

**REBUTTAL PROOF OF EVIDENCE OF SUSAN DEAKIN: ECOLOGY**

**ON BEHALF OF:**

West Berkshire Council

**IN RESPECT OF:**

Section 78 1 (a) appeal against the refusal of planning permission by Bloor Homes and Sandford Farm Partnership against the Refusal of Planning Permission by West Berkshire Council on the Application for: *“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”.*

**PINS REF:** APP/W0340/W/20/3265460

**LPA:** West Berkshire Council

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## 1 INTRODUCTION

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1.1.1 My name is Susan Elizabeth Deakin, I am a Chartered Landscape Manager and Ecologist and am employed on a consultancy basis by Liz Lake Associates, Landscape Architects and Environmental Consultants.

1.1.2 Liz Lake Associates have been retained by West Berkshire Council to provide advice with respect to Ecological and Landscape matters pertaining to Sandford Park. This Rebuttal Proof of Evidence follows on from my Proof of Evidence relating to Ecology and addresses issues raised in the Appellant's Proof of Evidence on Ecology, provided by Mr David West. Further rebuttal is provided in response to Mr James Hindes Proof of Evidence on Education and Mr Witts Proof of Evidence on Flood Risk, Foul and Water Supply, as they pertain to Ecology.

1.1.3 I confirm that the evidence which I have prepared and provided for this Appeal is true to the best of my knowledge and belief and that the opinions expressed are my true opinions given in accord with my professional standing, qualifications and experience.

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## 1.2 Purpose and Scope of Evidence

1.2.1 This Rebuttal Proof of Evidence has been prepared in response to Appeal APP/W0340/20/3265360 by Liz Lake Associates (LLA).

1.2.2 This document is written in response, primarily, to the proof of Mr West. The fact that the rebuttal does not seek to respond to each point by Mr West should not be taken to mean that there is agreement on these points.

1.2.3 There follows in Section 2 a point-by-point review of Mr West's Proof of Evidence with reference to his headings and paragraph numbering. In Section 3 a review of Mr Hinde's Proof of Evidence on Education is provided in so much as it pertains to

ecological matters, with a review of ecological concerns raised by Mr Witts' Proof of Evidence on Flood, Foul and Water Supply outlined in Section 4.

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## 2 REBUTTAL ECOLOGY PROOF OF EVIDENCE

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### Introduction

- 2.1.1 The following review of the Appellants Proof of Evidence on Ecology highlights a number of uncertainties and errors relating to the additional information and assessment provided and aspects concerning interpretation of the data. These include issues of serious concern, such as the under-assessment and disregard of habitat fragmentation and irrevocable long-term damage resulting from human impacts and conversely the likely over-estimate of ancient woodland buffer provision and the potential for achieving Biodiversity Net Gain. These issues and concerns are discussed below and summarised in the final section.

### Summary of Mitigation 2.3

- 2.1.2 2.3.3 refers to the loss of 0.03ha of HPI grassland to accommodate the valley crossing. It is not clear whether this refers to loss of Purple Moor Grass and Rush Pastures HPI, or more generally to marshy grassland. The original submitted BNG (Table 5) (CD 1.9) states 0.056ha loss of marshy grassland and Section 5, conversely states 0.56ha loss of marshy grassland and does not refer specifically to loss of the HPI grassland. Table 7 and Section 5 of the BNG refer to 0.03ha loss of acidic semi-improved grassland (the location of which is not shown on the Phase 1 Habitat Plan). These inconsistencies or errors could lead to overall errors of judgement by the ecology witness.
- 2.1.3 The loss of marshy grassland to accommodate the 2 valley crossings and SuDS basins, conveyance channels and surfaced trails in the valleys is substantial and may have been significantly underestimated. The Appellant has failed to undertake a re-assessment of this loss which, in the light of 'Wheatcroft' amendment options for the valley crossings (CD6.3) and three more recently submitted alternative schemes for the surface water drainage schemes (APP 17), is required. In addition, no provision has been accounted for in relation to the incremental and unassessed damage and erosion of vulnerable wetland habitat over time due to pressure of human use.

- 2.1.4 2.3.5, 2.4.9 and 2.5.2 Overall Project level Biodiversity Net Gain (BNG) cannot be achieved if harm to Ancient Woodland / veteran trees will result. This is recognised in the 2019 NPPF (CD 8.1). The Appellant has repeatedly sought to indicate that there will be no harm to Ancient Woodland or veteran trees as a result of the scheme, either through direct losses or damage, or indirect and longer-term effects of the development, and thus that Project level BNG can be achieved. The evidence and my experience combine to indicate that this will be the case in a scheme of this magnitude, that has not been afforded generosity with respect to safeguarding ancient woodland and other ecological interests.
- 2.1.5 There will undoubtedly be incremental but inevitable, long-term harm to these irreplaceable habitats through (but not restricted to) inadequate buffer provision and inappropriate use of buffers, fragmentation of woodland habitats, adopting a tree management regime that favours public health and safety (and other concerns such as shading of buildings), over ecological interests and cumulative adverse edge effects and recreational impacts. Such impacts are caused by imposing large scale residential development (and associated infra-structure) in excessively close proximity to six Ancient Woodlands (all also of Local Wildlife Site (LWS) status), another small area of Ancient Woodland (Slockett's Copse West) and a further LWS woodland and also fitting between ancient, veteran and other notable trees. A less over-bearing scheme reflecting the recent upgrading in national planning policy with respect to protection of irreplaceable habitats, could have addressed such concerns in a more sympathetic and acceptable manner.
- 2.1.6 With specific reference to 2.5.2, neither the submitted BNG (undertaken using the 2012 Defra metric) (CD 1.9) nor the latterly submitted amended BNG (Biodiversity 2.0 metric (2019)) is fully accepted, due to the inclusion of ancient woodland in the assessments. As set out by Natural England (Key Principle 4, The Biodiversity Metric 2.0 User Guide (2019)) neither the original Defra BNG metric, nor the updated Biodiversity 2.0 metric (Natural England) should be used to measure impacts on irreplaceable habitats (including ancient woodland and veteran trees) due to the inability to compensate for losses / harm to these habitats and their inhabiting species over time, in a reasonable time-frame and these should thus be assessed

separately. I.e. it is not possible to demonstrate BNG or 'No Net Loss' if irreplaceable habitats are lost or harmed.

- 2.1.7 2.3.6 Despite the stated intention for mature trees and hedgerows to be retained where possible, there is a reasonably substantial loss or impact on notable mature trees (including some of veteran potential and value for bats and other wildlife) and loss and fragmentation of hedgerows, including those of dormouse potential, some of which is not accounted for eg southern Park House School access, hedge east of Crook's Copse link and potential road access to the DNH land. In addition, recreational disturbance and proposed managed works to veteran trees to allow their retention, will not necessarily perpetuate their valuable deadwood habitat or notably their barn owl, bat and other wildlife interests. With respect to impacts on barn owl roosts, this is admitted in Appendix F5, ES Vol 3(CD 1.9) Such works would not be required in the 'do-nothing' situation, without the pressure of public H&S risks. The combination of direct loss and damage and predicted ongoing future loss and damage, due to ongoing management requirement, would lead to incremental and unassessed decline in ecological value. This is not assessed or accounted for.
- 2.1.8 2.3.7 states that SuDS will treat all surface water prior to discharge to watercourses or ponds and that this will minimise impacts on springs / seepages. Whilst this is accepted, other hydrological impacts including possible alteration in flow patterns caused by the conveyance channels and changes to ground water levels affecting marshy grassland and ancient woodland, remain of concern. This is discussed in more detail in Section 4 below and in Mr.Bowden's Rebuttal.
- 2.1.9 2.3.8 Whilst the intention is to minimise lighting, it is likely that for H&S reasons lighting may be required (at this or a later stage) at strategic locations eg southern school access (affecting dormouse potential hedgerow and 2 veteran trees with bat roost potential), the northern end of Slockett's Copse (T114), proposed road access to DNH land and the upgraded footpath / cycle path (affecting LWS woodlands Gorse Covert and Waterleaze Copse), to the detriment of bats, barn owls and other nocturnal animals. This is not assessed or accounted for.

