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Sandleford Appeal Inquiry

Intro

My name is Louisa Medland. I am one of the Senior Biodiversity & Planning Officers at the Berkshire, Buckinghamshire & Oxfordshire Wildlife Trust, which is the local Wildlife Trust for this area. I am present at this inquiry on behalf of the Trust, who have objected to this application for residential development at Sandleford Park in Newbury and are supportive of the Council's decision to refuse the application. I reference the BBOWT letter of 24th July 2020, in which it was stated 'there remain significant ecological issues with the proposals', which include impacts on ancient woodland, hazel dormice and country park access management. These are matters that are being raised by Ms Deacon and therefore I am not discussing them today.

The reason for our objection that I would like to speak about today is due to there being insufficient evidence to support the claim that the development, once operational, would have a negligible effect on Greenham and Crookham Commons Site of Special Scientific Interest (SSSI), as reported in the Sandleford Park Environmental Statement (undertaken by WYG and submitted to West Berkshire Council on 2 June 2020).

BBOWT is responsible for managing the common on behalf of West Berkshire Council and it is BBOWT's view that there was a lack of assessment to reach this conclusion and that there could in fact be a significant negative effect on the common from increased recreational pressure which would need to be mitigated for.

As a Wildlife Trust we welcome visitors to our nature reserves, but we work to balance current levels of visitation with the nature conservation objectives of the site.

[Value of habitats and species that rely on them](#)

Commented [LM1]: As well as managing nature reserves, the Wildlife Trust also prioritises its planning and development work and draws on decades of experience in working with local planning authorities, other NGOs and developers on strategic planning and development control issues to protect, enhance and create habitats as part of the planning process.

Greenham Common is an extensive complex of heathland, grassland, scrub, woodland and gullies including one large area of ancient woodland. The heathland and acid grassland at this Site makes up the single largest tract of these habitats in Berkshire and is a valuable resource for the many species that are reliant on them.

SSSI designation - protection

Under the Wildlife and Countryside Act 1981 (as amended) public bodies have a responsibility for protecting SSSI's, including through their consideration in the planning process. Therefore, planning permission should not be granted if it has not been proven that the SSSI habitat or species would be protected from being damaged, disturbed or destroyed due to the increased recreational use resulting from the proposals.

Species

There are a number of legally protected species present on the common, such as reptiles, amphibians and ground nesting birds and they are sensitive to effects from the degradation of the habitats present and from increased disturbance from people and their dogs.

The ground nesting bird species present that are vulnerable to disturbance, include woodlark (*Lullula arborea*), nightjar (*Caprimulgus europaeus*), and Dartford warbler (*Sylvia undata*), which are all listed in Annex 1 of the EC Birds Directive (which is transposed into UK law) due to being particularly threatened species. The degradation or deterioration of their habitats is listed as a reason for all three species being listed in Annex 1.

Guidance issued by Defra in 2016; sets out how competent authorities should interpret their duty under the Birds Directive to:

- *preserve and maintain habitat that is large and varied enough for wild birds to support their population in the long term;*
- *to use their powers to avoid the deterioration of such habitat; and*
- *to provide habitat that allows bird populations to maintain their numbers in the areas where they naturally live.*

The guidance states that the competent authority must consider protected sites and bird populations when making decisions, eg when granting planning permission.

Therefore, there is a duty for the conservation of the ground nesting birds on the common to be considered and to do this, potential impacts from the development need to be suitably assessed to inform this decision-making process.

From ES Ecology chapter (WYG, 2020):

The Natural England consultation response to the EIA Scoping Opinion raised the potential for adverse effects upon the Greenham and Crookham Commons SSSI as a key receptor and the Ecology ES chapter stated this would be considered in the assessment.

Commented [LM2]: •It is an offence to intentionally or recklessly damage, disturb or destroy land known to be an SSSI or intentionally or recklessly disturb the wildlife in an SSSI; and
•It is an offence for a public body to fail to minimise damage done to an SSSI
Recreational activity is listed on the citation for this SSSI as a potentially damaging operation.

