Rebuttal Proof of Evidence to Planning Proof of Giles Coe

Site: Land at Lawrences Lane, Thatcham

Appeal Reference: APP/W0340/W/22/3292211

Council Planning Reference: 21/02112/FUL

Date: 22nd of November 2022

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1. Introduction

1.1. My name is Patricia Holden. I studied Zoology BSc at the State University of Oswego (New York) graduating in 2003. Followed by a Graduate Diploma in Wildlife Biology and Management and Master of Applied Science in Natural Resource Management at James Cook University Cairns, Queensland, Australia in 2004 and 2006. I have been a practising ecologist since 2008, starting work in Essex as a field ecologist working for Catherine Bickmore Associates and Landscape Services. Following a move to the south, I was then self-employed and worked for various companies and schemes in the south of England during 2011 to 2016. In 2017 after my maternity leave, I started work at Syntegra Group as a Senior Ecologist followed by a promotion to Director of Ecology Services. I have over 15 years of experience as a practising ecologist. I am a full member of CIEEM (Chartered Institute of Ecology and Environmental Management) to which I am bound by their professional code of conduct. In addition, I hold protected species licences and have assisted on mitigation licences for numerous schemes.

1.2. I confirm that the evidence to which I have prepared and provided for this appeal is true to the best of my knowledge and belief and it has been prepared and is given in accordance with the guidance of the CIEEM. I confirm that the opinions expressed are my true and professional opinions.

1.3. This rebuttal proof of evidence has been prepared to respond to the Proof of Evidence dated the 11th of November 2022 prepared by Mr Giles Coe.

2. Rebuttal Responses

2.4. *The Co-ecology appraisal did not recommend any surveys for bat roosts or bat activity as suggested by the council previously (Ryman, 2021). This was on the basis that "No roosting habitat is present on or adjacent to the construction footprint and no impacts to this receptor could be reasonably be expected to have occurred from the works carried out to-date" (Paragraph 5./15, Co-ecology, 2022a).*

2.1. There is a clear lack of evidence based on this statement. No ground level tree roosting assessments is mentioned in the report with the only conclusion given in paragraph 5.15 of the PEA (Co-ecology, 2022): *No roosting habitat is present on or adjacent to the construction footprint.* The site habitats include broadleaved woodland and line of tree boundaries including species that are often known to host roosting bats (Oak, Ash). The record search has noted 155 records and with the site itself providing good links to offsite deciduous woodland and Ancient & Semi-Natural Woodland, additional transect surveys would have provided a more detailed impact assessment on the loss of foraging habitat and commuting impacts during the operational phase.

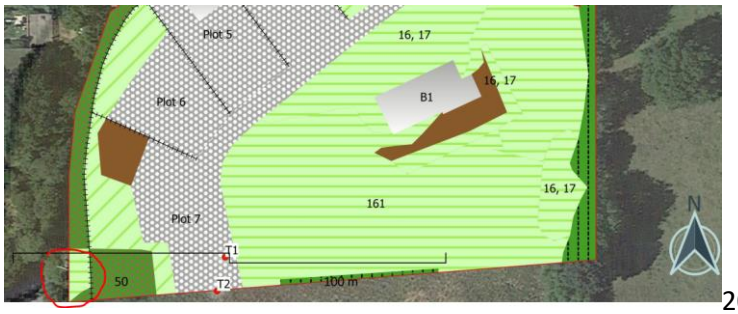
2.9. *It is sensible to determine that the occupation of the pitches would not have a deleterious effect or negative impact on a population of slow worms adjacent to the built area. Slow worms are very often found in close proximity to human habitation, commonly encountered in domestic gardens and allotments.*

2.2. What the appellants ecologist does not disclose is that the life expectancy of individuals within close proximity to human habitation result in a decreased life expectancy. As this site was initial uninhabited and now a residential site there are new impacts to the reptile population and without an effective barrier to any anthropogenic disturbances this could cause stress and a decline on the population.

2.20. *In regards the second point concerning dense scrub, the 2021 (Ecology by Design) and the 2022 (Co-ecology) habitat maps both map an equivalent habitat type in the same location. This area of woody habitat remains post the construction of the seven pitches, therefore no loss of nesting habitat and no compensatory measures were proffered.*

2.3. There is still some confusion by the Appellants Ecologist on the loss of dense scrub/woodland habitats and the requirement to provide details on compensatory measures for nesting birds. Review of the habitat maps provided by Ecology by Design (2021) and Co-ecology (2022) show a loss of dense scrub/woodland in the south-western corner of the site as highlighted in red below.