2.1.10 2.3.9 The stated 30m buffer to main badger setts is not respected – the SLGIP (CD 1.21) shows a footpath and interpretation board located within 30m of the only main sett on the site and the LEAP play area is also within close proximity.

2.1.11 2.3.11-18 For reasons touched on above and others set out in my PoE, I strongly disagree that significant beneficial effects will be achieved on the Site, particularly regarding barn owls, bats and hazel dormice. To the contrary, it is my opinion that harm will occur.

#### **Planning History 2.4**

2.1.12 2.4.2 the 2018 BSG Ecology review of the application pre-dates the 2019 revision of the NPPF (CD 8.1), which, as noted above, places a higher degree of significance on irreplaceable habitat than the previous NPPF. There has therefore been a change in emphasis in national policy. The BSG review was initial and brief. The ecological implications of the scheme have therefore, in the intervening 3 years, rightly, been subject to further scrutiny by the LPA Principal Ecologist and myself.

2.1.13 The subsequent more detailed appraisal indicates that the uncertainties raised in the BSG review (including those relating to hydrology and ancient woodland) which could *'be addressed through detailed design and management prescriptions'*, cannot necessarily be addressed in this way. The initial BSG review also noted concerns and stated in relation to CS3:

- *Crook's Copse is notable by the extent it will be bordered by new development and as such is most at risk from the impacts of urbanisation.*
- *Consideration should be given to improving connectivity for wildlife between the woodlands, managing public access and protecting the woodland edges'*

2.1.14 These matters remain of concern. The need to extend a fully functional semi-natural buffer of width exceeding 15m (say 20- 30m) totally encircling Crook's Copse, should be seen as a minimum. This would help retain an element of complementary woodland edge habitat and help to achieve ecologically functional connection with nearby hedgerows and the wider landscape. The current development scheme is over-bearing given the ecological sensitivities and status of the Site.



2.1.15 Further, with respect to the superseded NPPF (2012) (which placed less emphasis on protection of, for example, ancient woodland), the BSG initial review highlighted concerns in relation to ancient woodland and stated:

- *uncertainty relates to deterioration of ancient woodland as a result of increased visitor pressure and proximity of urban development.*

2.1.16 Furthermore, in conclusion, the BSG review highlighted areas of uncertainty and concern relating to:

- *Impacts on ancient woodland ground flora and protected species from visitors and the effect of urban development with increased density of domestic pets, in particular cats.*

#### **The SPD 2.5**

2.1.17 2.5.3 Whilst I agree that certain matters relating to detailed mitigation can be appropriately dealt with at Reserved Matters stage, other more fundamental issues affecting ecological sustainability, that involve master-planning and design, such as width of buffers, access provision, habitat fragmentation and the impacts of SuDS installations, need to be addressed at this stage.

#### **Statement of Common Ground 2.6**

2.1.18 2.6.6 ref 2.1.14 above.

#### **Reason for Refusal 8 3.0**

2.1.19 3.1.5 (also see Appendix review below and further discussion relating to calculated buffer widths) I contend that a minimum 15m buffer remains insufficient in strategic locations where development borders ancient woodlands (without clarification from the Appellants as to why a more generous buffer would not be appropriate, as set out in the Standing Advice (CD 8.31)). The use to which the buffers will be put also requires clarification. The SLGIP (CD 1.21) indicates the Sandleford Mile, other trails and dedicated (including hard surfaced) recreational routes within ancient woodland buffers, the SuDS installations (including latterly submitted new options, provided in Mr Witts' Proof of Evidence APP 17), and in some places road/bridge infra-structure and housing development itself, also compromise the buffers and /or result in direct

loss of ancient woodland. This is unacceptable and too fundamental an issue to be dealt with at the Reserved Matters stage because the spatial arrangement of the development and associated necessary infra-structure, currently and demonstrably, have an 'over-tight' juxta-position with irreplaceable habitat, such as to cause harm. This is non-compliant with the recent NPPF (CD 8.1) and therefore needs to be addressed now as a master-planning issue.

2.1.20

In 3.1.6 the Appellants seek to demonstrate that existing margins to ancient woodland are generally substantially less than those that would be provided by the development scheme. However, there is lack of consistency in this respect and the text in 3.1.6 describes existing margins to cultivated ground as of width 1-2m, whereas the plan in Appendix A of the PoE (Figure 3) refers only to 1m margins. In calculating the difference between the width of existing and proposed buffer zones, it is not clear which figure has been used. It should be noted that, on the ground, these margins are actually more extensive in places. In this respect it is also relevant that whilst agricultural buffers might generally be much smaller and there are acknowledged edge effects associated with agricultural land use (e.g. fertiliser runoff), the need to buffer against the multitudinous effects of adjacent housing is substantially greater and buffers need to be sufficiently wide and to provide a functional ecocline, to properly absorb potential impacts and prevent harm.

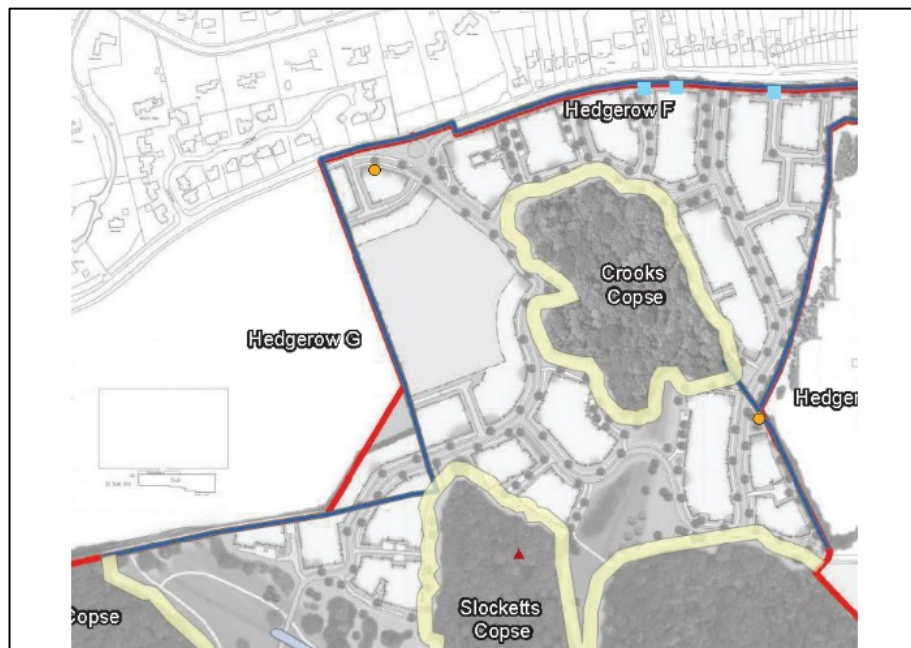
2.1.21

3.1.7 refers to existing and proposed ecological linkages between the woodland parcels as shown in Appendix A of the PoE. There are material errors and omissions in various of the plans and text as follows:

- It is stated that there is no significant existing vegetated connection between Crook's Copse and High Wood and Slockett's Copse. However, as shown in the Constraints Plan (EMMP Appendix F18 of the ES, CD 1.9), there is hedgerow / other vegetated boundary around the northern site perimeter externally linking or virtually linking, these 3 woodlands (and also linking with Barn Copse), such that this linkage is shown as 'Hedgerows with potential for dormouse'. The scheme proposals would create substantial gaps in this connection (caused by road junctions and crossings and other built development), eliminating the connectivity.

