

Town and Country Planning Act 1990 Section 78 Appeal

Arboricultural Appeal Statement

Land to the east of Warren Lodge, Finchampstead

On behalf of Mr Karl Richards

27th April 2025

Prepared by: Michael Paginton TechArborA

**BS5837:2012 'TREES IN RELATION TO DESIGN, DEMOLITION AND CONSTRUCTION –
RECOMMENDATIONS'**

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REVISIONS:

Date	Rev	Description	Initials
16.04.25	-	Draft Issue	MGP
27.04.25	A	Final Issue	MGP

1 INTRODUCTION

- 1.1 This statement relates to an Appeal by Mr Karl Richards (the Appellant) against the decision of Wokingham District Council to refuse planning permission for the proposed change of use of land for the siting of 2 no. Gypsy and Traveller pitches with creation of second access off Finchampstead Road (Application 242011).
- 1.2 This Arboricultural Appeal Statement has been prepared to respond to arboricultural elements of the Council's reason for refusal, namely Reason 6 and 7.
- 1.3 This statement has been prepared by Michael Paginton of LandArb Solutions Ltd. I am a Practitioner Member of the Institute of Environmental Policy and Management (PIEMA), Technician Member of the Arboricultural Association (TechArborA), and have spent the last 14 years' working in the field of town planning and arboricultural consultancy. I have carried out numerous tree surveys and associated survey reports, impact assessments, method statements and undertaken site monitoring/supervision of demolition and construction works for development projects of varying scale and complexity.

2 REASONS FOR REFUSAL AND ARBORICULTURAL UPDATES

Reasons for refusal

2.1 On 31st October 2024 Wokingham District Council resolved to refuse the application and cites 8 reasons for refusal. This Statement will focus on the reasons that relate to arboricultural matters.

2.2 Reason for refusal 6 states:

The siting of the proposals would result in the removal of, and encroachment into the RPA, with several visually valuable and prominent trees on or adjacent to the site, to the detriment of their health and subsequently to the detriment of the rural character of the area. There is insufficient justification to outweigh this harm. The proposals are therefore contrary to policy CP3 of the Core Strategy, policies CC01, CC02, CC03 and TB21 of the Managing Development Delivery Local Plan, policy IRS6 of the Finchampstead Neighbourhood Development Plan, BS5837:2012 and the National Planning Policy Framework.

2.3 Reason for refusal 7 states:

The proposed development would conflict with and detrimentally impact Veteran Trees, an irreplaceable habitat, by reason of operational development associated with the proposal being located within the buffer zones of the trees. The proposals are therefore contrary to policies CP7 of the Core Strategy, TB23 of MDD Local Plan, Policy IRS5 of the Finchampstead Neighbourhood Development Plan and the National Planning Policy Framework

2.4 This statement addresses the arboricultural issues set out in reasons for refusal 6 and 7, namely:

1. Acceptability of the loss of trees to enable development.
2. Whether the impacts of development encroachment into Root Protection Areas (RPAs) of retained trees would be detrimental to their health.
3. Whether development would detrimentally impact veteran trees by being in buffer zones.

2.5 These issues are discussed in turn in Section 3.

2.6 In Appendix 1 is a copy of the decision notice and in Appendix 2 is the Case Officers Report.

Arboricultural Statement Updates

2.7 An Arboricultural Statement (LandArb Solutions, LAS 746 dated 05.06.24) was submitted as part of Application 242011. A revised Arboricultural Statement (LandArb Solutions LAS 746 Rev A, dated 11.04.25) has been prepared and is submitted as part of this appeal.

2.8 The revised Arboricultural Statement provides an assessment of the potential impacts of the proposed development the subject of this appeal. The Statement includes the following updates:

- The stem of T14 has been measured at 1120mm on 25.02.25 (see Appendix 8). It was previously estimated at 1200mm as the surveyor was unable to measure the stem due to a waterlogged pond on its east side, epicormic basal growth and wood debris around the base on its west and north sides that prevented reasonable access. Sufficient wood debris around base had been cleared therefore a measurement could be taken during the site visit on 28.02.25. The RPA of T14 has been amended on the revised tree survey and constraints plan as a result.
- Veteran tree buffers, were previously shown for T1 and T14 just to illustrate what they would look like if veteran buffers were applied to those trees, given they are on the WVTAs maps. However, these buffers have been removed for all trees except T13. T13 is the only tree to exhibit some veteran characteristics therefore is the only tree that should have a veteran buffer applied.
- The tree survey and constraints plan, tree retention and loss plan, and tree protection plan have all been updated to reflect the above changes.
- A revised Landscaping Plan is included within the Arboricultural Statement.

3 RESPONSE TO REASONS FOR REFUSAL 6

3.1 Reason for refusal 6 sets out that *“The siting of the proposals would result in the removal of, and encroachment into the RPA, with several visually valuable and prominent trees on or adjacent to the site, to the detriment of their health and subsequently to the detriment of the rural character of the area”*:

3.2 The phrasing of reason for refusal 6 is somewhat difficult to fully follow. However, it is believed the key issues it is trying to say are:

1. Acceptability of the loss of trees to enable development.
2. Whether the impacts of development encroachment into RPAs of retained trees would be detrimental to their health.

3.3 These issues are discussed in turn below.

1) Acceptability of the loss of trees to enable development

Tree loss in terms of age.

3.4 Proposals will require the removal of twelve survey items, namely T17, T18, T19, T20, T21, T25, T26, G27, T32, T33, G34 and T35. All except T35 are on the younger side of the age spectrum being semi to early mature. T35 appears mature but is a non-native cypress that has had failures and is considered to be low quality.

3.5 Proposals will not be removing any mature deciduous trees / any trees of significant age or size where it would take considerable time for new trees to grow to an equivalent size and age. Based on their relatively younger age, all could be replaced by new tree planting in the short to medium term.

Tree loss in terms of quality

3.6 Proposals will require the removal of twelve survey items, namely T17, T18, T19, T20, T21, T25, T26, G27, T32, T33, G34 and T35. All except T19, T20 and T21 are assessed as Category C or U, therefore should not be considered a constraint to

development based on quality. None of these trees are good or high quality examples of their species and could be replaced.

- 3.7 T19, T20 and T21 are assessed as Category B (Moderate Quality). Ordinarily, designs should seek to retain moderate quality trees where possible. However, although these trees are assessed as being of moderate quality (Category B), this is because of the absence of any obvious defects that would reduce their life expectancy. However the trees themselves are still relatively small young oak tree (as opposed to large mature oaks trees) and are not considered to be a high quality example of their species and could be replaced.
- 3.8 In terms of quality, the trees to be removed are not exceptional or great examples of their species or high quality specimens. All lack clear attributes or characteristics that would elevate their importance or desirability to be retained beyond the virtue of seeking to retain existing trees where possible. i.e. none to be removed are ancient, veteran, aged or notable, historic or form part of a historic landscaped garden or form part of a protected landscape etc. In this context, proposals would not involve removing any high quality trees or any others with a clear value of importance that could not be replaced in the short to medium term.
- 3.9 Overall, from a tree quality perspective it is the appellants case that the loss of trees would be acceptable subject to mitigation.

Tree loss in terms of implications for biodiversity, habitat value and climate benefits

- 3.10 Generally the older a tree the greater the habitat value and greater contribution to ecosystem services. For example a 200/300 year old mature oak would support a greater diversity of insect life and other wildlife, and its ecosystem service contribution would be greater compared to that of a young semi mature oak of 20-30 years old. More importantly, it would take much longer for a replacement tree to become comparable. I.e. if removing a 200 year old oak, it would take much longer for new planting to reach the same size and establish a similar habitat value. This is why for example veteran and ancient trees are so important and given protection from

development in the NPPF. It is not just their advanced age that is of value/importance but the irreplaceable habitat that veteran and ancient trees can support.

- 3.11 However, in this case no veteran, ancient, aged or mature native trees would be removed. As set out previously, none of the native trees to be removed are mature in age. Existing trees to be removed are at the young end of the age spectrum, semi to early mature. They could be replaced in the short to medium term.
- 3.12 The revised landscaping plan (Appendix 6) shows new tree planting (24 new trees) and new mixed native hedgerows are proposed. New planting would result in a clear net increase in tree numbers but also increase in species diversity. This would have a greater contribution to enhancing the biodiversity value of the site and the habitat value compared to the existing resource including trees to be removed. Moreover, the net increase in tree numbers has the potential to provide a greater contribution in terms of ecosystem services and climate benefits compared to those proposed to be removed.
- 3.13 The loss of trees would not result in degradation to high quality or significant habitat and would only result in habitat loss in the general sense that trees can provide habitat. However the trees would be replaced with new tree planting in a greater number. Replanting in this context would provide greater habitat in that sense. Planting new hedgerows on the boundaries with additional native hedge planting would create new hedgerow habitat, planted to be to species rich. New hedgerow planting alongside tree planting will help improve habitat connectivity on site to contribute to new ecological connections within the green infrastructure network. Thus the loss of tree habitat due to development would be compensated by new planting to deliver greater tree numbers and species diversity as well as hedgerow habitat at the site.
- 3.14 Overall, it is the appellants case that the loss of trees in terms of habitat value would be acceptable subject to mitigation.

Summary of the impact of tree loss

3.15 In summary regarding tree removal in relation to proposed development the following is noted:

- A total of 10 individual trees and 2 groups are to be removed out of 35 survey items. The vast majority to be removed are assessed as Category C or U.
- No mature deciduous trees are to be removed nor any of great age or size or high quality. All large mature and higher quality survey items can be retained, including all TPO trees and the veteran tree T13.
- All trees to be removed could be replaced in the short to medium term.
- Replacement planting as set out on the Landscape Plan (Appendix 6) would result in a net increase in tree numbers at the site which would provide a betterment in the medium to long term in terms of ecosystem services / habitat and climate benefits compared to the existing resource to be removed.

2) *Whether the impacts of development encroachment into RPAs of retained trees would be detrimental to their health.*

3.16 A revised Arboricultural Statement (LandArb Solutions LAS 746 Rev A, dated 11.04.25) has been prepared that assesses the scheme the subject of this appeal in terms of potential impacts and should be read in conjunction with this appeal statement.

3.17 As shown on the Tree Protection Plan (TPP), development avoids all retained trees except T1 and T22 RPAs. As such, the following discusses the impacts on these trees only.

3.18 Potential impacts to T1 or T22 would either be above ground or below ground (i.e. impacts to the canopy of the trees or the Root Protection Areas (RPAs). The following sections discuss these areas in turn.

Above ground Impacts – Does encroachment require pruning

3.19 In terms of above ground impacts to T1 and T22 i.e. impacts to their canopies, no pruning is required. The canopy of T1 is already at a sufficient height to avoid the

existing site access, therefore does not need works to enable access. The canopy of T22 is also high and away from the traveller pitches.

Below Ground Impacts - Impact on the Root Protection Area (RPA) of T1 and T22

- 3.20 As shown on the Tree Protection Plan in Appendix 5 the only development RPA encroachments relate solely to T1 and T22. No other retained tree RPAs are affected.
- 3.21 BS5837:2012 defines a **root protection area (RPA)** as a “*layout design tool indicating the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree’s viability, and where the protection of the roots and soil structure is treated as a priority*”. Within this definition there are two issues to consider, namely the area/amount of soil which provides rooting volume which tree roots can exploit and secondly, the presence and proliferation of the physical tree roots themselves to support a healthy tree.
- 3.22 The impact of the proposed development on these two issues in relation to T1 and T22 is discussed in turn below.

