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19 January 2015

Dear Mr Lewis

**Representation by the RSPB on the further information submitted by Medway Council on 12 January 2015.  
Planning application reference: MC/11/2516: Outline Planning Application (OPA) for mixed use  
development at Lodge Hill, Chattenden, Rochester, Kent.**

We write to make formal representations regarding the letter sent by the Leader of Medway Council to your office on 12 January 2015, regarding their views on the representations made by Natural England (NE), the RSPB and others on the need to call-in the above application. We will not repeat the points set out in our original letter of 25 September 2014.

The Medway Council letter appears to misunderstand the basis upon which a call-in decision should be made. They fail to address whether this application meets the Secretary of State policy on call-in, and the degree to which the case falls within the various examples set out in that policy. We can only assume from their letter that they accept (as they inevitably must) that there is a conflict with national policy; that the application could have significant effects beyond the immediate locality and that the application has given rise to substantial cross-boundary and national controversy. Medway has not sought to dispute any of these points in this letter by challenging what we have said.

The Council's letter seems to be largely focused on their argument that there is a need for the development. In this regard, the Core Strategy Inspector comprehensively rejected Medway's "need" case, including the argument that there were no reasonable alternatives. Medway say that they have carried out further work on need and alternatives, but this is merely a further reason to call-in the application. Medway's case on need having been rejected by one independent inspector, very little reliance can be placed on their further work unless and until it has been considered by another independent inspector. The Secretary of State should put no reliance on such further work as justifying the major conflict with national policy here, unless and until it has been the subject of independent assessment by an inspector. The Council say housing need is a matter for them, but in circumstances where it is being relied upon to justify a development with massive ecological consequences, it is essential that the need case is independently tested.

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The Royal Society for the Protection of Birds (RSPB) is a registered charity: England and Wales no. 207076, Scotland no. SC037654



The RSPB is part of BirdLife International,  
a partnership of conservation organisations  
working to give nature a home around the world.

We note that Medway's response challenges nothing that we have said about the application site itself. In terms of conflict with national policy, we simply remind you that this application involves the direct loss of a minimum 144 ha of a Site of Special Scientific Interest (SSSI), which is one of the largest losses of a SSSI since the Wildlife and Countryside Act 1981 came into force, as well as even more extensive indirect impacts. The site contains more than 1% of the national population of nightingales and our assessment is that between 80 to 100% of these will be displaced. This application is also plainly contrary to the relevant paragraphs of the NPPF.

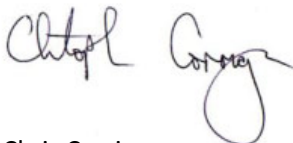
Medway's only comments relate to the Nightingale Compensation Land, but do not mention that even the quantum of this land is strongly contested, with Natural England advising that it would be prudent to plan on providing 990ha, rather than the 304ha being proposed. 304ha is virtually at the bottom of the range suggested by the British Trust for Ornithology (BTO). Medway do not suggest, nor could they, that this proposal will do anything other than have significant effects beyond the immediate locality. Further, reliance is placed on a section 106 for this compensation land in the absence of any planning permission from the relevant local planning authority for the compensation site (Rochford District Council).

In these circumstances we fail to understand how Medway can say that the application does not meet the tests for a call-in. The issue of delay is irrelevant in circumstances where the harm that would be caused is so major and permanent; where the development will take a long period to bring forward; and where it is the nature of a housing site that the dwellings will only come forward in tranches over many years in any event.

Finally, we do not understand Medway's reference to Houghton Regis. From our reading of the judgment, we can see no reference to any part of the site being an SSSI, or an SPA, and the Secretary of State's duties under the Wildlife and Countryside Act did not arise. The decision not to call-in Houghton Regis has nothing to do with the issues that arise in this case.

The RSPB maintains that this proposal raises important issues of national significance and should be called in under section 77 of the Town and Country Planning Act 1990 (as amended). It is clear that for the reasons we have explained in this letter and in previous representations the decision on the application should be made by the Secretary of State, following independent scrutiny by an Inspector at a public inquiry.

Yours sincerely

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

Chris Corrigan  
Regional Director,  
RSPB South East Regional Office