

Sandleford Park, Newbury

PROOF OF EVIDENCE OF DAVID WEST MENV SCI (HONS) CENV
MCIEEM ON ECOLOGY MATTERS

APP/13

Bloor Homes & The Sandleford Farm Partnership

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1.0 INTRODUCTION

1.1 QUALIFICATIONS AND EXPERIENCE

- 1.1.1 My name is David West. I am an Associate Ecologist at the multi-disciplinary consultancy Tetra Tech, based in the Southampton office. I am a Chartered Environmentalist, hold a Master's degree in Environmental Science from the University of Southampton and am a full member of the Chartered Institute of Ecology and Environmental Management.
- 1.1.2 I have over 12 years' professional experience in ecological consultancy and have been employed by Tetra Tech since 2015. My professional experience is wide-ranging, including Ecological Appraisals, Phase 1 Habitat Surveys and field surveys for protected species including bats, birds, hazel dormice and herpetiles. I hold Natural England survey licences for bats (Class 2), great crested newts (Class 1) and hazel dormice (Class 1) and have acted as named ecologist for European Protected Species Mitigation licences for bats and hazel dormice and Badger Mitigation licences. I have also developed numerous mitigation strategies and have written Ecological Impact Assessments (forming Ecology chapters for Environmental Statements) and Habitats Regulations Assessments.
- 1.1.3 My experience covers a range of sectors including renewable energy, highways, commercial development, defence and residential development.

2.0 BACKGROUND

2.1 BASELINE DATA COLLECTION

- 2.1.1 Tetra Tech were first appointed to complete ecological surveys at Sandleford in 2008.
- 2.1.2 The application and ES was informed by the following surveys conducted by Tetra Tech (formerly WYG):
- 2.1.3 Extended Phase 1 habitat survey (2008, 2011, 2013, 2016 and 2017);
- 2.1.4 Botanical surveys of woodland and grassland (2014 and 2018 also including arable plants);
- 2.1.5 Great crested newt surveys (2011, 2013, 2017 and 2019);
- 2.1.6 Reptile surveys (2011, 2014, 2017, 2018 and 2019);
- 2.1.7 Breeding bird surveys (2011, 2013, 2015 and 2018);
- 2.1.8 Barn owl surveys (2011, 2013, 2016, 2017, 2018 and 2019);
- 2.1.9 Nightjar surveys (2011, 2014 and 2018);
- 2.1.10 Bat activity surveys (2011, 2013, 2016, 2017 and 2019);
- 2.1.11 Bat roost assessments, ground based and climbing (2012, 2014, 2015, 2016, 2017, 2018 and 2019);
- 2.1.12 Bat emergence / return surveys (2012, 2014, 2016 and 2019);
- 2.1.13 Hazel dormouse surveys (2011, 2012, 2014, 2017 and 2019);
- 2.1.14 Badger surveys (2011, 2013, 2014, 2016, 2017, 2018 and 2019);
- 2.1.15 Terrestrial invertebrate surveys (2011, 2014 and 2018);
- 2.1.16 Aquatic invertebrate surveys (2011, 2014 and 2018);
- 2.1.17 White-clawed crayfish surveys (2011 and 2013);
- 2.1.18 Otter surveys (2013 and 2018); and
- 2.1.19 Water vole surveys (2013 and 2018).
- 2.1.20 There has been no change in the site conditions since these assessments, therefore the age of this data is not considered a limitation to any assessments or conclusions based upon it.

2.2 SUMMARY OF FINDINGS

- 2.2.1 The ES Ecology Chapter (Chapter 6) identified the following ecological receptors as being valuable based on the results of the surveys conducted between 2008 and 2019:
- 2.2.2 Non-statutory designated sites (County value);
- 2.2.3 Semi-natural broadleaved woodland (County value);
- 2.2.4 Marshy grassland (County value);
- 2.2.5 Arable (Local value);
- 2.2.6 Acidic semi-improved grassland (Local value);
- 2.2.7 Running water (Local value);
- 2.2.8 Standing water (Local value);
- 2.2.9 Species-rich hedgerows (Local value);
- 2.2.10 Invasive species (National – based on potential for legal offence only);

- 2.2.11 Reptiles (National – based on potential for legal offence only);
- 2.2.12 Breeding birds (Local value, legally protected);
- 2.2.13 Barn owl (Local value, legally protected);
- 2.2.14 Bats (Local value – roosting, County value – foraging / commuting, legally protected);
- 2.2.15 Badgers (Local value, legally protected);
- 2.2.16 Dormouse (Local value, legally protected);
- 2.2.17 Terrestrial Invertebrates (County value);
- 2.2.18 Aquatic Invertebrates (Local value);
- 2.2.19 Water vole (Local value, legally protected);
- 2.2.20 Otter (Local value, legally protected); and
- 2.2.21 Brown Hare (Local value).

2.3 SUMMARY OF MITIGATION

2.3.1 The proposals were refined in response to the findings of the baseline studies that were completed on the site and through consultation with the design team. This resulted in a number of core mitigation principles:

2.3.2 Retention of existing blocks of locally designated (and non-designated) woodland valued as County level importance, with a minimum 15m buffer in accordance with the SPD and Forestry Commission and Natural England ancient woodland guidance published in 2018.

2.3.3 Retention of the central valley and HPI grasslands of Local value, albeit with a small loss of approximately 0.03 ha to accommodate the valley crossing. This would be mitigated by the compensatory planting within the valley and SuDS area.