Impact on Rooting/Soil Volume of T1 and T22

- 3.23 The default RPA of T1 is 13.2m from the stem, which equates to an area of 547 sqm around the stem. The default RPA of T22 is 11.3m from the stem, which equates to an area of 400sqm.
- 3.24 The default RPA is initially plotted as a circle based on BS5837:2102 guidance, and this default circle is shown on the Tree Constraint’s Plan and Tree Protection Plan as a dotted pink/red circle around the stems of trees. However where pre-existing site conditions or factors, such as the presence of built from/highways, RPAs should be modified provided the equivalent area of soil volume is maintained (as per sections 4.6.2 and 4.6.3 in BS5837:2012).
- 3.25 Due to the presence of the highway to the north, the default RPA of T1 is adjusted to avoid the highway. However the adjusted RPA maintains the same amount of total

area i.e. the minimum 547 sqm of ground. For T22, there are no constraints in the RPA therefore the default RPA remains as the default circle (400 sqm).

- 3.26 When looking at the adjusted RPA of T1, the proposed upgraded existing site access would encroach into the adjusted RPA of T1 by 83sqm, which is equivalent to 15.2% of the total RPA of T1, which is 547 sqm. For T22, the encroachment of proposed driveway is 48.8sqm, equivalent to 12.2% of the total RPA of 400sqm.
- 3.27 Given that an RPA is the minimum area deemed to contain sufficient soil/rooting volume, in theory any development that would lead to the loss of this minimum area could potentially result in a tree not being able to access sufficient soil volume to get what it needs and decline. For example, new buildings with 2m deep foundation built in the RPAs of T1 or T22 would lead to the loss of soil volume, which could be detrimental to their health.
- 3.28 However, the proposed new built form is not a building with a deep foundation but proposed new hard surfacing that could be constructed using a no dig methodology as set out in the submitted Arboricultural Statement. In this context, the proposed hard surfacing built on the existing ground would not lead to a significant loss of soil volume that would be detrimental to T1 or T22. Moreover, even with new hard surfacing in place there would still be ample soil volume/ rooting environment for T1 and T22 to exploit outside of their RPAs for the tree to exploit.
- 3.29 In summary, even with the technical encroachment of the calculated RPAs of T1 and T22, there would not be a loss of accessible rooting environment for the trees from the construction of hard surfacing using a no dig method or a reduced dig method if some exaction was required.

Impact of potential root severance/loss on T1 and T22

- 3.30 In addition to showing the area of required soil volume (as discussed above), an RPA is also the calculated minimum area deemed to contain sufficient roots. This does not mean that trees roots are only contained within the RPA, in fact it is likely roots from

both trees extend beyond the calculated RPA. The RPA is the minimum soil volume needed to contain sufficient roots to support the tree. It also does not mean that within the RPA tree roots are extensive in every area of the RPA, as root penetration can vary in density and extent across the RPA depending on conditions. Aside the obvious constraint of the highway to the north, it is expected that root development would radiate away from T1 on the south side in a fairly symmetrical way and for T22 there is no obvious constraint except for a drainage ditch on its east side.

- 3.31 As discussed in the above section, the level of encroachment into the adjusted RPA of T1 is 15.2% of the total adjusted RPA and for T22 is 12.2%. This level of encroachment by new hard surfacing is relatively minor, with BS5837:2012 recommending no more than 20% new hard surfacing in an RPA. If development encroached across half of the RPAs to a depth of 600mm, it would be fair to assume the scale of likely root severance and damage in that scenario would/could be very significant for both trees.
- 3.32 However, in this case, the level of encroachment for both trees is relatively minor, and the proposed type of built form being hard surfacing, proposed to be constructed using a no dig method. In this context, the level of potential root loss or damage likely to occur from new hard surfacing construction would not be significant in terms of scale and using a no dig method could avoid root loss all together.
- 3.33 If a traditional approach to construction of new hard surfacing was adopted that required the ground to be excavated to a depth of 300-400mm or more, this could cause the loss of roots and damage both T1 and T22. However, to avoid this potential harm to it is proposed to construct the new surfacing using a no dig methodology and using a load bearing geocellular confinement system.
- 3.34 A reduced or no dig method would avoid potential significant root loss. The use of a load bearing geocellular confinement system will help ensure compaction damage from vehicular traffic is avoided and a permeable design will help maintain permeability and gaseous exchange, all crucial for normal root function. This would be a particular benefit in relation to T1 which is currently adjacent to the existing site access. Without

a hard surface / load bearing surface, access to the currently land using vehicular traffic could cause compaction damage in the RPA and erosion over time.

- 3.35 In summary, the extent of RPA encroachments are relatively minor and root loss or significant root loss/damage could be avoided using a no dig construction method. T1 and T22 are located where there is clearly ample soil volume outside of their RPAs that the trees can exploit and can exploit into the future. Both appear healthy and have sufficient vigour, therefore it is considered they could tolerate the installation of new hard a surfacing without being detrimentally effected. It is also important to note that trees can and do tolerate varying degrees of root loss and damage. Generally, the smaller the scale of root loss the greater the ability the tree will tolerate and adapt and likewise the greater the scale and proportion of root loss will reduce a trees ability to compensate or tolerate that impact. Just because there could be some root loss or potential root loss does not automatically mean a tree will be adversely affected or would not survive. In this case, given the scale and nature of the development (no dig, load bearing permeable hard surfacing) neither tree are considered likely to be adversely affected.

SummarySummary of the above and below ground impacts to T1 and T22

3.36 In summary regarding potential impacts to T1 and T22 the following is noted:

- The proposed development avoids all retained tree RPAs except T1 and T22.
- There is more than sufficient land and soil volume around T1 and T22 and outside of their RPAs that the trees can access and exploit. Proposals would not leave tree either tree unable to access sufficient soil volume to maintain their health.
- The scale of potential root damage/loss to T1 or T22 is very minor and unlikely to cause significant adverse impacts or lasting harm. New hard surfacing could be constructed using a no dig methodology and use a load bearing geocellular confinement system. This will help support normal root function as opposed to a conventional driveway construction method.
- All trees can be adequately protected during building works using tree protection methods prescribed in BS5837:2012. Final protection details could reasonably be secured via an appropriately worded planning condition.

4 RESPONSE TO REASONS FOR REFUSAL 7

4.1 Reason for refusal 7 sets out that “*The proposed development would conflict with and detrimentally impact Veteran Trees, an irreplaceable habitat, by reason of operational development associated with the proposal being located within the buffer zones of the trees*”:

4.2 The main issue set out in the above is whether development would detrimentally impact veteran trees. This issue is discussed below.

3) *Whether development would detrimentally impact veteran trees by being in buffer zones.*

Which trees are considered to be veteran

4.3 Before an assessment of potential impacts to veteran trees can be made, first you must determine if any trees are veteran trees i.e. exhibit veteran characteristics.

4.4 The submitted arboricultural statement (LandArb LAS 746 Arboricultural Statement, dated 05.06.24) and subsequent revised arboricultural statement (LandArb LAS 746 arboricultural statement Rev A, dated 11.04.25), set out in section 3.10 that when reviewing Wokingham Veteran Tree Association Maps, two lime trees and one sweet chestnut tree at the site (T1, T14 and T13 on the LandArb Tree Survey) are identified by them as veteran trees. And as set out in the Tree and Landscape Officer consultation comments (Appendix 3) and within the officers report (Appendix 2), an assumption is made that T1, T14 , T13 and T30 are all veteran trees.

4.5 However, the arboricultural statement (LandArb LAS 746, dated 05.06.24) submitted with the original application makes clear in sections 3.10-3.13 and again in sections 5.16-5.17) that only T13 exhibits some veteran tree characteristics.

4.6 It is known to the author of this appeal statement, based on previous project experience within the Wokingham District, that Council Officers often refer to the Wokingham Veteran Tree Association (WVTA) maps when doing a desktop review to understand if there are any veteran trees at a site. However, it is also known to the author based on

previous project experience in Wokingham District, that some trees are included in WVTA maps as being veteran, that on inspection lack the characteristics typical of veteran trees and are in fact just mature trees and not considered to be veteran trees at all.

- 4.7 It is my professional opinion that only T13 (sweet chestnut) exhibits some veteran tree characteristics and is the only tree on site that could be considered veteran.
- 4.8 It is unclear if Council officers have visited the site in order to conduct their own inspection of the trees to determine if they think any are veteran trees / exhibit veteran tree characteristics or have relied solely upon what is presented by the WVTA maps. The submitted arboricultural statement (Landarb LAS746, dated 05.06.24) is clear in disputing WVTA map findings and sets out that T1 and T14 lack veteran characteristics in which to be identified as veterans (i.e. are incorrectly identified on WVTA maps as being veteran trees).
- 4.9 Despite LandArb Solution flagging this issue, there does not appear to be any evidence in the officers report or tree and landscape officer consultation comments that this issue is acknowledged or whether officers have inspected the trees to either confirm or refute the submitted arboricultural statement.
- 4.10 Given that veteran and ancient tree management is a specialist area of arboriculture and there is an element of subjectivity around assigning veteran status to trees, a second opinion has been sort from another arboricultural professional, Paul Muir at Treework Environmental. Paul has over 20 years involvement with the management of ancient and veteran tree populations and is a VETcert certified specialist at the consulting level in relation to veteran and ancient tree management.
- 4.11 Paul undertook a site visit to visually inspect T1, T13 and T14 and was asked to provide an assessment of whether the trees are veteran trees / possess veteran characteristics.

4.12 Pauls Veteran Tree Assessment is included in Appendix 7. Without repeating the assessment, the Inspectors attention is drawn to the following conclusions made in relation to trees T1, T13 and T14 with Pauls report:

- 3.1.6 – *“It is not difficult to conclude that trees T1 and T14 are neither ancient nor veteran. They do not appear to support irreplaceable habitat”.*
- 3.1.11 *“Taking a precautionary approach T13 could be considered to be a non- ancient veteran, having developed some micro habitat features due to the less than favourable growing conditions within which it has developed, due to limb death and loss and because of the apparent pruning operations that have taken place”.*

4.13 For the avoidance of doubt for this appeal, it is the appellants case that T1 and T14 are not veteran trees but rather just mature lime trees. Only T13 (sweet chestnut) has some features that would typically be associated with veteran status, therefore as a precautionary approach T13 is the only tree to be considered veteran and where a veteran buffer is applied.

Veteran buffer impacts

4.14 Regarding veteran trees, the governments guidance (found in following link) <https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions#avoid-impacts-reduce-mitigate-impacts-and-compensate-as-a-last-resortcompensate-as-a-last-resort> makes a recommendation that *“For ancient or veteran trees (including those on the woodland boundary), the buffer zone should be at least 15 times larger than the diameter of the tree. The buffer zone should be 5 metres from the edge of the tree’s canopy if that area is larger than 15 times the tree’s diameter. This will create a minimum root protection area”.*

4.15 The guidance also recommends that:

“Where possible, a buffer zone should:

- *contribute to wider ecological networks*
- *be part of the green infrastructure of the area*

A buffer zone should consist of semi-natural habitats such as:

- *woodland*
- *a mix of scrub, grassland, heathland and wetland*

The proposal should include creating or establishing habitat with local and appropriate native species in the buffer zone.

You should consider if access is appropriate. You can allow access to buffer zones if the habitat is not harmed by trampling.

You should not approve development proposals, including gardens, within a buffer zone”.

4.16 As set out in the previous section, only T13 is considered to have some veteran characteristics, therefore is identified as a veteran tree and a veteran buffer (15x stem diameter) is applied.

4.17 As shown on the revised Tree Protection Plan (Appendix 5), the location of the proposed traveller pitches including new access and upgraded existing site access avoid the RPA of T13 and are located outside of its veteran buffer zone.

4.18 There is a very minor area where the edge of the proposed developable land area drawing line touches the edge of the buffer zone for T13, but it is very clear that new development can and would be located outside of the veteran buffer.

