



WOKINGHAM BOROUGH COUNCIL

TOWN & COUNTRY PLANNING ACT 1990

TOWN & COUNTRY PLANNING
(INQUIRIES PROCEDURE) (ENGLAND) RULES 2000 (As Amended)

Rebuttal Proof of Evidence

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APPELLANT: Dandara Southern Ltd & Elstree Land Ltd

APPEAL SITE: Land north of Reading Road, Arborfield

PROPOSAL: Outline application for the proposed erection of up to 111 no. dwellings with associated works, parking, landscaping, publicly accessible open space and access from reading road. (all matters reserved except for means of access).

LPA REFERENCE: 243099

PINS REFERENCE: APP/X0360/W/25/3371069

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1. INTRODUCTION

- 1.1 My name is Joanna Carter and I am Principal Planning Officer in Development Management Team at Wokingham Borough Council. My experience and qualifications are set out in my main Proof of Evidence (**CD14.01**).
- 1.2 This rebuttal is prepared in response to the Appellant's Updated Planning Proof of Evidence (**CD13.06.01**) ("UPoE") and should be read alongside my main PoE.
- 1.3 For the avoidance of doubt, it should be noted that I do not seek to respond to all the points made in the UPoE but only those where there is a need to produce additional evidence. It should not be taken that, because I have not dealt with a point in this rebuttal that I accept the Appellant's position and I maintain the position in my PoE, except where stated.
- 1.4 In relation to the Additional Issue 1 (Prejudice to the delivery of LVGV), I have been copied into correspondence between Mr Lewis and Mr Stevens/Mr Michaelides (Appellant's transport consultant), in which Mr Lewis' concerns on this matter were set out on in relation to the impacts on A327 corridor. These concerns were set out following the submission of Statement of Case by the LPA and in advance of the submission of Proofs of Evidence on 10th February 2026. References have also been made to discussions which have taken place during meetings, such that

there cannot be any misunderstanding as to the nature of the Council's concerns.

Main Issue 2: The effect of the proposed development on the character and appearance of the surrounding area

- 1.5 The Appellant's evidence seeks to minimise the effect of the proposal on landscape character and appearance by reframing harm as merely "localised", "limited" or capable of being offset through planting and open buffers. However, the Appellant's own planning witness, Mrs Taylor, previously acknowledged in her OPoE that the scheme would result in landscape harm attracting moderate weight. In her UPoE, this is re-phrased as a "localised change to the landscape". Even in her updated evidence Mrs Taylor accepts that "open buffers will assist in limiting harmful effects". This is significant, because the need for such buffers implicitly recognises that the scale of change arising from the scheme is harmful in the first place.
- 1.6 The Appellant then introduces a new argument in the UPoE, suggesting that the proposal should attract positive weight because it delivers housing "*on a site which is not a valued landscape, thereby reducing pressure on other more valued parts of the Borough*". I do not accept this reasoning.
- 1.7 Development in one location has no bearing on the acceptability of development in another. The appropriate forum in which to balance the merits of competing sites to meet development needs is as part of a Local Plan process and it is significant, in my view, that this site was not

taken forward for development as part of the LPU. It will be for a future Local Plan process to determine where development should and should not be brought forward, as part of the plan led system.

- 1.8 As set out in the Council's evidence, the proposal would introduce a substantial, permanent and urbanising form of development into open countryside. It would erode rural character, diminish perceptual qualities, increase visual intrusion along the Green Route and disrupt the dispersed pattern of development that currently characterises this area. The harm would not be limited or localised – it would be significant, enduring and incompatible with the character and appearance of the area.
- 1.9 In her UPoE, Mrs Taylor also introduces a new argument in respect of the interpretation of MDD LP Policy CC03, where she suggests that this policy does not require the protection or enhancement of Green Routes. I do not accept this interpretation.
- 1.10 Figure 1 below shows an extract from policies map with layers showing defined settlements, countryside and Green Routes (as well as Green Routes Enhancement Areas).

