

Trees :

Rebuttal to Appellants'

Proof of Evidence

Town and Country Planning Act 1990
Appeal under Section 78(1)(a) by Bloor Homes and Sandleford Farm Partnership

Witness: Andrew Giles

Subject of Evidence: Trees

Appeal: APP/W0340/W/20/3265460 – Sandleford Park, Newbury

Site: Sandleford Park, Newtown Road, Newtown, Newbury

Proposal: 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 work. Matters to be considered: Access.

Date: 21st April 2021

Council Reference: 20/01238/OUTMAJ

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Andrew Giles : Trees

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1 **Introduction**

- 1.0 This rebuttal is written in response to the proof of evidence of Mr. Alder in respect of matters relating to trees. The fact that this rebuttal does not seek to respond to each point made by Mr. Alder should not be taken to mean that there is agreement on these points.
- 1.1 Mr. Alder's Proof of Evidence does not address the concerns relating to the trees in the reasons for refusal and does not provide any supporting information.
- 1.2 Ancient Semi-Natural Woodlands (ASNW's) and veteran trees are irreplaceable habitats and developments that result on the loss or deterioration should be refused under the NPPF section 175(c).
- 1.3 Not all the ASNW have been shown in Mr. Alder's assessment. The root protection areas shown on the plans are not in accordance with government advice for protecting ASNW or veteran trees.
- 1.4 Forestry Commission and Natural England standing advice (CD8.31) is clear:
'...ancient woodlands, should have a buffer zone of at least 15 metres to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance, you're likely to need a larger buffer zone.'
- 1.5 The ASNWs have been shown in the arboricultural report as varying from 6.6m to 9.6m, though there are no definitions on how many trees were surveyed to get an average stem diameter. Nevertheless the minimum distance should be 15m to avoid root damage.
- 1.6 The tree protective fencing shown on the plans do not protect the ASNW or veteran trees in accordance to the guidance.
- 1.7 Subsequent information has been submitted by Mr. Alder in his PoE: **14281-AA8-CA** and **14281-AA9-CA-DRAFTforInquiry**. These were not commented on as part of the RfR in either the original refusal for application 20/01238/OUTMAJ or the subsequent 'Wheatcroft' proposal.
- 1.8 The SuDS including the conveyancing channels, basins and outflows impact directly on the rooting areas, as they are within the 15 metres of the ASNW's and within the RPA of a veteran tree.
- 1.9 The Valley crossing as shown in the Design & Access statement directly results in the loss of an important hedgerow linking two ASNW of Barn Copse and Dirty Ground Copse.
- 1.10 Fragmentation and isolation of the ASNW Crooks Copse will be caused by the Crooks Copse line.
- 1.11 There will also be significant pressure from trampling and compacting the soil around ASNW and Veteran trees reducing the semi-natural habitat and increased pressure to carry out tree work for health and safety.
- 1.12 Mr. Alder disagrees with the Tree Preservation Order number 201/21/1016 but this was confirmed with amendments and can be found in CD17.6.

- 1.13 The Monks Lane Access will remove extensive hedgerows and trees including T116 covered by TPO 201/21/1016 without satisfactory landscape mitigation to the detriment of the amenity, visual quality and verdant character of this important thoroughfare street scene.
- 1.14 T116 is in a late stage of life and in senescence, should be retained and fenced and considered an important characteristic feature.
- 1.15 The 'Wheatcroft' proposal allows the retention of the ancient tree marked as T34 and the two Veteran Trees T33 and T31 but is within the buffer zone of the ancient woodland.
- 1.16 The alternative pitch location sketch submitted 'Wheatcroft' scheme (CD6.4) shows no working room around the edge of the pitch, no provision on how the trees will be protected long term from trampling and recreational pressure from the school children and visitors. The proposed expansion is likely to remove the existing hedge line, which will further isolate the veteran and ancient trees and as a result the proposal would fail to make adequate provision.
- 1.17 Further design proposals '3rd option' have indicated moving the pitch further east but no firm design or plans have been submitted or commented on.
- 1.18 There are still a number of significant inconsistencies between the plans submitted which makes it unclear which trees are being retained and which trees are being removed which is very concerning and is potentially not a matter which can be left to be resolved at a later stage.

