



19<sup>th</sup> June 2018

Catherine Smith  
Planning manager - Policy  
Medway Council

by email

Dear Catherine,

**RE: 'Future Medway' Development Strategy consultation**

Herewith are Kent Wildlife Trust's comments on the consultation on Medway's Development Strategy.

**Scenario 4: Consideration of development within Lodge Hill SSSI**

The planning system operates within a clear avoid > mitigate > compensate hierarchy, and within the National Planning Policy Framework there is a presumption against development that would harm a Site of Special Scientific Interest. The Council states in paragraph 3.58 "*Only where development can not be avoided, should mitigation and compensation measures be considered*" It is therefore unclear why Medway have included so much detail regarding Homes England's plans within the consultation document when it is irrelevant at this stage.

Across the four scenarios that the Council have presented, it has clearly demonstrated that the Objectively Assessed Need can be met within the Authority's boundaries without allocating a SSSI. Therefore, with regard to meeting OAN, allocation of Lodge Hill can be ruled out as unsound without further consideration.

As set out in paragraph 3.8, the Government expects the Council to use the proposed 'Standard Methodology' to calculate housing need, so it seems likely that Medway will be required to aim towards a figure higher than that calculated for OAN, which Medway attempts in Scenario 3. We note that Medway have not included Lodge Hill as an allocation within Scenario 3, but nevertheless would remind the council that alternatives would need to be exhausted before Lodge Hill could be considered, including looking in the wider housing market area under the Duty to Cooperate. If that turned out not to be possible, it would then be incumbent on Medway Council to pursue housing provision that is less than the Standard Methodology figure.

Paragraph 118 of the NPPF states: "*...proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made*



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*where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;”*

Paragraph 3.58 of the consultation document states that “...*the only exception being that the benefits of the development clearly outweigh the impacts on the features of the site, and any broader impacts on the network of SSSIs.*”

The wording in the consultation document is an oversimplification of the test set out in the policy. For the avoidance of doubt, the effect of the planning hierarchy, reinforced by the words ‘*at this site*’ within the NPPF wording, is not that the benefits of development clearly outweigh the impacts, but the benefits of development *at Lodge Hill* clearly outweigh the impacts.

While there may not be an accepted methodology for comparing the disparate impacts and benefits (though of course environmental degradation has an economic cost, as recognised in the Government’s 25 Year Plan for the Environment), an obvious indication comes when comparing the significance of the site to the development proposals; a contribution of less than 7% to Medway’s OAN or around 5% of the Standard Methodology calculations, versus a nationally important and unique area. Even when the proposals were more significant (up to 5,000 houses), the Planning Inspector stated “...*in considering the balance to be struck between all the dimensions of sustainable development I am not persuaded that the social and economic benefits that would flow from development on this site would outweigh the harm to a site of national importance for biodiversity*<sup>1</sup>.”

**To summarise:**

- **Medway have demonstrated that they can meet their OAN without Lodge Hill**
- **Medway have not demonstrated that the further needs suggested by the Standard Methodology cannot be met in the wider housing market area**
- **the benefits of development at Lodge Hill would not outweigh the impacts**
- **In addition, allocation of Lodge Hill would be contrary to other policies NE2 and NE5 within the draft Local Plan (policies that are consistent with the NPPF and 25-Year Plan for the Environment)**

**For these reasons Scenario 4 should be ruled out and considered no further.**

## **Hoo Peninsula Rural Town**

The wording of the NPPF with regard to SSSIs makes it clear that ‘adverse effects’ of development, individually or in combination, is what is to be avoided, not just direct loss of SSSI. This has implications for Medway’s chosen development option of a ‘Hoo Peninsula Rural Town’ owing to the urbanisation effect of a high number of houses will have. These impacts can reach far beyond the urban boundary.

Paragraph 3.36 states that Scenario 1 ‘*includes buffers to protected land*’ (we assume that ‘protected land’ refers to the SSSI). Though it is not stated, buffers should also apply in the other scenarios. An indication of buffer size is not given, but we assume some caution has been used when calculating the capacity of the ‘Hoo Peninsula Rural Town’ to account for them. Buffer size and

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<sup>1</sup> Letter to Medway Council from the Planning Inspector, 21<sup>st</sup> June 2013, during the Local Development Framework examination.

design should have regard to the sensitivity of the environmental features to the causes of environmental degradation.

Owing to the sensitivity of the SSSI, any development would need to be carefully and strategically planned to avoid harm. We therefore support the requirement for a plan-led approach set out in paragraphs 3.27 and 3.28 should significant development on the Peninsula be taken forward. However, owing to the significant constraint that the proximity of the SSSI presents, as well as the significant opportunity for environmental enhancement and connectivity across the wider peninsula it provides, we are concerned that consideration of this is left to the final sentence of these paragraphs.

**Any development of a ‘Hoo Peninsula Rural Town’ should be plan-led, determined by further policy detail such as through supplementary planning documents, and have the protection and enhancement of the environmental features of the Peninsula at its heart.**

## **Natural Environment**

We welcome Medway’s commitment to the environment, particularly that set out in Policy NE2 *“The council will promote the conservation and enhancement of biodiversity in Medway, by restricting development that could result in damage to designated wildlife areas, and pursuing opportunities to strengthen biodiversity networks.”* This is consistent with Government Policy on the Environment set out in the 25 Year Plan and aspirations set out in the Kent Biodiversity Strategy.

The NPPF states that *“To minimise impacts on biodiversity and geodiversity, planning policies should...plan for biodiversity at a landscape-scale across local authority boundaries...identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation...promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan.”* We therefore welcome Medway’s commitment to not only securing Green Infrastructure but also embedding net gain principles, and look forward to working with you in future to achieve this.