- Figure 10 in Appendix A showing existing linkages is misleading, as it omits a strategically important short section of existing hedge linking the SE corner of Crook's Copse to this peripheral vegetated link, which will be lost to the development (see Figure 1).

**Figure 1 Extract from Constraints Plan (EMMP Appendix F18, ES Vol 3 CD 1.9)  
Existing Hedgerow Linkage to Crooks Copse.**



- Whilst there are no existing hedges linking High Wood with Slockett's Copse, the narrow valley comprising semi-natural, marshy grassland habitat with a partially vegetated stream corridor, provides useful adjunct habitat effectively linking the two woods and any loss of this ecocline habitat caused by new infra-structure would be to the detriment of the adjacent woodlands. Any new scheme of landscaping either side of the Crook's Copse link, may serve in part to off-set some of the adverse impacts of the new link road (including the need to off-set significant level changes through engineering works) but will neither fully compensate for this significant habitat fragmentation nor provide a continuous wooded connection between the woods. The installation of SuDS structures and recreational routes and a LEAP play area will increase urbanisation and fragmentation further.

- See also my response to 2.1.54 below which sets out errors in the post-development linkages assessment.

2.1.22 3.1.8 refers to drainage issues and an assessment of the arrangement of watersheds / flows within the site. Whilst Crook's Copse may not include wet woodland per se, it does include a central water course and peripheral areas of wet habitat and the most diverse woodland flora of all the woods at Sandleford. It is also the most impacted as in the scheme it is encircled by development. It is likely to be subject to alteration of the existing surface water runoff regime, is vulnerable to hydrological change to the long-term detriment of the woodland ecosystem, as set out in Mr Bowden's Rebuttal and discussed in outline in Section 4 below. Mr Bowden also addresses the Appellants' failure to assess the effect that the proposals will have on ground water levels, through, amongst other reasons, the cutting in of conveyance channels and basins into the valley ecosystems between closely placed areas of ancient woodland. This again, is a fundamental master-planning issue (already subject to several new SuDS options submitted with the PoE of Mr Witts, APP 17) such that cannot not be readily rectified by Reserved Matters.

#### **Reason for Refusal 11**

##### **4.2 Habitats**

2.1.23 4.2.2 states, in relation to recreational impacts on ancient (and other LWS) woodland *'It is proposed to allow public access (as preventing access is unlikely to be successful) along existing tracks which have been identified as the areas of lowest value by detailed botanical survey. . . Therefore, no significant adverse effect on the ancient woodland parcels is anticipated'*. This raises two important issues that cast doubt on the Appellants' argument that ancient woodland will not be harmed by the development:

1). An admission that preventing access to woodland is unachievable in the proposed urban setting. This poses particular concern regarding Crook's Copse (the most vulnerable of the ancient woodlands) which is surrounded by residential and other built development including a school and roads and which will undoubtedly provide a

lure for unofficial access by children and other residents and (as acknowledged) preventing access is unlikely to be successful;

2). Restricting woodland access to the designated footpaths is likely to be impossible. Unrestricted access may be discouraged but cannot be policed 24/7 and harm will arise.

The resulting damage and disturbance to ancient woodland is not assessed or accounted for.

- 2.1.24 4.2.4 refers to no lighting of the proposed playing field in the school expansion land which is welcomed but does not consider the likely need for lighting the proposed southern school access, to fulfil H&S obligations. This may impact on the ecological interests (bats) of retained veteran trees (T31 and T33) adjacent to the access.
- 2.1.25 4.2.6 refers to the main central valley crossing and the update of the BNG assessment provided in Appendix B of the PoE. However, this fails to include adequate assessment of loss of marshy grassland (through embankment construction) to the various crossing options.
- 2.1.26 4.2.9 discusses impacts on riparian / fluvial habitats but fails to consider likely recreational damage to the two streams on site and associated boggy ground /marshy grassland habitats centred on the water courses, including Purple Moor Grass and Rush Pasture Habitat of Principal Importance (HPI). This likely long term and incremental habitat loss and/or deterioration or requirement for path surfacing / board walks, causing additional habitat loss has not been assessed.
- 2.1.27 4.2.12 refers to secondary and lowland mixed deciduous woodland (assumed to include ancient woodland) in relation to the latterly submitted updated BNG assessment (provided for the first time in Appendix B of Mr West's evidence) based on the 2019 Biodiversity 2.0 Metric. This Metric places greater emphasis on condition criteria and adverse impacts e.g. recreational disturbance. Reference is made to the inclusion of a Country Park Ranger to increase the level of confidence in regard to managing woodland disturbance and how the target condition can be achieved through management regardless of recreational pressure. However, as

outlined in 2.1.3 above and clarified in Natural England guidance concerning the 2019 Biodiversity 2.0 Metric, ancient woodland should be excluded from the metric, as being an irreplaceable habitat, measures to improve the condition of ancient woodland cannot be legitimately included in the calculation, as the habitat cannot be replicated in any projected time-frame. In this respect conservation management for ancient woodland / compensatory woodland planting should be separately reported and not form part of the BNG calculations.

#### 4.3 Species

- 2.1.28 4.3.2 re **bats**. As noted in 2.1.4 above, the need to undertake remedial works to veteran and other notable trees to ensure public H&S, has potential to reduce bat habitat, both now and/or in the future. This could cause incremental harm to the on-site bat population and irreplaceable veteran trees.
- 2.1.29 4.3.3 and 4.3.4 notwithstanding efforts to reduce main valley crossing lighting impacts on bats, there has been inadequate bat activity survey for areas affected by the 2 valley crossings (including the additional 'Wheatcroft' proposals, CD6.3) to fully inform the proposals, which is unacceptable. As stated in 4.3.4 most bat species typically navigate using features such as tree lines, hedgerows and woodland edges.
- 2.1.30 The proposed main valley crossing will sever the substantial hedged tree belt between Barn Copse and Dirty Ground Copse, which is likely to be used as a foraging / commuting route by bats. Following bridge installation bats are likely to be vulnerable to vehicular mortality / lighting impacts, through attempting to continue use of their established route. If the open space beneath the bridge ranges from 0-5m (mainly 4-5m) and most bats fly at 0-4m above ground level, then there is scope for likely adverse impact. Other species of bats eg the uncommon Barbastelle bat tend to fly at tree top height along woodland edges / tree lines and also low over water. As the main valley crossing dissects substantial tree lines on both the eastern and western sides of the valley and over-flies a reasonably well vegetated (although in 4.3.4 it states that the vegetation in the valley is sparse) watercourse, there is likely to be scope for harm to bats colliding with vehicles using the bridge or abandoning former foraging and commuting routes and this will reduce ecological

functionality. There are similar concerns with respect to the Crook's Copse crossing for which there has been a similar failure to assess or account.

