

West Berkshire District Council
Development Control
Council Office Market Street
Newbury
Berkshire
RG14 5LD

Our ref: WA/2020/128031/01-L01
Your ref: 20/01238/OUTMAJ
Date: 04 August 2020

Dear Sir/Madam

Outline Planning Permission For Up To 1,000 New Homes; An 80 Extra Care Housing Units (Use Class C3) As Part Of The Affordable Housing Provision; A New 2 Form Entry Primary School (D1); Expansion Land For Park House Academy School; A Local Centre To Comprise Flexible Commercial Floorspace (A1-A5 Up To 2,150 Sq M, B1a Up To 200 Sq M) And D1 Use (Up To 500sq M); The Formation Of New Means Of Access Onto Monks Lane; New Open Space Including The Laying Out Of A New Country Park; Drainage Infrastructure; Walking And Cycling Infrastructure And Other Associated Infrastructure Works. Matters To Be Considered: Access.

Sandleford Park Newtown Road, Newtown, Newbury, RG14 7RW.

Thank you for consulting us with this application. We have reviewed the information submitted in regards to flood risk, biodiversity and nature conservation, and development requiring an Environmental Impact Assessment (EIA). The application is for 1000 new dwellings and other land uses. Part of the application site is located within Flood Zone 2 and Flood Zone 3, according to our Flood Map for Planning. These are defined as areas at medium and high probability of flooding, in accordance with the Planning Practice Guidance (PPG). The proposed development is also within close proximity to a Statutory Main River along the southern boundary, the River Enbourne and there are a number of ordinary watercourses within the site.

We have reviewed the following documents submitted with the application:

- Bloor Homes Ltd & Sandleford Farm Partnership Flood Risk Assessment and Drainage Strategy (ref 10309 FRA04 Rv1 issued 18/12/19)
- Chapter 11.0 Water Resources of WHITE PEAK Planning Environmental Statement.
- WHITE PEAK Planning Draft Construction Environmental Management Plan (Ref: 2017.013.005b March 2020)
- Drawing number PP03 Parameter Plans green Infrastructure Plan (Rev H dated 11/12/2019)

Cont/d..

- Appendix F15: Otter and Water Vole Survey Report of the Environmental Statement (WYG, February 2019).

Environment Agency Position

We have **no objections** to the proposed development as submitted, as long as the following **planning conditions** are imposed on any planning permission. The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk, biodiversity and nature conservation if the following **planning conditions** are included. Without these conditions, we would object to the proposed development due to the potential impact on flood risk, protected species and riparian corridors.

Condition 1

The development shall be carried out in accordance with the submitted flood risk assessment (ref 10309 FRA04 Rv1 issued 18/12/19) and the following mitigation measures it details:

- All development shall be situated within Flood Zone 1. No development or construction work shall take place within Flood Zone 2 or Flood Zone 3.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons 1

To reduce the risk of flooding to the proposed development and future occupants

Biodiversity and Nature Conservation

The applicant has proposed ecological planning conditions including an Ecological Mitigation and Management Plan (parcel specific EMMP), a Landscape Environmental Management Plan and a Construction Environment Management which we support. There is also a proposed planning condition for buffer zones alongside watercourses, ditches and ponds. We welcome this condition but **suggest the following wording be used instead of the proposed wording.**

Development that encroaches on watercourses and ponds can have a potentially severe impact on their ecological value. In this development site there are a number of watercourses and ponds. The former include the River Enborne (designated a main river) that forms the southern boundary of the site and some unnamed streams (ordinary watercourses) flowing through the centre of the site southwards to the River Enborne. There is no built development immediately adjacent to the River Enborne, but due to the nature conservation value of the river, including supporting Otters and Water Voles, this condition is necessary to protect the river, including from disturbance. The streams and ponds should also be subject to buffer zones to protect their nature conservation value including the potential to support Water Voles.

Networks of undeveloped buffer zones might also help wildlife adapt to climate change and will help restore watercourses to a more natural state as required by the Thames River Basin Management Plan.

The proposed development will therefore be acceptable if a planning condition is included requiring a scheme to be agreed to protect a minimum 10 metre wide buffer zone adjacent to the River Enborne and a minimum 5 metre wide buffer zone adjacent

to both banks of the ordinary watercourses and around the ponds.