4.19 The revised landscaping plan (in Appendix 6) shows that there would be some new planting (mixed native hedgerow and trees) in the edge of the veteran buffer and a new post and rail fence to create physical and visual separation between the veteran tree

buffer and the proposed northern traveller pitch, but this is consistent with Government guidance as set out the above section 4.15 where creating new habitat of appropriate and local species is encouraged. By planting a mixed native hedge and installing a post a rail fence, this will deter encroachment into the veteran buffer, with a point of access left only for the purposes of accessing the land for maintenance as would reasonably be required.

- 4.20 The proposed Landscaping Plan shows that other than the creation of a new mixed species hedge on the edge of the buffer to T13, the existing habitat would be retained within the veteran buffer.
- 4.21 It is clear development avoids the veteran tree buffer. In terms of applying buffers for the purposes of protecting irreplaceable habitat it is noted that The Veteran Tree Assessment by Paul Muir (Appendix 7) states *"I would consider T13 to have some valuable habitat features and a crown form that provides some level of confidence that these features will have longevity and develop further over time. The tree might be described as a non-ancient veteran. However, I would not be confident that the habitat supported requires a buffer zone. The tree itself would be adequately protected if the root protection area is respected within the proposed development. The additional buffer zone would only be required if it were considered to be a risk that the associate fauna and flora, hosted by the tree, would be detrimentally impacted by the proposals"*.
- 4.22 T13 is retained within a sheltered part of the site and is given sufficient space to be retained and remain unaffected by development. The officers report and Tree and Landscape Officer's consultation comments do not raise or set out what detrimental impacts they envisage there would be as a result of the development that would adversely affect the tree.

Summary

4.23 In summary in relation to veteran trees and buffers the following is noted:

- T1 and T14 do not exhibit any veteran characteristics therefore are not considered to be veteran trees.
- Only T13 has some veteran characteristics, therefore as a precautionary approach a veteran buffer is applied as per government guidance.
- The proposed traveller pitches and proposed new access and upgraded existing site access avoid the veteran buffer to T13. There would be no operational development in the veteran buffer zone as the reason for refusal suggests. There would be no requirement for building work in its RPA or any pruning works required to its canopy to enable development.
- Proposed tree protection and new landscaping show that the veteran buffer to T13 can be protected, preserved and contain semi natural habitat to contribute to green infrastructure and the local ecological network.
- Development clearly would not require the loss of a veteran tree nor would it lead to clear adverse impacts that would reasonably lead one to conclude the tree would deteriorate or be degraded over time as a result of development.

5 CONCLUSIONS

- 5.1 The proposals subject to this appeal are for change of use of the land for 2 traveller pitches and new site access. The submitted site plan shows development could be accommodated within the site without requiring the loss of any large mature deciduous trees or trees subject to a preservation order.
- 5.2 Both traveller pitches avoid RPAs. The only RPA encroachments would be from new hard surfacing for driveway parking in the RPAs of T1 and T22. The levels of encroachment is relatively minor and using an appropriate construction method, such as no dig using a load bearing geocellular confinement system, root damage/loss could be avoided.
- 5.3 Given there is sufficient soil volume within land outside of the RPAs of T1 and T22 which the trees can exploit, proposals would not result in either tree being unable to access a sufficient soil volume and optimal rooting environment.
- 5.4 There is only one tree on site (T13) that has some veteran characteristics. Proposals do not locate active development within the RPA of veteran tree T13 or its buffer.
- 5.5 The submitted Tree Protection Plan (Appendix 5) shows protection measures as prescribed in BS5837:2012 can be installed to protect retained trees on site (including all TPO trees and veteran T13) and their RPAs from potential damage during construction works. This can further be controlled via a construction management plan and arboricultural method statement that could reasonably be secured via condition.
- 5.6 For the above reasons, it is the appellants case that proposals for two traveller would not lead to an unacceptable level of tree loss nor would it result in significant adverse impact to retained tree RPAs nor would they cause the loss of any veteran trees or

impact their buffer zones where one could reasonably conclude the tree would be degraded.

- 5.7 Based on the details set out with the submitted Arboricultural Statement (LandArb, LAS 746 Rev A, dated 11.04.25) and issues further discussed in Section 3 and 4 of this Appeal Statement, it is the Appellants case that proposals are acceptable from an arboricultural perspective and the planning appeal should be allowed with reference to arboricultural matters.

APPENDIX 1: COPY OF THE DECISION NOTICE



**WOKINGHAM
BOROUGH COUNCIL**

TOWN AND COUNTRY PLANNING ACTS

**TOWN AND COUNTRY
PLANNING (ENGLAND) 1990**

ET Planning

200 Dukes Ride
Crowthorne
RG45 6DS

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

Application Number: 242011

Applicant Name: Mr Karl Richards

Site Address: Land east of Warren Lodge, Warren Lane,
Finchampstead, RG40 4HR, RG40 4HR

Proposal: Full application for the proposed change of use of
land for the siting of 2 no. Gypsy and Traveller
pitches with creation of a second access off
Finchampstead Road and associated installation of
soft and hard landscaping.

Date of Decision: 31 October 2024

Wokingham Borough Council in pursuance of its powers under the above Acts and Regulations hereby **refuses permission** for carrying out the above development as stated in the application and the accompanying plans submitted to the Council for the reason(s) specified hereunder.

Reasons

1. The proposal represents inappropriate unplanned development outside of and unconnected to any development limits within the countryside and conflicts with the spatial strategy and objectives of the development plan, contrary to policies CP1, CP2, CP3, CP6, CP9 and CP11 of the Core Strategy, Policies CC01, CC02, CC03, TB10 and TB21 of the MDD Local Plan, Policies D2 and AHD3 of the Finchampstead Neighbourhood Development Plan and sections 2, 4, 12 and 15 of the NPPF.
2. The proposed development will have a negative and detrimental impact on the landscape character & rural appearance of the area by reason of the development's cramped urbanising appearance and insensitive siting, thereby blur the transition between the settlement of Finchampstead and the Countryside. The proposals are therefore contrary to contrary to Policies CP1, CP3, and CP11 of the Core Strategy, Policies CC01, CC02, CC03, TB10 and TB21 of the MDD Local Plan, Policies D2, AHD3 and IRS4 of the Finchampstead Neighbourhood Development Plan, sections

12 and 15 of the NPPF, Section B1 of The National Design Guide, R24 of the Borough Design Guide and Paragraphs 25 and 26 of the Planning Policy For Traveller Sites (PPTS).

3. By reason of the site's spatial constraints and prominent bend in Finchampstead Road, acceptable parking, turning and visibility splays for motor vehicles and caravans cannot be achieved, to the detriment of highway safety. The proposals are therefore contrary to policies CP1, CP3 and CP6 of the Core Strategy, CC07 of the MDD Local Plan and section 9 of the National Planning Policy Framework.

4. By reason of a poor walking environment, lack of crossing facilities for pedestrians, proximity to a busy 40mph B-road, poor quality bus services and lack of cycle routes, the application site is poorly located in terms of accessibility to sustainable forms of transport. The occupants of the pitches would be overly reliant on private motor vehicles to access basic amenities and services, contrary to policies CP1, CP2, CP3, CP6 and CP11 of the Core Strategy, CC01, CC02, CC08 and TB10 of the MDD Local Plan, Policy GA2 of the Finchampstead Neighbourhood Development Plan, the Borough Design Guide SPD and the NPPF.

5. By reason of the site's cramped spatial constraints, proximity to trees and vegetation and a busy 40mph B-road, the proposed external amenity space would provide an unsatisfactory living environment for future occupiers, to the detriment of their amenities. The proposals are therefore contrary to Policies CP1 and CP3 of the Core Strategy 2012, The Borough Design Guide SPD, Section 12 of the NPPF and paragraph 26 of the Planning Policy For Traveller Sites (PPTS).

6. The siting of the proposals would result in the removal of, and encroachment into the RPA, with several visually valuable and prominent trees on or adjacent to the site, to the detriment of their health and subsequently to the detriment of the rural character of the area. There is insufficient justification to outweigh this harm. The proposals are therefore contrary to policy CP3 of the Core Strategy, policies CC01, CC02, CC03 and TB21 of the Managing Development Delivery Local Plan, policy IRS6 of the Finchampstead Neighbourhood Development Plan, BS5837:2012 and the National Planning Policy Framework.

7. The proposed development would conflict with and detrimentally impact Veteran Trees, an irreplaceable habitat, by reason of operational development associated with the proposal being located within the buffer zones of the trees. The proposals are therefore contrary to policies CP7 of the Core Strategy, TB23 of MDD Local Plan, Policy IRS5 of the Finchampstead Neighbourhood Development Plan and the National Planning Policy Framework.

8. In the absence of a planning obligation to secure suitable avoidance and mitigation measures 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 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.

Informatives

1. If you intend to submit an appeal to be considered as a Public Inquiry you must notify the Local Planning Authority (planning.appeals@wokingham.gov.uk) and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before you submit the appeal.

2. In the absence of a planning obligation to secure suitable avoidance and mitigation measures 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 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.

Signed

MHead

Marcia Head

Head of Development Management - Place & Growth

Date: 31 October 2024

PLEASE READ THE NOTES ISSUED WITH THIS DECISION NOTICE BELOW



WOKINGHAM BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACTS TOWN AND COUNTRY PLANNING (ENGLAND) 1990

Other statutory legislation: This decision notice relates to the above stated acts and regulations only and does not constitute approval under any other legislation.

The Town & Country Planning (Development Management Procedure) Order: This decision has been made in accordance with the requirements of the National Planning Policy Framework (NPPF) and in the requirement to work with the applicant in a positive and proactive manner.

Officer Report: An officer report explaining the decision will be available to view online.

Purchase notices: If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council which will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part VI of the Town and Country Planning Act 1990.

Appeals to the Secretary of State: If your application has been **refused** by the Borough Council or **granted subject to conditions** that you are not happy with, you have the right to appeal to the Planning Inspectorate (under Section 78 of the Town and Country Planning Act 1990). This must be within the timeframes set out below. Please note an extension of time for lodging an appeal is unlikely to be granted except in special circumstances.

12 weeks from the decision date above in the case of a refusal of a 'householder' application:
Being the refusal of an application for planning permission to alter or extend a house, or for works within the curtilage of a house; or,
Being the refusal to approve details submitted as required by a condition imposed on a permission granted for a householder application.

12 weeks from the decision date above in the case of a refusal of a 'minor commercial' application:
Being the refusal of an application for development of an existing building or part of a building currently in use for purposes in Use Classes A1, A2, A3, A4 and A5

where the proposal does not include a change of use, a change to the number of units, development that is not wholly at ground floor level and/or does not increase the gross internal area of the building.

6 months from the decision date above in the case of all other appeals made under s78(1) or s20 of the above Acts relating to a decision on a planning application or listed building/conservation area consent application.

6 months from the decision date above in the case of any appeal made under s78 (2) of the Act in respect of a failure to give a decision within the statutory period.

The Planning Inspectorate is an Executive Agency reporting to the Secretary of State for Communities and Local Government. The Inspectorate has an online appeals service with information and guidance about the process. You can submit [full application appeals](#) and [householder application appeals](#) with the new appeals service. [Other application types](#) should be submitted on the current appeal service. Alternatively, you can obtain a form from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, 0303 444 5000 or through the [Inspectorate's website](#). Please note all documents will be published online by the Planning Inspectorate and therefore you should not include personal information you do not wish to be displayed in this way. This includes personal information of third parties.

In the event of a grant of planning permission, please note the following:

Community Infrastructure Levy (CIL): When planning permission is granted for a development that is CIL the Council will issue a liability notice as soon as practicable after the day on which the planning permission first permits development. Completing 'Form 2', the assumption of liability notice, is a statutory requirement for the liable party(ies) to be completed for all CIL liable applications. Advice on how the Regulations may impact you and how you can properly discharge the relevant legal requirements including paying any relevant CIL charge that may be due is available on our [Community Infrastructure Levy advice \(wokingham.gov.uk\)](http://wokingham.gov.uk) website pages.