Purpose and scope of Evidence

- 1.19 This Rebuttal Proof of Evidence has been prepared in response to Appeal APP/W0340/20/3265360 by West Berkshire Council.
- 1.20 There follows in Section 2 a point-by-point review of Mr. Alder's Proof of Evidence with reference to his headings and paragraph numbering and in Section 3 my response to proofs of evidence as provided by other witnesses for the Appellants insofar as it impacts on trees.

2 REBUTTAL Trees Proof of Evidence

2.1 Para 2.4 CA: The TPO was amended and confirmed with modifications dated 18.03.21 in response to the planning objection by LRM and Mr. Alder and forms part of my appendices and is part of the Core Documents CD 17.6.

2.2 Para 3.2(5) CA: This is standing advice from The Forestry Commission and Natural England not National Planning Policy Framework.

2.3 Para 4.1 CA The Tree report which Mr. Alder referenced is dated 09/10/20 ref: (the appendix 2 makes reference to another plan (14281-AA8-CA) for Appendix 3 14281-AA9-CA-DRAFT for Inquiry comments made were on the original case for refusal based on Tree Report: . 10th January 2020 14281-AA7-CA.

The parameter plan which has been relied upon for the inquiry is different to the plan the original application commented upon: BOYER Land Use and Access Plan Parameter Plan (drawing no.14.273/PP02 Rev H1)

This in my view further complicates the evidence submitted by the Appellants and needs to be reconsidered in light of the updated evidence new school expansion submission, new AIA and new SuDS arrangement. This has all been provided late and there is insufficient time for me to consider the new information by the Rebuttal deadline?

2.4 Para 4.2 CA: The evidence which has now been shown in Mr. Alder's PoE is based on a survey which has not been considered and has been provided extremely late in the day allowing only 2 weeks to consider it prior to the Rebuttal deadline. Does in my view does not form part of this enquiry and for that reason should be dismissed as evidence.

2.4 Para 4.3 CA: This was the AIA dated 10/01/20 but it does not show the complete table which is below, again this is which comments were made on.

The tree schedule in Appendix 2 of the AIA (10/01/20) shows the following:

[Appendix 2: Tree schedule and explanatory notes](#)

NOTE: Colour annotation is A & B trees with green background; C & U trees with blue background; trees to be removed in red text.

Tree No	Species	Height (m)	Diameter (cm) @ 1.5m	Maturity	Low Branches	Category	Notes	Tree Works	RPA radius (m)	RPA area (m2)
All retained trees & hedges								Crown clean and lift to 3-4m over site as necessary. Clip to reform hedges as appropriate.		
T1	Oak	14	90	Mature	-	B	Ivy clad	Fell	10.8	366
T2	Cherry	4	30	Maturing	-	C	Topped	Fell	3.6	41

CA: - 'All retained trees and hedges should be crown cleaned'?

This is not tree works recommended or referenced in the BS3998:2010

CA: - '..crown lifted to 3-4m over site as necessary clip to reform hedges as appropriate'.

The work proposed impacts on all trees on the site and is unnecessary and unjustified.

CA: - '..Clip to 'reform' hedge as appropriate..'.

It is not stated what is meant by 'reform'. To carry out this work to all hedges is unnecessary and unjustified.

- 2.6 Para 4.4 CA CA states that there are significant defects on some trees and need to be subject to management to reduce risk of failure.

However, he has failed to identify what the risk of failure is,
What the alleged failure could be,
What the alleged timeframe of failure is.

The tree survey shows the trees recorded to be '*Felled for management*' or '*Fell or pollard to make safe*' these should be retained and fenced off for wildlife as part of the guidance under the NPPF 174b or 175c wildlife habitat.

T61 – is a Beech of 120cm which, in my view, should be classed as a veteran and is not category U. In the Arboricultural assessment and method statement it states it is already fallen so there is no need to remove it.

As per the Forestry Commission standing advice for veteran trees under the heading Compensate for the loss of ancient and veteran trees:

'..Leave the intact hulk of the ancient or veteran tree where it is (preferably standing) to benefit invertebrates and fungi. If that's not possible, move it near other ancient and veteran trees or parkland in the area.'

BS3998 guidance for dead trees,

7.3.3 Standing dead trees

'Where standing dead trees are retained, their height should be reduced if this is required for mitigation of present or future risks. They should be inspected periodically and further work should be undertaken (either felling or progressive reduction, depending on practicability) if necessary to keep risks within acceptable limits.'