Condition 2

No development shall take place until a scheme for the provision and management of a minimum 10 metre wide buffer zone adjacent to the River Enborne and a minimum 5 metre wide buffer zone adjacent to both banks of the ordinary watercourses and around the ponds, has been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be carried out in accordance with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping. The scheme shall include:

- Plans showing the extent and layout of the buffer zones.
- Details demonstrating how the buffer zones will be protected during the construction phases.
- Details of any proposed planting scheme, which should be true native species of UK provenance and preferably local provenance.
- Details of ecological enhancements to the River Enborne, ordinary watercourses and ponds.
- Details demonstrating how the buffer zones will be managed over the longer term including adequate financial provision and named body responsible for this management. This could be included within a wider Landscape Management Plan.
- Details of any proposed footpaths, fencing, lighting, etc with the buffer zones. The buffer zones should be free from all built development including lighting that could impact on the behaviour of nocturnal animals such as bats. To reduce light spill into the river corridor outside the buffer zone, all artificial lighting should be directional and focused with cowlings. For more information see the Institution of Lighting Professionals guidance:

<https://www.theilp.org.uk/documents/obtrusive-light/>

<https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>

Reasons 2

Land alongside watercourses and ponds is particularly valuable for wildlife and it is essential this is protected. This approach is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

This condition is also supported by legislation set out in the Natural Environment and Rural Communities Act 2006 and Article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.

Condition 3

No development shall take place until a plan detailing the protection and mitigation of damage or disturbance to European Otters and Water Voles and their habitats, has been submitted to the local planning authority. The European Otter is protected under national and international legislation including Schedule 5 of the Wildlife & Countryside Act, 1981 (as amended) and Annexes IIa and IVa of the European Habitats Directive, 1992. The Water Vole receives full protection under Schedule 5 of the Wildlife &

Countryside Act, 1981 (as amended). Both species are listed as species of principal importance under Section 41 of the Natural Environment and Rural Communities Act, 2006. The plan must consider the whole duration of the development, including the construction phase and after the development is completed. Any change to operational responsibilities, including management, shall be submitted to and approved in writing by the local planning authority. The Otter and Water Vole protection plan shall be carried out in accordance with a timetable for implementation as approved.

The scheme shall include all of the recommendations and proposed enhancements for these species, as detailed in Appendix F15: Otter and Water Vole Survey Report of the Environmental Statement (WYG, February 2019). This should include enhancements to the River Enborne that forms the southern boundary of the site, for the benefit of Otters and Water Voles and other riparian species. It should also include mitigation measures detailing how the River Enborne in particular will be protected from disturbance through sensitive design of the Country Park that limits access to the river bank.

Reasons 3

To protect the Otter and Water Vole and their habitats within and adjacent to the development site, and to avoid damaging the site's nature conservation value. To protect Otters and Water Voles from disturbance.

The European Otter is protected under national and international legislation including Schedule 5 of the Wildlife & Countryside Act, 1981 (as amended) and Annexes IIa and IVa of the European Habitats Directive, 1992. The Water Vole receives full protection under Schedule 5 of the Wildlife & Countryside Act, 1981 (as amended). Both species are listed as species of principal importance under Section 41 of the Natural Environment and Rural Communities Act, 2006. It is believed that Otters are present on or adjacent to the proposed development site and Water Voles have been found to be present within the proposed development site. Appendix F15: Otter and Water Vole Survey Report of the Environmental Statement gives full details of all surveys carried out for these two protected species.

The proposed development will only be acceptable if a planning condition is included requiring a plan to protect and mitigate against any damage or disturbance to Otters and Water Voles and their habitats. Without this condition we would object to the proposal because it cannot be guaranteed that the development will not result in harm to Otters or Water Voles.

This approach is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. Without this condition we would object to the proposal because it cannot be guaranteed that the development will not result in significant harm to the Otter and Water Vole populations within and adjacent to the development site.

Final Comments

Once again, thank you for contacting us. Our comments are based on our available records and the information as submitted to us. Please send us any additional information submitted in compliance with our conditions.

If I can be of any further assistance, please contact me directly.

Yours faithfully

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Planning Advisor

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