Discharge of Conditions: This consent may contain conditions that require further approval by submission of an application for approval of details reserved by condition and the appropriate fee. Application forms can be obtained for this purpose by visiting the [Planning Portal](#).

Street Naming and Numbering for new dwellings: If this notice relates to approval of new dwellings, please ensure that you contact the Council at least 16 weeks before the commencement on site to arrange for an address and post code to be allocated. Details can be obtained from streetnamingandnumbering@wokingham.gov.uk. Failure to contact the street naming and numbering department at least 16 weeks before commencement on site will result in the addressing and post code for the development being delayed.

Access to privately owned land: The applicant is reminded that this permission does not give right of entry to land not in the ownership of the applicant. Permission must be sought from any other landowner(s) if access is required.

Gas Mains and Services: Building over a gas main or service that is located within your site could cause damage to pipework or potential gas leaks within buildings. You should check for information relating to services within your site at [Home - LinesearchbeforeUdig \(lsbud.co.uk\)](http://Home-LinesearchbeforeUdig.lsbud.co.uk) and contact the Plant Protection Team at SGN on 0800 912 1722 or plantlocation@sgn.co.uk.

Building Regulations: The development subject to this permission may also require Building Regulation approval to ensure it is built to national safety, design, and environmental standards. The Council's Local Authority Building Control (LABC) service offers a full range of plan approval, inspection, and associated services through an ISO9001 nationally accredited team of qualified building surveyors. These surveyors work closely with the Council's planning department to ensure the appropriate construction of your build. To find out more visit the Council's [Building Control website](#) or call 0300 790 0580 to speak to a member of the team.

Fire Regulations: In accordance with the Berkshire Act 1986, when Building Regulation applications are submitted for building(s) or extensions, the Local Authority will reject the plans unless, after consultation with the fire authority, they are satisfied that the plans show the following:

- i) That there will be adequate means of access for the fire brigade to the building(s) or the extended building(s); and,
- ii) That the building(s) or extension(s) will not render inadequate any existing means of access for the fire brigade to a neighbouring building.

Biodiversity Net Gain: The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Wokingham Borough Council.

Biodiversity Net Gain Exemptions and Transitional Arrangements: There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in [paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990](#) the [Biodiversity Gain Requirements \(Exemptions\) Regulations 2024](#), and [The Environment Act 2021 \(Commencement No. 8 and Transitional Provisions\) Regulations 2024](#).

Biodiversity Net Gain Irreplaceable Habitat: If the onsite habitat includes irreplaceable habitat (within the meaning of [The Biodiversity Gain Requirements \(Irreplaceable Habitat\) Regulations 2024](#)) there are additional requirements. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Biodiversity Net Gain Section 73(2D): If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted. Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i. do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii. in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Biodiversity Net Gain Phase Development: If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of [The Biodiversity Gain \(Town and Country Planning\) \(Modifications and Amendments\) \(England\) Regulations 2024](#) apply. In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).

APPENDIX 2: OFFICER'S REPORT

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	242011
Site Address:	Land east of Warren Lodge, Warren Lane, Finchampstead, RG40 4HR.
Expiry Date:	31 October 2024
Site Visit Date:	13 September 2024
Proposal: Full application for the proposed change of use of land for the siting of 2 no. Gypsy and Traveller pitches with creation of a second access off Finchampstead Road and associated installation of soft and hard landscaping.	

PLANNING CONSTRAINTS/STATUS

Water Utility Consultation Zones
Contaminated Land Consultation Zone
Heathrow Aerodrome Consultation Zone
Affordable Housing Thresholds
Bat Roost Habitat Suitability
Scale and Location of Development Proposals – **Countryside (CP11)**
Farnborough Aerodrome Consultation Zone
Great Crested Newt Consultation Zone – **Green Risk Zone**
Nuclear Consultation Zone – **12km Zone**
Tree Preservation Orders
Oil Pipe
Landscape Character Assessment Area
Land Terrier
SSSI Impact Risk Zones
Thames Basin Heaths SPA Mitigation Zones – **5km Linear Mitigation Zone**
PRoW Within WB Consultation Zone – **Warren Lane (Bridleway, FINC35)**
CLH Oil Pipeline Consultation Zone
Archaeological Sites Consultation Zone

PLANNING POLICY

National Policy	National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG)
Core Strategy (CS)	CP1 – Sustainable Development CP2 – Inclusive Communities CP3 – General Principles for Development CP4 – Infrastructure Requirements CP5 – Housing Mix, Density and Affordability CP6 – Managing Travel Demand CP7 – Biodiversity CP8 – Thames Basin Heaths Special Protection Area CP9 – Scale and Location of Development Proposals CP11 – Proposals Outside Development Limits

	CP17 – Housing Delivery
MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC02 – Development Limits CC03 – Green Infrastructure, Trees and Landscaping CC04 – Sustainable Design and Construction CC06 – Noise CC07 – Parking CC09 – Development and Flood Risk CC10 – Sustainable Drainage TB05 – Housing Mix TB10 – Traveller Sites TB21 – Landscape Character TB23 – Biodiversity and Development TB25 – Archaeology
Other	Finchampstead Neighbourhood Development Plan (FNDP) Wokingham Borough Landscape Character Assessment (2019) Borough Design Guide Supplementary Planning Document CIL Guidance + 123 List

PLANNING HISTORY		
Application No.	Description	Decision & Date
061434	Application for a non-illuminated sign board (Retrospective).	Refused 11/01/2007

CONSULTATION RESPONSES
Internal
WBC Property Services – No comments received WBC Environmental Health – Request further information WBC Drainage – No objection subject to condition(s) WBC Highways – Request further information/Concerns WBC Growth & Delivery (Planning Policy) – No comments received WBC Economic Prosperity & Place (Community Infrastructure) – Affordable Housing Contribution commentary WBC Landscape and Trees - Objections WBC Ecology – No comments received WBC Health and Wellbeing – No comments received WBC Public Rights Of Way – Objections WBC Cleaner and Greener – No comments received
External
Thames Water Utilities Ltd – No comments received Berkshire Archaeology – No objections South East Water – No comments received Natural England – Thames Basin Heath SPA advisory comments

REPRESENTATIONS

Parish/Town Council	The Council objects to this application. This Application is not consistent with several policies of the Finchampstead Neighbourhood Development Plan; 1. Policy ES1 states that ‘Provision is made for charging for electric vehicles in all domestic dwellings where garages or vehicle parking spaces are provided’. This application contains no provision for electric vehicle charging. 2. Policy AHD1 States that ‘Development proposals outside the Development Locations will only be supported where they are in accordance with national and Borough planning policies’. This application is outside of the Development Location and contradicts several core policies of WBC, notably CP3, CP7 and CP11. 3. Policy AHD3 states that ‘The expansion of existing Gypsy and Traveller sites will be supported, where...’ This is a new site and not an expansion of a current site. Additional local provision has already been made to the rear of 166 Nine Mile Ride, Tintagel Farm and Honeysuckle Gardens. Further provisions are identified at High Barn Farm, Commonfield Lane in the proposed Local Plan Update. 4. Policy D2 states that ‘...development proposals should be located and designed to maintain the separation of settlements and to complement the characteristics of the landscape in the immediate locality’. This proposal encroaches into the green area between the settlement of Finchampstead North and the informal built area around St James Church. It does not compliment the adjacent Local Green Space of Warren Woods. 5. Policy IRS4 – 6 states that ‘As appropriate to their scale, nature and location development proposals should.... Retain informal green gaps along the Parish access roads and other small areas of natural green space’. The proposed site is currently an area of woodland and thicket which adds to the rural feel of the Finchampstead Road as it leaves the settlement of Finchampstead North. Losing this informal green gap would create an expansion of the existing urban. 6. Policy IRS5 states that ‘As appropriate to their scale, nature and location development proposals should demonstrate that:
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	• They will not have an unacceptable impact on local biodiversity or the network of sites designated as of importance for nature conservation , as evidenced through a robust specialist independent survey report, which is supported by the Borough's Ecological Adviser. The assessment should consider impacts on the site and on connections between sites important for biodiversity. • They provide a net gain of at least 10% over base value using a robust metric. Where a loss of biodiversity on site is demonstrably unavoidable, development will only be acceptable if off site compensation measures are secured to ensure the creation of like-for-like or better distinctiveness habitats so a minimum 10% gain of biodiversity overall is achieved. This Application does not address the issue of Biodiversity Net Gain.
Ward Member(s)	Councillor Rebecca Margetts: <i>"I would like to list planning application 242011 to be heard by the planning committee if officers are minded to approve this application.</i> <i>I would like it listed for the following reason:</i> <i>The site included in this application is contrary to the Finchampstead Neighbourhood development plan and Wokingham borough councils emerging local plan. Both of the aforementioned plans include allocated sites and adequate provision for gypsy and traveller plots within the borough. Therefore, I would ask that this additional site should not be granted planning approval."</i>
Neighbours	44 letters of objection received detailing the following concerns: - The application site is not allocated within the development plan. - Land is unsuitable for the use proposed. - Development out of keeping with the open pastures and woodlands of the surrounding context and would detrimentally alter the appearance of the area. - Impacts of wildlife/biodiversity. - New entrance/exit is dangerous for vehicles. - Confused whether development is for two or four pitches. (Officer comment: GRT pitches each include a pitch for a static caravan and a tourer. Two pitches are proposed under this application.)

	- Loss of trees and impact on TPO trees adjacent to/on the site. - Mobile homes not in-keeping with the area. - Impact on maintaining the green barrier between old and new Finchampstead. - Impacts on amenities of residents of Warren Lodge Care Home. - Loss of greenfield site. - Risk of further development spread. - Gravel road surfacing unsafe due to proximity to the road. - Vehicle movements having adverse highway safety impacts. - Unsustainable location. - No need for GRT pitches due to current supply. - Increase of population having impact on existing infrastructure. - The site would impact on the separate identities of the settlements in North Finchampstead and the village in the South of Finchampstead by forming ribbon development along the B3016 Finchampstead Road. - Other sites identified in the FNDP for this purpose that could be used. - Development contrary to TB10 as it is now within and not adjacent to existing settlements. - Overdevelopment - Impact on school and doctor places - Uses of accesses impacting visitors/services reaching Warren Lodge Care Home by reason of traffic congestion. - Lack of landscaping provision - Loss of woodland - Impact on Longmoor Bog SSSI and Thames Basin Heath SPA - Prominent corner location inappropriate - Overly dense development layout - Encroachment into Countryside eroding rural character of area. - Impacts on Veteran trees - No mitigation of construction emissions - Biodiversity net loss on site - Impact on underground fuel pipeline - Impact on archaeological sites
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APPRAISAL

Proposal Description:

This application seeks approval for the proposed change of use of the land for the siting of 2 no. Gypsy and Traveller (GRT) pitches, with the creation of a second access off Finchampstead Road and associated installation of soft and hard landscaping.

Site Description:

The application site consists of a narrow strip of grassland/woodland located on the bend of Finchampstead Road. It is located outside of, and unconnected to, development limits and in the designated Countryside. The site is approximately 0.44ha in size and is currently bordered by a three bar timber fence, with an informal access/gate being located to the north of the site, exiting out onto Warren Lane, a bridleway/Public Right of Way.

