

MEMORANDUM

From:	Louise Aparo Ecology Officer		
Service	WBC Ecology	App No:	251486
Address:	Land west of Edney's Hill, Barkham Road, Barkham.		
Proposal:	Full application for the proposed erection of 16 no. dwellings with new access off Edney's Hill, plus footpaths, car ports, parking, landscaping and associated works.		
Type of Development:	Major Dwellings (10+)		
Site Visit Made:	Yes – 31/03/26		

Summary Of Recommendations

- ☐ No comment
- ☐ No objection
- ☐ No objection subject to conditions (and reasons) **stated below**
- ☐ Request further information before determination as **stated below**
- ☒ **Objection due to the reason(s) stated below**

Comments On Proposal

This memo is order in response to reasons for refusal that require a response from ecology.

Documents reviewed submitted at planning stage:

- Landscape and Visual Appraisal, June 2025 by Jenk Landscape design and Planning
- Arboricultural Impact Assessment, April 2025, Revision no: 12357_AIA.001 by Aspect Arboriculture Ltd

Newly submitted documents at appeal stage:

- Appeal Statement of Case, February 2026 by Abbeymill Homes
- Ecological Appraisal, Revision V2.0, 25th February 2026 by Essential Ecology
- Biodiversity Gain Statement, V2.0 25th February 2026 by Essential Ecology
- Landscape Strategy Plan, February 2026, Drawing no: LSP/100 by Jenk Landscape design and Planning
- Arboricultural Hearing Statement, February 2026, reference '12357_HS.001' by Aspect Arboriculture Ltd
- Arboricultural Appendices, February 2026 by Aspect Arboriculture Ltd

Reason for refusal number 7

The proposal fails to demonstrate that the development can be suitably accommodated within the site without impinging on root protection areas, resulting in adverse and unacceptable impacts on important trees. Furthermore, impact on existing trees has failed to be considered in relation to required highway visibility

splays. As such, the proposal fails to comply with CC03 of the MDD Local Plan and NPPF. (this applies as veteran trees are considered irreplaceable habitat which relates to CP7: Biodiversity of Wokingham Core Strategy)

In considering whether the proposal will have an unacceptable impact upon important trees, it is essential to recognise that Tree T20 has been recorded as a veteran tree by the Woodlands Trust Ancient Tree Inventory. The Arboricultural Impact Assessment describes the tree as possessing several previous failures wounds, above average deadwood and cavities within buttress on southern aspect of base, all of which are important ecological features that can be identified as irreplaceable habitats under the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024. This regulation defines irreplaceable habitats as those that are “very difficult (or take a very long time) to restore, create or replace once destroyed,” and explicitly list ancient and veteran trees within this category. Under both the 2024 NPPF (as amended February 2025) and the 2024 Irreplaceable Habitat Regulations, development resulting in the loss or deterioration of irreplaceable habitats is only permissible in *wholly exceptional circumstances*, and adverse impacts are to be avoided through design, rather than offset using biodiversity net gain.

In accordance with Wokingham’s adopted Core Strategy, Policy CP7 (Biodiversity) requires development proposals to protect and enhance biodiversity, including features of recognised ecological importance such as ancient and veteran trees, and to avoid harm to habitats and species of principal importance. The “above average deadwood” (Aspect Arboriculture Ltd, April 2025) presence is particularly important in regard to species of principal importance as stag beetles have been recorded within close proximity to the development, the most recent record in 2019. Stag beetles are a saproxylic invertebrate that relies on the presence of deadwood and is a national priority species under the Section 41 of the Natural Environment and Rural Communities (NERC) Act and protected under the Wildlife and Countryside Act 1981.

The revised landscape plan shows that the proposed turning circle has been redesigned so that the turning head no longer faces towards the irreplaceable habitat (T20) and a larger section of grassland is now situated between T20 and the turning circle.

The key ecological risk from the proposed development arises if it requires increased management intervention, which could lead to the loss or deterioration of deadwood habitats. Management of T20 should therefore seek to retain these key habitats for as long as possible, while simultaneously reducing health and safety risks through appropriate landscape and access design. If trees and landscape specialists are satisfied that suitable mitigation measures can be secured to avoid the need for intensive management, this would address the ecological concern under Wokingham Core Strategy Policy CP7.

