

# Sandleford Park, Newbury

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

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APP/35

Bloor Homes & The Sandleford Farm Partnership

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## 1.0 INTRODUCTION

1.1.1 The following sets out my rebuttal to the Ecology Proof of Evidence prepared by Susan Deakin BSc MSc CMLI on behalf of West Berkshire County Council.

## 2.0 REASON FOR REFUSAL 8 – IMPACT ON ANCIENT WOODLANDS

2.1.1 In Para 3.3.2 it is stated that the potential for impacts on the woodlands such as fragmentation, degradation and disconnection has not been given full regard. These potential effects were considered as part of the original submission and were considered not to be significant with the inclusion of suitable mitigation. Appendix A to my Proof of Evidence sets out further clarification on the existing connections between the woodland parcels and how at a minimum the number of connections can be maintained, with the aim of increasing the number and quality of connections.

2.1.2 In Para 3.3.6 it is stated that the proposed cycle route will result in the loss of ancient woodland. This is incorrect as Waterleaze Copse in this location, and Gorse Covert are not ancient woodland. Furthermore, there is no intention to remove areas of these woodlands to create the proposed cycle route (which will be subject to detailed design). Any vegetation clearance required can be undertaken on the northern side to safeguard the woodlands. Similarly, the repair and reinstatement of the culvert north of Waterleaze Copse can be achieved without the direct loss of woodland and it is not unreasonable for minor works such as these to be carried out within the proposed buffers where such structures or features (such as paths) are already present. Lighting of the PRow (if necessary for public safety) is a matter of detail to be dealt with at a later stage. If required, lighting will be designed to avoid any impact on nocturnal species using low-level LED lighting (such as bollards) to prevent upward light spill. Lighting can also be time-limited which will also help to avoid significant effects.

2.1.3 Para 3.3.7 relates to the construction of the foot / cycleway. There is an existing track in this location and the provision of a surfaced route will not result in a significant loss of habitat. Impacts upon the adjacent woodlands can be mitigated through detailed construction design (such as the use of no-dig construction methods). Although the path lies within the 15m minimum buffer in this location it is only a minor incursion, can be undertaken without causing significant harm and the provision of foot and cycle access is a requirement of the SPD (A1, A2 and A3).

2.1.4 Para 3.3.8 states that the provision of paths within the woodlands will cause loss of or interference with ancient woodland habitat. As set out in the application documentation and my evidence, paths within the woodlands will use existing tracks within the woodlands, guided by up to date botanical surveys to prevent any loss of woodland habitat. The use of these paths is considered as part of the future condition assessment of the woodlands undertaken as part of the Biodiversity Net Gain Assessment (updated at Appendix B of my evidence) which predicts that the woodlands can be enhanced and managed to good condition.

2.1.5 3.3.9 relates to public access within the woodlands. Strategic Objective 5 of the SPD states that the development should manage access to the ancient woodlands. Policy L4 states that “*there will be managed access to the ancient woodland via a series of identified paths and routes. These will integrate into the wider network of pedestrian linkages around the site.*” Indicative routes are also shown on Figure 6 of the SPD. The appeal scheme is in accordance with the SPD in providing

these links, but seeks to avoid significant impacts to the woodlands by utilising existing tracks (and avoiding access to more sensitive areas such as Crooks Copse). The provision of such tracks would not constitute a loss of habitat and the submission documents set out that final routing of paths at the detailed stage would be informed by up to date surveys to avoid significant loss of ground flora. I disagree that policing of tracks would be impossible, there are not a significant number of routes proposed and the scheme provides for a dedicated warden who would be able to monitor and manage the access.

2.1.6 In relation to Para 3.3.10, as above, it is proposed that at Reserved Matters, the development will be in significant accordance with the SLGI plan and it is intended that final detail of routes, surfacing etc. will be provided at this stage.

2.1.7 In relation to Para 3.3.11, access is a requirement of the SPD. As set out in my evidence, public access to sensitive woodlands is not uncommon and can be accommodated without significant harm to flora or fauna. Wardening of the woodlands is proposed alongside the Country Park. Fencing of the recreational routes, if required, would be dealt with as part of the detailed design, alongside route and surfacing. As set out in my evidence, the SLGI plan shows all accessible woodlands are more than 15m from proposed development parcels. As per Principle L2 of the SPD, each character area and phase of the site will have a detailed Landscape and Green Infrastructure Design and Management Plan. This would include access management, however, a dedicated Access Management Plan could also be conditioned for delivery alongside the Country Park as part of the first Phase of development.

