



snts

Closing Statement

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Appeal: APP/W0340/W/20/3265460

Site: Sandlesford Park, Newtown Road, Newbury

SayNOtoSandlesford (snts) is a campaign group set up to oppose the development of 2,000 homes on a green field site in south Newbury, and instead calls on West Berkshire Council to develop smaller more sustainable mixed use brownfield sites and sustainable housing in the surrounding villages. As a campaign group they have 242 followers and on the 14th June 2012 handed in to West Berkshire Council a petition with 1,382 signatures against the development as well as two separate online petitions with a combined total of over 14,000 signatures

- 1 How Sandlesford Park went from a site that in 2009 was assessed as having a complex topography with a collection of ancient woodlands and valleys with marshland unsuitable for large scale development, a site that was ranked joint last in a comparison of 13 sites across West Berkshire, to being the preferred site for a strategic housing allocation just a year later still bemuses most lay people. However the legacy of the process that allowed West Berkshire Council to take that decision is written all over the current appeal scheme that we have been considering over the last four weeks:
 - i. the decision to re-appraise Sandlesford through comparison with the adjacent site of Newbury Rugby Club which ranked higher in the comparisons, in spite of the Club being further north and contiguous with Monks Lane, and a much smaller site without the ecology of Sandlesford;
 - ii. the decision to re-evaluate the location of the centre of the site to the developable area to bring it within 2km of the town centre so that it was considered open to sustainable travel;
 - iii. the decision that potential ecological harm from any large scale development could be mitigated taking its lead from the site promoter's ecological assessment;
 - iv. the promise that the site could deliver up to 2,000 homes the majority of which would be family homes, along with a proposed masterplan of how this could be achieved, together with a sizeable country park for recreational use; a masterplan that has in large part been carried forward in the plans laid before us today; and
 - v. the assurance that the site could be delivered with two access points to the North to Monks Lane and with a sustainable link to the West through to an upgraded Warren Road, a proposal that the Highways Officer for the Council was never comfortable with but was overruled in order to prove that the site was deliverable when put forward as part of the Council's Core Strategy that would stand up under the planning inspector's examination.

- 2 The proposals put forward in 2009, worked upon in 2010 and adopted as part of the Core Strategy in 2012, were largely carried forward into the SPD:

- i. the siting of a primary school in the NorthWest corner of the site;
- ii. the organisation of the site into two neighbourhoods: one to the north of a valley crossing and one to the south and west of the valley crossing;
- iii. the undertaking to deliver up to 2,000 homes; and
- iv. the provision of a large country park.

However the SPD adopted in 2015 had three important amendments:

- a. the requirement to provide a single outline plan for the whole site to ensure a comprehensive and holistic development
- b. to explore the provision of an access road to the East to link to the A339
- c. to explore making Warren Road access to the West all vehicular.

- 3 The requirement for a single application was in direct response to the revelation that the site was physically owned by two separate landowners and that their chosen developers had divergent interests in how the development was to be brought forward.
- 4 The requirement for the two access roads was in direct response to the Highways officer's concerns in providing site permeability and to allow a better distribution of traffic to reduce the strain on key hotspots on Newbury's already congested road network.
- 5 However the proposal to make Warren Road all vehicular potentially put the SPD in conflict with the Core Strategy, where the Planning Inspector in his examination of the Core Strategy found it unsound unless main modifications were made which included specific wording on making Warren Road a sustainable link for the use of buses, cyclists and pedestrians only. This wording was put in to encourage a modal shift away from car usage to more sustainable forms of travel.
- 6 From Mr Jones proof of evidence it is this condition that has caused a divergence from the developers in how the site should be brought forward. DNH want to develop their part of the site, Sandleford Park West, before the completion of the Valley Crossing which in the absence of Warren Road would be their only construction route to their part of their site. For commercial reasons Bloor Homes are unwilling to forward

finance the Valley Crossing until they have developed and partially sold the northern parcels of the site.