Provided that T20 is retained within a dark corridor, reflecting its potential to support nocturnal European protected species such as bats, that the tree is protected by recreational pressure and subject to trees and landscape specialists being satisfied

with the proposed mitigation and management approach, the development would comply with Policy CP7 in terms of protecting ecological functioning.

This conclusion is limited to ecological matters. Consideration of root protection, arboricultural impacts, and detailed long-term management prescriptions falls outside my expertise and should be informed by appropriate arboricultural and landscape specialists.

Reason for refusal no 8.

In the absence of a planning obligation to secure suitable avoidance and mitigation measure and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority (LPA), the LPA is unable to satisfy itself that the proposals include adequate mitigation measures to prevent the proposed development from having an adverse effect on the integrity of the Thames Basin Heaths SPA, in line with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 as amended and Article 6(3) of Directive 92/43/EEC. The proposal would be contrary to Policy NRM6 of the South East Plan, Policies CP8 and CP4 of the Core Strategy.

The proposed development lies within the 5 km zone of influence of the Thames Basin Heaths Special Protection Area (SPA). Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the decision maker, as the competent authority, must undertake an Appropriate Assessment for any proposal that is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and which is not directly connected with the site's management. The assessment must consider the implications of the proposal for the SPA in view of its conservation objectives.

The site is located within 5 km of the SPA and will result in a net increase in dwellings. Wokingham Borough Council has taken advice from Natural England that this additional residential population is expected to contribute to increased recreational pressure on the SPA, with potential to undermine its conservation objectives.

A Delivery Framework of mitigation measures has been agreed by Natural England to be able to mitigate the additional recreational pressure. Under the Delivery Framework, developments within the 400 m–5 km mitigation zone need to secure Suitable Alternative Natural Greenspace (SANG) and contribute to Strategic Access Management and Monitoring (SAMM). SANG provision must meet the standard of 8 ha per 1,000 population, calculated using an occupancy rate of 2.4 persons per dwelling.

The appellant proposes to secure mitigation through the purchase of capacity at the Council-owned Rooks Nest Wood strategic SANG, which would require 0.3072 ha of capacity. However, the Council advises that this capacity is not currently available. The remaining capacity at Rooks Nest Wood is limited and is being retained to meet anticipated demand from other developments that are policy compliant.

The extension to Rooks Nest Wood SANG is expected to be delivered in order to support development in the next planning period but this has not yet been granted planning permission. Natural England advise that decision makers cannot be confident that mitigation proposals which rely on SANG that does not yet itself have planning permission provide sufficient certainty to pass appropriate assessment.

Because appropriate mitigation cannot currently be secured, the development fails the Appropriate Assessment. Consequently, the proposal does not comply with the Conservation of Habitats and Species Regulations (2017) and is contrary to Wokingham Core Strategy Policy CP8.

Regarding the Strategic Access Management and Monitoring (SAMM), this mitigation can be secured independently to the SANG. The Council can agree a standard SAMM financial contribution and secure this through a legal agreement, with the contribution subsequently passed to the Thames Basin Heaths Partnership to deliver the required access management and monitoring across the SPA. The appropriate SAMM contribution should therefore be calculated in accordance with the current 2026 tariff rates applicable to development within the 400 m–5 km zone of influence. These rates are:

- £600 for a one-bedroom unit,
- £835 for a two-bedroom unit,
- £1,110 for a three-bedroom unit,
- £1,306 for a four-bedroom unit, and
- £1,492 for units with five or more bedrooms.

Subject to the correct contribution being secured, the SAMM element of SPA mitigation could be satisfactorily addressed. Given that the SAMM contribution can be secured, the only outstanding element is SANG Capacity.

To comply with national legislation and local policy, the appellant must instead secure SPA mitigation from an alternative SANG that falls within the required catchment of the development. In line with the Thames Basin Heaths guidance, developments of more than 10 dwellings must be served by a SANG located within:

- 400m, where the SANG has no car park;
- 2 km, where the SANG is under 12 ha and has a car park;
- 4 km, where the SANG is 12–20 ha and has a car park;
- 5 km, where the SANG is greater than 20 ha and has a car park.

Only once suitable SANG capacity can be secured through a legally binding agreement, can the decision maker conclude no adverse effect on the integrity of the SPA.

Reason for refusal no 9.