- 2.1.31 4.3.6 with regard to **reptiles**, much of the significantly increased extent of proposed habitat for reptiles, will be susceptible to disturbance by recreational use /dogs in the Country Park.
- 2.1.32 4.3.8 **skylark** and **lapwing** mitigation is not contentious but given the scale of the site a more generous approach (combined with reptile mitigation) could have been adopted, including off-site, off-set which does not appear to be included in the updated and latterly submitted EMMP in the Appellants PoE. This is unlikely to be possible to achieve at Reserved Matters stage due to the likely requirement for a commuted sum to facilitate.
- 2.1.33 4.3.12 the ES conclusions that the scheme results in a significant beneficial effect on hazel dormice due to extensive new habitat creation, is seriously questioned. There will be substantial loss of / severance of hedgerows with potential for dormouse use and consequent fragmentation effects on the fragile dormouse population on site. Retained habitats will also be subject to disturbance effects and there are delay issues regarding the maturation of mitigation and compensation planting. All the three hedgerows with dormouse potential (see Constraints Plan, EMMP (CD 1.9), that link with Barn Copse (the only woodland with recorded dormouse inhabitation, in the latest (2019) update survey), are to be lost / severed but none of these severance effects are admitted in Appendix A of the Appellants' Ecology PoE or shown in Figure 11. The dormouse population will therefore likely be isolated within the wood and suffer decline and possible extinction. In this respect the substantial habitat creation in the southern extremity of the site, building upon the edge of Waterleaze Copse (a partially wet woodland with some areas less suitable for dormice, with no connections to Barn Copse) will not be likely to benefit dormice either in the short or longer-term.
- 2.1.34 Whilst dormice have recently been shown to cross gaps in hedgerows and small roads and even larger expanses of open land (Chanin 2012 and Mortelliti et al.2013, as referenced in Mr West's evidence), it is generally acknowledged (including in

Appendix A of the Appellants' Ecology PoE), that dormice are *dependent on linkages for their populations to function*' and that dormice prefer to be arboreal and are averse to gaps. It is difficult to imagine that the small and tenuous population of dormice on site will thrive, given the need for animals to cross both large and small gaps created by the development and occupied by human activity, combined with the threat of road mortality, vulnerability to cat and raptor predation etc. The mitigation proposals set out in Appendix F10 (Dormice) Vol 3 of the ES (CD 1.9) '*where hedgerows are required to be bisected by roads or footpaths, it is recommended that tall trees will be planted either side of the breaches to create a vegetated arch to maintain connectivity for dormice*'. This statement acknowledges the need to maintain connectivity but the mitigation proposal, whilst it may help with footpaths, will not be possible for larger gaps, such as roads, bridges, junctions or newly created school amenity land. As dormice are extremely vulnerable and are European Protected Species (EPS), the failure of the scheme proposals to provide a sufficiently robust solution to dormouse conservation is not acceptable.

2.1.35 4.3.14 with regard to badgers the Appellants fail to assess the potential for badger mortality caused by the at-grade Crook's Copse crossing (CD 6.3). This route is close to the main badger sett on site and whilst as stated, the majority of available foraging habitat might well lie to the south and the east, there is long evidence of badgers using Crook's Copse (which includes disused and active setts), to the north. Unless the crossing is fenced in its entirety (which would restrict public access to the nearby LEAP and the wider Country Park) and badgers only allowed to use the proposed crossing point located in the stream culvert by means of ledges, the risk of badger mortality as animals attempt to access their traditional territorial links to Crook's Copse, is high. If badger foraging is removed from Crook's Copse this will lead indirectly to reduced floral and faunal diversity, through the reduction in intermittent ground disturbance. Whilst this may not be seen by the Appellant as a significant conservation issue, it is an issue of badger welfare and relevant to the legislation (Protection of Badgers Act (1992) and harm will be done.

2.1.36 4.3.16 I am aware that T34 is not a confirmed barn owl nest but as shown on the Constraints Plan (and elsewhere) it is a confirmed barn owl roost. Whilst the latest



iteration of the proposed school expansion area playing field avoids the 30m no-development zone around this tree, the intensive recreational and ancillary land uses will likely eliminate any future potential use of this ancient tree by barn owls (as noted in the latterly submitted EMMP). In addition, the concerns expressed above in relation to H&S generated remedial works to veteran and other notable trees, including those with confirmed or potential use by barn owls, stand.

#### **Other Matters 4.4**

- 2.1.37 4.4.2 relates to air quality; the potential impacts of reduced air quality due largely to vehicular emissions in particular to particulate deposition, have not been sufficiently assessed. In this regard the lack of assessment at the Crook's Copse and other woodland receptors is remiss, particularly as stated in 4.3.8 of the PoE, the Appellants concur that *'air quality impacts only have the potential to be significant within 200m of roads'*. As Crook's Copse (the woodland with the most biodiverse woodland flora) is virtually encircled by roads, numerous junctions and a school, most of which are located 15-20m from the ancient woodland boundary, this must be acknowledged as a source of adverse impact on the irreplaceable habitat. Parts of High Wood, Slockett's Copse, Barn Copse and Dirty Ground Copse are similarly close to new roads.
- 2.1.38 4.4.8 regarding BNG, the Appellants suggests that habitats will not necessarily be degraded by the proposed development or 'general intensification', because the management measures to be put in place to achieve set target levels of habitat condition will be met and maintained. Notwithstanding that the ancient woodland should not be included in the BNG metric, this reliance on management measures to achieve target levels of habitat condition is over-optimistic. Whilst mitigation, management and habitat creation measures have the undoubted potential to provide habitat improvement, the long-term impact on ancient woodlands in particular, through various means, noted above and discussed in more detail in my PoE, remains insufficiently assessed or acknowledged and is likely to be significant, such that damage is tantamount to loss of ancient woodland. Localised ancient woodland losses caused by SuDS installations, path / boardwalk installation and possible

localised installation of conveyance channels remain unassessed and unaccounted for.

- 2.1.39 4.4.9 refers to the updated BNG and the conclusion that the development will deliver a net gain for biodiversity. For this to occur (i.e. net gain at the Project Level), the assumption must have been made that there will be no loss or deterioration of irreplaceable habitat including ancient woodland. There will be inevitable deterioration of the ancient woodlands on site and thus there will therefore be net loss of biodiversity. This is not acceptable in terms of the 2019 NPPF (CD 8.1) which states (para 175c) '*development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused...*'.

### **Third Party Representations 5.0**

- 2.1.40 5.1 **Forestry Commission** (FC); the PoE refers to 'no objection' by the FC however, as a Non ministerial Government Department, their remit is to provide no opinion supporting or objecting to an application but to provide observations on development proposals within 500m of ancient woodland. It should be noted that in their representation, the FC also makes relevant observations in line with concerns also expressed by the Council, including the need to:

- Prevent encroachment into woodland buffers;
- Link woodlands to avoid them becoming ecological islands, less resilient to the impacts of climate change;
- Avoid gradual deterioration of the irreplaceable national asset (ancient woodland)

- 2.1.41 The FC also remarks that the SLGIP (CD 1.21) seems unimaginative and that the provision of more new woodland could help reduce the net carbon cost of the development and reduce the pressure on the site's ancient woodland.

- 2.1.42 **5.3 Woodland Trust;** the Appellants have focussed on the loss of veteran trees T1, T34 and T127 (which we acknowledge are no longer to be lost in the updated scheme). However, within their statements of objection, the Woodland Trust also had concerns which remain unanswered by the Appellants, primarily to the expected deterioration of ancient woodland. They cite a wide range of disturbance and other impacts including scraping and translocating of woodland soil (as proposed in the EMMP CD 1.9) to accommodate access paths, thereby causing irreversible damage to ancient woodland soils constituting loss of ancient woodland and also loss of / damage to ancient woodland habitat resulting from the installation of boardwalks and surfacing of tracks.
- 2.1.43 **5.5 Berkshire Buckinghamshire and Oxfordshire Wildlife Trusts (BBOWT);** the BBOWT share my concerns with regard to the lack of retained arboreal connectivity between Barn Copse and the other areas of woodland post-construction, necessary to avoid harmful impacts on hazel dormice (EPS). BBOWT also refer to significant issues with respect to (but not restricted to) recreational impacts on Greenham Common SSSI; the lack of evidence as to why a 15m buffer is considered adequate protection to ancient woodlands and Country Park grassland management, that have not been addressed.
- 2.1.44 **5.6 SNTS (and 5.4 Peter Norman, spokesman for SNTS) and 5.7 Greenham Parish Council and Newbury Town Council,** the comprehensive and well evidenced PoEs provided by Peter Norman and Dr Chris Foster respectively, clearly demonstrate the extent of likely disturbance impacts and subsequent deterioration of all the ancient woodland at Sandleford Park, the lack of recognition of these impacts causing incremental deterioration of ecological interests and the over-bearing nature of the development.
- 2.1.45 Points of summary are generally addressed in rebuttal notes above and in relation to 6.1.6, I disagree that the appeal scheme accords with the SDP (in particular, Principles E1, E2 and L4), the NPPF and policies CS3, CS14, CS17, CS18, CS19 of the West Berkshire Core Strategy Development Plan Document (Core Strategy, adopted July 2012). These policies seek development that respects, conserves and

enhances biodiversity, rather than purely retaining and protecting species and habitats.