Who does it pose a risk to if it is fenced off it has a significant high potential for Wildlife habitat?

The Arboricultural assessment and method statement says '*fell for management*'?

Management is not defined in the BS5837 or the BS3998? No clear reasons given as to why this work has been suggested.

T109 – A mature Cherry which is 70cm dbh and which is rare for a Cherry making it a significant tree and should be retained and fenced off (NPPF 174b or 175c) for wildlife habitat and for the tree itself.

T116 – Mature oak tree in the later stages (senescence) of its life cycle and should be retained (NPPF 174b or 175c) for wildlife habitat.

T127 – Veteran oak tree is not category U of 150cm dbh – proposal is to fell? Again this should be retained and fenced off as part of the guidance under the NPPF 174b or 175c wildlife habitat.

T151 over Mature oak tree 90cm dbh which should be retained as part of the scheme. It has Veteran tree characteristics, is not category U and should be (NPPF 174b or 175c) wildlife habitat.

T154 – Over mature oak 100cm dbh Veteran characteristics and is not category U (senescence). Again it should be retained and fenced off (NPPF 174b or 175c) wildlife habitat.

T172 Over mature Sycamore 100cm dbh with Veteran characteristics and not category U (NPPF 174b or 175c) can it not be retained as a wildlife habitat?

T173 – Over mature Ash with Veteran characteristics which could be retained as a wildlife habitat?

T184 Scots Pine – 80cm 'Dead' –it could be retained as a wildlife habitat

T191 Mature Horse Chestnut it could be retained for wildlife.

T196 Mature Scots pine again it could be retained for wildlife

2.7 Para 4.5 CA The trees are still being shown in the tree schedule of the Arboricultural assessment and method statement just with no work tree work scheduled. If Mr. Allder does not want them in the impact assessment as he has stated, they should be removed from the tree schedule.

2.8 4.6 The ancient tree inventory states on its home page (where is the home page?) '*..there are already more than 160,000 trees listed but there are thousands more to add*'. The survey is plainly not complete. Unfortunately, despite amendments altering the number of trees to be removed, there is still objection.

A) – Final details of the proposal on how the ancient and veteran trees T31, T32 and T34 will be impacted on has not been submitted to the council for formal consultation or any consultation.

B) The 'Wheatcroft' consultation showed 3 designs, final design needs to be considered before further comments can be made. Still resulting in the loss of G68 which is significantly important for connectivity between two ASNWs of Barn Copse and Dirty Ground Copse.

C) in the proof I commented on:

T1 – shown for removal on documents commented on
T31, T33 & T34 were all shown to be impacted by the design and inconsistencies with the drawings submitted to the council.

T31 is still showing on the (plans I commented on): TPP 14281-BT12, 'Wheatcroft' 14281-BT13 and the cycle way going through the centre of this veteran tree.

Even on the latest plan 14281-BT15 it is still showing the cycle path going through the centre of the tree.

T127 – was shown for removal on the AIA **The latest proposal still says 'Manage for safety' but no details provided as to what 'manage for safety' means in terms of tree works?**

Importantly, this omits veteran trees T160 and T166 (which are confirmed in the AIA as veteran trees) which should be accounted for.

- 2.9 Para 4.7 CA The table below is taken from the *Arboricultural appraisal and Method Statement for Sandford Park, Newbury 14281-AA9-CA-DRAFTforinquiry Appendix 2 Tree Schedule and Explanatory notes*, this table does not show the significant extent of the works being shown on the schedule (though this plan has not been consulted on:

Appendix 2: Tree schedule and explanatory notes

NOTE: Colour annotation is A & B trees with green background; C & U trees with blue background; trees to be removed in red text.

Tree No	Species	Height (m)	Diameter (cm) @ 1.5m	Maturity	Low Branches	Category	Notes	Tree Works	RPA radius (m)	RPA area (m ²)
All retained trees & hedges								Crown lift to 3-4m over site as necessary. Clip to reform hedges as appropriate.		

- 2.10 Para 4.8 CA T61 – Beech 120cm dbh could be a ‘Veteran tree’ and should be or could be retained for wildlife? It forms part of a green link between Dirty Ground Copse and Gorse Covert which is being lost to the proposal H60 which has been described as a field hedge of thorn oak and beech..