By virtue of a lack of accurate information, an assessment of how 10% biodiversity net gain will be achieved is not possible and as such, the survey assessment is not acceptable and therefore the relevant date of pre-development biodiversity value is not agreed. As such, if granted planning permission, there is no guarantee if 10% biodiversity net gain will be achieved, hence would be contrary to Schedule 7A of

the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

The appellant insists that Tree T20 is located off-site and therefore should be excluded from the BNG baseline. However, this position is not supported by the application evidence. Although the Location Plan does not identify individual trees, it defines the red-line application boundary, which is prepared at a scale of 1:1250. This scale is widely recognised as a high-accuracy mapping standard, surveyed to a tolerance of less than 1 metre at 95% confidence (Towers Richardson Land Registration Plan Specialists, 2021). That red-line boundary will have been relied upon within the Arboricultural Impact Assessment. The Arboricultural Plan and the Tree Constraints Plan (Appendix A of the Arboricultural Impact Assessment, April 2025 and the Arboricultural Statement, Appendix B, Tree Protection Plan February 2026), both are drawn at a more detailed scale of 1:500 and clearly show the red-line boundary passing directly through the centre of the stem of T20 both in the 2025 reports and 2026 statement. Given the recognised accuracy of the boundary mapping and the precision of the arboricultural plotting, the submitted evidence demonstrates that T20 is located within the application site.

In addition, the Arboricultural Impact Assessment (Aspect Arboriculture, April 2025) explicitly identifies T20 as “*the site’s principal tree*”, stating that it occupies the south-western corner of the application site and makes an important contribution to site amenity. This description clearly confirms that the tree is considered to be on-site within the applicant’s own supporting documentation.

National planning guidance requires the application site to be clearly defined by a red line and to include all land necessary to facilitate the development, including open space and landscaped buffer areas. Given the need to retain an appropriate buffer to protect the veteran tree, T20 must be regarded as integral to the layout and spatial requirements of the development site.

Furthermore, approximately one quarter of the buffer zone associated with the veteran tree falls within the application site and has the potential to be affected by the proposed development. Government guidance is clear that all irreplaceable habitats present within the application site must be identified and recorded within the baseline of the Statutory Biodiversity Metric, irrespective of whether the development directly affects them. This requirement is set out within Defra’s guidance on irreplaceable habitats, which confirms that ancient and veteran trees are classified as irreplaceable habitats for the purposes of Biodiversity Net Gain and must be recorded in the biodiversity gain calculation and associated documentation (Gov.UK, 22nd February 2024)

The Statutory Biodiversity Metric User Guide further explains that irreplaceable habitats are not included in the quantitative biodiversity unit calculation, as their biodiversity value cannot realistically be recreated or replaced. As such, irreplaceable habitats are recorded as present within the metric for transparency and regulatory compliance but are removed from the calculated baseline biodiversity value and do not contribute to the achievement of the 10% Biodiversity Net Gain requirement. Accordingly, recording the veteran tree within the baseline metric

would not alter the agreed biodiversity baseline or undermine the applicant's BNG proposals; it would simply ensure compliance with statutory guidance.

Failure to correctly identify and record the presence of an on-site irreplaceable habitat therefore results in a baseline that does not accord with the Environment Act 2021, Schedule 7A of the Town and Country Planning Act 1990, or the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024. As a consequence, the proposal does not demonstrate compliance with Wokingham Core Strategy Policy CP7, which seeks the protection and enhancement of biodiversity, nor with Wokingham Borough Local Plan Update 2023–2040 Policy NE2, which requires development to deliver measurable and policy-compliant Biodiversity Net Gain.

Given that the submitted plans and assessments show the red line boundary passing through the stem of T20, failure to record this veteran tree as an on-site irreplaceable habitat does not comply with the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024, the Environment Act 2021, Wokingham Core Strategy Policy CP7 (Biodiversity), or the Wokingham Borough Local Plan Update 2023–2040 Policy NE2 (Biodiversity Net Gain).

If the appellant were to correctly record the presence of the veteran tree within the Statutory Metric and supporting ecological documentation, the agreed baseline would remain unchanged, statutory guidance would be met, and this reason for refusal could be resolved.

1. Towers Richardson Land Registration Plan Specialists (25th October 2021). "Scale and accuracy of Ordnance Survey Mapping". Online. Available: Ordnance Survey Accuracy Explained | Towers Richardson.
2. GOV.UK (22nd February 2024) "Guidance Irreplaceable Habitat". Online. Available: Irreplaceable habitat - GOV.UK

Conditions & Reasons (if required)

Date:

Signed:

L.Aparo