2.3.4 No works within 8m of the River Enborne, which runs along the south of the site.

2.3.5 The creation of a Country Park, providing both a net gain for biodiversity and an area for informal recreation to minimise off site trips. This will include creation of new grassland and hedgerow habitats. A quantified assessment of the biodiversity net gain that development will deliver was completed and found that there would be a net gain of 111.48 units of non-linear habitat (17.23%) and 11.88 units of linear habitat (9.36%). Based on these calculations the proposed development would achieve a net gain for biodiversity.

2.3.6 Mature trees and hedgerows retained within the development proposals wherever possible. This includes those considered to be veteran trees. These have been retained either due to landscape value, or due to their potential or actual value to protected species e.g. barn owl or bat roosting features that they support. Where works cannot be avoided to veteran trees, these would be supervised by an ecologist from a protected species compliance perspective and only in consultation with an arboriculturalist. Further work has been undertaken to make sure that all veteran trees can be retained as set out in Mr Allder's evidence.

2.3.7 A sustainable drainage system incorporated to treat all surface water prior to discharge into watercourses or ponds, this will minimise impacts on springs / seepages, marshy grassland and ancient woodland.

2.3.8 A sensitive operational lighting strategy incorporated to avoid disturbance of nocturnal species. This would avoid light spill of above 1 lux upon woodland edge, hedgerows, running water and standing water.

2.3.9 Retention of known badger setts with a buffer between them and development (30m for main setts).

2.3.10 A Construction Environmental Management Plan to avoid construction-phase effects on habitats and protected species.

2.3.11 With the provision of these mitigation measures (in addition to a number of further species and habitat-specific measures) the ES Chapter concluded that there would be no significant adverse effect on any ecological receptors, and significant beneficial effects as a result of the proposed habitat creation on:

2.3.12 Non-statutory sites (Waterleaze Copse);

2.3.13 Marshy grassland;

2.3.14 Barn owl;

2.3.15 Bats;

2.3.16 Hazel dormice; and

2.3.17 Aquatic invertebrates.

2.3.18 Further detail of proposed mitigation measures is provided in Appendix F18 of the Environmental Statement, an update to which is provided as Appendix C to this proof of evidence.

2.4 PLANNING HISTORY

2.4.1 The Statement of Case and evidence from Mr Jones sets out the planning history for the appeal site. Of particular relevance to my evidence is Application 18/00764/OUTMAJ. As Mr Jones explains, the appeal scheme is a resubmission of 18/00764/OUTMAJ incorporating additional information to address comments which was not formally accepted by the LPA.

2.4.2 The Ecological aspects of the scheme were reviewed on behalf of the LPA by BSG Ecology who concluded there should be no outright objection to the application on Ecology grounds, and any uncertainties (primarily in relation to hydrology and ancient woodland) could be addressed through detailed design and management prescriptions. There has been no significant change in policy or legislation since this consultation, nor has there been any change in the value of ecological features on site, or their conservation status. Where relevant, I have referred to the detailed response from BSG Ecology on specific topics.

2.4.3 In summary, they concluded that:

2.4.4 all ecology surveys were acceptable for the assessment purposes;

2.4.5 the application was compliant with ODPM circular Paragraph 9 requiring sufficient environmental evidence to be presented prior to determination;

2.4.6 The scheme should be able to comply with NPPF (2012) requirements;

2.4.7 The illustrative masterplan delivered the key ecological elements of Policy CS3;

2.4.8 The development was in compliance with Policy CS17 in retaining designated sites and providing protection for protected and rare species appropriate to their status; and

2.4.9 In accordance with Policy CS17 the Country Park provides opportunities to deliver gains for target habitats and species in relation to the Biodiversity Opportunity Area (although a biodiversity impact assessment metric was not completed). The BSG Ecology response confirms that a metric is not required by policy, however this was later provided demonstrating a net gain for biodiversity.

2.5 THE SPD

2.5.1 The Sandleford Park Supplementary Planning Document (2015) includes two development principles of relevance to ecology.

2.5.2 E1 states “The site will actively manage and promote ecology and biodiversity within the site.” The appeal scheme meets this principle as demonstrated by the Biodiversity Net Gain Assessment which shows a net gain in biodiversity (an outcome which is accepted by the Council). The scheme includes key aspects providing opportunities for enhancement identified in the SPD including management of woodland and new woodland planting; management and enhancement of watercourses; new public open spaces, management and enhancement of new and existing hedgerows and trees; and management and enhancement of existing and creation of new ponds.

2.5.3 E2 states “Management and protection of ecology through the development process.” The appeal scheme meets this principle by retaining key habitat features with proposals for maintenance and protection within the EMMP (Appendix F18). In 2018, BSG Ecology concurred that retention of designated sites and protection for protected and rare species was appropriate to their status. E2 goes on to state that details will be provided at both outline and reserved matters stages. Therefore, the appellant’s position that detailed mitigation measures are a matter to be dealt with at the Reserved Matters stage is in accordance with development principle E2.

2.6 STATEMENT OF COMMON GROUND

2.6.1 A number of matters in relation to Ecology are agreed in Section 12 of the Statement of Common Ground. These are:

2.6.2 The suite of the other ecological surveys undertaken by the then Applicants, now Appellants, and included in the Environmental Statement are appropriate for the purpose of the ecological impact assessment (the council consider that survey effort for badgers and bats is not sufficient).

2.6.3 The Council does not seek to pursue any matters relating to Woodpasture and Parkland BAP priority habitat.

2.6.4 The proposed Country Park will provide a destination for new and existing residents, helping to mitigate increased recreational pressure on other valued sites in the local area.

2.6.5 A detailed scheme for the management and maintenance of the Country Park and ancient woodlands can be secured by appropriate pre-commencement condition/s.

