumed that ease of creation to a point where successful colonisation by nightingales occurs will be no harder than 'medium' and also that the offset site/s will contribute towards existing ecological networks).

In the light of your comment that you have assumed “that offset sites *will* contribute to existing ecological networks (because it would seem unwise to design a receptor site strategy which didn't deliver this, and a recommendation is made for potential offset site criteria so that this aspect is realised)” I attach below Figure 6 from Defra (2012) Biodiversity Offsetting Pilots Technical Paper. This would appear to be telling me that even if the offsetting site is contributing towards an existing network (e.g. by buffering, linking, restoring or expanding a habitat”) a multiplier should be added in most situations falling outside a specific strategy (such as the applicable NIA perhaps). Can you advise?

Figure 6: Proposed multipliers to deal with spatial risk

Location parameters	Multiplier
Offset is in a location identified in the offsetting strategy	No multiplier required
Offset is buffering, linking, restoring or expanding a habitat outside an area identified in the offsetting strategy	2
Offset is not making a contribution to the offsetting strategy	3

In point 2 you say “The technical and temporal risk multipliers have been applied to habitats with medium and high distinctiveness. These are not applied to trade up options”. Could you point me in the direction of where in the Defra guidance it states that multipliers do not need to be applied to traded up habitats? I am not sure I agree with the premise that risk can be factored out of the equation purely on the basis that the ambition is to create something better. The second part of your point 2 touches again on whether or not the spatial risk multiplier should be applied, for which see above.

Your point 3 is “The areas excluded from the calculations are hard standing and buildings which as you say are the 'very low' category for biodiversity distinctiveness which are given a score of 0 in accordance to the Defra metric.”. Again, can you point me to where in the Defra metric this category and its associated score are referenced?

I couldn't help noting your response to Rob's questions that adjustment of the technical difficulty multiplier could triple the restoration requirements. We were coming to similar conclusions. With reference to the comments above about whether it is appropriate or not

to exclude the spatial risk multiplier, we do therefore appear to be dealing with a range of significant uncertainties here. In this context I wonder whether there would be value in the final report giving a range that varies from 'best case' (i.e. minimal application of multipliers in accordance with the metric) to 'worst case' (i.e. where spatial and technical risk multipliers are applied and trade up is extended to habitats of low value on the basis that they fall within nightingale territories)?

Best regards

Dominic Woodfield MIEEM CEnv

Director

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From: bbenmayor@googlemail.com [mailto:bbenmayor@googlemail.com] **On Behalf Of** Bexs Benmayor

Sent: 26 November 2012 16:07

To: Dominic Woodfield - Bioscan

Cc: Tom Tew; mccutcheon, brian; Burges, Dave; smith, catherine; cooper, robin; jarrett, andy; pullin, mark; stoddart, carly; langford, hannah; Heslop, Anna; Mason, Elizabeth @ London HH; Neal, Stephen; paul.howarth@de.mod.uk; Sarah Lyne; richard.arnold@thomsonecology.com; Judith Ashton; tom.tew@hotmail.co.uk; hall, martin; Owen Sweeney; Greg Hitchcock; Cameron, Rob (NE); Hanna, Sean (NE); Chris Hewson; Graham Warren; John Taylor; rob.fuller@bto.org; acbh@btinternet.com; Day (Arne), John; Dodd, Andrew; Dawes, Samantha; Keir Parsons

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

Dear Dominic,

Thank you for your email of earlier today, I respond to each of your queries below which I hope will help. I would stress once again that the offset areas provided thus can only be, at this stage, estimates, as specific potential offset sites have not yet been identified and therefore general assumptions have been made with regards to spatial location and condition uplift at receptor sites. The final offset requirements would be fully established only once the offset sites are determined.

We have assumed condition uplift rather conservatively, so as to provide a minimum standard, but also that offset sites *will* contribute to existing ecological networks (because it would seem unwise to design a receptor site strategy which didn't deliver this, and a recommendation is made for potential offset site criteria so that this aspect is realised).

The area estimates in the draft report are those of 2008 and these are being revised to include the updated habitat parcels. We received these data shortly before the stakeholders workshop and were not able to analyse these in time for the meeting but the new data are now being incorporated. We would expect the overall offset area required to increase as a result of this, as there were more semi-natural habitats present at Lodge Hill in 2012.