Commented [LM3]: by the 2019 amendments to the Conservation of Habitats and Species Regulations

Commented [LM4]: Providing and protecting habitat for wild birds

How to support wild birds by protecting their habitat and avoiding pollution if you're a local or other competent authority. <https://www.gov.uk/guidance/providing-and-protecting-habitat-for-wild-birds>

"You must, as part of your existing duties as a competent authority, take the steps you consider appropriate to preserve, maintain and re-establish habitat that is large and varied enough for wild birds to support their population in the long term. You must use your powers so that any deterioration of wild bird habitat is avoided as far as possible. [...] you must aim to provide habitat that allows bird populations to maintain their numbers in the areas where they naturally live. They include: protected areas such as sites of special scientific interest in England and Wales [...] You should focus on habitats for wild birds in decline but also maintain habitats supporting wild birds with healthier populations."

The Ecology ES Chapter provides only one sentence in response to how recreational pressure will be mitigated for, where it states; *The southern section of the site will become a Country Park, providing both a net gain for biodiversity and an area for informal recreation to minimise off site trips.*

There has been no attempt to quantify the number of residents that would be likely to visit the common and no detailed assessment has been undertaken to demonstrate what percentage of those visits would be reduced through the creation of the Country Park or how the Country Park has been designed to achieve this.

The effects on all SSSI's within 2km are then covered in 3 paragraphs with no detail provided on the varying distances and the sensitivity of the different habitats present.

In the assessment of effects, the ES acknowledges that *there is potential for increased recreation within the wider countryside as a result of the proposed development, including on Greenham Common SSSI...*

And it goes on to state that *Due to the existing public use... it is considered that in-built measures will already be in place within these sensitive areas to minimise the impacts of visitor pressure (such as fencing and formal pathways).*

This therefore identifies that there is potential for increased recreational use but it fails to identify how much of an increase there could be or assess the impact it could have. To do this, there needs to be a detailed, site specific assessment that identifies the sensitivities of the common and an understanding of the existing measures used to limit the effects of visitor pressure.

The concluding negligible effect is therefore based on the continuation of BBOWT's existing measures to control the increased visitor pressure on the common resulting from the development.

On a site like Greenham Common, visitor pressure cannot be controlled with fencing and formal pathways alone. BBOWT have implemented measures aimed at controlling visitor access to sensitive areas of the common during the ground nesting bird season through a zoning system and the assessment has failed to identify how increased visitor numbers could affect the success of this system.

During the nesting season, the most sensitive parts of the common are designated as a red zone where visitors are encouraged not to enter. Visitors are also asked to keep to the main paths on the rest of the common and a green zone is provided as a dog friendly area.

BBOWT employ a limited number of seasonal wardens who raise awareness of the measures by engaging with visitors walking on the common and by running other engagement activities such as pop-up exhibitions, guided walks and family or group activities.

In 2018, the wardens identified that around 55% of their interactions were with visitors who appeared to be complying with the restrictions. A further 33% were identified as visitors that had

not complied but after listening to the advice of the wardens were agreeable towards changing their behaviour.

Therefore, the zoning system, supported by the wardens is clearly having some success in informing the public of the need to protect ground nesting bird habitat. However, there are only three wardens which work between Greenham and Crookham Common and Snelsmore Common and therefore it is impossible for them to have a constant presence or to approach every visitor.

With the potential for visitor numbers to increase in the future as a result of the Sandleford development it is vital that BBOWT's control measures continue and are adapted if required. Without a detailed assessment, it is not possible to determine how those measures may need to change but it is clear that it is essential that the seasonal warden role continues to ensure the effectiveness of the zoning system is maximised.