2.6.6 The proposed development achieves a biodiversity net gain (BNG). However the Council considers that this BNG assessment does not account for the degradation of retained existing habitats and their inhabiting species on site over time.

3.0 REASON FOR REFUSAL 8

3.1.1 The Council set out two reasons for refusal which are the subject of this Proof of Evidence. The first, No. 8, relates to Ancient Woodland and states:

3.1.2 The application site includes a network of six ancient woodlands and one other woodland with a number of ancient indicators. All the trees on the site are the subject of a Tree Preservation Order (TPO 201/21/1016-W15-MIXED). In accordance with NPPF paragraph 175(c) ancient woodlands are irreplaceable habitats. Although the submitted documentation refers to the intended provision of 15m buffers to the ancient woodlands and 10m buffers to the other woodland, the proposals indicate that in certain instances works will encroach into the 15m buffers, as in the case of the sports pitch proposed to the south of Barns Copse, or the proximity of conveyancing channels and detention basins in relation to Dirty Ground Copse, Highwood and Slockett's, Copse, or the proposed cycle route and Grasscrete works in relation to Waterleaze Copse. The Planning Authority considers that notwithstanding the 15m buffers metric in Sandlesford Park SPD, 15m buffers should be a minimum in accordance with Natural England standing advice and the development should be providing appropriate and more generous buffers as appropriate, to ensure unnecessary deterioration and harm to these irreplaceable habitats. At the same time the existing connectivity of Crooks Copse with Highwood and Slockett's Copse, is seriously at risk from the encroachment of the development proposals into the area of the northern valley, significantly narrowing that corridor beyond what is envisaged by the SP SPD. Furthermore the proposed drainage strategy gives rise to concerns in respect of potential direct surface water drainage from Development Parcel Central (DPC) and Development Parcel North 2 (DPN2) into the adjacent Dirty Ground Copse and Slockett's Copse respectively.

3.1.3 The proposed development fails to provide acceptable indications, and therefore sufficient confidence and certainty, that the proposed development will not cause the avoidable deterioration of and harm to the ancient woodlands on site. The application proposal fails i) to adequately set out and explain any wholly exceptional reasons which apply in this case and justify any such harm; and ii) to clearly set out the suitable compensation strategy that would be put in place to address this harm.

3.1.4 In this respect the application is unacceptable, inappropriate and contrary to Policies CS3, CS14, CS17, CS18, CS19 of the West Berkshire Core Strategy Development Plan Document (Core Strategy, adopted July 2012); Policy GS1 of the West Berkshire Housing Sites Allocations Development Plan Document (2006-2026) (HSA DPD, adopted May 2017); and the Strategic Objectives and Development Principle L4 of the Sandlesford Park SPD (adopted March 2015).

3.1.5 Appendix A to my Proof of Evidence sets out additional information in respect of specific impact pathways to the woodlands on site. The requirement for 15m minimum buffers to the woodlands is set out in the SPD and is in accordance with Natural England guidance. Appendix A, Figure 4 demonstrates that the 15m minimum buffers are provided by the Green Infrastructure Parameter Plan. Appendix A, Figure 5 further demonstrates that the Strategic Landscape and Green Infrastructure Plan (SLGI) provides larger buffers for much of the site. In fact only 6% of the total woodland perimeter has only the minimum 15m buffer. The final detail of the buffers will be dealt with at the Reserved Matters

stage, where it may be necessary to detail mitigation measures for localised works within the buffers, such as the repair or replacement of a culvert north of Waterleaze Copse, or surfacing of existing and proposed paths. However, these plans demonstrate that the appeal scheme is in accordance with the SPD requirement for 15m minimum buffers and is also able to provide wider buffers for the majority of the woodland edge. This approach is consistent with Principle L2 of the SPD which requires a detailed Landscape and Green Infrastructure Design and Management Plan for each phase, as discussed in Mr Williams' evidence.

3.1.6 Appendix A also sets out the existing conditions in respect of land use adjacent to the woodlands. Typically, cultivation takes place up to the edge of the woodlands on site, with margins of 1-2 m. 71% of the existing woodland edge is adjacent to cultivated ground such as arable farmland (where there is potential impacts from ploughing, fertiliser or herbicide drift and runoff) or farm tracks (where there is potential for compaction of soil and roots). The proposed buffers remove these effects and will provide a minimum of 15m of woodland edge habitat.

3.1.7 Appendix A includes a summary of existing and potential linkages between the woodland parcels and demonstrates how connectivity can be maintained through the development. There is no significant connection in the form of hedgerow or tree belts between Crooks Copse and High Wood and Slockett's Copse. The intervening habitat comprises improved and marshy grassland, with a partially culverted watercourse running south from Crooks Copse. Mr Cooper's evidence sets out a potential approach to landscaping in this location, providing a wooded connection between these parcels either side of the Crooks Copse Link.

3.1.8 Mr Witts's evidence deals with drainage and sets out how surface water from the development parcels can be appropriately treated and managed to prevent any risk of untreated runoff from entering woodland parcels. Only Dirty Ground Copse and Waterleaze Copse exhibit areas of wet woodland habitat or groundflora, and there is no potential for changes in hydrology for Waterleaze Copse as it lies within the Country Park. Appendix A includes an assessment of the watershed for each woodland parcel. This demonstrates that the woodlands are not reliant on surface water runoff and sets out the potential change in infiltration from rainfall due to an increase in impermeable surfaces. This is a maximum of 25.49%, but does not account for groundwater sources (evident in Dirty Ground Copse from the flushes) or watercourses (within Crooks Copse). At the Reserved Matters stage, if necessary, it will be possible to design the SuDS system to allow appropriately treated water to enter the woodlands.