The site is densely vegetated with mature vegetation and trees and has the appearance of a verdant highway verge on the bend of Finchampstead Road, making it visually prominent as you exit/enter the settlement of Finchampstead to the north or the Countryside to the south:

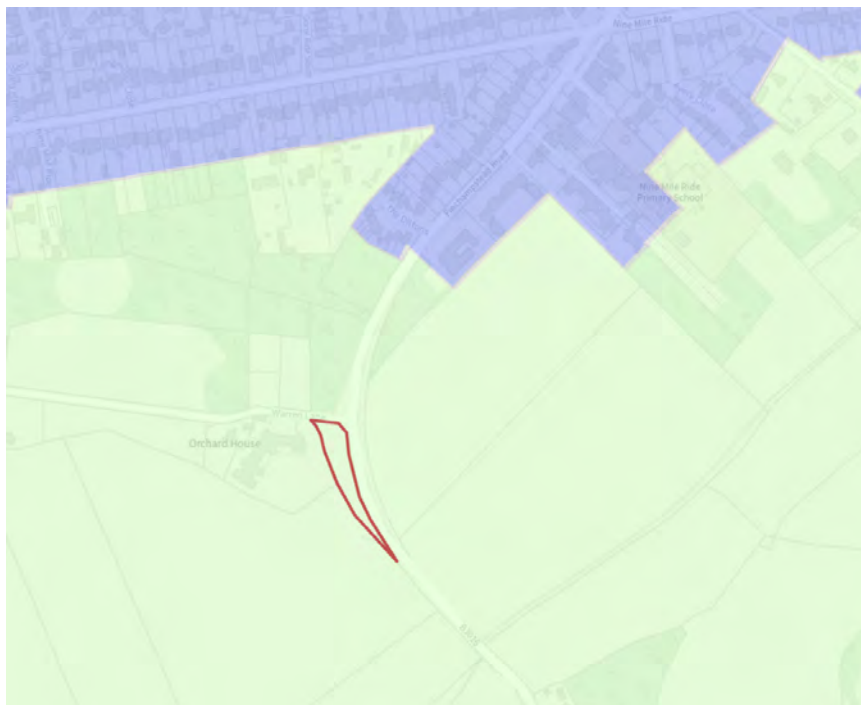


Figure 1: Map of the application site (red-line) in relation to the settlement limits of Finchampstead (blue) and the Countryside (south).

The surrounding context of the site is that of open agricultural fields and grassland with the exception of sparsely populated residential and agricultural buildings to the south, reflective of the site's Countryside setting. The site is also adjacent to Warren House, a large elderly care home that is well obscured by tall, dense vegetation on the Warren Lane junction with Finchampstead Road.

As outlined above, the site is on a visually sensitive highway verge adjacent to the settlement boundaries of Finchampstead to the north. This part of Finchampstead Road is visually characterised by a distinct absence of development and is a clear visual and spatial transition from the built-up character of Finchampstead to the north and the Countryside to the south.

Principle of Development:

The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. The Managing Development Delivery Local Plan Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.

Countryside

The site is located in the countryside and is therefore subject to Policy CP11 of the Core Strategy. Policy CP11 of the Core Strategy states That in order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside of development limits will not normally be permitted except where:

- 1) *It contributes to diverse and sustainable rural enterprises within the borough, or in the case of other countryside-based enterprises and activities, it contributes and/or promotes recreation in, and enjoyment of, the countryside; and*
- 2) *It does not lead to excessive encroachment or expansion of development away from the original buildings; and*
- 3) *It is contained within suitably located buildings which are appropriate for conversion, or in the case of replacement buildings would bring about environmental improvement; or*
- 4) *In the case of residential extensions, does not result in inappropriate increases in the scale, form or footprint of the original building;*
- 5) *In the case of replacement dwellings the proposal must:*
 - a) *Bring about environmental improvements; or*
 - b) *Not result in inappropriate increases in the scale, form or footprint of the original building.*
- 6) *Essential community facilities cannot be accommodated within development limits or through the re-use/replacement of an existing building.*

The clear starting point in policy CP11 is that this proposal will not normally be permitted. The proposed development does not accord with any of CP11's criteria and therefore conflicts with this policy. The proposal also conflicts with the aims of the policy set out in the supporting text, which include maintaining the quality of the borough's environment.

Gypsy and Traveller pitches

Policy TB10 of the MDD states that planning permission may be granted for new gypsy and traveller pitches or travelling showpeople plots or extensions to existing sites where it can be demonstrated that:

- a) *The site is located in the Borough's existing settlements or is adjacent to an existing settlement either within or adjacent to the Borough*
- b) *Avoids impacting on the separate identity of settlements*
- c) *The site has access to a range of local services such as shops; health facilities including doctors, schools, and a range of amenities including play areas and other recreation facilities*
- d) *No significant barriers to development exists in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installations where conventional housing would not be suitable*
- e) *Unacceptable impacts on the character and appearance of the surrounding landscape will be minimised through the sensitive and appropriate design of the scheme*
- f) *The proposals will not result in an unacceptable loss of amenity of neighbouring land uses*
- g) *Mixed use proposals (which are sites that include a business use) will only be considered if appropriate to the locality and such uses will not result in an unacceptable loss of amenity*
- h) *The scheme avoids any adverse impacts on the Special Protection Area*

The development fails to meet requirements a, c, e and h the report assesses each of these in turn below.

The proposals involve a new GRT site on greenfield land outside of settlement limits and therefore fails to comply with criterion a). The site is located approximately 180 metres south-west of Finchampstead's settlement boundaries. Visually and spatially, the site is well separated from the settlement of Finchampstead by an area of dense woodland that creates a stark visual/spatial contrast between the dense woodland and undeveloped nature of the Countryside to the south compared to the medium density suburban development to the north. In this regard, the site does not share a coherent spatial or visual relationship with the settlement of Finchampstead. Therefore, the site is not considered adjacent to an existing settlement and is contrary to TB10 a).

Whilst the site is located within open countryside, the siting of the development would not result in the coalescence of two existing settlements and would not conflict with Criterion b).

As set out in the Locational Sustainability section of this report, the site is located in a poorly accessible location due to the limited and substandard pedestrian infrastructure and limited sustainable transport options. The proposal therefore conflicts with Criterion c). Whilst the site is located approximately 180 metres south-west of Finchampstead's settlement boundaries the pedestrian infrastructure around the site is poor. A footpath to the settlement is located on the opposite of Warren Lane but it is inaccessible from the site via any formal pedestrian crossings or pathways and is limited in width and length, making navigating the public realm difficult/unsafe for an adult with a pushchair, small child or alternatively an elderly/physically disabled resident in a wheelchair/mobility aid.

Whilst there are several amenities/facilities within 0.5 miles of the application site, their accessibility via sustainable forms of transport is very limited. The above concerns will be expanded on in the 'Locational Sustainability' section below but overall, the proposals would fail to comply with TB10 c).

With regard to Criterion (d, there are no significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installations where conventional housing would not be suitable.

The proposal would have an unacceptable impact on the character and appearance of the surrounding landscape and therefore conflicts with criterion e). The full visual impact of the development on the character and appearance of the surrounding landscape will be expanded on further in the 'Character of the Area/Landscape Character' section below but overall, the proposals are contrary to TB10 (e).

There is no conflict with criterion f) The site lies adjacent to Warren Lodge, an elderly care home. Despite the close proximity to the care home's rear grounds/amenity space, the substantial tree coverage that lines the boundary shared by the two would effectively mask many of the noise and privacy concerns associated with the development's construction. Subject to conditions limiting the number of caravans, vehicles etc, it is not considered that the proposals would result in an unacceptable loss of amenity of neighbouring land uses.

Criterion G is no applicable because it is not a mixed use proposal.

The development will conflict with Criterion h) as the site is located within 5km of the Thames Basin Heath Special Protection Area and no mitigation to the impact on the SPA has been secured with this application. This consideration is set out further in the Thames Basin Heath Special Protection Area section of this report.

Overall, the proposals are considered contrary to TB10.

Policy CP2 of the Core Strategy states that to ensure that new development contributes to the provision of sustainable and inclusive communities (including the provision of community facilities) to meet long term needs, planning permission will be granted for proposals that address the requirements of:

- d) *The specific identified needs of minority groups in the borough, including Gypsies, Travellers and Travelling Showpeople and black and minority ethnic groups. Proposals for gypsies, travellers and travelling showpeople (including allocations in other Development Plan Documents) will demonstrate that:*
 - *The site is located either within or close to the development limits of a settlement in policy CP9 in order to maximise the possibilities for social inclusion and sustainable patterns of living; and*
 - *The proposed site is not disproportionate to the scale of the existing settlement whether singly or cumulatively with any existing sites in the area*

Policy CP2 requires GRT development to not be disproportionate to the scale of the existing settlement whether singly or cumulatively with any existing sites in the area which, based on the assessment within this report, is not achieved.

The Finchampstead Neighbourhood Development Plan (FNDP) policy AHD3 (Provisions for Gypsy and Traveller Communities) states that the expansion of existing Gypsy and Traveller sites will be supported, where the following criteria are satisfied:

1. *There is a demonstrable need for additional Gypsy and Traveller pitches within the neighbourhood area.*
2. *The proposed occupiers are Gypsies and Travellers.*
3. *Where appropriate, proposals include appropriate landscaping to mitigate their impact on the surrounding landscape; and*
4. *The proposals include the provision of or enhancement to the links to community facilities/services or contributions to upgrading roads and pathways in and around the site as appropriate.*

Whilst it is acknowledged that Finchampstead has one of the highest number of GRT pitches in Wokingham Borough, there is a borough shortfall that needs to be addressed. However, the several areas of adverse harm highlighted within this report clearly outweigh this need and it is not considered possible to include appropriate landscaping to mitigate the proposals' impact on the surrounding landscape. Surrounding pedestrian infrastructure is also quality poor and there are no proposals to improve this. Overall, the proposals are contrary to Policy AHD3 of the FNDP.

Local Plan Update

The Council's Emerging Local Plan Update (2023-2040) Policy H10 (Traveller Sites) states that development proposals for new Gypsy and Traveller pitches and Travelling Showpeople plots will be supported where all of the criteria are met:

- a) *The site is located in a defined settlement or if in countryside, is well related to a defined settlement within or adjoining the borough;*
- b) *The proposal is of a scale which does not dominate nearby settlements whether singly or cumulatively with any existing or permitted sites in the area;*
- c) *Safe and suitable access to the highway network for vehicles, caravans and pedestrians can be provided and there is adequate space for the parking and manoeuvring of caravans within the site;*
- d) *The scheme is sensitively and appropriately designed, including landscaping, to respect landscape character in accordance with Policies NE4, NE5 and NE6;*
- e) *The proposal should be adequately serviced, or be capable of being adequately serviced, preferably by mains connections; and*
- f) *The proposal provides acceptable standards of amenity for the site's occupants and does not have unacceptable impact on the amenity of neighbouring properties in accordance with Policy DH2.*

The proposal's siting is considered to disrupt and dominate the nearby settlement of Finchampstead and its settlement limits, contrary to Policy H10(b). The development also cannot ensure safe and suitable access to the highway network for vehicles,

caravans and pedestrians can be provided, nor is there adequate space for the parking and manoeuvring of caravans within the site, contrary to H10(c).

With regards to H10(d) the scheme is not sensitively and appropriately designed and does not respect the landscape character. Compliance is therefore not achieved with this criterion.

The vastly overdeveloped appearance of the site and very limited space on site results in there being little to no outdoor amenity space for the occupants of the proposed pitches. Any outdoor space that is proposed is immediately adjacent to a busy 40mph road with only some hedging and tree planting between them which would not be desirable for the occupants. The proposals are therefore also contrary to H10(f) as they do not provide acceptable standards of amenity for the site's occupants.

It is noted that the application site is sandwiched between two different undeveloped sites put forward in the 'call for sites' for residential development (site reference: 5FI038 & 5FI049). Between November 2021 – January 2022, consultation was undertaken on the Local Plan Update: Revised Growth Strategy. The Housing and Economic Land Availability Assessment (HELAA) considered the sites with 5FI049 removed before Stage 2C of the assessment. 5FI038 was concluded unsuitable for the following reason:

“Overall, the proposed development is out of character with the established settlement form and landscape character, extending development away from the linear ridgeline.”