2.1.8 In relation to Para 3.3.12, Appendix A to my evidence provides further clarification on the existing and potential connections between the woodland parcels and demonstrates that there will not be any significant fragmentation.

2.1.9 In relation to Paras 3.3.15 and 3.3.16, we disagree that there will be significant deterioration (and no loss) of ancient woodland. As such, there is no requirement to rely on any exceptional reasons for the appeal scheme to be upheld. I would also note again that the principle of the development has already been accepted through its allocation, and the protections afforded to ancient woodland as irreplaceable habitat were present in the 2012 NPPF as well as the current version. As set out above and in my evidence, the appeal scheme accords with the SPD in terms of access and protection of the woodlands. In terms of the provision of additional links or green corridors, the Landscape Parameter and SLGI plans do not preclude this, and these could be considered at the Reserved Matters stage as part of the Landscape and Green Infrastructure Design and Management Plan which is required under Principle L2 of the SPD for each character area and phase.

2.1.10 In relation to Para 3.3.17, as set out above, I disagree that there will be any loss of ancient woodland. Nothing within the Biodiversity Net Gain Assessment is included as mitigation or compensation for the loss of ancient woodland, therefore it is appropriate to include them within the calculations. I also note that it has been agreed as part of the Statement of Common Ground that the appeal scheme will deliver a net gain in biodiversity.

2.1.11 In relation to 3.3.20, the Crooks Copse Link is a matter of detail to be resolved at a later stage, and the final design and routing will be part of the appropriate Reserved Matters application. The link as shown on the SLGI and Landscape Parameter plans is more than 15m from High Wood and this will be reflected at the detailed stage.

2.1.12 In relation to 3.3.22, these effects have been considered as part of the application and were also considerations in the allocation of the site.

2.1.13 In relation to 3.3.24, the Air Quality chapter of the ES sets out measures to avoid significant air quality impacts during construction which would be dealt with through a Construction Environmental Management Plan at the appropriate stage. It also includes a detailed assessment of operational phase effects (Section 6.5) which concludes there will be a negligible effect as a result of NO<sub>x</sub> emissions. This is further set out in Mr Mann's evidence. Whilst I do not dispute the findings of the quoted study (CD 17.17) it should be noted that the majority of this research relates to motorways and other major roads which would be expected to have more significant effects due the volume and type of traffic they accommodate. The future change in car emissions should also be acknowledged. The government announced a ban on new petrol and diesel car sales taking effect in 2030, which is only 6 years from the anticipated first completions on site (see 4.73 of Mr Jones' Proof of Evidence). Therefore, it is likely that the long-term emissions from traffic on site will be lower than predicted by the Air Quality Chapter of the ES.

2.1.14 In relation to 3.3.26 and 3.3.27, my evidence makes it clear that the Landscape Parameter Plan provides the 15m minimum buffers required by the SPD, but the SLGI Plan provides larger buffers for almost the entire woodland perimeter. The final buffers will be set out as part of each Reserved Matters application.

2.1.15 In relation to 3.3.28, the 15m minimum buffers are in accordance with the SPD and standing advice in relation to ancient woodlands has not changed in this regard. Furthermore, although there is in increased emphasis on biodiversity in the current NPPF, ancient woodland was still accorded the same protection as irreplaceable habitat in the 2012 NPPF (Para. 118), before the SPD was adopted.

2.1.16 In relation to 3.3.29, all of these elements are subject to detailed design. It is intended that a suitable condition is worded to specify the minimum buffer sizes, their composition, and any acceptable elements which can be included within the buffers to guide future Reserved Matters applications. For example, where larger buffers are provided it may be suitable for SuDS features or footpaths to be included.