With regards to your specific queries:

- 1) Depending on the appropriate offsetting strategy options (within type or trade up) which is dependent on habitat type, distinctiveness and value to nightingales the condition uplift at the offset area is estimated. As an example, for scrub restoration an offset area of semi-natural habitat in poor condition would be considered and the target condition of 'good' would be set. This would provide 8 credits per hectare. The credit requirement is then divided by the offset credits for condition uplift to provide an offset area to which you then apply the risk multipliers for technical difficulty and temporal lag to maturation. So, the offset area = $(a/b) * c * d$ where a is the credit requirement, b is the credits for condition uplift per hectare, c is technical risk multiplier and d is the temporal multiplier. So if we say we have a credit requirement of 100 with a low technical risk and 10 years to reach a stage at which the scrub would be used by nightingales, then the offset area would be 17.5 ha $((100/8) * 1 * 1.4)$.

2) The technical and temporal risk multipliers have been applied to habitats with medium and high distinctiveness. These are not applied to trade up options. With regards to spatial risk, as mentioned above it has been assumed that sites will contribute to the ecological network and as mentioned above the recommendation would be for contributing to ecological networks at the site selection process but should this not be the case then a spatial multiplier would need to be applied.

3) The areas excluded from the calculations are hard standing and buildings which as you say are the 'very low' category for biodiversity distinctiveness which are given a score of 0 in accordance to the Defra metric.

We have applied the system in accordance to guidelines of the Defra metric wherever possible and appropriate. As we have mentioned previously the Defra metric is designed for habitats and we have thus modified the approach in this instance to address the circumstances at Lodge Hill.

As was promised at the stakeholders meeting details of the multipliers will be included in the final report.

Best wishes,

Bexs

On 26 November 2012 13:00, Dominic Woodfield - Bioscan <dominicwoodfield@bioscanuk.com> wrote:

Dear Tom

I will be issuing comments on the latest draft of EBLs offsetting report prior to Friday's deadline, but could I firstly seek some clarity on the technical process EBL have gone through to arrive at the offset calculations presented. We have been working through these and a number of things are not clear, as follows:

- 1) It is not clear how EBL have converted the credit requirement to a land area figure (hectares). Could you advise what the formula/multiplier is for this and (ideally) provide a worked example for our own understanding?
- 2) We do not appear to be able to see where the various risk multipliers in the DEFRA metric have been applied to the final calculation. These include delivery risk (e.g. the chance that the restoration or expansion fails to deliver) and spatial risk (the risk that the only sites that can be found are ecologically isolated). Are you able to advise on the approach EBL has taken to factoring in risk in accordance with the DEFRA system?
- 3) Significant areas of the Lodge Hill site appear to have been excluded from the

'trading up' calculations on the basis of their being allocated a distinctiveness category of 'very low'. We cannot find this category in the DEFRA metric, the lowest assessment category of which is 'low'. The result is that some 40ha of the Lodge Hill site are removed from the trade-up calculations. Can you explain why this approach has been taken?

Answers to the above will obviously help us to focus our eventual comments on matters other than concerns about whether the system has been applied in accordance with the DEFRA standard. I have copied in other members of the technical panel also in case they are having similar difficulties understanding the report.

Finally, it is looking as if some of our comments may be much more efficiently made by visual illustration, using the Thomson mapping. However we do not have express permission to reproduce these maps. Could Richard/Sarah confirm that it is OK to use extracts from their maps?

Best regards

Dominic Woodfield MIEEM CEnv
Director

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

Sent: 19 November 2012 14:55

To: Burges, Dave; smith, catherine; cooper, robin; jarrett, andy; pullin, mark; stoddart, carly; langford, hannah; Heslop, Anna; Mason, Elizabeth @ London HH; Neal, Stephen; paul.howarth@de.mod.uk; Sarah Lyne; richard.arnold@thomsonecology.com; Judith Ashton; tom.tew@hotmail.co.uk; bbenmayor@googlemail.com; hall, martin; Dominic Woodfield; Owen Sweeney; Greg Hitchcock; Cameron, Rob (NE); Hanna, Sean (NE); Chris Hewson; Graham Warren; John Taylor; rob.fuller@bto.org; acb@btinternet.com; Day (Arne), John; Dodd, Andrew; Dawes, Samantha

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

Dave,

You are absolutely correct. It is up to Environment Bank to decide what representations they reflect in their final report but I have always given the undertaking that all representations will be forwarded to the Inspector.