## **Appendix A**

- 2.1.46 **Minimising Visitor Impacts** Page 1, comparison of the ancient woodlands at Sandford with the 3 National Nature Reserve (NNR) woodland sites noted is not strictly relevant. Whilst 2 of the sites are close to urban development in part, the scale is completely different and in the Sandford case the visitor pressure from nearby Newbury would be topped up by 2500+ estimated residents' usage, both internally within and externally around the periphery of the woodlands. As far as I am aware none of these other woodland sites are subject to proposals for substantial new high-density housing. In comparison, for example, Crook's Copse at Sandford, is particularly susceptible to deterioration and damage due to its relatively small size and exacerbated 'edge effect' of impacts. Whilst no access is proposed to Crook's Copse (unlike the other woods within the High Wood Complex LWS), it is likely that this has been conceded due to the expectation that a combination of internal as well as external impacts on the ancient woodland would be one step too far, particularly given the paucity of the woodland buffer.
- 2.1.47 In relation to good practice for managing public access, reference is made to '*surface and drain pathways adequately... and in areas that have already been impacted on*' which would result in loss and damage (alterations to soil type and hydrology) of ancient woodland habitat and also admits that impact will occur, so it should be on areas already harmed.
- 2.1.48 It also states: '*try to encourage specialist users including campers, horse riders and mountain bikers to use specific areas or trails that form part of a pre-defined network*'. Such uses would rapidly result in deterioration to ancient woodland flora and disturbance to inhabiting wildlife and damage to irreplaceable habitat would be bound to ensue.
- 2.1.49 **Controlling Access** Page 2. The proposal to 'initially' fence the woodlands is insufficient; in order to prevent deterioration, the fencing should be long term. This section again refers to surfacing of paths and use of boardwalks. This will result in

effective loss of ancient woodland. If an overall path width of 2m+ is required (notwithstanding the re-use of existing keeper's paths in places) this could amount to a significant extent of habitat loss, which is not addressed in the BNG metric.

- 2.1.50 The description of existing paths and tracks in this section is not always accurately depicted in Figure 2, which adds doubt to the assessment. eg. Slockett's Copse – Figure 2 shows 3 paths and the text refers to only 2 in different locations.
- 2.1.51 **Wardening** Page 3. The suggested warden duties centre on such activities as *'stopping dens, camps, mountain bike tracks, clearing litter, tracking and removal of garden waste, removal of non-native species and discouraging vandalism'*. This is an admission that these activities are expected and a single warden will be unable to effectively control this given the extent and disparate nature of woodland habitat and the 24/7 nature of the problem.
- 2.1.52 **Buffer Zones** Page 3. Re existing buffers around the woodlands as shown in Figure 3 and described in the text as 1m adjacent to cultivated land (although as noted above, 3.1.6 refers to an existing buffer of 1-2m). Whilst this is correct in some locations, elsewhere the buffer extends up to 3m. The stated average buffer zone of 39.7m adjacent to development areas is not, as shown on Figure 5 (based on the SLGIP CD 1.21) and I would require sight of an accurate drawing to clearly demonstrate this, as it seems very far-fetched.
- 2.1.53 Our own calculations (based on measurement of the buffer as shown on the SLGIP (CD 1.21), with an additional allowance made for likely canopy spread based on the AIA extent of RPA for each wood, as canopy spread has not been provided in the AIA), may not be 100% accurate but nevertheless indicates that the average buffer width adjacent to development appears to be close to 15m in most cases, with some wider sections up to around 20m. However, of significant concern is the apparent provision of buffers less than 11m in width adjacent to parts of Barn Copse and Gorse Covert and less than 13m adjacent to part of Crook's Copse (in other wider sections the buffer is compromised by amenity uses including Trim Trail and Foraging Trail) and Dirty Ground Copse.

- 2.1.54 There is effectively no buffer adjacent to the northern tip of Waterleaze Copse due to the proposed footpath / cycleway upgrade and nearby engineered SuDS outfall (in some of the drainage Options). High Wood western buffer is substantially reduced through the proposed Sandford Mile trail located immediately adjacent to the woodland edge (presumably to avoid wet ground), along with proposed SuDS installations in some of the drainage Options. The buffer to Slockett's Copse and Slockett's Copse West is also adversely affected by SuDS installations in some of the drainage Options (see Section 4 below) and in part by a main hard surfaced recreational route.
- 2.1.55 Thus, the Appellants' repeated affirmation that buffers of 15m or more will be provided, appears to be incorrect and requires substantiation, as this is critical to the assessment.
- 2.1.56 Para 3 Page 4 states 71% of woodland edges adjoin cultivated land and 39% adjoin semi-natural habitat eg marshy grassland. This totals 110% which sheds doubt on the assessment.
- 2.1.57 Figure 3 of Appendix B (BNG) shows the proposed 15m+ buffers around ancient woodland throughout the site (except in some locations eg the southern part of High Wood), as Urban Amenity Grass. If this is correct it is entirely inappropriate and would fail to offer any protection to the ancient woodland and if incorrect it demonstrates a lack of accuracy / care in the assessment process and is concerning in itself.
- 2.1.58 Linkages between Woodlands Page 6. Reference to hazel dormice being able to cross roads and gaps of up to 106m (as discussed in 2.1.29 above) is contrary to conservation best practice and in the scenario presented at Sandford, where the dormouse population is small and fragile and new gaps will be infilled with busy roads and residential areas, any dependence on such experimental data lacks precaution and could be seen as irresponsible and is likely to result in adverse consequences.
- 2.1.59 Table 1 and Figures 10 and 11 make comparison between the number of hedge links between woodlands in the existing pre-development and proposed post-development scenarios. There are a number of errors which lead to a misleading result:

- Figure 10 (existing situation) fails to show existing links between Crook's Copse and the peripheral site boundary hedgerow, it also omits the woodland / tree belt link (via Slockett's Copse West) between Slockett's Copse and the peripheral hedgerow. As these important links will either be lost or severed by the development, this is a serious omission.
- Figure 11 (proposed situation) shows a link between Crook's Copse and High Wood, which is not accurate as this section of hedge will be severed by two new roads. If this is based on the Defra (2007) Hedgerow Survey Handbook definition of a gap being 20m, this does not apply in practice in a scheme such as this, when the gap is occupied by a road / development. Gaps will be created in the western hedgerow between Barn Copse and Gorse Covert for school access and the potential road to DNH land. Therefore, this link is not a real link and neither are the links shown between Dirty Ground Copse and Barn Copse, or Slockett's Copse and Barn Copse, or Crook's Copse and High Wood, which are all dissected by the Spine Road.
- In addition, new vegetated links between Slockett's Copse and High Wood and Dirty Ground Copse and High Wood whilst welcome, do not create as much 'added value' as they might do within say the development area or the wider open spaces of the Country Park, as they are located in areas of existing semi-natural marshy grassland, which effectively link between the valley side woodlands in any case.
- The updated AIA indicates the loss of H169 an important link between Dirty Ground Copse and Gorse Covert (given that the only other link between these woods is to be lost), which is shown as retained on Figure 11.
- Table 1 is therefore inaccurate and misleading. For example, 3 post development links are shown for Barn Copse (dormouse habitat) whereas in fact there will be none. Similarly, a post development link is shown for Crook's Copse, which will not exist.