## 3.0 REASON FOR REFUSAL 9 - IMPACT ON ANCIENT, VETERAN AND OTHER TREES

3.1.1 With regard to 3.4.3 and 3.3.4, surveys have shown that T116 does not support roosting bats. The scheme will provide a significant increase in potential roosting sites through the provision of bat boxes both within existing and proposed habitats, but also within proposed dwellings. The provision of these accesses (which are mandated by the SPD) do not result in a significant loss of connectivity and additional connections can and will be provided (as set out in Appendix A of my evidence). In my opinion, this value of this area of the site is overstated as it does not provide woodland connectivity. There are frequent gaps along Monks Lane east and west of the site, and there are large gaps along the north east boundary of the site. As set out in the Biodiversity Net Gain Assessment and other documents, any loss will be compensated with a net gain in both area-based and hedgerow habitat units. The net gain in hedgerows can be further increased when detailed landscape proposals are devised.

3.1.2 With regard to 3.4.5, the partial loss of G47 is not significant and will be compensated as part of the proposed landscape planting. Furthermore, its long-term survival is unlikely due to the onset of ash dieback. The provision of arboreal connections for dormice over internal access roads is a long-established design approach, and it should also be noted there are no records of dormice from this hedgerow during any of the extensive surveys carried out on site. Even so, the maintenance of this hedgerow is not critical to habitat connectivity across the site as a whole with numerous other existing and proposed connections available (see Appendix A to my evidence).

3.1.3 With regard to 3.4.6 and 3.4.7, three trees from G47 located between T46 and T48 would be lost to accommodate the access in this location. As 3.4.6 states, although a number of trees have been identified with suitability for roosting bats in G47, they are not confirmed roosts. Therefore, their loss is not considered significant when considering that the scheme will deliver a significant increase in bat roosting habitat and it is likely that these trees will not survive in the long-term due to ash dieback. The EMMP states that updated bat surveys will be conducted prior to any tree removal and if at that stage roosting bats are identified then suitable mitigation will be provided and EPSL licences obtained from Natural England. With regard to lighting, this is a matter of detail to be resolved at a later stage, however if lighting of this route is required, it is possible to design a suitable scheme to avoid illumination of confirmed or potential roosts in retained trees (for example positioning luminaires so that the hedgerow and tree line is centred between them).

3.1.4 With regard to 3.4.8, only T69 would be lost as a result of the 3<sup>rd</sup> Option with T76 (the confirmed bat roost) being retained.

3.1.5 With regard to 3.4.9, this is an existing track which is proposed to be used, rather than create a new one. As Mr Alder explains in his evidence, it is expected that recommended arboricultural works for all trees which are not required to be removed (for example to accommodate access) will be refined at the Reserved Matters stage and informed by up to date tree and ecology surveys.

3.1.6 With regard to 3.4.10, the proposed cycle route is a matter of detail to be resolved at a later stage, therefore it is to be expected that detailed plans would not be provided at this stage. Any

potential impacts on root protection areas can be avoided through appropriate no-dig construction methods which would be dealt with at the Reserved Matters stage.

3.1.7 With regard to 3.4.11 and 3.4.12, as explained above, arboricultural recommendations will be refined at the Reserved Matters stage. As part of the detailed design of the Country Park it will be possible to retain veteran trees with suitable fencing to both protect users and maintain the characteristics and biodiversity value of the trees.



## 4.0 REASON FOR REFUSAL 10 – PARK HOUSE SCHOOL EXTENSION LAND

4.1.1 With regard to 3.5.2, plans for the proposed extension land were provided in Appendix 11 of Mr Jones evidence. This includes space for level changes which avoid both the woodland buffer and the RPA of T33. The plan also shows the proposed access as a single foot and cycle connection between T33 and T31. The hedgerow along this boundary is gappy and with enhancement and infill planting of the retained section there would be a net gain in hedgerow habitat (as the Biodiversity Net Gain Assessment predicts for the development as a whole).

4.1.2 With regard to 3.5.3, 3.5.4 and 3.5.5, as stated, Tree T34 (and T31 and T33) is neither a barn owl nest nor a bat roost. I agree that it is unlikely to be used for nesting during construction however that is not relevant as barn owls are protected only from disturbance whilst nesting (should they commence nesting before works, then construction may be delayed – as per the mitigation specified in the EMMP). It is unlikely that sports activity will be more damaging than the existing agricultural land use. Substantial additional roosting and nesting provision is proposed, and the loss of these potential roost sites would not be significant (and even so I contend that the loss is not inevitable and they will remain potential nesting or roosting sites post development).

4.1.3 In regard to 3.5.6, the drawing in Appendix 11 to Mr Jones' evidence shows that no incursion into the 15m minimum buffer is required.