The LPU remains at a consultation stage and therefore at the time of writing it remains to have limited weight in the decision-making process. However, it is clear that the site and its surrounding context has been considered unsuitable for development moving forward.

Summary of the Principle of Development

To conclude, the proposed development is directly contrary to the development plan, failing to comply with any of CP2, CP11, TB10, FND Policy AHD3 and the emerging Local Plan Update policy H10. Therefore, it is unacceptable in principle.

Assessments of sites immediately adjacent to the application site, as evidenced in the Council's most recent HELAA, also demonstrate that the area is considered unsuitable for future residential development.

Character of the Area/Landscape Character:

Policy Context

Paragraph 180 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:

- *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

The National Design Guide section B1, paragraph 67 also states that the built form of well-designed places should relate well to:

- *the site, its context and the opportunities they present;*
- *the proposed identity and character for the development in the wider place;*

Policy CP11 supports development in the countryside only where it maintains the high quality of the rural environment. Policy CP1(1) similarly only supports development that maintains or enhances the high quality of the environment, with policy CP3 supporting development of an appropriate mass, layout, built form, height and character to the area CP3(a) and which makes a positive contribution to the sense of place contributes to the buildings and spaces themselves and in the way they integrate with their surroundings CP3(f).

Policy TB21 of the Managing Development Delivery Local Plan states that proposals must demonstrate how they have addressed the requirements of the Council's Landscape Character Assessment, including the landscape quality; landscape strategy; landscape sensitivity and key issues. Proposals should retain or enhance the condition, character and features that contribute to the landscape.

Policy CC03 of the Managing Development Delivery Local Plan states that development proposals should demonstrate how they have considered and achieved the following criteria within scheme proposals:

- *Provide new or protect and enhance the Borough's Green Infrastructure networks, including the need to mitigate potential impacts of new development*
- *Promote the integration of the scheme with any adjoining public open space or countryside*
- *Protect and retain existing trees, hedges and other landscape features*
- *Promote accessibility, linkages and permeability between and within existing green corridors including public rights of way such as footpaths, cycleways and bridleways*

The Borough Design Guide Supplementary Planning Document provides further guidance for developers with general guidance that development should respond positively to its site and local context (G1) and respond positively to the local character of the area (G2).

R24 of the Borough Design Guide states that the layout and design of gypsy sites should provide a safe living environment that meets the needs of residents, while respecting the character of the local area.

Key considerations for site layout include, but are not limited to:

- *A clear demarcation of boundaries that is sympathetic to the character of the surrounding area;*
- *A degree of privacy for individual householders whilst maintaining a sense of community;*
- *The ability to manoeuvre living accommodation to the site and onto each pitch, based on trailers of up to 15m in length;*
- *Safe access and egress to site;*
- *Easy access and a safe turning places for emergency and refuse vehicles;*
- *Natural surveillance to allow residents to oversee all areas of the site;*
- *Clear delimitation of public communal areas and private space, with boundaries to each pitch*
- *A communal play area of children and potentially a building to house communal facilities;*
- *Infrastructure such as water and electricity supply, surface water and storm drainage, lighting and waste disposal arrangement.*

For the layout of individual pitches/plots:

- *Adequate space for car parking on each pitch;*
- *Pitch boundary fences;*
- *Ability to position caravan away from overhanging trees for fire safety reasons;*
- *A hard standing area suitable for use by trailers, touring caravans or other vehicles; and*
- *An amenity building to provide as a minimum water and electricity supply, toilet, personal washing and laundry facilities.*

Paragraph 25 of the PPTS states that Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

Paragraph 26 of the PPTS states that when considering applications, local planning authorities should attach weight to the following matters:

- a) effective use of previously developed (brownfield), untidy or derelict land*
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness*
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children*

- d) *not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community*

FNDP Policy D2 (Preserving the rural character of the parish) states that as appropriate to their scale, nature and location development proposals should be located and designed to maintain the separation of settlements and to complement the characteristics of the landscape in the immediate locality through:

1. *Locating structures where they will be viewed against existing built form and wherever possible, development should deliver enhancements to the landscape character.*
2. *Retaining the proportion, scale and the space between the main residential buildings on each residential plot with reference to the built vernacular of the neighbourhood area and conservation of traditional boundary treatments.*
3. *The use of appropriate plant species in a comprehensive landscape scheme with appropriate boundary treatments to integrate with the rural character.*
4. *The use of street trees.*
5. *The protection of existing street trees.*

FNDP Policy IRS4 (Implement strategy to preserve the identity of Finchampstead Parish through informal green spaces) states that as appropriate to their scale, nature and location development proposals should:

1. *Preserve the semi-rural look and feel of the Parish with its surrounding natural open environment.*
2. *Preserve the distinctive character and appearance of the Parish countryside with varied landscapes and outstanding views.*
3. *Preserve the topological features of the landscape that distinguish it as part of the Blackwater Valley and Thames Basin Heaths Special Protection Areas.*
4. *Protect and where possible, enhance the green spaces of the Parish, both general and specific, through protected special areas, green gaps between settlements, green corridors, diverse flora and community spaces.*
5. *Specify tree and hedgerow planting to reinforce and reflect local biodiversity in the Parish.*
6. *Retain informal green gaps along the Parish access roads and other small areas of natural green space, as outlined in Annex S Rights of Way Network with adjoining Parishes.*
7. *Retention and potential expansion of the green corridors through the extensive rights of way network (Annex R Rights of Way Network with adjoining Parishes) and enclosure hedgerows to retain and enhance the outstanding views east, south and west within the Parish.*

Assessment

The site's current rural and undeveloped character would be detrimentally and permanently impacted by the erection of the development proposed, particularly owed

to the substantial removal of vegetation on site to create 2no. new vehicular accesses, plus driveway and turning space in order to facilitate the 2no. GRT pitches.

The urbanising impact of the development in this visually sensitive location does not respect the site's important role in establishing the rural setting to the village, subsequently blurring the transition between the settlement southern edge and the rural landscape to the south.

An image of the site from Finchampstead Road can be seen below, this image emphasises the site's visual prominence from the public realm, exacerbating its visual harm and spatial harm on the settlement boundaries of Finchampstead:



Figure 2: Image demonstrating the visual prominence of the Application site (circled in red) in relation to Finchampstead Road.

The extremely narrow nature of the site and arboricultural constraints are also extremely spatially limiting for the proposals; There is insufficient turning space for vehicles resulting in unsafe accesses/egresses, plus very limited and undesirable amenity space for the occupants located immediately adjacent to the road with no fencing to mitigate any potential noise impacts. There is no clear demarcation of public and private space, no play areas/adequate outdoor space for children and limited to no space for any 'day buildings' to house day to day facilities.

The lack of space for essential facilities and to ensure vehicles can safely access/egress the site is synonymous with overdevelopment and clearly demonstrates the site is incompatible for its intended residential use. Overall, the development appears cramped on the application site and would be an alien and incongruous visual addition to the rural street scene.

Combined with its sensitive rural location, the proposals fail to maintain, let alone enhance the high quality of the surrounding rural environment and would be an uncharacteristic addition to the local landscape context.

Turning to the site's landscape character, the proposed development directly disrupts the quiet rural character of its surrounding rural context.

The site is located within the Landscape Character Area N2: Finchampstead Pastoral Sandy Lowland as per the Council's Landscape Character Assessment (2019). To maintain the landscape character of the Finchampstead Pastoral Sandy Lowland the following strategy is required: to conserve and enhance the quiet rural character and dark skies. In terms of development, the aim is to conserve the coherent pattern of settlement and avoid the spread of urban built form including roads into the area.

The proposed development directly disrupts the quiet rural character of its surrounding rural context. The imposition of 2no. caravan pitches immediately adjacent to the settlement limits of Finchampstead is also directly contrary to the Council and Parish's development plans, resulting in an incoherent spatial relationship with the urban layout to the north and the inappropriate spread of urban built form in a visually and spatially incompatible location.

The proposals fail to retain or enhance the condition, character and features that contribute to the landscape and are contrary to Policies CC03 and TB21 of the MDD Local Plan.

WBC Landscape and Trees have also raised objections on landscape character grounds, concluding that the installation of urbanising built forms; access and hard surfacing on a small, narrow undeveloped field in a rural location would have an incongruous, detrimental impact on the character and appearance of the area and countryside.

Attention is drawn to a scheme previously refused by the Council and dismissed by the Planning Inspectorate at appeal located to the immediate north of the application site for 1no. GRT pitch (references: 161886 and APP/X0360/W/17/3173546) that is also sited outside of settlement limits and adjacent to the settlement boundary of Finchampstead. The following was said by the Inspector with regards to the development's visual impact on the surrounding woodland context:

"To my mind the proposed gypsy pitch would result in a physical intrusion of development into this verdant area. Although mainly a change of use, the presence of two caravans, one of which would be static, and ancillary outbuildings together with the trappings of residential paraphernalia would be substantially out of place in the forest and woodland edge." (Paragraph 22).

Overall, the proposals are incoherently designed and are incompatible for the use proposed, subsequently causing detrimental spatial and visual harm to the surrounding rural landscape character. The spatial constraints of the site also result in a gross overdevelopment of this greenfield site that cannot be mitigated by landscaping proposed.

The proposals are therefore contrary to Policies CP1, CP2, CP3, CP6 and CP11 of the Core Strategy, Policies CC01, CC02, CC03, TB10 and TB21 of the MDD Local Plan, Policies D2, AHD3 and IRS4 of the Finchampstead Neighbourhood Development Plan,

sections 12 and 15 of the NPPF, Section B1 of The National Design Guide, R24 of the Borough Design Guide and Paragraphs 25 and 26 of the Planning Policy For Traveller Sites (PPTS).

Locational Sustainability:

Policy CP1 of the Core Strategy states that planning permission will be granted for development proposals that:

- *Maintain or enhance the high quality of the environment*
- *Demonstrate how they support opportunities for reducing the need to travel, particularly by private car in line with Core Strategy*

Policy CP6 of the Core Strategy states that planning permission will be granted for schemes that:

- *Provide for sustainable forms of transport to allow choice*
- *Are located where there are or will be at the time of development choices in the mode of transport available and which minimise the distance people need to travel;*

Paragraph 13 of the PPTS states that Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:

- a) *promote peaceful and integrated co-existence between the site and the local community*
- b) *promote, in collaboration with commissioners of health services, access to appropriate health services*
- c) *ensure that children can attend school on a regular basis*
- d) *provide a settled base that reduces both the need for long-distance travelling and possible environmental damage caused by unauthorised encampment*
- e) *provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development*
- f) *avoid placing undue pressure on local infrastructure and services*
- g) *do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans*
- h) *reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.*

Policy GA2 of the FNDP (Reduction in car usage with safe personal mobility options) states that as appropriate to their scale, nature and location development proposals should:

1. *Support and encourage Greenway development with residential development and alternative modes of personal movement connecting the settlements in*

- Finchampstead with places of work and onward movement and public transport connections in Wokingham, Earley, Reading, Bracknell and Camberley.*
- 2. Protect, maintain and enhance Footpaths, Bridleways, Byways and Permitted paths within the parish.*
 - 3. Create safe Greenway routes by-passing high risk areas such as Jubilee Hill, Barkham Ride and Nine Mile Ride.*
 - 4. Create a maintenance schedule to keep verges, pavement and footpath overgrowth cleared.*
 - 5. Collaborate and seek support from stakeholders in the development of new Rights of Way: Landowners, Ramblers, Horse Riders, cyclists, National Trust, Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust.*
 - 6. Work with adjoining Parishes to retain and, where practical, improve the Rights of Way network.*
 - 7. Include the principles and design requirements of Gear Change and LTN 1/20.*

The site is located approximately 180 metres south-west of Finchampstead's settlement boundaries. There is also a doctor's surgery, shop and other recreational facilities within a seven minute (0.48 km) walking distance from the site.