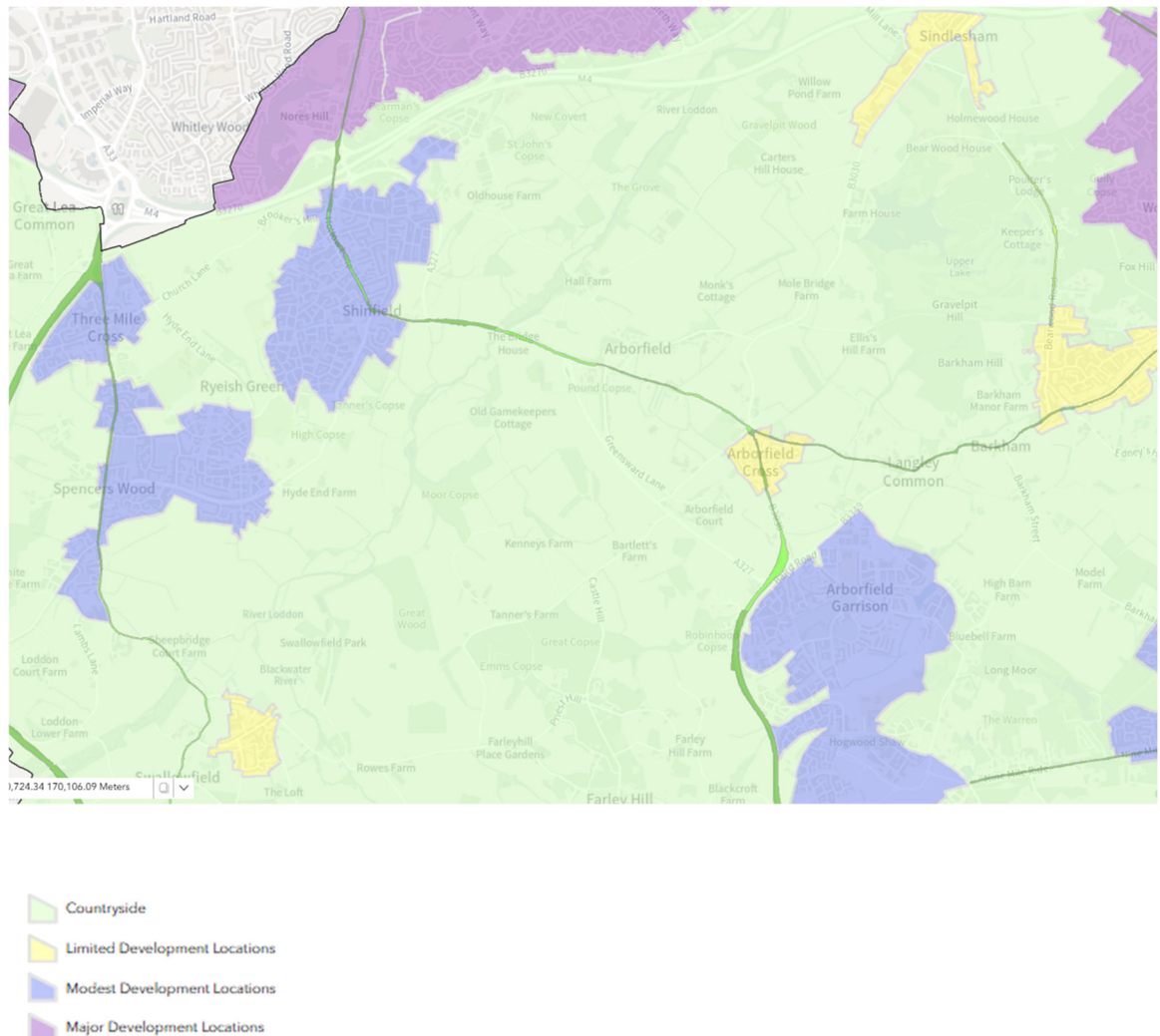


Figure 1: Policies Map extract

- 1.11 Mrs Taylor relies on Mrs Brockhurst's interpretation of the definition of Green Routes that these are "associated with settlements and the settled environment".
- 1.12 That assertion is not supported by the Development Plan. MDD LP Policy CC03 identifies Green Routes as part of the Borough's Green Infrastructure network and the Policies Map clearly illustrates that these routes extend through open countryside as well as settlement areas, forming continuous green corridors across the Borough. Green Routes