T109 – Cherry 70cm dbh could be fenced off and retained for wildlife.

T116 90cm dbh Oak and T154 100cm dbh oak tree ‘veteran trees’ in the senescence of their life cycle which could be fenced off and retained.

T154 Oak tree 100cm dbh ‘Over mature’ could be fenced off and retained for wildlife.

T127 – No tree can be guaranteed to be safe. Can it not be fenced off and retained for wildlife? (NPPF 174b or 175c).

T151 90cm Oak tree ‘Over Mature’ Can it not be fenced off and retained for wildlife? (NPPF 174b or 175c).

T172 Sycamore 100cm dbh ‘over mature’ can it not be fenced off and retained for wildlife? (NPPF 174b or 175c).

T173 Ash 90cm dbh ‘Over mature’ can it not be fenced off and retained for wildlife? (NPPF 174b or 175c).

- 2.11 Para 4.10 CA There has not been sufficient details or space provided on the information submitted to demonstrate ‘high-quality’ planting can be adequately provided. The hedgerow and linear woodland planting along Monks Lane forms part of a significant important green corridor providing significant visual amenity to the area.

Mr. Allder states that there will be no Long term loss but the period which he is describing has not been quantified and it is not clear what this means. Unfortunately there will be loss of amenity particularly in the next 20 years which is not insignificant.

- 2.12 Para 4.11CA These are now covered by TPO 201/21/1016

2.13 Para 4.12 CA The NPPF states they should be considered priority habitats paras 170 and 171, 174 175

2.14 Para 4.13 CA There is no evidence provided to support his claim that the woodland will not be '*detrimentally affected [sic]*'.

As set out in my original proof of evidence, there will be future pressures. Further, CD17.3 The Woodland Trust Planners Manual for Ancient Woodland and Veteran Trees July 2019 discusses establishing the impacts, identifying the types of potential impacts, mitigation compensation and providing adequate buffers.

The following is additional pressures which in my view should have been taken into consideration:

- Increasing access to the woodland will have a potential detrimental impact
- The reduction of connectivity through hedgerows and groups of trees being lost G68, H60, G108, H169 – this is shown on the Strategic Landscape and Green Infrastructure Plan as being retained.
- Significance of the development around ASNW Crooks Copse resulting in a 'pinch point'
- The Crooks Copse Link/line
- The Removal of H60 connecting Dirty Ground Copse to Gorse Covert.
- The Removal of T69
- The Removal of H169 a mature thorn hedge connecting Dirty Ground Copse to Gorse Covert
- incursions into buffers by Conveyancing channels and SuDS basins within RPAs of Ancient woodlands and Veteran Trees:
 - trails,
 - footpath / cycleway,
- The potential incursions associated with the school expansion playing field or public access into woodlands and inevitable human disturbance. Dirty Ground Copse, southern section is less than the 15m minimum buffer required to protect the rooting zone of ASNW.
- Highwood Copse – Western Section
- Crooks Copse – Eastern Section
- All woods on site including Waterleaze Copse are local wildlife sites.
- The proposed outfall also directly impacts the rooting area of tree identified as veteran (T166 Mature oak).

2.15 Para 4.14 CA Not all veteran trees/notable trees have been recorded as such on the arboricultural report. As veteran trees these by definition should be classed as 'A3' in accordance with the BS5837 and my original PoE shows additional trees which should in my view be classed as 'A grade' and a high category (paras...)

- A comprehensive tree planting scheme is not included, an illustrative master plan has been provided. This only further demonstrates the direct impact of the proposal will be damaging to the ASNWs.
- The road on the Eastern side of ASNW Barn Copse appears to be within the 15m buffer.
- Northern and Western side of ASNW Slockett's Copse is within or thereabouts on the 15m buffer zones.