Awareness of the economic and societal costs of environmental degradation and the loss of Green Infrastructure, as well as the benefits that a healthy natural environment provides, is growing, but still lags some way behind that of ‘grey infrastructure’, or at least perceptions thereof. The ambitions Medway has set itself in the Natural Environment section of the consultation document are not unambitious, and we recommend that the Council give serious thought as to how some of these ambitions may be met, including sources of funding. Given the impacts of urbanisation can reach far beyond the boundaries of the urban area, developer contributions towards Medway’s wider Green Infrastructure would not be inappropriate.

On a more specific matter, paragraph 7.3 refers to ‘Sites of Nature Conservation Interest’. These are now referred to as Local Wildlife Sites and this reference should be updated to be consistent with National and County terminology.

## Capstone Valley

Inappropriate development within the Capstone Valley has the potential to impact upon the ancient woodland and other important habitats, as well as compromise the role the valley plays as a green link between the North Downs and Medway Towns, Darland Banks Local Wildlife Site and Local Nature Reserve and Capstone Country Park. However, there are also opportunities within the valley to enhance its role as a green link and area of wildlife value in its own right. Piecemeal development of the valley should be avoided, and any development the Council allocates for the area should be designed in the context of the whole valley, with impacts on important habitats avoided and the green infrastructure through the valley enhanced through appropriate habitat restoration and creation.

## Sustainability Appraisal and Habitats Regulation Assessment

Scenario 4 would result in the destruction of a significant area of a Site of Special Scientific Interest. It is therefore entirely unclear how the effect of this on Objective 6 ('To protect and enhance biodiversity features') is only assessed as 'Minor negative' in the Sustainability Appraisal (Table 40). A Minor negative effect is defined as "...likely to be limited to small groups of people and receptors and or those with low sensitivity to change...The importance of the receptor is likely to be minor as is the magnitude of the predicted effect." There can be little doubt that the effect on Objective 6 will be 'Significant negative', which "...applies to effects on nationally or internationally important assets... affecting areas or assets with high sensitivity to change. The magnitude of the predicted effects will also be major."

The 'Initial appraisal and recommendations' for Scenario 4 states that "*This scenario advocates for mitigation and compensation of impacts both on and off-site, which seeks to protect vulnerable habitats and species but there is still a risk that mitigation will be unsuccessful. Considering this reasoning in full, the assessment of this Scenario against Objective 6 is negative. This could be improved through an approach which commits to a comprehensive monitoring strategy that would identify adverse impacts in a timely manner, to allow further remediation or mitigation to take place.*" Further recommendations for enhancing the assessment of this scenario (Paragraph 5.1.5.2).

The appraisal for Scenario 1 states "*The Scenario supports new developments to link into a green infrastructure network, but does not mention mitigation for ecological impacts from the use of greenfield land.*" And that for 2 states that it "...does not detail strategies for ecological gain or mitigation against ecological loss through better management of greenfield land, or through the expansion of the rail network and associated infrastructure."

Regarding Scenario 4, paragraph 3.59 of the consultation document states that "*The council has included this potential scenario that involves development on land designated as a SSSI so that a transparent and objective assessment of the impacts arising from potential development can be made as part of the consultation process that informs the new Medway Local Plan.*" However, it is not sufficient that the assessment is 'transparent and objective', Government guidance states that "*The sustainability appraisal must consider all reasonable alternatives and assess them in the same level of detail as the option the plan-maker proposes to take forward in the Local Plan*"<sup>2</sup>.

Nowhere else in the consultation document can we find such consideration of the mitigation of constraints for an allocation as in the description of Scenario 4. It is clear from the quotes above that

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<sup>2</sup> <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal#strategic-environmental-assessment-requirements-for-neighbourhood-plans>

a level of detail significantly higher than that in the other scenarios is being considered. **We are concerned that owing to the ‘availability of information’ through the promotion of Lodge Hill by the landowners Medway are failing to assess the alternatives in the same level of detail, and we strongly recommend that the Council addresses this before coming to conclusions on their preferred option.**

It is clear from the Sustainability Appraisal and Habitats Regulation Assessment documents that a number of the differences between the scenarios are the result of a few particular allocations, for example those sites within the Nature 2000/SSSI Impact Risk Zones. **We therefore expect further refinement of the scenarios to find alternatives and seek to avoid these impacts.** We appreciate that further information may be needed to achieve this, given that the appraisals are based on limited information and are provisional.

## **General Comments**

It is not entirely clear how Medway have progressed from the first stage R18 to this stage. Medway’s responses to representations made on the first stage have not been published, and the available SLA shows many of the proposed allocations as unsuitable. Paragraph 3.33 of the consultation document states that “*The sites and broad locations that have emerged from technical assessments as the most sustainable locations*”. However, it is not clear what ‘technical assessments’ are being referred to.

Owing to this it is unclear why some sites are seen as alternatives to other sites – this is particularly evident in Scenario Four. From the HRA and SLA there would appear to be more obvious alternatives than those presented, at least going by the evidence that has been included with the consultation.

**We recommend that Medway more fully illustrate and evidence it’s decision making process before R19 stage so the choices can be understood, and the process made transparent.**

If you have any questions please do not hesitate to contact us. We look forward to working with you in the future towards protecting and enhancing the important environment and meeting your development needs sustainably, without Lodge Hill.

Yours sincerely,

**Greg Hitchcock**

Thames Gateway Officer  
Kent Wildlife Trust