are, therefore, not defined by settlement context, nor are they limited to areas of built-up character. Treating them as settlement-associated is misinterpretation of the policy.

- 1.13 Mrs Taylor, reliant on Mr Brockhurst's interpretation of MDD LP Policy CC03, treats Green Infrastructure as a single, aggregated category and suggests that the appeal scheme satisfies the policy "overall", notwithstanding the harm caused to component elements such as the designated Green Route along Reading Road. I consider this approach to be incorrect.
- 1.14 MDD LP Policy CC03 requires development to protect the network as it exists on the ground; it does not allow harm to one part of that network to be compensated through enhancement of another. The policy specifically states that proposals which result in the loss, fragmentation or isolation of areas of green infrastructure will not be acceptable. If this approach was to be accepted, harm to the Green Route or ecological corridors (e.g. associated with irreplaceable habitats) could be offset through planting or open space within the site, even though the policy gives no support for such a trading mechanism.

Main Issue 3: Whether the quantum and scale of development is acceptable

- 1.15 Mrs Taylor argues that the scale and quantum of the appeal scheme are appropriate for the site. She presents the appeal site as part of a settled context where the development of up to 111 units would read as

appropriate in the context of the existing built form. I do not agree with this.

1.16 As Mr Hannington's evidence makes clear, the area surrounding the appeal site does not constitute a village or coherent settlement. There is no settlement of "Arborfield" in planning terms. Instead, the surrounding area comprises scattered dwellings, including sporadic frontage properties along Reading Road, linear development on Church Lane and remnants of the historic medieval settlement around the old church and mill. These elements do not form a settlement envelope, nor do they create a nucleated or cohesive village structure that could support or absorb a development of this scale. The proposal would, therefore, not represent any form of consolidation. It would instead impose a new suburban neighbourhood into open countryside.

1.17 This has direct implications for the quantum of development. A scheme of 111 dwellings, supported by the required access works (including emergency access necessitated by the proposed quantum), internal road network, engineered drainage solutions and the associated s278 works along Reading Road, constitutes a substantial residential development. Such a scale of development can only be appropriate where it relates well to an existing settlement pattern. Here it does not. The quantum of built form proposed is entirely out of keeping with the dispersed, rural context and would create a new settlement-scaled cluster in a location where no settlement exists.

- 1.18 As the Council's evidence shows, this location performs an important role as open countryside between scattered dwellings, rather than forming part of a settlement. Introducing a residential scheme of this scale into that context would fundamentally alter the area's character and fail to reflect the established pattern of development.

Main Issue 4: Whether the proposal would be sustainable development, having regard to its location and the opportunities for sustainable travel.

- 1.19 Mrs Taylor in her UPoE introduces a new argument at paragraph 5.59 asserting that the appeal scheme would make a positive contribution to the delivery of sustainable development, which should attract significant positive weight. While I accept that the delivery of housing would be a benefit and that improvements to the walking environment and bus infrastructure and services proposed through the appeal scheme would provide some benefits (as set out in my PoE), I do not agree that there would be any additional or freestanding benefit in the way claimed by Mrs Taylor.
- 1.20 Mr Lewis' evidence demonstrates that the appeal site is not in a sustainable location. Even if it was accepted that the scheme accords with some of the principles of sustainable development, this does not provide a standalone benefit to which positive weight could be attached. The NPPF is clear that sustainable development is the baseline objective and, even where policy-compliant, this does not automatically give rise to a benefit by reason of the scheme.