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In the assessment of effects, the ES goes on to say that *the provision of the Country Park to the south of the site will provide an alternative recreational resource for new (and existing) residents which will be closer and more convenient.*

The proposed country park may absorb some of the recreational needs of the new local population but it is expected that residents will still seek to visit the SSSI on a regular basis because it is only a 400m walk away from the application site, at its nearest point, and is over twice the size of the entire Sandleford Park application site (SSSI = 280ha, application site = 114ha), and thus offers a significant amenity attraction to residents.

Visitor surveys undertaken by BBOWT in 2019 identified that the openness of the common was provided by over 50% of the visitor's surveyed as a reason for why they visited the common. This is something that will be difficult to recreate within the much smaller footprint of the Country Park which comprises different habitats, such as woodlands, making it less open. Again, with no details provided to explain how the Country Park has been designed to attract visitors away from the common, it is not possible to assess the effect on visitor numbers.

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The RESPONSE TO COMMENTS FOR CONSULTEES report produced by LRM Planning Ltd in September 2020, which provides a response to comments on the Sandleford Park planning application, states that; *correspondence from Natural England during 2016/17 confirmed that provided the Country Park is operational upon first occupation, there would be no significant impact upon Greenham Common through recreation.*

This fails to recognise correspondence from Natural England received by West Berkshire Council on the 20th July 2020 which *strongly recommends that BBOWT are emailed about this application as*

they will have critical input to provide.” BBOWT subsequently submitted a response raising their concerns over visitor pressure on the common which have not been addressed.

West Berkshire Council have in their local plan two relevant policies that are aimed at ensuring the common is protected:

- Policy CS 17 Biodiversity and Geodiversity, and
- Policy CS 3 Sandford Strategic Site Allocation

The policies reflect the requirements of the National Planning Policy Framework (NPPF) 2019 for planning decisions to protect and enhance sites of biodiversity value (p170) and for development that could have an adverse effect on a SSSI to be refused.

It is BBOWT’s view that the current proposals contravene the Wildlife and Countryside Act and the Birds Directive and conflict with local and national policy which is of material consideration in the determination of this appeal.

To summarise, BBOWT object to the proposals due to the lack of a detailed assessment into the potential impacts of visitor pressure on Greenham and Crookham Common SSSI. The need for a Country Park to mitigate such effects is a requirement of West Berkshire Council’s Local Plan but there is no assessment to demonstrate why or how the Country Park would do this or how it would affect visitor numbers.

BBOWT believe Greenham Common will be a significant amenity attraction to new residents who will visit regularly resulting in increased risks to ground nesting birds and increased pressure on the measures BBOWT are implementing to protect them. Without additional mitigation measures, the Sandford Park development has the potential to have a significant negative effect on the Greenham and Crookham Common SSSI and the species it supports and therefore BBOWT requests that this appeal be dismissed.

Louisa Medland CEcol MCIEM
Senior Biodiversity and Planning Officer (Berkshire)

Commented [LM5]: -Policy CS 17 Biodiversity and Geodiversity; habitats designated as important for biodiversity at a national level (such as SSSI’s) or which support protected, rare or endangered species, will be protected and enhanced.

-Policy CS 3 Sandford Strategic Site Allocation; the development would need to mitigate the increased recreational pressure on nearby sensitive wildlife sites through a network of green infrastructure.

-The explanation of this policy goes on to say the development site is close to the Greenham and Crookham Common SSSI which supports a range of important species, including ground nesting birds, which are particularly sensitive to disturbance and will be expected to mitigate against increased recreational pressure. It states that the formation of a Country Park should seek to address this potential impact. However, this application has no detailed assessment showing how the Country Park has been designed to achieve this.

Commented [LM6]: NPPF, states at Paragraph 170 that:
-Planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value.

Paragraph 175 goes on to say that when determining planning applications, local planning authorities should:

-(a) Refuse planning permission if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for; and

-(b) that development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it, should not normally be permitted.