3.1.9 The appeal scheme provides woodland buffers in accordance with the SPD and statutory guidance, which are adequate to avoid significant harm to the woodlands. Furthermore, proposals are made to enhance the condition of the woodlands through habitat management. At the Reserved Matters stage, further detail of the woodland buffers and management would be submitted. This is consistent with the view of BSG Ecology who in 2018 stated that increased buffers, woodland management, improving connectivity and public access management were matters of detailed design and not a reason for objection at the Outline stage.

4.0 REASON FOR REFUSAL 11

4.1 THE REASON FOR REFUSAL

4.1.1 The Council set out two reasons for refusal which are the subject of this Proof of Evidence. The second, No. 11, relates to Ecology and Biodiversity and states:

4.1.2 *It is considered that the proposed development gives insufficient regard to the post-construction adverse impacts on the existing retained habitats. The current proposals are expected to lead to:-*

4.1.3 *i) a gradual but significant decline in the quality of the habitats on site, such as:- ancient woodland, rush pasture (including Purple Moor Grass), ponds, riparian/fluviat habitats, secondary woodland / Lowland mixed deciduous woodland, hedgerows, and Woodpasture and Parkland BAP priority habitat; and*

4.1.4 *ii) an unacceptable reduction in the suitability of habitats for a number of protected species, such as:- bats, reptiles, skylarks, lapwings, dormice and badgers; and also notable species such as native amphibians and hedgehogs. These are caused by increased anthropogenic pressures on the site which have neither been adequately considered, nor mitigated for with appropriate compensation measures.*

4.1.5 *Furthermore, the submitted Biodiversity Net Gain Assessment (ES Vol. 3 Appendix F2 1) is considered inadequate as it does not account for the degradation of the retained existing habitats.*

4.1.6 *In addition there are a large number of inconsistencies within the submitted documentation, and the considerations being made have the potential to also have an adverse impact of the local natural environment, with environmental impacts not adequately addressed / mitigated for.*

4.1.7 *The proposal is unacceptable on ecological and biodiversity grounds and it is contrary to Policies CS14, CS17 and CS18 of the West Berkshire Core Strategy Development Plan Document (Core Strategy, adopted July 2012); Policy GS1 of the West Berkshire Housing Sites Allocations Development Plan Document (2006-2026) (HSA DPD, adopted May 2017); and the Vision, Strategic Objectives and Design Principle L4 of the Sandford Park SPD (adopted March 2015).*

4.1.8 Detailed comments are included in the Delegated Report and are provided here under subheadings for Habitats and Species.

4.2 HABITATS

Ancient woodland

4.2.1 *The proposed central valley crossing embankment will affect the buffer zone and trees in Ancient Woodland to the west of Slockett's Copse. Recreational use impacts on ancient woodlands have not been adequately considered/assessed. The application appears to contain inconsistencies, whereby there are apparent encroachment instances into the woodlands' buffer zones while the submitted Planning Statement, Design and Access Statement, ES Vol. 1 Chapters 6 and 7 and the Green Infrastructure Parameter Plan all state that a 15m buffer will be retained to all woodlands.*

4.2.2 All of the existing blocks of locally designated (and non-designated) woodland valued as County level importance, will be retained with a 15m minimum buffer. This is in accordance with Forestry

Commission and Natural England ancient woodland guidance published in 2018, and consistent with the SPD. The intended design approach for the buffer is also shown in the Design and Access Statement (Fig. 63), again reflecting the principles in the SPD. This can adequately be secured by condition to make sure that these buffers are subsequently be respected during the detailed design stage. Recreational impacts were assessed as part of Chapter 6 of the ES. 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. Woodland management is proposed to provide an overall enhancement as these woodlands indicate inappropriate management for a number of years. Therefore no significant adverse effect on the ancient woodland parcels is anticipated.

4.2.3 A proposed sports pitch as part of the Park House School expansion will be at close proximity to and encroaching into the buffer zone of Barns Copse. In addition there are concerns that the pitch may require to have flood lighting. This has not been included in the lighting assessment report (ES Vol. 3 Appendices F20). Any flood lights would most likely have a detrimental effect on the ancient woodland, by way of the disruption of nocturnal fauna, such as bats and moths.

4.2.4 Whilst the existing sports facilities at Park House School do have lighting, the Park House School Feasibility Study prepared by the Appellants does not include lighting of the new playing field and hence it was not considered in the lighting assessment. Therefore, as the playing field is not intended to be lit, there is no requirement to assess potential effects of lighting. If lighting were proposed in future it would be appropriate to assess the effects at that stage as part of a subsequent application.

Rush pasture

4.2.5 The proposed central valley crossing embankment will result in the part loss of this species and priority habitat. Avoiding the loss of this county level importance species and habitat has not been sufficiently explored, with alternative design proposals and/or alignment of crossing. The proposal as it stands therefore has unacceptable unnecessary impacts on biodiversity.

4.2.6 The ES concluded a significant positive effect for marshy grassland habitat due to a predicted 14% increase in area post-development. The updated proposals for the central valley crossing, incorporating a bridge structure, result in only minimal loss of marshy grassland habitat to account for positioning of piers. This represents the best design option to minimise habitat loss. An updated Biodiversity Net Gain Assessment is included as Appendix B to this proof and predicts an increase in both habitat area and biodiversity units. The final design of the valley crossing will be subject to a future Reserved Matters application, however it is clear that it can be delivered without significant impacts on the marshy grassland feature when taking into account mitigation.