2.1.60 The final para. states '*there is loss of one hedge*'. As a matter of fact, there will be loss of 3 major hedge sections (each of length 200m or more). In addition, there will be other significant gaps created in existing hedges, causing truncation and severance impacts. All these hedges which will be lost and/or fragmented, currently provide strong ecological connectivity and are recorded as hedges with dormouse potential.

2.1.61 This assessment (including the Summary notes on Page 9) is wholly misleading. The Appellant appears to consider that hedgerows bisected by spine roads, bridges, junctions etc. will remain as functional links. Whereas the number of linkages between woods will in fact be substantially reduced, causing unacceptable fragmentation and harm to the woodlands.

### **Hydrology**

2.1.62 Figure 13 appears to be new information and as determined by Mr Bowden, is in part different to the direction of flow arrows shown on 10309-DR-02 Illustrative Drainage Strategy drawing (ES Vol 3 Appendix K1 CD 1.9)

2.1.63 Below Table 2 (page 8) it states: '*all SuDS features have had to be designed to be impermeable to prevent water infiltrating into the features from the existing high water*'. This is addressed in Mr Bowden's Rebuttal as it appears to conflict with the original FRA in which it is argued that there is no high water table on site. The cutting into the ground with new conveyance channels may result in groundwater taking a new easier route, thus lowering ground water levels around the copses and causing potential alteration and harm to the woodland ground flora and tree cover and drawing water away from the streams. There remain concerns as to the physical fitting of the SuDS structures into the narrow northern valley.

NOTE. Hydrology is discussed in more detail in Section 4 below. This includes a review of new SuDS Options submitted at PoE stage by Mr. Witts (APP 17). These do not appear to have been reviewed by the Ecology witness.



**Positive Woodland Management Page 8.**

- 2.1.64 It is acknowledged that the woodlands on site would benefit from traditional woodland management but as emphasised in Planning Practice Guidance and referenced by the Forestry Commission in their advisory letter of 21.8.2021, with respect to ancient woodland condition: *'Their existing condition is not something that ought to affect the LPA's consideration of such proposals (and it should be borne in mind that woodland condition can usually be improved with good management)'*.
- 2.1.65 With regard to damage caused by deer in the woodlands it is stated *'There will be no need to control the deer as the increase in human presence around the woods will result in a large reduction in deer presence through disturbance...'*. This is a succinct admission that human disturbance in the woodlands will be a sufficiently severe impact as to result in a large reduction in native wildlife using the woods. The fact that roe deer can cause browsing damage is irrelevant to this premise (and at moderate levels browsing can aid floral and general biodiversity regeneration) and only goes to demonstrate that if relatively robust (and fleet footed) populations such as roe deer can be diminished through human disturbance, less populous and/or vulnerable species such as hazel dormouse, badgers and barn owls (as well as skylarks, reptiles etc. outside the woodland), are likely to be even more affected, through disturbance, vandalism, pet predation etc.
- 2.1.66 Regarding pet predation, this is a significant issue and has not been adequately addressed. It is estimated that some 25% of households own a cat and similarly, 25% of households own a dog. Thus, it is likely that at any one time there will be some 250 cats living in close proximity to the ancient woodlands, at least half of which could be assumed to be reasonably free-ranging and partaking in predation of birds, bats, dormice, reptiles and other wildlife. There may also be 250 dogs (in addition to dogs of visiting non-residents) being walked and/ or roaming within the woodlands and remainder of the Country Park, causing disturbance to ground nesting and other birds and also with potential to adversely affect plant communities and to pollute hay crops through excrement deposition.

**2.1.67**

Recent research confirms the deleterious effects of pet predation on wildlife, with regard to a range of effects including death and injury, increased 'fear factor' and disturbance reducing breeding capability and wildlife displacement. The impact of the domestic cat on biodiversity has been explored in depth in various studies including Trouwborst & Somsen (2020), (Domestic Cats and European Conservation Law – Applying the EU Birds and Habitats Directives to a Significant but neglected Threat to Wildlife, Journal of Environmental Law). This states '*Only in the last 15 years, however, have the sheer magnitude and variety of the impacts exercised by domestic cats on birds and other wildlife been brought into sharp focus, through a series of scientific studies*'. This article goes on to relate cat predation to the current nature conservation legislation regarding the protection of breeding birds. The correlation between cat predation and bat injury or death has also been investigated by the Bat Conservation Trust and others including Khayat et al (2020), which using forensic DNA analysis techniques found that swabs taken from 2/3 of injured bats in the UK contained cat DNA. It has also been found that over half (56%) of bats do not survive a cat attack (Armstrong, 2009). Impacts of cat predation on bats and dormice are of particular concern due to their EPS status and vulnerability. It will not be possible to prevent cats hunting within woodlands, particularly those open to public access and other semi-natural habitats on site and this is likely to cause harm and population decline, given the numbers involved.

**Appendix B Biodiversity Net Gain**

**2.1.68**

Figure 2, the Pre-development UKHab Plan (albeit a different and relatively new method of classifying habitats) does not show important HPI purple moor grass habitat, nor does it show the main distribution of mature trees on the site or the area of ancient woodland to the west of Slockett's Copse. The assessment therefore lacks clarity which could impact on the final calculations.

**2.1.69**

Figure 3, the Post-development UKHab Plan, omits one of the proposed SuDS basins (10309 DR 02 A) in the narrow northern valley. Furthermore, it does not show some of the proposed new hedges / stepping-stone tree belts, nor the HPI purple moor grass habitat. As noted above, the majority of the 15m+ woodland buffer strips are shown as Urban Amenity grassland, which is not appropriate or functional ancient

woodland buffer land use. Para 3.10 of the revised EMMP refers to Urban Amenity grassland as rye / white clover dominated ie species poor and ecologically low value, to be managed to control ingress of weeds and scrub. This emphasises its inappropriate nature.

2.1.70 It is not clear how the revised BNG can be accurate given the inaccurate nature of the Pre-development and Post- development plans on which it relies.

2.1.71 The revised BNG using the Natural England 2.0 metric (2019) remains (similar to the original BNG metric) difficult to assess, in that the extent of Pre-development and Post-development habitats is not quantified on any drawings. For example, it would be useful to see the actual extent of new hedges proposed, which may not correlate with actual provision. It would also be useful to know how much of the estimated BNG is attributable to 30% Urban – vegetated gardens item.

2.1.72 As noted in 2.1.6 above, it is not appropriate to include ancient woodland in the BNG assessment (Natural England (2019) The Biodiversity Metric 2.0 User Guide), as compensation is not possible for this irreplaceable habitat in any reasonable time-frame.

2.1.73 As areas of ancient woodland on the Site will suffer inevitable long-term damage from disturbance, fragmentation and edge-effects, as well as localised losses, BNG cannot be achieved and there will be net loss of biodiversity at the Project level.

### **Appendix C Ecological Mitigation and Management Plan (EMMP)**

2.1.74 Para 1.1 refers to an update EMMP being commissioned in December 2018. This is an error. No explanation has been given for the need to update the original version. Section 2.2 of this update refers to out-of date information and does not reflect the results of the 2019 Survey Summary ES Appendix F24, CD 1.9). For example, the updated EMMP states that no hazel dormice were recorded, whereas the 2019 survey recorded hazel dormouse in Barn Copse.