- 1.21 The NPPF and development plan require development to meet sustainable development objectives; they do not treat compliance with those baseline expectations as a benefit in its own right. While the benefits to the walking environment and bus infrastructure should be weighed in the balance, they do not mean that the site is in a sustainable location, or that there is any wider freestanding benefit as claimed by Mrs Taylor.

Main Issue 5: The effect of the proposed development on the nearby watercourse with particular regard to flooding and water quality.

Foul Water Infrastructure Capacity

- 1.22 The issue of the impacts on water quality was capable of being resolved subject to imposition of a Grampian-style condition preventing occupation of the dwellings until the planned upgrade to Arborfield Sewage Treatment Works (“STW”) is completed. Mrs Taylor in her UPoE suggests that such a condition would be unreasonable. This represents a change from her earlier position and I do not agree with this conclusion.
- 1.23 The Infrastructure Delivery Plan (**CD07.41**) identifies the upgrade of Arborfield STW as essential infrastructure (to support LVGV) and places its delivery within the current AMP8 investment period through to 2030. The condition sought by the Environment Agency (**CD17.11**), therefore, does not require speculative works or works whose deliverability is uncertain. The proposed works are already committed and costed and would extend treatment capacity at Arborfield STW. The EA has

confirmed that they have been approached by Thames Water for pre-application advice in relation to Arborfield STW, although assurances are yet to be provided that the progress of works is still on track **(CD17.07.02)**.

- 1.24 Mrs Taylor suggests that such condition would be unreasonable on the basis that it requires steps beyond the control of the Appellant. Paragraph 009 of the PPG: Use of Planning Conditions **(CD08.04)** states that a condition requiring works on land that is not controlled by the applicant may fail the test of reasonableness. It also differentiates between Grampian-style conditions, which, rather than requiring works, prohibit development until a specified action has been taken. It specifically refers to the provision of supporting infrastructure.

- 1.25 Accordingly, the imposition of a Grampian-style condition preventing occupation until the Arborfield STW are completed and operational would not be unreasonable. The condition would meet the relevant tests.

Culverting of Main River

- 1.26 Mrs Taylor in her UPoE refers to Mr Seymour's evidence (February 2026), which identifies that no new culvert is required, asserting instead that the existing culverted structure beneath the proposed access would be utilised. Due to this new information being provided, I facilitated a meeting between the EA and the Appellant's team, which took place on the 20th February 2026.
- 1.27 The EA noted the survey contained within Mr Seymour's February 2026 evidence identified concerns about the structural condition of the culvert,

noting survey evidence showing fractures and holes. As the proposal would result in intensification of the use, the EA requested evidence to demonstrate that the proposed access would not raise safety concerns and the culvert would remain structurally sound. At the time of writing of this rebuttal, this technical evidence is yet to be provided. It has not yet been demonstrated that the proposed access can safely accommodate increased loading and traffic movements associated with the appeal scheme but I shall keep this matter under review and update the inquiry accordingly.

Main Issue 7: Whether any potential adverse effects on the integrity of the Thames Basin Heaths SPA would be adequately mitigated

Council's Strategic SANG

- 1.28 Mrs Taylor in her UPoE indicates a revised approach to TBH SPA mitigation. As a starting point, the Appellant proposes to consume all the remaining capacity within the Council-owner strategic SANG at Rooks Nest Wood ("RNW"), which, as has been made clear to the Appellant by way of an FOI response (Annex 4 to the Appellant's UPoE) had, at the time of providing the response, 1.13 ha capacity was remaining (this translates to 58 units¹). There is currently insufficient capacity within RNW to mitigate the impacts of up to 111 units. The question whether the Council can be compelled to enter into a contractual agreement is discussed further below.