- The ASNW Barn Copse and ASNW Dirty Ground Copse shows the removal of the hedgerow and connectivity of a significantly important 'green corridor'. The extensive engineering to provide the valley crossing will potentially directly impact on the ASNW of Barn Copse, and ASNW Slockett's Copse west.
- The ASNW west of Slocketts Copse will be impacted by the construction of the Valley Crossing and the development to the Northern edge. The conveyancing channels between this ASNW and the ASNW 'Slocketts Copse'. The engineered footpath on the southern side of this ASNW....? Finish sentence here.
- Between the two ASNWs of Slockett's Copse and High Wood the 'Sandleford Mile' is North/South directly impacting the buffer of the ASNW. The SuDS Basins is also within or thereabouts the 15m buffer zone of the ASNW High Wood further exacerbating the impact on this ASNW.
- The direct impact of the development within 15m or thereabouts of ASNW Dirty Ground Copse on the Southern and Western side.
- The further direct and indirect impacts of trees on the development listed in section 5.1, 5.2 & 5.3 of the BS5837:2012 guidance will exacerbate the necessity for tree work.

Again this has not been taken fully into consideration or any evidence produced.

- 2.16 Para 4.15 CA The impact has not been fully assessed in terms of the direct or indirect impacts of the trees on the design and in my view will result in significant pressure to carry out unnecessary/unjustified work for example and not limited to the shading of the buildings around the ASNW of Crooks Copse and the LWS 'Gorse Copse'.

The woodland buffer along the northern bank of Gorse Covert reduces down to 10m but the guidance requires a 15m minimum buffer. This is significantly below the recommended minimum.

No evidence is provided in Mr. Alder's PoE that any of the assessments have been carried out in accordance with (and not limited to) section 5.3 of the BS5837:2012

- 2.17 Para 4.16 CA: This does not take into account, or give any evidence, about any potential future impact of the development as outlined above and clearly stated in the BS5837:2012. The impacts of the proposal on ASNWs or veteran trees or other high or moderate quality trees will be unacceptable.
- 2.18 Para 5.1 CA Sections 5.1, 5.2, 5.3 of the BS5837:20012 again have not been considered in the assessment of the site. This is unacceptable as it considers future impacts posed by development on trees in terms of but not limited to:
- Current and ultimate height of the trees
 - Characteristics of the trees
 - Daylight and sunlight considerations
 - Proposed end use of space adjacent to retained trees
 - Shading of buildings

- Shading of open spaces
- Privacy and screening
- Future pressure for removal
- Seasonal nuisance

2.19 Para 5.2 CA the standing advice from the Forestry Commission which Mr. Allder refers to as the NPPF:

'..For ancient woodlands, you should have a buffer zone of at least 15 metres to avoid root damage...'

This is irrespective of the size of the trees within the woodland.

The measurement of the 15m (minimum) is taken from the edge of the classification of ASNW and this is clearly shown on the Green Infrastructure Parameter Plan.

2.20 Para 5.3 CA The 15m zone has not been shown on the AIA and therefore clear breaches of the 15m RPA of ASNWs will result.

The 15m minimum buffer zones to protect the roots around ASNWs or the 15x stem diameters shown on veteran and or ancient trees are not shown on Mr. Allder's plans which creates uncertainty that adequate buffers can be provided.

2.21 Para 5.4 CA The Parameter Plans show the minimum 15m buffer but there are significant constraints within the buffer such as SuDS, Sandleford Miles etc, please see my response above in section 2.15.

All areas of the settlement boundary shown for development are on or near to the minimum 15m buffer zone of the ASNW. It has not taken into account the veteran or notable trees located adjacent but outside the woodland boundary.

Even on the latest undated plan provided ref 14281-BT15 a, it shows the road going through the root plate of T114, a mature oak tree of 120cm dbh.

2.22 Para 5.5 CA To protect the roots of ASNWs a minimum 15m zone is required, the appellant clearly shows within the 15m zone, SuDS, formal paths, informal footpaths roads, bridges, cycle ways.

Mr. Allder does not provide any evidence in his AIA or in his PoE about any future pressures on the trees. It is clear and demonstrated that the development will impact on the 15m rooting zone of ASNWs.

2.23 Para 5.6 CA Crooks Copse link will isolate and fragment the woodland as a result. There is a significant change of levels of 2 metres which would require significant engineering. There is also a second crossing point further south for the Sandleford mile which again would require an engineered solution within the 15m buffer zone of the ASNW.

2.24 Para 5.8 CA 2,500+ new residents using the woodlands for recreational use, public H&S will take precedence over retaining standing deadwood and optimising the wildlife value of trees.

Deadwood is a valuable habitat 7.3.1 of the BS3998 states: ‘... a balance should be made between the mitigation of the risk and the maintenance of wildlife habitats. The unnecessary loss of deadwood habitats should be avoided.