2.1.75 In regard to Wet Woodland the original EMMP (3.2.2) (CD 1.9) states '*as public access will be excluded*', whereas the updated EMMP (3.2 Item 8) refers to '*All designated footpaths within wet woodland will be on raised boardwalks, the precise*

*routes are to still be agreed*'. Is this a change of policy – i.e. allowing public access to sensitive wet woodland?

- 2.1.76 Section 3.6 discusses Purple Moor Grass and Rush Pastures Habitat of Principal Importance (HPI). Whilst Figures 2 and 3 of Appendix B fail to include both areas of this important habitat (see 2.1.60–61 above), Figure 3 (amongst other drawings including the SLGIP (CD 1.21) shows a junction of main footpaths converging on the southern area of habitat and a path running the length of the northern area. As this habitat contains surface water throughout the year (Item 2), public access is problematic, and it is not appropriate for this habitat to be lost to recreational routes. Indeed, in this respect Item 5 states: *'there are no footpaths to intersect the area of wetland Purple Moor Grass and Rush Pasture identified on site. It is considered that there will be negligible impact to this habitat from increased recreational pressure...'*.
- 2.1.77 The unnecessary loss of this habitat has not been acknowledged or assessed.
- 2.1.78 Section 3.9 does not acknowledge that SuDS installation will result in loss of marshy grassland (described as semi-natural habitat, acknowledging its role as an adjunct to the nearby ancient woodlands).
- 2.1.79 Section 4.5 regarding badgers; Para 4.5.1 of the original EMMP (CD 1.9) states *'The setts within Crook's Copse, Gorse Covert, Slockett's Copse and High Wood will not be directly impacted .....as there are no proposed plans to access these woodland blocks'*. This clause has been omitted in the revised EMMP implying that there has been a change of policy regarding access to ancient woodlands in the intervening period. The rationale behind this strategic change is not clear and it will undoubtedly result in increased recreational disturbance to these 4 ancient woodlands.
- 2.1.80 In various sections of the EMMP including 4.6 (regarding hazel dormice), the reference to use of woodchip surfacing of woodland paths (as included in the original EMMP (CD 1.9) has now been omitted without explanation.
- 2.1.81 In Section 4.8, the likely reduction in barn owl potential of T34 (the only ancient tree on Site) is admitted: *'it is considered likely that the proposed the new buildings to be constructed in close proximity of T34 will reduce its suitability for nesting barn owls'*.

It should also be noted that there are no scheme proposals for new buildings within the proposed school expansion land encompassing T34, but rather that playing field and social space. This is inaccurate in relation to the actual scheme proposals.

2.1.82 Further, in 4.8.3 it is stated that increased recreational use of the Site *'would be expected to increase the likelihood of disturbance to barn owls, for instance by dog walkers or children playing. To minimise this risk footpaths across the site will be clearly marked'*. This is insufficient protection.

### Summary

2.1.83 The Appellants Proof of Evidence on Ecology, whilst seeking to provide further evidence on which to rely, has in fact produced a series of misleading and in places erroneous calculations and statements. These do not represent a true account of impacts that would likely be inflicted on irreplaceable ancient woodland and veteran and other notable trees, along with vulnerable EPS, notably hazel dormice and bats, and other protected and threatened species, including barn owl, reptiles, skylark and badger.

2.1.84 The concerns already expressed regarding adverse ecological aspects of the scheme have not been addressed but rather, further concerns have come to light which would result in additional adverse ecological impacts. These remain unassessed and unaccounted for, including (but not restricted to):

- Direct loss and/ or damage to ancient woodland caused by SuDS installation and recreational public access.
- Incremental, inevitable, long-term harm to ancient woodland through cumulative edge effects, pet predation and inadequate buffer provision (with misleading and unsubstantiated information provided regarding buffer width) and inappropriate use of buffers, fragmentation of woodland habitats (with misleading and unsubstantiated information provided regarding hedgerow links.
- Ongoing future veteran tree management regime that favours public H&S, over ecological interests.

- Substantial loss of marshy grassland (including Purple Moor Grass and Rush Pasture HPI) to accommodate valley crossings, SuDS and surfaced trails, which may have been significantly underestimated. No provision has been made for predicted incremental damage and erosion of vulnerable wetland habitat over time due to pressure of human use.
- Potential impacts on EPS dormice and bats and other protected and notable species, through hedgerow loss, human disturbance and veteran tree management.

2.1.85 Project level Biodiversity Net Gain (BNG) cannot be achieved if harm to Ancient Woodland / veteran trees will result (2019 NPPF). The Appellant has failed to acknowledge harm to Ancient Woodland and veteran trees either through direct loss /damage, or indirect and longer-term effects and has thus failed to recognise that BNG cannot be achieved at Sandleford. This loss of net gain is contrary to the NPPF. The evidence and experience combine to indicate that deterioration and harm to irreplaceable habitat would be inevitable in a scheme of this magnitude, which is demonstrably ungenerous in its approach to safeguarding ancient woodland and other ecological interests.

2.1.86 The range of impacts caused by imposing large scale residential development in excessively close proximity to six LWS Ancient Woodlands and other woodland and ancient, veteran and other notable trees, has been exacerbated by the lack of robust habitat connectivity. A less over-bearing scheme reflecting the recent upgrade in national planning policy might have safe-guarded biodiversity interests in a more acceptable manner.

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### 3 REBUTTAL EDUCATION PROOF OF EVIDENCE – JAMES HINDE

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#### 3.1 Ecological Aspects

- 3.1.1 In contrast to the detailed appraisal and inter-disciplinary liaison between Education, Ecology, Trees and Planning at WBC, concerning the functionality and impacts of the school expansion area at Park House School, no such joined-up approach has been provided by the Appellants.
- 3.1.2 Neither the original scheme proposal nor the amended ‘Wheatcroft’ proposals for the expansion area are assessed within Mr Hinde’s PoE. Conversely a ‘new’ scheme never previously disclosed to the Council, has now been presented, despite the two relevant drawings (ALP A266-003 and IDP 001-25032021C) respectively being dated May 2019 and November 2020. This ‘3rd Option’ is more sympathetic in terms of ecological impact and tree loss and its disclosure would have been appropriate at a much earlier stage in the process and would have saved considerable additional assessment by the Council.
- 3.1.3 It is disappointing that notwithstanding the above, the new ‘3rd Option’ has not been adequately appraised by the Appellants (either in the Education, the Ecology or the Tree PoEs), to demonstrate how school functionality will co-exist with tree and ecological interests. For example, and of fundamental importance, the need for a southern school access has not been appraised and neither has the need for adequate integration of the expansion land with the existing school premises, nor security and management responsibilities for the ancient and veteran trees, to be transferred to the school.
- 3.1.4 The likely conflicting requirements of Educational needs, in the context of ecological and tree constraints, will result in residual impacts on ecology and trees. Whilst I welcome the retention and avoidance of direct impacts on the RPAs of ancient tree T34 and veteran trees T31 and T33 (3 of only 8 veteran trees on the entire site), the intensive recreational uses in close proximity of these trees is likely to impact on the

existing ecological interests of these trees, including bats and re T34; barn owls, such as to result in harm.