## 5.0 REASON FOR REFUSAL 11 – POST CONSTRUCTION IMPACTS ON ECOLOGY

5.1.1 With regard to 3.6.4, as set out within the assessment, the Biodiversity Net Gain Assessment is based on the SLGI plan. It is to be expected that the assessment would be further updated through the Reserved Matters applications as detailed landscape and other matters are developed. For example, it is likely that the urban areas will provide a greater number of biodiversity units than has been currently assumed. The access proposals, which as stated previously are subject to detailed design, include the potential for boardwalks and it is possible to provide suitable access through the valley – as the SPD intends. Provided the detailed design of access routes makes sure that routes are appropriately surfaced and accessible to all users it is not inevitable that adjacent habitats will be used instead.

5.1.2 The majority of the proposed Country Park area has limited biodiversity value at present and the proposals seek to enhance this, with suitable management measures proposed. The measures to protect and manage access to the woodlands are in accordance with the SPD. It is acknowledged more detailed habitat creation and management proposals will be needed at the detailed design stage, in accordance with the SPD.

5.1.3 With regard to 3.6.6, the Country Park will be subject to a detailed Landscape and Green Infrastructure Design and Management Plan at the Reserved Matters stage in accordance with Principle L2 of the SPD. This will include tree survey and management measures to make sure that the biodiversity interest of trees and woodlands is appropriately protected in the long-term.

5.1.4 With regard to 3.6.7, consistent with many of the concerns raised by the Council, the positioning of the Sandleford Mile is not fixed. The Landscape Parameter and SLGI plans seek to demonstrate how the key principles of the SPD, including access, can be delivered. However, this is subject to detailed design which will seek to minimise localised effects on all ecological features, including rush pasture. The proposed 14% increase in rush pasture is based on the SLGI plan and I fully concur that opportunities should be taken at the detailed stage to maximise gains as far as possible. One opportunity might be to restore existing culverted sections of the watercourse which runs south from Crooks Copse to create new areas of both aquatic habitat, and rush pasture. However, this is not a matter to be dealt with at the outline stage.

5.1.5 With regard to 3.6.8, the Country Park will be subject to a detailed Landscape and Green Infrastructure Design and Management Plan at the Reserved Matters stage in accordance with Principle L2 of the SPD. In relation to heathland creation, I do not agree that this is appropriate in this location given the existing soil conditions, historic land uses and proposed land use as a recreational space. Furthermore, heathland is not an optimal habitat for many of the species of fauna which the Country Park is intended to support (including the reptile species recorded on site and skylark).

5.1.6 With regard to 3.6.11 - 3.6.14, as set out in my evidence, I disagree that the proposed 3<sup>rd</sup> option for the main valley crossing will result in any significant impacts on flying species such as bats and barn owl. The crossing itself is still subject to detailed design and it is possible to adequately prevent any light spill through the design of LED lights and parapets.

5.1.7 With regard to 3.6.16, Appendix A to my evidence sets out how connectivity through the central valley can be maintained.

5.1.8 With regard to 3.6.19, the Crooks Copse Link is a matter of detail to be resolved at a later stage, and the information set out in the Wheatcroft proposal only seeks to demonstrate how the link could be provided. The link would be subject to detailed design at the appropriate Reserved Matters stage with all options considered.

5.1.9 With regard to 3.6.20, Crooks Copse is already physically isolated from the woodlands to the south, indeed it is the most isolated of the woodlands on site (149m from High Wood). However, it supports the highest number of ancient woodland indicator species with 22. They are present because Crooks Copse and High Wood were historically one single woodland (see Appendix 2 to Mr Jones' Rebuttal). In terms of maintaining genetic diversity of flora, ancient woodland indicator species spread through a range of mechanisms, although most by seed. Seed may be spread by birds (e.g. honeysuckle *Lonicera periclymenum*), by animals (e.g. common cow-wheat *Melampyrum pratense* by ants, wood avens *Geum urbanum* by hooks on animal fur, or primroses by rodents 'harvesting' seed), by physical mechanisms such as explosive fruits (e.g. narrow-leaved bittercress *Cardamine impatiens*) or wind (e.g. wall lettuce *Mycelis muralis*) or seeds may have no specific mechanism and are simply shaken out of the seed pods (e.g. bluebell *Hyacinthoides non-scripta*). Some species such as perennial dog's mercury *Mercurialis perennis* spread vegetatively (although there is no evidence of any indicator species spreading via this method between the woodlands). The proposed Crooks Copse Link would not prevent these seed dispersal mechanisms and additional planting to improve the connectivity between Crooks Copse and High Wood would likely aid plant dispersal. Nor would the link isolate any species of fauna such that there would be significant impacts on survival due to a reduction in genetic diversity.