There is a footpath leading towards the settlement on the opposite side of Warren Lane. However, this footpath is not accessible from the site via any formal pedestrian crossings or pathways.

Additionally, the width of the footpath only reaches a maximum of 1.4 metres (0.6 metres short of the Manual for Streets recommended 2 metre minimum) and there are sections significantly narrower than this. It does not continually extend into the settlement of Finchampstead, with its length expiring approximately 60 metres to the north of where it begins. To continue to access the settlement, pedestrians would have to cross the 40mph Finchampstead Road in the absence of any dedicated crossings to access the pathway on the opposite side of the road which is again only 1.4 metres wide.

The above constraints would make navigating the public realm and accessing the nearby facilities/amenities difficult for an adult with a pushchair, small child or alternatively an elderly/physically disabled resident in a wheelchair/mobility aid. The footpath is also located in a wooded area with no passive surveillance for approximately 220m, which would also make walking less desirable.

There are also no cycle routes and combined with the speed of Finchampstead Road, it is unlikely to be a viable option for the occupants. The CHIT document Planning for Cycling estimates the modal share of cycle trips to equate to around 2% of all journeys. Cycling also has a seasonal bias and is only an opportunity for those that are physically capable. Even if good cycle infrastructure was in the vicinity, it would not compensate for the poor walking opportunities and poor public transport.

The adjacent bus stop (64 metres to the north of the application site) only includes a service that operates on a Tuesday (Horseman no.145). This does not meet the definition of a good service as set out in the supporting text of policy CP6. The bus stop has no seating/waiting areas or canopy. It would also prove difficult to access given the lack of pedestrian crossings and footpath width.

The lack of objection from WBC Highways is noted but upon further consideration of the site's spatial and physical constraints, the Council consider the application site to be poorly located in terms of its accessibility to sustainable forms of transport by reason of a poor quality walking environment, lack of crossing facilities for pedestrians, proximity to a busy 40mph B-road, poor quality bus services and lack of cycle routes. These factors cannot be considered to result in a positive assessment regarding accessibility.

The occupants of the pitches would be overly reliant on private motor vehicles to access basic amenities and services, contrary to policies CP1, CP2, CP3, CP6 and CP11 of the Core Strategy, CC01, CC02, CC08 and TB10 of the MDD Local Plan, Policy GA2 of the Finchampstead Neighbourhood Development Plan, the Borough Design Guide SPD and the NPPF.

Neighbouring Amenity:

Overlooking

Each pitch proposed would overlook Finchampstead Road/the central parking area which is acceptable. Outlook onto Warren Lodge would be effectively mitigated by the substantial tree coverage on the site's western border.

Loss of Light and Overbearing

The 2no. pitches proposed are adequately distanced from each other to avoid any loss of light overbearing concerns. The only adjacent neighbour is Warren Lodge care home which, as referenced above, would be minimally affected on these grounds due to the substantial tree coverage on the site's western border.

Highway Access and Parking Provision:

Access/Visibility

Regarding the northern access, vehicles would only be able to turn to exit the site in forward gear unless they encroach the 2no. parking spaces which is not acceptable; requiring the removal of vehicles parked in these locations from the site prior to turning is not a supported method.

Similarly, regarding the eastern access (referred to on proposed plans as southern access), a vehicle with a touring caravan in tow would not be able to turn to exit the site in first gear without encroaching the parking spaces to the south of the site which is unacceptable.

Turning to the visibility splays for the eastern access, the submitted visibility splays have not covered the nearside edges of the carriageway of both sides at the bend. Drivers exiting the site would be unable to see the approaching vehicles around the bend, which could cause adverse highway safety impacts and is not acceptable.

Lastly, with regards to the creation of the northern vehicular access onto Warren Lane, WBC Highways acknowledge it is not connected to the public highway, nor is the application red-line. The WBC Public Rights of Way (PROW) Officer has subsequently objected to this layout, stating that as Warren Lane is a bridleway, vehicle access should not be permitted and could have a negative impact on the PROW.

Parking Provision

Aside from their safety for vehicular parking, the site provides 8no. parking spaces which exceeds the Council's Parking Standards requirements. No objections are raised in terms of the amount of provision, but harm is afforded to the greenfield land lost to facilitate it (as outlined above).

Overall, insufficient information has been submitted to enable the implications of the development to be fully assessed with respect to parking, turning, and visibility for motor vehicles. The proposals are therefore contrary to policies CP1 and CP6 of the Core Strategy, CC07 of the MDD Local Plan and section 9 of the National Planning Policy Framework.

Amenity Space:

Page 48 of the Borough Design Guide states that private garden space should be usable. This generally means that gardens should:

- *be roughly rectangular in shape;*
- *receive direct sunlight for some of the day;*
- *be capable of accommodating activities such as sitting, play, clothes drying and outside storage space, which will require a level area within the garden; and*
- *provide a secure external access to the rear garden for cycle storage.*

Paragraph 26 of the PPTS states that when considering applications, local planning authorities should attach weight to promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children.

As outlined above, the site's spatial constraints result in there being very limited and amenity space for the occupants which is also well overshadowed by retained vegetation. The outdoor space is also undesirable due to located immediately adjacent to the 40mph Finchampstead Road with no fencing to mitigate any potential noise/odour impacts. There are also no clear play areas/spaces for children.

The positioning of 2no. GRT pitches on what is essentially a highway verge would be directly contrary to the Borough Design Guide and Paragraph 26 of the PPTS since the amenity space provided is very limited in scale and would be disrupted by adjacent vehicular traffic by reason of noise.

Flooding and Drainage:

The site is located within Flood Zone 1 and at low risk of surface water flooding. WBC Drainage have no objections to the proposals providing a drainage strategy is secured

prior to the commencement of development. This would be attached to the decision notice if the application was recommended for approval.

Arboricultural Matters:

Policy CC03 of the MDD Local Plan states that development proposals should demonstrate how they have considered and achieved the following criteria within scheme proposals:

- *Provide new or protect and enhance the Borough's Green Infrastructure networks, including the need to mitigate potential impacts of new development*
- *Promote accessibility, linkages and permeability between and within existing green corridors including public rights of way such as footpaths, cycleways and bridleways*
- *Promote the integration of the scheme with any adjoining public open space or countryside*
- *Protect and retain existing trees, hedges and other landscape features*
- *Development proposals which would result in the loss, fragmentation or isolation of areas of green infrastructure will not be acceptable.*

The application is supported by an Arboricultural Impact Assessment (LandArb Solutions). A summary of the arboricultural features on site impacted by the development are as follows:

- Tree T1 of the Tree Survey. TPO T1, lime. Veteran tree number 46644.
- Tree T6 of the Tree Survey. TPO T2, lime.
- Tree T14 of the Tree Survey. TPO T3, lime. Veteran tree number 218700.
- Tree T13 of the Tree Survey, sweet chestnut. Veteran tree number 46643, noted on the ATI as felled (Update sent to ATI 19.9.24).
- Tree T30 of the Tree Survey, oak. Accredited by the Tree Survey as a veteran.

Ten trees and 2 groups of trees are to be removed, including those classified as 'B'. These 'B' trees are 3 oaks being 9m to 10m tall with canopy spans from 5.5m to 7.5m, offering verdant visual and amenity impact within the plot. Tree planting is proposed (2.5m to 6m tall trees), but it would take many years to successfully replace the existing in form and function. Planting to screen the scheme would also take years to become effective, if at all, due to the close proximity of the structures to public realm views. Regardless, driveway access gaps would still allow views through to urban constructions.

Overall, the siting of the proposals would result in the removal of and conflict with several visually valuable and prominent trees on or adjacent to the site, to the detriment of their health and subsequently to the detriment of the rural character of the area, contrary to policy CP3 of the Core Strategy, policies CC01, CC02, CC03 and TB21 of the Managing Development Delivery Local Plan, policy IRS6 of the Finchampstead Neighbourhood Development Plan, BS5837:2012 and the National Planning Policy Framework.

Veteran Trees:

Veteran Trees are defined as irreplaceable habitats as per annexe 2 of the National Planning Policy Framework. The Government Guidance for veteran trees states:

“you should not approve development proposals, including gardens, within a buffer zone.”

The proposed northern driveway access is within the buffer zone of T1 (Lime), which is a Veteran Tree as identified on the Ancient Tree Inventory. The council's Tree and Landscape Officer has identified the operational development associated with the proposal would be in the buffer zone, as set out in the PPG, of this Veteran Tree and therefore would detrimentally impact it. The Tree and Landscape Officer has advised that any ingress of development activities into the buffer would also be unacceptable, for example, the planting proposed by the 'Soft Landscape Proposals'.

In this instance, the harm to the Veteran Lime Tree has not been adequately addressed by the ecological and arboricultural documentation submitted. The harm is also not justifiably outweighed by any exceptional circumstances.

The Tree Retention and Loss Plan submitted also shows development occurring within the buffer zones of other veteran trees on site.

The proposed development would conflict with and detrimentally impact Veteran Trees, an irreplaceable habitat, by reason of operational development associated with the proposal being located within the buffer zones of the trees. The proposals are therefore contrary to policies CP7 of the Core Strategy, TB23 of MDD Local Plan, Policy IRS5 of the Finchampstead Neighbourhood Development Plan and the National Planning Policy Framework.

Biodiversity Net Gain:

As of 2nd April 2024, a 10% Biodiversity net gain (BNG) for minor developments is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This can be achieved through either on-site or off-site mitigation.

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met (“the biodiversity gain condition”).

The biodiversity gain condition is a pre-commencement condition: once planning permission has been granted, a Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of the development.

The BNG metric provided with this application outlines that the proposals would result in a 43.21% loss in habitat units on site. The number of units required to achieve a 10% gain would be 2.46 units.

Notwithstanding the Veteran Lime Tree conflicts which are assessed separately from a site's main baseline calculation and BNG requirement, the metric concludes that a 10% net gain is not achievable on-site. A 10% off-site contribution is therefore required and would be secured by the biodiversity gain condition if the application was recommended for approval.

Ecology:

Great Crested Newts (GCNs)

The site is located within a Green Risk Zone for GCNs. There is therefore no anticipated harm on this protected species but an informative will be attached to the decision notice as a precaution should the application be approved.

Longmoor Bog SSSI

The application site is located 1.35km away from the Longmoor Bog SSSI and in the most outer risk zone. Natural England have been consulted but have provided no comments on the matter.

Overall, the distance between the development proposed and the SSSI is unlikely to raise any adverse ecological implications on Longmoor Bog. Appropriate ecological enhancements and mitigation would be secured via condition to ensure this remained the case.

General Enhancements

Paragraph 185 of the NPPF states that plans should identify and pursue opportunities for securing measurable net gains for biodiversity. A condition should be set to ensure that enhancements for wildlife are provided within the new development on-site. This would be secured via planning condition if the application was recommended for approval

Thames Basin Heath Special Protection Area:

The proposal is located within 5km of the Thames Basin Heath Special Protection Area and therefore meets the threshold required to mitigate its impact on this through contributing to the Council's mitigation strategy as per policy CP8 of the Core Strategy.

Policy CP8 states that where there is a net increase in dwellings within 5km of the SPA, contributions to access management measures and monitoring in line with the Delivery Framework will be required.

The TBH SPA is designed to mitigate the impacts of allocated development and windfall sites in accordance with the Council's Development Plan. The application site is located outside of development limits and is not allocated for development, meaning alternative SPA mitigation would need to be sought.