If the footpaths were shown outside the minimum 15m root protection zones of ASNW, there would be significantly less pressure to carry out this work. This is a significant failing.

- 2.25 Para 5.10 CA recreational use of the woodlands and paths through trampling and the over cautionary approach for H&S requiring the removal of deadwood over the footpaths will result in the deterioration of these irreplaceable habitats.
- 2.26 Para 5.11CA Mr Alder downgrades fragmentation and the loss significant green corridors connecting ASNWs to each other and to woodlands deemed important LWS. Given the importance of the designated areas, I disagree with this approach.
- 2.27 Para 5.12 CA Buffer zones are not shown in accordance with the guidance. SuDS Basins and Conveyancing channels are within the RPA of Ancient woodlands and veteran trees formal footpaths. Are these considered informal construction?
- 2.28 Para 5.13 CA states that the BS has been followed. But it actually says:

BS5837:2012 ‘5.3 Proximity of structures to trees

5.3.1 *The default position should be that structures (see 3.10) are located outside the RPAs of trees to be retained. However, where there is an overriding justification for construction within the RPA, technical solutions might be available that prevent damage to the tree(s) (see Clause 7). If operations within the RPA are proposed, the project arboriculturist should:*

a) demonstrate that the tree(s) can remain viable and that the area lost to encroachment can be compensated for elsewhere, contiguous with its RPA;

b) propose a series of mitigation measures to improve the soil environment that is used by the tree for growth.’

So all structures which is defined in the BS583:2012 as:

3.10 structure

manufactured object, such as a building, carriageway, path, wall, service run, and built or excavated earthwork

There has been no demonstration on how the trees can remain viable or any proposed mitigation measures to improve the soil environment cannot be demonstrated.

There has been no feasibility study to show that this would be acceptable to use a ‘no-dig’ solution.

- 2.29 Para 5.15 Not all veteran trees have been classed as ‘Veteran’ by Mr. Alder on site, My PoE refers to notable and veteran trees recorded with a stem diameter of over 90cm dbh which have not been given this status but which I class as Veteran or category ‘A’,

T127 is a veteran oak tree which Mr. Alder considers requires work and therefore is affected by this proposal.

Mr Alder says that he confirms that no veteran trees and no category A trees will be affected by the proposal. However:

T166 Veteran tree RPA impacted by the Cycle path/Emergency access/proposed outfall in Drainage.

T146 A grade tree RPA impacted by Cycle path

T145 A grade tree RPA Impacted by the Cycle path

T143 A grade tree RPA Impacted by the Cycle path

T59 A grade tree RPA Impacted by the Cycle path

T57 A grade tree RPA Impacted by the cycle path

T31 – Veteran Oak RPA impacted by the Cycle path

T114 A grade tree RPA Impacted by the main Road

T222 Offsite oak tree or veteran characteristics potentially impacted by the access road

Therefore, Mr Alder cannot confirm that no veteran or A grade trees will be affected.

- 2.30 Para 6.5 and 6,7 and 6.9 and 6.12 CA Notwithstanding that it is not agreed that ancient woodland will be retained and protected in accordance with government advice, the Council policies refer to protecting, conserving and enhancing not just retain and protect.

This conflict with Policies CS14, CS17, CS18 and CS19 of the Core Strategy. These policies together seek development that respects and enhances the character and appearance and biodiversity of the area, conserves landscape character and avoids the loss of green infrastructure.

Furthermore, fragmentation of the woodland through the removal of hedges and group of trees is omitted from any consideration in the evidence.

- 2.31 Para 6.14 CA The TPO was amended to reflect the concerns raised by the appellant and it has been confirmed. It is noted that this appears to be the only matter of concern in relation to RfR 8.
- 2.32 Para 6.16 CA There are still significant concerns relating to the impact of the SuDS on loss of Ancient Woodland RPA Veteran Trees and on TPO'd Trees and it is noted that this has not been considered in any detail by Mr Alder.
- 2.33 Para 6.18 CA As set out above, the TPO has been amended and confirmed, a copy has been sent to the applicant, taking into account the objections they raised.
- 2.34 Para 6.19 CA The amended plan is welcomed but needs to be finalised and a full assessment of the impacts of the ancient woodland, ancient tree and veteran trees

needs to be taken into account with the potential of the impact of the school and future pressure to reduce the risk to the pupils.