- 3.1.5 The avoidance of the 15m buffer to Barn Copse is also welcomed (although it still encroaches on the ancient woodland buffer zone as indicated in the AIA to a small extent). However, in this respect and also with regard to the provision of more generous buffering to woodland and trees combined with adequate functional space for school usage, this could still be improved but has not been.
- 3.1.6 Unavoidable impacts remain regarding losses and fragmentation of the western hedgerow (containing T31 and T33) along the boundary of the expansion land to allow for the necessary southern school access and also adequate integration between the existing school premises and the expansion land. Whilst discussions with WBC Education Department have reached compromise in this respect, there remains a need to remove a significant section of hedgerow. This will sever existing strong ecological links between Barn Copse and Gorse Covert as well as links with other hedgerows. Barn Copse is the only recently recorded location for dormouse on the Site and the requirement for retaining dormouse connectivity is acknowledged by the Appellant. It also has potential for bat foraging / commuting. These significant impacts have not been recognised by the Appellants, nor mitigation proposed.
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## 4 REBUTTAL FLOOD RISK, FOUL AND WATER SUPPLY PROOF OF EVIDENCE – LEE WITTS

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### 4.1 Ecological Aspects

4.1.1 Three new options have latterly been submitted only 4 weeks prior to the inquiry as part of the evidence (Appendix B Illustrative Surface Water Strategy and Appendix E Alternative Drainage Strategy) of Lee Witts, relating to surface water drainage. These do not appear to have been developed in liaison with the Ecology witness as they are unacceptable in ecological terms.

4.1.2 The ecological impacts of these 3 options as they compare to the original assessed Surface Water Strategy Plan (10309 DR 02 A) are outlined below:

4.1.3 Drawing no. 10309 DR 03 A (15.3.2021)

- this option addresses my concerns regarding the location of 2 SuDS basins in the narrow northern valley, affecting 15m ancient woodland buffers of both High Wood and Slockett's Copse (and associated tree Root Protection Areas (RPAs), as set out in the original scheme.
- this scheme also has the advantage over the original scheme of avoiding siting an outfall at the northern tip of Waterleaze Copse, which would likely impact on the woodland, the stream and the RPA of a veteran tree (T166).
- there remain 2 conveyance channels in this corridor which are unlikely to be able to avoid the two 15m ancient woodland buffers (and tree RPAs) and the 18m stream buffer.
- a new conveyance channel cuts through an area of un-named ancient woodland to the west of Slockett's Copse, known as Slockett's Copse West (also affecting RPAs of notable trees), causing direct loss of ancient woodland irreplaceable habitat.

- a further section of conveyance channel runs through the length of a narrow area of Purple Moor Grass and Rush Pastures Habitat of Principal Importance (HPI) along the stream to the SW of High Wood.

This option is therefore unacceptable in terms of loss of ancient woodland and has other ecological impacts on ancient woodland, tree RPAs and Purple Moor Grass HPI.

#### 4.1.4

Drawing No. 10309 DR04 A (25.3.2021) Option 1

- this option addresses my concerns regarding 2 SuDS basins located in the narrow northern valley affecting 15m ancient woodland buffers of both High Wood and Slockett's Copse (and associated tree RPAs).
- it also addresses concerns re 2 conveyance channels in this corridor.
- a new SuDS basin is located to the SW of Slockett's Copse affecting its 15m ancient woodland buffer and tree RPA.
- this basin also takes part of the area of Purple Moor Grass and Rush Pastures HPI 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 Slockett's Copse West, bisecting its 15m buffer zone.
- the plan does not extend as far south as Waterleaze Copse, therefore it is not possible to determine potential adverse impacts on the woodland, stream and veteran tree T166, in terms of outfall location.

This option is therefore unacceptable as it has ecological impacts on ancient woodland buffers, tree RPAs and Purple Moor Grass HPI.

#### 4.1.5

Drawing No. 10309 DR04 A (25.3.2021) Option 2

- this addresses my concerns regarding SuDS basins in the narrow northern valley affecting 15m ancient woodland buffers of both High Wood and Slockett's Copse (and associated tree RPAs).

- it also addresses concerns re 2 conveyance channels in this corridor.
- the replacement of SuDS basins with 2 underground storage facilities is contrary to biodiversity objectives.
- a new SuDS basin is located to the SW of Slockett's Copse affecting its 15m buffer and tree RPA.
- this basin also takes part of the area of Purple Moor Grass and Rush Pastures HPI 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 Slockett's Copse West, bisecting its 15m buffer.
- the plan does not extend as far south as Waterleaze Copse, therefore it is not possible to determine potential adverse impacts on the woodland, stream and veteran tree T166, in terms of outfall location.

This option is therefore also unacceptable as it has ecological impacts on ancient woodland buffers, tree RPAs and Purple Moor Grass HPI.

4.1.6 Section 2.2 of Appendix E refers to GOV.uk.guidance (CD 8.31) and the Woodland Trust Planners Manual for Ancient Woodland and Veteran Trees (2019) (CD 17.3) and indicates that SuDS can be installed in an ancient woodland buffer if it avoids RPAs and does not impact on the hydrology of the woodland and that conveyance channels can be lined to remove any risk of infiltration which would allow untreated surface water to reach the water table.

4.1.7 The Standing Advice (Natural England and Forestry Commission Guidance: Ancient woodland, ancient trees and veteran trees: protecting them from development, CD 8.31), referred to above (GOV.uk.guidance), has been misinterpreted by the Appellants. As confirmed by the Forestry Commission (personal comms. Andrew Giles, 19.4.21), concerning interpretation of the Standing Advice, SuDS are only acceptable in an ancient woodland buffer if the buffer exceeds 15m in width and the

SuDS lies outside the minimum 15m root protection area afforded to all ancient woodland.

4.1.8 The Woodland Trust Planners Manual (pg 20) (CD 17.3) actually states '*A buffer .....must not contain Sustainable Drainage Systems which could impact on the hydrology of the woodland*'. This is in the context of the Woodland Trust's precautionary principle of a minimum 50m buffer unless the applicant can demonstrate very clearly how a smaller buffer would suffice, or conversely that a larger buffer may be required for after uses that generate significant disturbance.

4.1.9 Given that Mr Bowden considers that the risk of hydrological change to ancient woodland cannot be eliminated as a result of the proposals, the resulting reduction of flow to all the woodlands (not only the wet woodlands) is likely to result in detrimental change and harm to the woodlands, their trees and ground flora. Any changes to patterns of ground water and/or surface water runoff resulting from excavation of SuDS basins and/or conveyance channels in close proximity to High Wood and other valley-side woodland, is likely to cause damage to ancient woodland buffer zones and the adjacent trees and woodland ground flora. It is also possible that the conveyance channels (incorporating French drains) may intercept water that would otherwise seep into the stream and / or feed the marshy grassland flora, resulting in indirect habitat deterioration. Furthermore, the proposed valley crossings, including the 'Wheatcroft' proposals (CD 6.3) are considered to risk a negative impact on stream and ground water hydrology. These aspects are explored in more detail in Mr Bowden's Rebuttal.

4.1.10 The various SuDS installations (including engineered infra-structure) within the valleys serve to degrade their largely unspoilt semi-natural and biodiverse, undeveloped character, contrary to the SPD and the ethos of national and local planning policy. An alternative approach that re-locates the SuDS basins into the periphery of the development area as part of the amenity land provision may be preferable from an ecological viewpoint.

4.1.11 Opportunities have been missed to enhance biodiversity as part of the SuDS proposals. In 5.35 of Mr Witts' evidence it states that '*SuDS are not designed to*

*retain permanent water*'. This is contrary to both the Sandford (CD 8.14) and SuDS SPDs and significantly reduces the potential for creating reed bed, marginal and other aquatic plant communities, which would provide suitable habitat for amphibians, warblers a range of characteristic birds and aquatic invertebrates. Similarly, for example, where the new Surface Water Drainage drawings provided in App 17, indicate the existing culverted sections of stream to be retained as such, there would be an ecological advantage in terms of restoring stream connectivity and scope for enhancing wetland habitat, if the culverted sections were reinstated as open water. The inclusion of a lined stone drain (to depth 800mm) in the centre of the 3m wide conveyance channels increases the urban character of the installation and reduces the opportunity for these new features to develop into biodiverse habitats.

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