¹ Proposals for residential development within 5km of TBH SPA require SANG at a minimum of 8ha per 1,000 population (calculated at 2.4 persons per dwelling). The remaining capacity is therefore: $1.13 \text{ ha} \times 1,000 / 8 \text{ ha} = 141.25$ persons. At 2.4 persons per dwelling, the remaining capacity is for: $141.25 / 2.4 = 58$ dwellings

- 1.29 Mrs Taylor acknowledges there is insufficient capacity within RNW to mitigate the appeal scheme impacts. As a solution, it is proposed to consume capacity in the RNW Extension (“RNWE”) to accommodate the remainder of the scheme.
- 1.30 Mrs Taylor correctly points out that the Council is committed to delivering RNWE. As confirmed by Mr Glencross, Head of Environmental Services, design works are underway and it is expected that a planning application for RNWE will be submitted in Spring 2026, with consent expected in Summer 2026 (**CD16.10**). The construction is expected to be complete in Summer 2027.
- 1.31 Currently, the cost of delivering the RNWE and its future management and maintenance cost is unknown. Therefore, it is not possible to ascertain at this stage what the future financial contribution for allocating capacity at the RNWE will be.
- 1.32 The Appellant therefore seeks to rely on TBH SPA mitigation measures which, while committed to being delivered, are neither consented nor costed.
- 1.33 Regulation 63 of the Conservation of Habitats and Species Regulations 2017 requires that the competent authority must be able to ascertain, beyond reasonable scientific doubt, that the mitigation relied upon will be effective and secured at the point planning permission is granted.
- 1.34 Mrs Taylor indicates that a planning obligation would be able to secure RNWE capacity. In my view, such obligation would fail the test set out in

the Regulation 122 of the Community Infrastructure Levy Regulations 2010, which require that planning obligations must be (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind. While the first two limbs are not at issue, the third cannot be satisfied. As confirmed by the Council's Head of Environmental Services, RNWE has no planning application submitted, let alone planning permission granted. Its design, capital cost, long-term management and maintenance requirements are not yet known. Given that the actual cost of delivering and maintaining RNWE has not been established, it is impossible to determine what level of contribution would be "fairly and reasonably related in scale and kind" for the purposes of Regulation 122 at this stage. There is no evidence that this cost would reflect the RNW contribution established some 15 years ago – the Inspector cannot be satisfied that this figure would have any relationship to the cost of an unconsented and unconstructed RNWE. Accordingly, the proposed obligation fails the Regulation 122 test and cannot secure TBH SPA mitigation.

- 1.35 Turning to the Appellant's assertion that it would be "the epitome of unreasonableness" for the Council to refuse to allocate capacity within RNW, with reference to an Appeal in relation to Rectory Farm in Dacorum (**CD11.01**), I note the following.
- 1.36 Firstly, Dacorum Council operated an Allocations Protocol for allocating capacity within Council-owned SANG. Whilst Wokingham does not have

allocations protocol in place, it does restrict the availability of its strategic SANG to schemes compliant with its spatial strategy (**CD16.02.02**).

- 1.37 Secondly, unlike the Rectory Farm Appeal, there is insufficient capacity within RNW to mitigate the impacts of the appeal scheme. Therefore, there is nothing unreasonable in Council's stance to refuse to allocate capacity within RNW to the appeal scheme – the Council is restricting the remaining capacity to those strategy-compliant. As already stated, the capacity is limited and will not increase until RNWE is approved and delivered, which will still take some time.
- 1.38 Thirdly, Dacorum Council's Mitigation strategy contained conflicting provisions (see paragraph 24 of the appeal decision notice): paragraph 7.1.5 of the Mitigation Strategy advised that SANG capacity would not be allocated for proposals that are appealed, which was qualified in footnote 12, which stated that capacity would be retained for schemes that are allowed at appeal. Moreover, the Inspector concluded that Dacorum Council did not do "all it can" as committed to in paragraph 7.1.8 of the Mitigation Strategy. Finally, the Inspector found that the Mitigation Strategy had footnote 13 missing. This was relevant because footnote 13 related to proposals in the Green Belt (which was the case there) and paragraph 7.1.5, to which footnote 13 related, stated that "*Where it is determined that a proposal constitutes inappropriate development in the Green Belt, it will not be allocated any Strategic SANG capacity*¹³". The Inspector concluded "*it was highly probable that it would have exempted proposals that demonstrated very special circumstances*" and "*I cannot*