- 2.35 Para 6.20 CA Again 'Managed by pruning' is not specific in terms of tree work and could mean anything. The risks of failure are not quantified and it is my view that it could be retained for conservation value.
- 2.36 6.21 T31 is a veteran tree and the Existing public footway/cycle way 'Upgrade' will have a direct impact on the RPA of this tree.
Along with other veteran trees which will be directly impacted as part of the wider scheme Warren Road access
The effect of the conveyancing channels and SuDS basins and outfalls have not been considered or even commented on directly impacting the ASNW and Veteran trees.
T76 will be retained but the design of the Valley Crossing will impact on the ASNW Barn Copse and require the removal of the green link between two ASNWs.
- 2.37 Para 6.22 CA The TPO has been amended and confirmed, a copy has been sent to the applicant, taking into account the objections they raised. The proposed development will harm ASNW and Veteran Trees as shown in my PoE and rebuttal by the applicant not considering the impacts.
- 2.38 Para 6.24 CA This para refers to "ongoing design" i.e. this design has not been finalised. Furthermore, it has not been fully considered by the council or other stakeholders. On the information that was submitted with the application and the subsequent 'Wheatcroft' information, RfR10 still stands.
- 2.39 Para 6.26 CA is content that the woodlands will not be detrimentally affected by the drainage.

The SuDS basins, the conveyancing channels and the outflows have been located within the 15m root protection areas of the ASNW sites. Further details are in the section 3.0 below and covered by my colleagues in drainage and ecology.
- 2.40 Para 7.1 CA: Mr Allder appears to suggest that simply because the site has been allocated, there will "inevitably" be "loss of some trees across the site". The allocation does not "inevitably" lead to harm to ancient woodland, harm to LSW, loss of veteran trees, loss of hedgerow and green infrastructure and widescale loss of trees with amenity and biodiversity value. Unfortunately, the lack of holistic approach to the design of the scheme results in harm to areas and trees that should be protected. The "ongoing design" with potential iterations still to be submitted demonstrates this point. The fact of allocation does not equate to this level of loss or harm and para 7.1 is an unfortunate indication of how design has been approached.
- 2.41 Para 7.2 CA Mr Allder focuses on BS5837. However, this is not the only guidance. There are development plan policies, national policies, NPPG guidance and NE & FC standing advice. The loss and harm that will result means there is conflict with all of the above.
- 2.42 Para 7.3 CA As the site is within the Biodiversity Opportunity Area retention of the trees are a material consideration for conservation value and should be assessed accordingly in the BS5837.
- 2.43 Para 7.4 CA Because of the lateness of additional information, I have not been able to fully consider the latest design review. However, whilst it may not

impact on 'existing' amenity, it will likely have a significant impact on future amenity site where there is significantly higher number of people. The future impact of the development is relevant which does not appear to feature as part of the appraisal/assessment.

2.44 Para 7.5 CA I do not agree that no veteran trees or areas of Ancient Woodland will be lost or detrimentally impacted. For the reasons set out, there will be veteran trees and Ancient Woodland detrimentally impacted. These are irreplaceable and the proposals do not conserve, protect or enhance.

2.45 Para 7.6 CA No evidence is provided of any acceptable or unacceptable impacts. My original PoE at least considers the same and the further evidence of impacts can be found in the CD17.3

- The 'fell or pollard' tree work is ambiguous and give rise to multiple different tree work operations. Tree work specifications should be clear and unambiguous.
- Retention of trees in their latter stages of their life cycle is essential in attaining the conservation value trees provide.
- Removal of deadwood over footpaths? No need, careful assessment and potential future risk should be a factor rather than at this early stage?

3 Flood risk, foul and water supply Proof of Evidence – Lee Wilts (Tree Issues)

3.1 The information contained in the PoE by Mr. Wilts is incorrect in the drainage strategy:

Drainage Strategy APP/17

Technical Note 10 states:

2.2 *In accordance with GOV.uk guidance and the Woodland Trust Planning Manual for Ancient Woodland and Veteran Trees (2019), SuDS can be placed within a buffer as long as it avoids the root protection zones and does not impact the hydrology of the woodland.*

2.3 *Conveyance swales placed within the buffer zones can be lined to remove any risk of infiltration which will allow untreated surface water to find its way into the water table.*

3.1 The Standing Advice from the FC/NE guidance has been checked directly with the FC (see email attached in appendix 1). The guidance states:

15m buffer remains the minimum for ancient woodland to protect the roots irrespective of the size of the trees. It remains the case that buffer zones (specifically the 15m zone) **should not** contain SuDS or services, and should be comprised of semi-natural habitat.