- 7 So does any of this matter? Well it does if making Warren Road all vehicular fundamentally breaches the Core Strategy in a way that it makes it unsound, and it does if it means the differences between the developers and their desire to deliver the site through separate applications leads to unnecessary duplication and a failure to deliver a holistic and comprehensive development which was the undertaking in allocating the site strategic status.
- 8 It also matters if the proposals and decisions made in 2009/10 carried forward in to the current appealed scheme have not been updated to account for the most recent developments and direction of travel in environmental protection, action on climate change and ensuring improvement in air quality. Whether or not the appellants and the Council have reached agreement on some of these matters should not matter if through those agreements they are still in breach of the relevant policies either at a local or national level.
- 9 Clearly in putting forward this application the Appellants believe they have addressed these matters and we have heard over the last four weeks from various experts how, using models that are approved by various bodies, they can prove the levels of traffic, the resultant air pollution and the net gains on bio diversity all put this development in a favourable light. We also heard how 2 separate applications can deliver the same benefits as a single application through conditions to ensure interconnectivity between the sites and the use of a design code to ensure a degree of harmony between the two halves of Neighbourhood B the site to the south and west of the Valley Crossing.
- 10 However on this latter point we do not believe the Appellants have proven their case. There is great uncertainty on how the Donnington New Homes proposal will be brought forward and the role Warren Road will play. The Appellant's witness made clear that he believed he thought it was an inappropriate route for construction traffic, and there are question marks over the extant permission to widen the road, both in terms of permission was granted before an ecological assessment

was carried out, one that has now found roosting bats along the proposed route and whether indeed the applicant, DNH have rights over the PROW which would need to be adopted. As such even as a green route for pedestrian and cyclists the Appellants cannot guarantee that this route will be available in any form other than the existing footpath. This is an important consideration as most of the community services that the inhabitants from Sandleford may want to use, such as churches, convenience stores, dentistry, hairdressers etc lie on this route which in wet winters such as we have just been experienced would make this an unpleasant experience but the alternative is a long circuitous route via Monks Lane which would entail most people hopping into their car.

- 11 Moreover the lack of a holistic approach raises design issues that go beyond ensuring there is harmony between the two halves of Neighbourhood B. Core to any community these days is the role of the primary school. It plays a central role for people who have newly moved into an area to meet new people and make friends through the morning drop off or evening pick up. It is right that a primary school should be at the heart of any neighbourhood.
- 12 Yet through the Appellant's scheme a two form entry primary school will be put in the northwest corner of the site alongside a major access road and close to the main junction to Monks Lane. It is intended that the primary school will serve the entirety of the Appellant' development. This means that families living in the central development parcel, that is suppose to form part of Neighbourhood B will have to traipse across the central valley crossing into Neighbourhood A to get to school. A route that takes them all the way along the major spine road through the development. As such there will be little reason for interaction between the two halves of neighbourhood B - so what exactly will the neighbourhood be?
- 13 How can this be described as holistic? If the site was brought forward as a single entity as promised by the site promoters, then one would anticipate a one form entry primary school serving Neighbourhood A of some 500 homes and a two form entry primary school serving Neighbourhood B which when both halves are delivered will have 1,000 homes. Such a holistic approach would also have the benefit of many

of the families avoiding a walk that involves long stretches of the major access road.

- 14 When asked why the primary school was situated where it was, Mr Jones, the appellant's planning witness, advised us that it's where it has always been located. And he is right, you can see it in the site promoters original plan when it was envisaged that there would only be one primary school to serve the entire 2,000 homes then proposed. It is a legacy of a design drawn up in 2009 that fails to take into account that legislation and policy has since moved on as has our understanding of the harmful effects air pollution has on our young and vulnerable people.
- 15 This, along with an attempt to side step the controversial issue of making Warren Road all vehicular access is why we need a single comprehensive plan for bringing forward the whole site, and is one of the reasons why this appeal should be refused.
- 16 If the Appeal is granted then the siting of primary schools becomes a major issue. All three of the proposed major access roads (assuming Warren Road is made all vehicular) will pass major primary schools. Warren Road discharges in to an area heavily used by pedestrians, going to the existing Falkland Primary School and Park House secondary school. The proposed A339 link road goes directly pass the newly built HighWood Copse School, bizarrely located to serve residents of Newbury Racecourse development, and the northern access road intends to run by a to be built two form primary school close to the junction with Monks Lane.
- 17 In the Air Quality round table we heard from the Appellant's witness that modelling showed that air pollution from traffic were well within the permitted bounds of current UK legislation. And of course as we move to an all electric future the risks posed by exposure to NOx pollutants will diminish. But we have a fleet of legacy cars that we have to deal with today and with the Appellant's accelerated timetable to have the scheme completed by 2031 many of the first inhabitants of Sandleford Park will still face pollution from combustion engine cars.