Ponds

4.2.7 The existing ponds on site are likely to be degraded by the intensification of the use of the site, and anthropogenic effects are likely to lead to a reduced biodiversity of the individual ponds overall.

4.2.8 The site is currently in agricultural use and the ponds on site subject to poor water quality from sedimentation and runoff containing artificial fertilisers. Therefore it is not likely that ponds and water

quality will be further degraded by the development of the site, in fact the Water Resources Chapter of the ES (Chapter 11) concludes there will be a minor beneficial effect on water quality. This is referenced within the Ecology Chapter in respect of Occupation Phase effects. For example, Natural England commissioned a study to assess nutrient-nitrate loss from agricultural land in the South Hampshire region (ADAS, 2015) which found the average leachate rate for land used for cereal crops (as the majority of the site is) was 31.2 kg/ha/yr. In comparison, the estimated loss of Total Nitrogen from urban land is 14.3 kg/ha/yr (Natural England, 2020), a significant reduction. Furthermore, it is considered that access to ponds by residents can be easily prevented through fencing which is proposed within the Ecological Mitigation and Management Plan. It would also be possible to include dedicated ponds for dogs within the Country Park (subject to detailed design). These would prevent the desire to use retained habitat features and would not be hydrologically connected to the wider drainage network to prevent any impacts on water quality from these features.

Riparian/fluvial habitats

4.2.9 Currently the River Enborne and the onsite streams have not had their intrinsic values as stretches of water courses quantified with a quantitative output (only a generalised qualitative output has been given). Using an agreed suitable quantitative survey technique would allow for quantitative gains for the flowing water bodies that are likely to be affected by this development. Impacts from hard landscaping such as (but not limited to) culverts, valley crossings and increased hard standing near water courses could be offset on other parts of the impacted watercourse and then monitored as to the mitigation and compensation successes and areas needing improvement. The currently unquantified impact is likely to negatively affect this habitat and as such it is unacceptable.

4.2.10 The watercourses have been assessed as being of local value and no significant adverse effect was identified. As part of the updated Biodiversity Net Gain Assessment (Appendix B) a Modular River Survey has been conducted on both sections of watercourse where crossings are proposed. This assessment concludes that there will be no impact on the condition of the watercourses as a result of the proposed development. For the central valley crossing, this is principally because the width of the proposed bridge structure is below the threshold for shading impacts to be significant (it is less than 25m wide). For the Crooks Copse link, which will introduce a culvert) it is because the watercourse is already culverted in sections, with a lengthy section where it runs entirely below ground. All other footpath crossings shown on the landscape framework plan coincide with existing culverts or crossings. There is no requirement to carry out a detailed assessment of the River Enborne as no works are proposed within 6m of the banks and there is no potential for significant effects.

Secondary woodland / Lowland mixed deciduous woodland

4.2.11 It is difficult to quantify the likely impacts on this habitat, what is likely to happen is that the compensatory habitats and associated planting will enhance the retained woodlands quality and connectivity. However the failure to quantify recreational disturbance impact is likely to have an adverse effect on this habitat.

4.2.12 As detailed in the Ecology Chapter and the Net Gain Assessment, management and actions are proposed to enhance the condition of the woodland on site. This assessment is based on current

and predicted physical condition criteria and therefore takes into account potential future impacts from recreation. An updated Biodiversity Net Gain Assessment has been undertaken (Appendix B). This uses the latest Natural England 2.0 Biodiversity Metric which uses a greater number of these condition criteria. These criteria are then used to define the proposed management measures. This clearly sets out how the target condition will be achieved, regardless of recreational pressure, and the inclusion of a ranger to oversee the Country Park only increases the level of confidence.

Hedgerows

4.2.13 *There are a number of inconsistencies in the submitted details as to which hedgerows are to be retained and/or enhanced, the status of the quality of individual hedgerows and which hedgerows are to be installed as part of the proposals.*

4.2.14 There is one inconsistency which is acknowledged as a mistake, in Section 6.4.2 of the Ecology Chapter. It has been confirmed that the hedgerows considered likely to be Important under the Hedgerow Regulations are A and E which will be retained.

Wood pasture and parkland

4.2.15 *It is difficult to quantify the likely impacts on this habitat, what is likely to happen is that the compensatory habitats and associated planting will enhance the retained wood pasture's quality and connectivity but there is a currently unquantified recreational disturbance impact likely to impact this habitat. This amounts to a reason for refusal on the grounds of insufficient information and consideration in the submitted documents.*

4.2.16 There is no wood pasture and parkland on site. As per the Statement of Common Ground, the Council do not intend to pursue this point.

4.3 SPECIES

Bats

4.3.1 *There are clear contradictions and inconsistencies that threaten protected bat species, threats that haven't been fully taken into account in the submitted documentation, for example (one of many examples) ES Vol. 1 Main Text - Chapter 6 (January 2020 ref: 2017.013.032a) Page 6-22 'Bats' – states that no trees with confirmed bat roosts are to be lost. It then states that veteran tree T127 and TPO Tree T130 - which do have confirmed bat roosts according to appendix F7 - are to be removed or pollarded as per arboricultural assessment. This section then goes on to consider that the removal of those trees do not form part of the proposals, but they are, as set out in the submitted arboricultural assessment. In addition, as noted on page 6-30 of ES Vol. 1 Main Text - Chapter 6 no roosting trees are to be removed, yet the arboricultural assessment submitted states otherwise. Note - Appendix G7 advises that tree works are to be in accordance with the AIA. These are unacceptable unquantified impacts on bats accentuated by inconsistencies in the submitted documentation. The application fails to demonstrate the wholly exceptional reasons and acceptable compensation that would justify the loss of veteran and mature trees that currently are also being used as bat roosts.*