accept that any responsible local authority would deliberately draft a document in this way”. The Inspector further concluded at paragraph 32 “While the Council is correct to say it cannot be compelled to release SANG credits to the Appellant, I consider a continued refusal to do so in light of a grant of planning permission and given my findings above would be the epitome of unreasonableness.”

1.39 As already confirmed by Mr Glencross as the portfolio holder, proposals which conflict with the Council’s spatial strategy will not be allocated capacity within its RNW. The reasons for doing so are not unreasonable – the capacity within RNW is finite and the construction of the RNWE is yet some way off. For this reason, the Council will not enter into a planning obligation to allocate all remaining capacity within RNW as this would paralyse its ability to support strategy-compliant schemes (which the appeal is not) until such time as the RNWE is delivered.

1.40 At this juncture it is important to refer to LPU Policy NE3 (**CD07.01**), which sets out the Council’s approach to allocating capacity within its strategic SANG.

- a) Within the 400m – 5km zone a minimum of 8 hectares of SANG land (after discounting to account for current access and capacity) will be provided per 1,000 new occupants.
 - i. Development proposals of net 9 dwellings or fewer will not be required to be within a specified distance of SANG land provided a sufficient quantity of SANG land is in place to cater for the consequent increase in residents.
 - ii. Development proposals of 10 or more net dwellings will need to be within the catchment of a specified SANG and a sufficient quantity of SANG land must be in place to cater for the consequent increase in residents.
 - iii. Development proposals for a net increase of **fewer than 50 dwellings** will be required to provide financial contributions **towards strategic SANG** facilitated by the council subject to available capacity, or towards SANG facilitated by a third party landowner.
 - iv. Development proposals for a **net increase of more than 50 dwellings** are **expected to provide their own bespoke SANG.**

Figure 2: Extract from LPU Policy NE3

- 1.41 Whilst the wording of this condition is subject to examination by the LPU examining Inspectors, it clearly sets out that the schemes for a quantum in excess of 50 dwellings would be expected to provide their own bespoke SANG. Schemes for fewer than 50 dwellings would be able to contribute to the strategic SANG, subject to capacity.
- 1.42 Finally, the supporting text to LPU Policy NE3 sets out the justification for the Council's approach at paragraph 14.34: *"Where a large allocation requiring a bespoke SANG has been subdivided into smaller sites for development, developers will be encouraged to work with one another to secure an overall solution. Where this is not possible the option remains for these sites to provide an off-site SANG or purchase SANG capacity from third party providers. The release of strategic SANG to support large or unplanned developments could jeopardise the SANG capacity required to support the Local Plan Update. This would put planned development at risk of not being able to meet the Habitats Regulations*

and gain planning permission. The council therefore reserves the right not to provide available SANG capacity if the proposal is considered to undermine the council's SPA avoidance and mitigation strategy and/or the delivery of allocated development sites."

- 1.43 The appeal scheme would exceed the 50 unit threshold, therefore, LPU Policy NE3 makes it clear it would be contrary to the strategic intention to reserve strategic SANG capacity at the future RNWE SANG to schemes below 50 dwellings. The Council would, therefore, not be able to allocate capacity within RNWE.
- 1.44 Mrs Taylor stated in the OPoE that capacity within RNW could be secured by Grampian-style condition. As set out in Rectory Farm appeal, the PPG sets out the test for imposing a Grampian-style condition and states that it will be unreasonable to impose a pre-commencement condition where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission. The Council's strategic intention set out in LPU Policy NE3 is clear there would be no basis to allocate capacity within RNWE. The Council is also entitled to protect its capacity within the RNW to support those strategy-compliant schemes that may come forward before RNWE is delivered. There is nothing unreasonable in this approach. Therefore, I am of the view that a Grampian-style condition would not meet the relevant tests.