Veteran or Ancient Trees should be 15x the stem diameter and **should not** contain SuDS or Services and should be comprised of semi-natural habitat.

This means that SuDS cannot be placed within a 15m buffer.

Option 1

- a new conveyance channel cuts through an area of un-named ancient woodland to the west of Slockett's Copse (also affecting RPAs of notable trees) causing loss of ancient woodland an irreplaceable habitat.
- This option is therefore unacceptable in terms of loss of ancient woodland and Veteran Tree identified as T166 tree RPA will be directly impacted by the outfall proposed and the SuDS basin.

Option 2

- a new SuDS basin is located to the SW of Slockett's Copse affecting its 15m buffer and tree RPA.
- this basin is along the stream to the SW of Slockett's Copse between the stream and the ancient woodland.
- a new conveyance channel leading to this SuDS basin adjoins the NE corner of the un-named ancient woodland to the west of Slockett's Copse bisecting its 15m buffer & a veteran tree identified on the plan as T166 tree RPA will be directly impacted by the outfall proposed and the SuDS basin.

Neither option avoids impact to ancient woodland or veteran trees.

4.0 Conclusion

- 4.1 As a result of this proposal, the Ancient woodland, ancient and veteran trees on the site will suffer irrevocable damage from disturbance, fragmentation and increased recreational pressure, the mitigation in terms of the buffers is minimal especially around Crooks Copse, Slockett Copse, Slockett Copse West (small section of ancient woodland). As a result this will lead directly to the deterioration of an irreplaceable habitat.
- 4.2 The future pressures of urban development in and around ancient veteran and notable trees has not clearly been considered fully.
- 4.3 From the evidence already in the AIA there is significant tree work already proposed and this will only intensify in the future as the trees age and go into different stages of their life cycle.
- 4.4 The increased pressure from residents to carry out unnecessary tree work to 'manage' the tree/s to 'fell' or 'pollard' in terms of 'H&S' and reducing the 'risk' of 'deadwood' or to make 'safe'. This will cause the loss and deterioration of the irreplaceable habitats.
- 4.5 All deadwood habitats on the trees should be retained where possible for the benefit of the deadwood invertebrates and associated species.
- 4.6 The proposal will also result in the extensive loss of trees and hedgerow along Monks Lane without satisfactory strategic mitigation, to the detriment of the amenity, visual quality and verdant character of this important thoroughfare street scene.
- 4.7 The proposed development will cause harm to a number of irreplaceable priority habitats comprising ancient and veteran trees and a number of other important trees that are the subject of a TPO, without satisfactory justification and or mitigation. The proposal is therefore poor, unacceptable and inappropriate and contrary to Policies CS17 and CS18 of the West Berkshire Core Strategy Development Plan Document (Core Strategy, adopted July 2012); and the Strategic Objectives and Development Principle L4 of the Sandford Park SPD (adopted March 2015) and guidance in the NPPF.



[REDACTED]

Subject: FC/NE Standing Advice Clarification on buffers in Ancient Woodlands

This Message originated outside your organisation.

[REDACTED]

I am trying to seek clarification on the standing advice you provide with regard to buffer zones around ASNW:

My understanding is that:

All ASNW should have a minimum 15m buffer zone to protect the roots of the trees, irrespective of the size of the trees within the woodland.

Within this 15m zone there should be no SuDs as this is within the RPA of the ASNW.

If the buffer zone is greater than 15m then SuDs would be acceptable outside the 15m.

Please can you confirm my understanding is correct, as this impacts a planning decision I am involved with?

Kind regards,

[REDACTED]

Andrew Giles

Senior Tree Officer

Environment Department West Berkshire Council Market Street Newbury RG14 5LD

[REDACTED]

[REDACTED]

Kind regards

Andrew Giles

Senior Tree Officer

Environment Department West Berkshire Council Market Street Newbury RG14 5LD



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