4.3.2 T127 and T130 have been proposed to undergo tree works, but are not required to be removed to accommodate the proposed development. As the removal of these trees is not necessary to allow

the development as submitted to proceed, the loss of these roosts has not been considered. Should works be required and identified during the detailed design stage, it has been recommended within the Ecological Mitigation and Management Plan (Appendix F18) that up to date surveys are undertaken to inform a suitable mitigation strategy. This approach takes into account the potential for the roost status of trees on site to change (which has occurred during surveys to date as detailed in Appendix F8), and for arboricultural recommendations to change based on the condition of these trees. These surveys would be a prerequisite of any Reserved Matters Application covering these phases which would have to be supported by suitable ecological information to inform detailed mitigation proposals. Up to date surveys would also be required to inform an EPS licence application to Natural England which would be required before any tree containing a bat roost could be removed (or works undertaken which could damage or modify the roost).

4.3.3 A further query is raised by the Council in relation to the potential impacts of the proposed valley crossing on bats, in particular in respect of lighting and severance of connectivity. Firstly it is considered that the potential for lighting from car headlights crossing the valley has been deemed acceptable in determining that the site is suitable for development in the first place, as the valley crossing is a central requirement within the SPD. In terms of lighting design, it is considered that downward-facing LED lights can be installed in the bridge parapets. This would provide sufficient lighting for highways safety whilst preventing upward light spill. Light spill beyond the bridge itself would be prevented by the parapets. This lighting has successfully been used by the appellants at the Sunday's Hill Bypass in Eastleigh, Hampshire where it was designed to avoid adverse effects on rare Bechstein's bats where a bridge passes through an ancient woodland. However, as with many points raised, this is a matter which would properly be addressed at the detailed design stage.

4.3.4 In relation to connectivity, the valley corridor was not identified as a significant commuting route. This is not surprising as most species typically navigate using features such as tree lines, hedgerows and woodland edges and these habitats are not present within the valley itself. Watercourses are also typical commuting routes, however the vegetation within the valley on site is sparse (although further to the south it is more heavily vegetated). The proposed valley crossing design is a bridge which provides an open vertical space of up to 5m in height. Most bat species fly at low heights of between 0-4 m (Russell *et al.* 2009; Berthinussen & Altringham 2012), in particular when within open habitat such as that present within the valley. Therefore, the proposed bridge will not present a significant impediment to bat movement.

Reptiles

4.3.5 The current partial land use of pheasant rearing is likely to be having a negative effect on the reptile population and the removal of this industry is likely to have a positive impact on reptile populations on site. However, it is not considered that this would be sufficient to offset the negative impacts of increased predation of reptiles by domestic cats and dogs alone, even with the proposed reptile mitigation areas. The Council's Ecologist considers that the proposal is unacceptable due to the unquantified potentially negative impacts on biodiversity in the submitted proposals leading to insufficient information to fully understand the full impacts on these protected species.

4.3.6 The reptile population has been determined to be of low value. Within the ES the population was not considered significant and was discussed only in relation to potential breaches of legislation. I disagree that there will be a significant negative impact from domestic pets and there is no research to suggest that domestic pet predation is significant enough to impact on the population viability of reptiles. The development will result in a significant increase in suitable habitat for reptiles, including refuge from predators.

Skylark and Lapwing

4.3.7 The Council's Ecologist considers that not enough consideration has been given to the increased recreational disturbance by domestic dogs with the change in land use from arable to an urban fringe recreational country park and that this has led to an oversight in the likelihood of success in the proposed compensatory habitat to be provided. He recommends that in addition to the proposed compensatory measures for skylark (and subsequently lapwing) delivered onsite that offsite provisioned habitats be a part of what must be delivered to guarantee that no long-term negative effects on skylarks arise from this development, if the development comes into fruition. The European Commission Management plan for skylark point - Atmospheric pollution (6.1) "In certain breeding habitats, e.g. heaths and dunes, deposition of nutrients, particularly nitrogen compounds, can lead to unfavourable changes in vegetation structure". The Council's ecologist considers that there is a possibility of there being a currently unquantified cumulative negative effect on skylark habitat locally because of the intensification of car use on the site and surrounding areas. Although the findings of the submitted breeding bird survey report (ES Vol.3 Appendices F4) are not disputed, the likelihood of the success of maintaining the same level and quality of breeding habitat for skylark and lapwing is disputed. In the absence of satisfactory compensation and enhancement there are concerns that the proposal would have an unacceptable negative impact on this protected species.

4.3.8 Air quality impacts within the site itself are discussed in the Air Quality Chapter of the ES and are not significant (Chapter 15). None of the Sites scoped into the cumulative assessment are suitable for ground-nesting birds (noting that air quality impacts only have the potential to be significant within 200m of roads). Measures are proposed (including fencing and signage) to prevent disturbance of ground nesting bird mitigation areas (this is specified as part of Section 6.5.3 of the Ecology Chapter).

Otter

4.3.9 Any potential adverse impacts of recreational use on otters using the River Enborne, can be addressed by preventing any access to the River Enborne. This matter can be dealt with by condition.

4.3.10 No recreational access to the River Enborne is proposed. I agree that if necessary, this can be secured by condition.

Hazel dormice

4.3.11 The Council's Ecologist advises that the proposed mitigation measures listed in section 5.2 of the submitted Dormouse Presence/Likely Absence Survey report (ES Vol.3 Appendices F10) are noted. However, he considers that various references to hedgerows which are proposed to be removed in the submitted ES are contradictory as to their importance under the Hedgerow Regulations and he is not confident in the submissions to date that the issue of dormice has been

adequately addressed and mitigated on site. The impact of the proposal on dormice is therefore considered unacceptable in this respect.