Kind regards,

Brian McCutcheon
Planning Policy & Design Manager

Medway Council

Gun Wharf

Dock Road

Chatham

Kent

ME4 4TR

Tel: 01634-331149

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From: Burges, Dave [<mailto:Dave.Burges@rspb.org.uk>]

Sent: 19 November 2012 14:43

To: smith, catherine; cooper, robin; mccutcheon, brian; jarrett, andy; pullin, mark; stoddart, carly; langford, hannah; Heslop, Anna; Mason, Elizabeth @ London HH; Neal, Stephen; paul.howarth@de.mod.uk; Sarah Lyne; richard.arnold@thomsonecology.com; Judith Ashton; tom.tew@hotmail.co.uk; bbenmayor@googlemail.com; hall, martin; Dominic Woodfield; Owen Sweeney; Greg Hitchcock; Cameron, Rob (NE); Hanna, Sean (NE); Chris Hewson; Graham Warren; John Taylor; rob.fuller@bto.org; acb@btinternet.com; Day (Arne), John; Dodd, Andrew; Dawes, Samantha; Burges, Dave

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

Dear Catherine,

Many thanks for your email and the updated EBL report.

I'd be grateful if you could clarify exactly how our comments will be treated when the final report is submitted to the Inspector. You state that:

"Your comments will be considered by the Environment Bank Ltd in producing the final version of the document to submit to the Medway Core Strategy Planning Inspector"

Clearly that may not necessarily include all the comments made - nor in particular - the context in which they are made.

Please could you confirm that *all* written comments will be made available to the Inspector, perhaps as an annex to the final report?

Best wishes,

Dave

Dave Burges

Conservation Officer
RSPB South East England Regional Office

email: dave.burges@rspb.org.uk

telephone: 01273 763606

mobile: 07860 612341

Follow us on Facebook: www.facebook.com/RSPBSouthEast

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[RSPB, South East Regional Office, 1st Floor Pavilion View, 19 New Road, Brighton, BN1 1UF.](#)

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From: smith, catherine [<mailto:catherine.smith@medway.gov.uk>]

Sent: 14 November 2012 12:54

To: cooper, robin; mcutcheon, brian; jarrett, andy; pullin, mark; stoddart, carly; langford, hannah; Heslop, Anna; Burges, Dave; Mason, Elizabeth @ London HH; Neal, Stephen; paul.howarth@de.mod.uk; Sarah Lyne; richard.arnold@thomsonecology.com;

Judith Ashton: tom.tew@hotmail.co.uk; bbenmayor@googlemail.com; hall, martin;
Dominic Woodfield; Owen Sweeney; Greg Hitchcock; Cameron, Rob (NE); Hanna, Sean
(NE); Chris Hewson; Graham Warren; John Taylor; rob.fuller@bto.org;
acb@btinternet.com; Day (Arne), John
Subject: [Medway Core Strategy- Lodge Hill strategic allocation - biodiversity offsetting
report](#)

[Dear all](#)

[Please see attached an updated version of the report produced by the Environment Bank
Ltd into Biodiversity Offsetting to compensate for nightingale habitat loss at Lodge Hill.](#)

[This revision has been informed by the discussions at the workshop held on 9
November. It also includes the Phase 1 Habitat map of biodiversity distinctiveness, now
included at Appendix 1 \(page 16\). Please note that we have kept the A3 scale of the
map in the document, to provide greater clarity. You may need to adjust print settings
accordingly if you run off a copy of the document.](#)

[In line with the timetable we have drawn up, this draft document is being sent to you for
your comments. Could you please respond by **5pm Friday 30
November 2012**. Your comments will be considered by the Environment Bank
Limited in producing the final version of the document to submit to the Medway Core
Strategy Planning Inspector.](#)

[Please send your comments to Tom Tew at: \[tomtew@environmentbank.com\]\(mailto:tomtew@environmentbank.com\) and cc in
local planning officers at Medway Council using the email address: \[ldf@medway.gov.uk\]\(mailto:ldf@medway.gov.uk\)](#)

[Notes from the workshop held on 9 November will be circulated shortly for your
information.](#)

[Thank you for your interest and participation in this work. If you have any queries at this
stage, please contact Tom Tew or myself for further information.](#)

[regards](#)

[Catherine](#)

[Catherine Smith](#)

[Development Policy & Engagement Manager](#)

[Housing, Development & Transport Division](#)

[Regeneration, Community and Culture](#)

[Medway Council, Civic Headquarters, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR](#)

[Tel: 01634 331358](#)

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[Email: \[catherine.smith@medway.gov.uk\]\(mailto:catherine.smith@medway.gov.uk\)](#)

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