5.1.10 With regard to 3.6.21, there is no evidence of foraging barn owl in this location. It is much less suitable than the central valley due to its more enclosed nature with High Wood and Slocketts Copse on either side. The provision of the Country Park will result in an increase in suitable foraging habitat, and in a more suitable location.

5.1.11 With regard to 3.6.22, the proposed landscape mitigation to enable bats and other flying species to cross the road is a well-established method to avoid significant mortality. The location is not a high-risk area (typically where hedgerows or tree lines are bisected or within woodlands) and the link will only be a 30mph internal road which does not represent a significant collision risk.

5.1.12 With regard to 3.6.23, there is the potential for a loss of marshy grassland in this location. However, as set out above, the link is still subject to detailed design and there are opportunities for other gains in marshy grassland elsewhere, and the potential to exceed the predicted 14% gain.

5.1.13 With regard to 3.6.24 and 3.6.25, as set out in my evidence, the extensive badger surveys to date include activity surveys and have informed the mitigation proposals. Although there is evidence of activity within Crooks Copse, the majority of activity occurs to the west of High Wood and Slocketts Copse. The proposals will allow badgers to continue to use Crooks Copse and there will be new areas of alternative foraging habitat in the Country Park. Fencing can be used to guide badger to a culvert

and in accordance with Design Manual for Roads and Bridges, any mammal shelf would be designed to sit above flood level.

5.1.14 With regard to 3.6.26, the play area location is indicative and at the detailed stage can be moved further from the main sett. The EMMP sets out the potential for fencing (incorporating badger gates) and defensive planting around badger setts and this would be set out as part of detailed mitigation measures at the Reserved Matters stage.

5.1.15 With regard to 3.6.29, I disagree with the stated assertion that these factors have not been considered. The Biodiversity Net Gain Assessment (which the Council agrees will achieve a net gain) is based on the future condition of habitats, assessed using key habitat condition criteria. Management is proposed setting out how these criteria will be achieved, taking into account the future use of the site.

## 6.0 REASON FOR REFUSAL 13 – DRAINAGE / SUSTAINABLE DRAINAGE SYSTEMS

6.1.1 With regard to 3.7.1, this is explained in Mr Witts' evidence, however I again reiterate that the drainage proposals, along with all other matters than access, are a matter of detail to be resolved at a later stage. Detailed drainage proposals will be submitted at the appropriate Reserved Matters Stage and subject to appropriate scrutiny to make sure there are no significant adverse effects on biodiversity.

6.1.2 With regard to 3.7.2, I agree that SuDS features should be designed to maximise their biodiversity value. The evidence of Mr Witts and Mr Cooper provides information on how this might be achieved at the detailed design stage.

6.1.3 With regard to 3.7.3, as I explain above, the Biodiversity Net Gain Assessment is based on the SLGI plan. It is to be expected that the assessment would be further updated through the Reserved Matters applications as detailed landscape and other matters are developed, including detailed drainage design.

6.1.4 With regard to 3.7.4, the conveyance channels, along with all other aspects of the drainage scheme will be designed in detail at the appropriate Reserved Matters stage. These will prevent untreated water from entering sensitive receptors. In relation to infiltration of groundwater, this will not be possible as all features will be lined. Therefore, there will be no change in groundwater levels.

6.1.5 With regard to 3.7.5, detailed drawings are not provided because the appeal scheme is outline only, with the only matter of detail being access. The detailed design of the drainage system will be entirely dependent on the layout of the urban areas and is not possible at this stage. The key requirement in terms of drainage is to demonstrate that it is possible to adequately treat the potential volume of urban runoff and manage the rate of discharge to avoid any increase in flood risk (allowing for climate change). This has been demonstrated by Mr Witts.

6.1.6 With regard to 3.7.7, this buffer relates primarily to construction-phase operations and it is acceptable for footpaths with appropriate design to be included within.