- 18 But our real concern is with particle pollution and especially smaller particles where there is a growing body of evidence to indicate that these cause real harm in even relatively small concentrations as shown in our Proof of Evidence. Mr Mann explained that with PM2.5s current legislation has these at 25microns per meter cubed whilst WHO recommended limit is 10. It is acknowledged that the UK is moving towards that target and many local authorities have already adopted the WHO limit.
- 19 Mr Mann shared with us his modelling that showed that at key points around schools it is anticipated that micron levels of these smaller particle matters will be around 9.5. However this is a mean measurement over an hour, and Mr Mann advise us that the model allowed a margin of error of up to 25% from real world measurements. However we also know that at morning peak rush hour this measurement is likely to be higher. Mr Mann acknowledged that stop start traffic would increase the measurement, and of course it is at morning peak rush hour when families with school children will face most exposure as they make their way to school.
- 20 This cannot be a sensible way to proceed and if we are to “Build Back Better” surely we should adopt a cautionary approach and build to keep future generations of school children and young families out of harms way, and we should not forget that this development is primarily to address a shortage of family homes in the district. This approach is encapsulated in the Council’s emerging local plan where the proposed policy DC7 states “Development will maintain, and where possible, improve air quality and reduce exposure to areas of poor air quality” and goes on under criteria e “[development] does not expose occupiers who are particularly sensitive to air pollution, such as those in schools, health care establishments or housing for older people;”. This is a greenfield site and as we were constantly reminded by the Appellant’s witnesses and their QC, nothing is set in stone, everything can be accommodated so why not start with putting primary schools away from the major access routes?
- 21 In another of the models and its impacts that we discussed that directly links in to the issue of air quality is Transport. This is an area where

traffic levels are agreed between the appellants and Council. But models are only as good as the data you put in and the outputs should always be subject to a common sense test - does the output from the model feel right?

- 22 We know that one of the reasons that Sandleford was chosen as a strategic site was that it lay within 2km of the town centre, a claim that Mr Jones in his proof of evidence said was agreed with the Council that made the site highly accessible. Yet the real world data shows that this claim is far from accurate. In the Transport statement of Common Ground (ID11 Table 2.1) it shows that in fact from the nearest northern entrance the train station is 2.5km, the bus station is 2.6km and the town centre is 2.9km. Moreover Mr Bird in his testimony stated that the distance from the Monks Lane entrance to the Local Centre in the Central Development parcel is 1.6km. This makes a significant portion of the site over 4km from either the train station or the town centre.
- 23 This does not suggest that this is a site that supports sustainable modes of transport, especially when you add in the long incline from the town centre to the site. The idea therefore that during peak rush hour traffic will be distributed in a way that only every other house will see a single car movement at any one time seems to fail the common sense test. It is likely that traffic levels will be considerably higher than modelled and that these will add to the already congested peak time traffic generated from Wash Common that sees tailbacks along Essex Street from the mini roundabout to Elizabeth Avenue and along the Southern stretch of Andover Road to the same roundabout as well as along Monks Lane. I mention these roads in particular as all are routes heavily used by school children that go both to local schools but also schools further afield such as St Bartholomews secondary school and John Rankine mini and junior primary schools. All school children and young families exposed to the same air quality concerns mentioned above.
- 24 Then finally there are the issues around the environment and the protections afforded ancient woodlands and protected habitats. Sandleford is not an area of outstanding natural beauty and we heard from Mr Cooper that in his opinion this is not a valued landscape, and as such the scheme will much enhance what is there through a process

of urbanisation of the woodlands with footpaths running alongside and around the protected marshlands. People will be picnicking all over the extensive areas of grassland enjoying walks in the wood in a way that they cannot today: it will be a great place to live.