2021



2022

2.19. *There has been no previous mention of such a management plan from the council, whilst there has been an acknowledgement that providing a BNG metric is not mandatory*

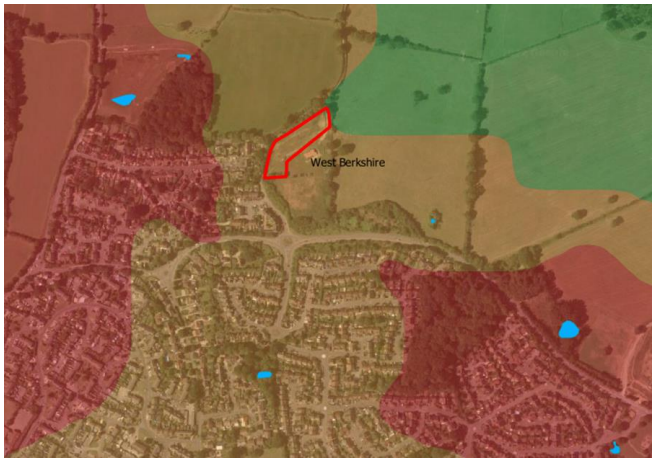
but would be helpful to the council. The BNG was subsequently provided in good faith and on instruction from the appellant. It is more usual for such management plans to be secured post planning by means of a suitable planning condition, an approach which is set out in BS42020.

2.4. Whereas normally this is the case, given that the impacts to protected species is a material consideration for planning this must be satisfied. The grounds for why it is a material consideration is due to the cost of the offsite mitigation that will be required to offset the impacts on the protected species. Where onsite mitigation can be dealt with at the pre-commencement stage, offsite requires general prescriptions to be prescribed for the management of the offsite areas in order for the council to inform costing. Therefore, a certain level of offsite measures and mitigation need to be agreed at this stage in principle.

2.21. *2.14 - The report also does not include the proposed vehicle passing point as noted in the Highways Technical note. In order to inform a decision, it is requested that a survey is undertaken by the appointed ecologist to inform if the hedgerow is classed as Important along with any protected species constraints and required mitigation measures.*

2.21.1 This was an omission on my part having not read the technical note that covered the passing point at the time the ecology reports were complied. It should be noted however, that the woody habitat in this location does not key out as a hedgerow and therefore fall within the hedgerow regulations. The 2021 report (Ecology by Design) has mapped this feature as a broadleaved tree line whilst in 2022 an equivalent UK habitats classification noted this strip of adjacent habitat as w1g other woodland broadleaved.

2.5. This still has not been resolved and we are unable to inform a decision. The works are yet to be carried out on this passing point and there is no detailed survey information given or the required mitigation measures. The appellant has not been provided any avoidance and or mitigation measures required for the works (i.e. nesting birds, small mammals). In addition, as the works will involve clearance of w1g, and the area zoned as Amber, which is suitable habitat and great crested newt likely to be present, works are best to proceed under DLL (District Level Licence).



2.26. *Indeed, tins could have been used, however, although wide ranging grass snakes require aquatic habitats for foraging and the nearest ponds were over 250m distant, the site does not provide an optimal habitat for adders which prefer land with free draining acidic soils, and are more commonly found around bracken and heathland flora.*

2.6. The record search information provided by both Co-Ecology (Reptile Report, 2022) and Ecology by Design (PEA, 2021) has noted records of slow worms, grass snakes and common lizard. Grass snakes have ranges upwards of 5km and grass snakes are the least aquatic species of the Natricine family. Radio tracking studies have found grass snakes to have a preference for habitat boundaries and interfaces. A study carried out in Southern England's found that grass snakes occurred along deciduous woodland and pasture field interface, deciduous woodland and pond interface and also in field hedgerows and banks and garden hedges. Whereas grass snakes are found to hunt within ponds, rivers, ditches, and watercourses they are also known to feed on small mammals and fledglings within grassland and woodland habitats. The application sites nearest ponds are within 260m with additional links to hedgerow and woodland that provide key traversing grounds for grass snakes.

2.31.1 *There are unfortunately no current, up to date and accepted best practise guidance for the survey of reptiles with much of what is done for development surveys predicated on an advice note published by a wildlife charity several decades ago (FrogLife, 1999). It has become custom that 5-7 surveys are used to determine presence or likely absence with 20 replicates throughout the year to determine a population estimate. The objective for survey of the appellant's site was to determine presence/likely absence and gain an understanding of likely distribution. In practise, the surveys were conducted in an appropriate fashion at an appropriate time of year and an additional two survey visits would have been unlikely to produce any significantly different results.*

2.7. The survey protocols used by the appellants ecologist was never intended for consultants and accepted survey methodology would be in line with HGBI guidelines. The

surveys undertaken were only done during the month of May as per table 4.4 of the Reptile Report (Co-ecology 2022) which has missed peak season for slow worms. Having the additional surveys and with better spacing would have ensured peak counts of slow worms. In addition, the mat size used (500mm x 500mm) are not in line with HGBI or Froglife guidelines as a result the surveys undertaken pose a limitation due to the sub-optimal artificial refugia used. The mat size and refugia type could have played a limiting factor and the reason why no grass snakes were found. In addition, a further two surveys in line with best practice methodology could have found grass snakes present.