4.3.12 As discussed in 4.2.15, there was only one error in respect of references to hedgerows, which has no bearing on the assessment of impacts or mitigation for hazel dormice. The ES concludes a significant beneficial effect on hazel dormice as a result of the large amount of habitat creation.

Badger

4.3.13 The Council's Ecologist considers that the application proposal will significantly restrict feeding opportunities for the badgers on-site by restricting their movement. The more wet the location the less suitable it would be for badgers to move their main sett to if they are feeling disturbed too much. He considers that in this respect the proposal would result in unacceptable and inadequately unquantified potentially negative impacts on biodiversity.

4.3.14 The proposed valley crossing comprises a bridge structure, the design of which is to be agreed through a future Reserved Matters application. This demonstrates that the valley crossing can be delivered in a manner which will present no impediment to the movement of badgers. The majority of available foraging habitat lies to the south and east and this will be enhanced through the proposed landscape design and the provision of the Country Park. Badger activity has been recorded between 2011 and 2019. This shows that almost all signs of badger foraging are within areas which will be retained and protected (predominately woodland and woodland edge). Appendix A explains how connectivity between woodland parcels can be maintained and as such there will be no significant restriction of badger movement between setts and foraging areas. The ES states that at the detailed design stage, recreational routes will be designed to avoid recreational disturbance of badger setts. Where necessary this will include fencing to prevent public access, or to guide badgers to crossing points.

Barn owl

4.3.15 The Council's Ecologist considers that ancient tree T34 and veteran tree T127 are proposed to be felled and they are both confirmed barn owl roosts. He considers that the proposed mitigation in regard to the barn owls is acceptable. However he considers the loss of the two irreplaceable habitats as not being justified by exceptional reasons and their loss is therefore unacceptable.

4.3.16 T34 is not a confirmed barn owl nest. It has been identified as having suitability for barn owl but there has been no evidence of nesting. The removal of T127 is not necessary for the development to proceed. Therefore, it has been proposed that further updates and detailed mitigation are provided at the detailed stage, if works are required. This would comprise compensation nest boxes and pre-commencement checks prior to any works within 200 m to make sure nesting barn owls are not present.

Water vole

4.3.17 Water voles, if absent from the site, are likely to be absent due to current or historic American mink presence. If mink numbers are under control locally and across the catchment area, and the site does not become recolonised by water vole naturally, they could be subject to reintroduction programs if the habitat is suitable in that location.

4.3.18 I agree that in future if mink populations can be controlled, the areas of open space proposed on site could provide a suitable location for a water vole reintroduction program. However, this is not a matter for this appeal.

Great crested newt

4.3.19 *We accept that great crested newts (GCN) are likely to be absent from the site, and that the mitigation measures that will be needed to safeguard reptiles are likely to give some safeguards for GCN. It may be possible for the ponds, if they are being managed correctly and disturbance is at an acceptable level, to become part of the District's licencing scheme receiving newts from other sites, provided the amphibians found at both sites are found to be free of chytrid fungus pathogens.*

4.3.20 I agree that in future the on-site ponds could provide a suitable location to contribute to district level licencing. Alternatively, additional ponds could be created in future within the Country Park.

4.4 OTHER MATTERS

Air quality

4.4.1 *The increased air quality impacts of the proposal have not been considered fully in the submitted documents. There is likely to be a currently unquantified cumulative negative effect on local priority habitats on the site including ancient woodlands because of the intensification of the site and surrounding areas with more car trips being taken around and through the site.*

4.4.2 On-site air quality is fully considered within the Air Quality Chapter of the ES (Chapter 15) which predicts no significant impacts to on-site receptors. This is referenced within the Ecology Chapter in respect of Occupation Phase effects (Section 6.6.1).

Invasive species

4.4.3 *Invasive species control should be tackled on a catchment basis and as such it is expected that a scheme for the removal and management of non-native species will need to be secured by condition.*

4.4.4 It is reasonable to expect the applicants to commit to removing invasive species on site. However, there is no catchment-wide scheme at present.

Water quality

4.4.5 *The effects on water quality will need to be assessed and quantified as the proposed scheme is likely to have a detrimental effect on water quality, which would then enter priority habitats (such as Rush pasture and Riparian/fluvial habitats). Water quality being given to the trees will be of a lesser standard, thus having further negative impacts on the ancient woodlands.*

4.4.6 I discuss water quality in 4.2.9. Due to the current intensive agricultural use of the site, it is likely that the proposed development will have a beneficial effect on water quality. The Water Resources Chapter of the ES (Chapter 11) concludes there will be a minor beneficial effect on water quality. This is referenced within the Ecology Chapter in respect of Occupation Phase effects.

Net gain

4.4.7 *Any development on this site is required to deliver a positive net gain for biodiversity and the Ecologist advises that the proposals only deal with the habitat loss but do not take into account the*

degradation of the retained existing habitats, which because of the change of land use, the increased access across the site to residents and the wider public for recreational purposes and general intensification of the use of the site, means that inadequate enhancement / net gain for biodiversity is proposed.

4.4.8 The biodiversity net gain assessment does not only deal with habitat loss. Measures have been proposed to protect and enhance retained habitats and it does not follow that they will automatically be degraded due to the proposed development or 'general intensification'. The net gain assessment uses guidance to set target levels of condition for retained and created habitats based on specific characteristics. These measures would be covered by detailed management proposals which would be the subject of a planning condition and it is reasonable to assume that these measures will be achieved and maintained and that the submitted figures are appropriate.