- 25 We don't dispute that it would be a great place to live, if you can get over the grind of the daily commute, but at what cost to the environment? Again we are told that through the use of government approved models that there will be a net biodiversity gain through simply taking agricultural land out of the mix and restoring it to grassland. However this assessment excludes the development of Sandleford Park West and certainly would not account for extended development if the latter leads to an extension of the settlement boundary further to the south as Mr Grigoropolis told us could be a possibility and is certainly catered for in the DNH plans where a major road south terminates at some fields with the text "to Sandleford Park South."
- 26 This net biodiversity gain also fails the common sense test where the grassland will be extensively used for human recreational use: picnics, exercising dogs, children playing. It is very difficult to see in this mix where the gains will come from. Certainly not from the existing protected ground nesting birds of SkyLarks and Lapwings that currently inhabit the site, and it is very difficult to see where another protected species, the Brown Hare will find accommodation given his current protection in the fringes of Crooks Copse Ancient Woodland will be surrounded in development and his grazing ground will be built over.
- 27 Protection of ancient woodlands and increasing biodiversity are seen at the heart of the government's attempts to tackle climate change, as shown by the Prime Minister's signing of the UN Pledge to Nature where he stated we cannot dither and delay but must take action today, and the recently published The Englands Tree Action Plan (ID55). Even without these the planning guidance accompanying the revised NPPF (Feb 2019) seems to be crystal clear: Para 175c of the NPPF states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodlands and ancient or veteran trees)

should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists.”

- 28 Well we know in this instance there are no exceptional reasons, West Berkshire has a plentiful supply of housing coming on stream and the emerging Local Plan has identified other housing sites that are likely to come on stream before Sandleford. Just because the site has been allocated as a strategic site does not make it exceptional.
- 29 However the appellants argue that they have mitigated potential harm by instigating buffers in accordance with the Council’s SPD that states there should be 15m buffers surrounding all the ancient woodlands. They are in agreement that the buffers should be 15m, the disagreement is around whether infrastructure for the development and for the country park can be contained within those buffers.
- 30 But the very premise of 15m buffers is wrong and the statutory guidance would appear to be clear: “For ancient woodlands you should have a buffer zone of at least 15m 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 eg the effect of air pollution from development that results in a significant increase in traffic.” We have in our proof of evidence shown extensive research on the harms caused by developments and the extent to which these harms travel. And if there was any doubt as to what that means we have Natural England’s response to the Pond House Farm Development for just one hundred homes that lies along just one side of an ancient woodland: “Although the minimum size of a buffer zone should be at least 15 metres, Natural England’s standing advice would expect this to be larger for a development of this nature and size. The proposed design of the development in surrounding the ancient woodland, would also make a larger buffer suitable. Use of the ancient woodland should be taken into account when designing the buffer zone. Buffer zones should comprise semi-natural habitat only and not any element of the development, such as SUDS”.
- 29 The implication of this on a development on the scale of Sandleford, 10x the size of the Pond House Farm scheme would seem to be

incontrovertible: 15m buffers around the ancient woodlands are totally inadequate, regardless of whether the Council and Appellant are in agreement, to ensure that the ancient woodlands are not negatively impacted by the scheme, and that the Woodlands Trust recommendation of 50m buffers would seem to be totally appropriate in this instance.

- 30 This last point is a real test for the Secretary of State as to whether the Government's commitment to the environment, on encouraging biodiversity, of using ancient woodlands as a central resource for planting up to 30m trees a year has any teeth. If he allows this scheme to go ahead it will send a clear message of housing over the environment regardless of whether there are better places to build. If he refuses on all the grounds we have outlined above then it would be a statement that this Government really does intend to Build Back Better.