Third Party SANG

- 1.45 Mrs Taylor in her UPoE introduced a new potential solution to mitigating impacts on TBH SPA via third party SANG.

- 1.46 The FOI response confirmed the level of SANG available within SANGs owned by the University of Reading. The Council accepts that, taken together, the SANGs owned by University of Reading of Reading act as a suite of SANGs, which means their combined size allows for the catchment to be 5km.
- 1.47 Mrs Taylor refers to the application at Land North to the School Road, Arborfield Cross, where it was proposed to secure capacity within the Ridge SANG (**CD10.01.01**), given the proposal was for a net increase of 70 units and was located within the 5km Zone of Influence. The Council recognised that the Ridge SANG forms part of the suite of SANGs, therefore, the School Road site lied within its catchment.
- 1.48 Mrs Taylor submitted with her UPoE a letter produced by Haslams Chartered Surveyors (**CD13.06.07**), which confirmed that there is available SANG capacity at University of Reading SANGs for the appeal scheme and that an agreement has been reached, although no legal work has been undertaken.
- 1.49 I noted the letter did not reference the School Road application for 70 units, where an Allocation Agreement has been produced to the Council prior to application being recommended for approval. The Council required the Allocation Agreement to provide a level of certainty necessary to discharge its duties as a competent authority under Habitats Regulations.
- 1.50 Recognising that the letter may not represent the most up to date information, given that it did not refer to allocation of capacity for School

Road scheme for 70 units, I sought clarification from Mr Frankland, Land Manager Director at University of Reading. In his response (**CD16.11**), Mr Frankland confirmed that the University of Reading “*has not entered into any form of agreement, or even exchanged Heads of Terms, with Elstree Land/Dandara*”. Mr Frankland also confirmed that the University of Reading “[were] *not currently engaged in any negotiation with them and have not reserved the 2.13 ha of SANG*” he estimated the appellant would require.

- 1.51 Mr Fisher produced an update on the overall capacity of SANGs in Wokingham that are owned by the University of Reading (**CD16.12**)
- 1.52 This outlines that the remaining unallocated capacity within the Ridge and the Ridge Reserve SANGs is 2.92ha (equivalent to 152 new dwellings within the 5km Zone of Influence). This remaining unallocated capacity takes into account capacity allocated to University of Reading’s own land (application reference 242484, Land to the North of Arborfield Road, 191 dwellings). It is my understanding that this application is due to be presented to Planning Committee on the 11th of March 2026, which will be confirmed once the Planning Committee Agenda is published in w/c 2nd of March 2026.
- 1.53 Another application is also due to be presented to Planning Committee on the 11th of March 2026 is 252138 (183 units, Land East and West of Hyde End Road). It is expected it would realise and secure additional SANG capacity at Langley mead Extension SANG (which currently is not legally secured as such). Therefore, there currently exists sufficient

capacity at the Ridge/Ridge Reserve SANGs to provide SANG for the appeal scheme. However, even if the University of Reading was to allocate that remaining capacity to 252138, there would still be a requirement to secure Langley Mead Extension as SANG for that application to pass the Appropriate Assessment. Langley Mead Extension is a public open space of 21.7ha.

- 1.54 Notwithstanding the availability of capacity, as the matters currently stand, there is no agreement, no negotiations are underway and the capacity has not been reserved in respect of the appeal scheme. The University's willingness to negotiate is conditional upon infrastructure contributions outside the scope of the Appellant's case. Therefore, based on this information, it cannot be ascertained that the appeal scheme would not affect the integrity of the TBH SPA. The implications of this are set out in my main PoE and I do not repeat them here.