4.4.9 As discussed in 4.2.13, an updated Biodiversity Net Gain assessment has been undertaken using the latest Natural England 2.0 Biodiversity Metric and associated guidance (Appendix B) to give additional confidence in the conclusion that the development will deliver a net gain for biodiversity. An updated Ecological Mitigation and Management Plan has also been prepared (Appendix C) which demonstrates how the target condition criteria will be met.

5.0 THIRD PARTY REPRESENTATIONS

5.1 FORESTRY COMMISSION

5.1.1 The Forestry Commission raise no objection to the appeal scheme in relation to impacts on retained woodlands.

5.2 MR A C JARMAN

5.2.1 Mr Jarman raises points in relation to ancient woodland, and in particular para 175 and the provision for harm to ancient woodland where there are wholly exceptional reasons. I address woodland impacts earlier in my Proof of Evidence but for clarity, the appeal scheme does not rely on this provision as it will not result in loss or deterioration of ancient woodland. Mr Jarman also queries the proposed buffers, but as I detail these are minimum buffers in accordance with the SPD and standing advice.

5.3 WOODLAND TRUST

5.3.1 The Woodland Trust raise concerns over the loss of trees T1, T34 and T127. As Mr Allder sets out in his evidence, these trees will be retained.

5.4 PETER M NORMAN

5.4.1 Mr Norman raises points in relation to the ancient woodland and buffers which are addressed in Sections 3.0 and 4.0 of my evidence.

5.5 BERKSHIRE BUCKINGHAMSHIRE AND OXFORDSHIRE WILDLIFE TRUSTS

5.5.1 The Trusts raise the potential for adverse effects on Greenham Common SSSI. Natural England consider that the proposed Country Park will avoid significant adverse effects on this site and as such it is agreed within the Statement of Common Ground that there will be no impact on Greenham Common. Comments in relation to woodland buffers and the River Enborne are addressed in Sections 3.0 and 4.0 of my evidence. For clarity, Brick Kiln Copse is not within the appeal site and is part of Sandleford West.

5.5.2 In relation to hazel dormice, I agree that maintaining habitat connectivity is key for this species, and is an important consideration within the proposed mitigation strategy. Detailed mitigation and planting proposals would be dealt with at Reserved Matters, but Appendix A of my evidence sets out how connections between the woodlands can be maintained.

5.5.3 In relation to Biodiversity Net Gain, it is agreed that a net gain will be realised, and Appendix B of my evidence provides updated calculations. In relation to the Country Park, detailed management measures would be submitted with the first Reserved Matters application. The scheme includes

provision of a Warden for the Country Park. We would be happy to discuss detailed grassland management with the Trusts at the appropriate detailed stage.

5.6 SNTS

5.6.1 SNTS raise a number of additional points in relation to trees and woodlands which are addressed in Section 3.0 and 4.0 of my evidence. They also reiterate the Council's point in relation to skylark which is addressed in Section 4.0 of my evidence. They mention the presence of brown hare on site, which is assessed within the Ecology ES Chapter. Roe and muntjac deer do not constitute significant ecological features (especially muntjac which are a non-native species). However the proposed Country Park and other habitat retention and creation will maintain suitable habitat on site for these species.

5.7 GREENHAM PARISH COUNCIL AND NEWBURY TOWN COUNCIL

5.7.1 In relation to 4.A Protection of Ancient Woodlands, these matters are addressed in Section 3.0 of my evidence. In relation to 4.A.5 (discussing monitoring) it would be appropriate for a detailed management and monitoring plan to be agreed at the Reserved Matters stage. This would monitor against the target condition criteria set out in the Biodiversity Net Gain Assessment and Ecological Mitigation and Management Plan (Appendix B and C of my evidence). In relation to 4.A.6 (trampling) as discussed in Section 3.0 and Appendix A, the location and treatment of any paths would be subject to detailed design to avoid impacts to sensitive ground flora and manage access.

5.7.2 In relation to 4.B Nature Corridors and Wildlife Studies, it is agreed that the appeal scheme will deliver a net gain for biodiversity. This includes consideration of connectivity and detailed proposals for landscape and wildlife corridors would be provided at the appropriate Reserved Matters stages. In relation to 4.B.2 (wildlife surveys) the Council agree that the baseline data is appropriate with two exceptions which I address in Section 4.0 of my evidence.

6.0 SUMMARY

6.1.1 There are two reasons for refusal which relate to Ecology. It is considered that these can be adequately resolved through planning conditions and detailed design work at the appropriate Reserved Matters stage.

6.1.2 Reason for Refusal 8 deals with the woodlands on site.

6.1.3 The appeal scheme is in accordance with the SPD and includes the provision of 15m minimum buffers. As I set out in my evidence, the SLGI plan goes beyond this and seeks to provide wider buffers which would be fully detailed at Reserved Matters. My evidence also sets out further information on how harm to the woodlands can be avoided, however, it should be acknowledged that the principle of the development, including this quantum of housing, has already been found to be acceptable by the Council (and by BSG Ecology).

6.1.4 Reason for Refusal 11 deals with impacts upon site biodiversity.

6.1.5 As I set out in my evidence, I disagree with the Council's view that insufficient regard has been given to occupation phase effects. Further details of mitigation can appropriately be provided at Reserved Matters (as was agreed by BSG Ecology). Critically, the parties agree that the development will achieve a net gain for biodiversity and I provide further updated evidence setting this out using the latest metric,

6.1.6 I therefore consider that the appeal scheme is in accordance with the SPD (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).