Therefore, the Council would not facilitate SPA mitigation for this site as it would undermine the strategic objective of mitigating development set out in the development plan.

In the absence of a planning obligation to secure suitable avoidance and mitigation measures 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 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.

Affordable Housing:

The Council's Affordable Housing Supplementary Planning Document (SPD) July 2013 provides guidance on the Council's approach to securing affordable housing in accordance with Policy CP5. It sets out, subject to viability, the minimum percentages of affordable housing sought on site by land type and location.

However, Policy CP5 and the guidance contained within the SPD pre-dates the publication of the National Planning Policy Framework (NPPF), including the latest 2023 version by some time. Paragraph 65 of the Framework requires that the provision of affordable housing should not be sought for residential developments that are not major developments (10 or more dwellings), other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).

The Planning Practice Guidance (NPPG) reinforces this approach, stating specifically that planning obligations for affordable housing should only be sought for residential developments that are major developments. The PPG also confirms that the Community Infrastructure Levy (CIL) is the most appropriate mechanism for capturing developer contributions from small developments.

Further updates to the NPPF have reaffirmed the Government's view that contributions should not be collected from developments of less than 10 units. These amendments significantly strengthened the Government's position on affordable housing thresholds, and it is now a material planning consideration the LPA must have due regard to.

As outlined above the Council is currently not able to demonstrate a five year supply of GRT pitches. Subsequently, Policy CP5 and accompanying guidance not only has a degree of inconsistency with the framework and predates it; but is recognised as being out-of-date in accordance with Paragraph 11 of the NPPF, as it sits alongside those other identified policies which are considered most important for determining applications for new housing. The above position has been reinforced via a number of recent appeal decisions on smaller sites whereby it was concluded that although applicable, policy CP5 carries limited weight, and affordable housing was not sought. Limited weight is therefore afforded to CP5 in the determination of this application.

In light of the above, less weight applied to Policy CP5 and the re-affirmation within the NPPF that contributions should not be collected from developments of less than 10 units, the failure to provide affordable housing provision does not warrant a reason for refusal.

Human Rights and Public Sector Equality Duty:

The Human Rights Act 1998 means that it is now, subject to certain circumstances, directly unlawful for a public authority to act in a way which is incompatible with a Convention right. In particular Article 8 (respect for private and family life) and Article 1 of Protocol 1 (peaceful enjoyment of property) apply to planning decisions.

The rights of individuals protected under the Human Rights Act are in this circumstance not absolute but qualified rights and the rights of the individual in this circumstance are to be balance against amongst other things the public interest in upholding public law and the regulatory planning system.

When a planning decision is made there is further provision that the Authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest and therefore the Local Planning Authority's decision making will continue to take into account this balance.

In making its decision the Council must also have regard to its public sector equality duty (PSED) under s.149 of the Equalities Act. The duty is to have due regard to the need (in discharging its functions) to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The applicant has listed their personal circumstances within Appendix 1 of their submitted Planning Statement. To summarise, the proposals involve 3no. adults (all identifying as from a traveller background) and 1no. 5-month old child. Owing to the birth of the child, the applicants are seeking a settled base to raise them, plus a pitch for one of their widowed parents who suffers from mental health issues. It is noted that the applicant does not currently have a permanent place to live and has been relying on family and pitches following fairs until now.

The above circumstances are both acknowledged and respected by the Council and have all been considered as part of this application's determination. These circumstances directly relate to Article 8 of the Human Rights Act which as outlined above, is a qualified right.

In a dismissed appeal from 2016 (APP/H1705/W/15/3067583) at Basingstoke and Deane Council (Appendix 9), which though relating to a larger site acknowledges the provision of Article 8 of the Human Rights Act with the Inspector stating:

*"Whilst dismissing the appeal would not lead to the direct loss of any homes, I recognise that it would interfere with the rights of the intended occupants under Article 8 of the Human Rights Act. This sets out the right to respect for family and private life and the home. However, this is a **qualified** [emphasis] right and requires a balance between the rights of the individual and the wider community/public interest."*

The inspector within APP/H1705/W/15/3067583 went on to state:

"The protection of the public interest cannot be achieved by means that are less interfering with the intended occupants' rights. They are proportionate and necessary in the circumstances and would not, therefore, result in violation of the rights of the intended occupants under Article 8".

It must be acknowledged that the Article 8 is not an absolute right but is weighed up in the decision making process. As was made clear in the case of Buckley v The United Kingdom (ECHR No 20348/92), Article 8 does not necessarily go so far as to allow individuals' preferences as to their place of residence to override the general interest.

In this regard, there are several areas of material harm noted in this Officer Report that both result in a scheme that is not only visually/spatially detrimental to the surrounding landscape character and settlement boundaries of Finchampstead, but is deemed undesirable for habitation by reason of inadequate external amenity space sited adjacent to a busy road, and unsafe due to inadequate turning space and visibility splays for vehicles. Overall, the site is considered entirely incompatible for the use proposed and would not enforce a safe/desirable living environment for the intended occupiers.

Turning to the applicant's circumstances, limited to no welfare or medical conditions have been disclosed by the applicant other than their mother's psychological conditions and the fact a 5-month child is involved in creating a settled base. The child, due to their age, is also not currently in education so this impact of relocation is not relevant at this time.

The best interests of a child, which in this instance are to create a settled base to raise the child in the absence of a permanent home, is of primary importance in planning decisions (*Jane Stevens v SSCLG 2013*). However, in this instance, the Council's viewpoint that the proposals would create an unsafe and undesirable living environment for the occupiers. These concerns warrant the conclusion that refusing this application would be in the better interests of the child, since it would not be subjecting them to an unsafe and unsuitable living environment.

Turning to the potential for a temporary permission, the Council do not consider this possible for the reasons set out above. Conditions and legal obligations would not be sufficient enough to mitigate this harm.

Though the Council respect the fact that under Article 8 of the Human Rights Act the Appellant has the qualified right to respect for family and private life and the home, this on balance with the public interest in respecting the settlement boundaries of Finchampstead, protecting the intrinsic character of the countryside and irreplaceable habitats and maintaining highway safety cannot be afforded significant enough weight to allow the proposals.

Overall, the areas of harm highlighted are considered to outweigh the personal circumstances submitted by the applicant.

GRT need and supply:

The national planning policy document 'Planning Policy for Traveller Sites' (PPTS) was updated in December 2023. The update was limited to amending the definition of Gypsies and Traveller contained within Annex 1 to include households that have ceased to travel permanently for reasons of educational or health needs or old age. The previous definition excluded such households.

Policy H of the PPTS is titled 'Determining planning applications for traveller sites'. Paragraph 24 states that local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- *the existing level of local provision and need for sites*
- *the availability (or lack) of alternative accommodation for the applicants*
- *other personal circumstances of the applicant*
- *that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites*
- *that they should determine applications for sites from any travellers and not just those with local connections*

However, as paragraph 16 makes clear, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

The updated PPTS document remains dated August 2015. For clarity, the comments below refer to the superseded version of the PPTS as PPTS Superseded, and the current version as PPTS Current.

The latest full assessment of the accommodation needs for the Gypsy and Traveller community is the Gypsy and Traveller and Travelling Showperson Accommodation Assessment (2023) (GTAA 2023). The GTAA 2023 was prepared to accord with the PPTS. It therefore assessed the overall cultural accommodation needs of all Gypsy

and Traveller households, as well as the specific need of nomadic households as defined in the PPTS Superseded.

The GTAA 2023 identified a cultural need for 86 net additional pitches between 2022/23 and 2039/40. 53 of the 86 pitches represented the need of nomadic households that (thus meeting the PPTS Annexe 1 definition). An overview of the need identified by GTAA 2023 is set out in the table below.

GTAA 2023: Pitch requirement 2022/23 to 2039/40		
<u>Period (years)</u>	<u>Cultural need (pitches)</u>	<u>Of which PPTS Superseded need (pitches)</u>
5yr pitch need (2022/23 to 2026/27)	35	35
Longer-term need (2027/28 to 2039/40)	51	18.2
Total pitch need (2022/23 to 2039/40)	86	53

The GTAA 2023 takes into account all past delivery and supply of pitches (24 pitches approved and implemented post the previous GTAA 2017).

The PPTS currently requires local planning authorities to ensure they have a supply of specific deliverable sites sufficient to provide 5 years' worth of pitches/plots against a locally set requirement (paragraph 10). The adopted development plan does not include a locally set requirement. The Council therefore considers the sufficiency of supply against the GTAA 2023.

This baseline position means that the council is currently unable to demonstrate a five year supply of pitches, a shortfall of 35 nomadic pitches, for the 2022/23-2026/27 period. This is in part due to the timing of the GTAA 2023 being finalised. PPTS paragraph 27 states:

"If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission"

Notwithstanding the five-year land supply position for GRT pitches, as per paragraph 22 of the PPTS, planning law requires that applications for planning permission must

be determined in accordance with the development plan, unless material considerations indicate otherwise. This is in accordance with S38(6) of the Compulsory Purchase Order 2004 (as amended), however, the tilted balance is engaged to some degree given the Council's supply position.

Alternative Sites:

The Council has approved a number of pitches in recent years. Those which have yet to be implemented could potentially be available to the applicants. Pitches with permission which have yet to be implemented are as follows:

- Land at 23a Nine Mile Ride (212274) – 2 pitches
- Dun Elms, Nelsons Lane, Hurst (241486) – 5 open-occupancy pitches

The 212274 permission relates to land to the rear of an existing site at 23a Nine Mile Ride, which benefits from permission for 1 pitch (F/2004/2522). This site has been established for many years, but has been completely cleared since at least summer 2022. Consequently, there is potential that 3 pitches at this location are available (the 2 unimplemented pitches most recently granted permission and the established 1 pitch which appears to have been abandoned).

Similarly, the 241486 permission relates to an existing site in Hurst that has 2no. existing pitches, with three recently approved for construction. All five are open-occupancy for GRTs, meaning there is also potential here that pitches could become available.

Additionally, permissions at Belvedere Park (173022, 192174) are understood to have been implemented, but there is a reasonable possibility pitches may also be available on this site given the non-personal nature of the permissions and likely turnover on this private site.

The FNDP too makes reference to additional GRT pitch provision within their administrative boundaries. Of note is 166 Nine Mile Ride which has in recent years been given approval to include four additional GRT pitches (reference 201143), taking the total on site to eight pitches. Given their non-personal nature of the permissions and likely turnover on this private site, these could also represent potential options for the applicant.

Lastly, the Council's Emerging Local Plan Update (2023-2040) includes policies specifically targeting the provision of GRT pitches. Policy H9 (Gypsies and Travellers and Travelling Showpeople provision) includes two different sets of site allocations for GRT use; Table 1 below includes sites that are allocated for residential caravan site use to be occupied by Gypsy and Travellers and should be used only for this purpose:

Site Name	Approx no. pitches
High Barn Farm, Commonfield Lane, Barkham	20
Honeysuckle Lodge, Commonfield Lane, Barkham	4
Woodlands Farm, Wood Lane, Barkham	15

Woodside, Blagrove Lane, Wokingham	4
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Table 1: Sites allocated for GRT pitches. Relevant Policy: H9 of the Council's Local Plan Update (2023-2040)

Table 2 below lists sites that are allocated for sustainable, well designed mixed-use development, which includes the provision of Gypsy and Traveller pitches as per Policy SS12 and Policy SS13:

Site Name	Approx no. pitches
Arborfield Green Strategic Development Location	5
South Wokingham Strategic Development Location	6
Loddon Valley Garden Village	20

Table 2: Sites allocated for sustainable, well designed mixed-use development Relevant Policy: H9 of the Council's Local Plan Update (2023-2040)

Whilst only limited weight can be applied to the Local Plan Update's proposed provision, it is a clear indication that the Council are actively seeking to address the current shortfall in pitches within the coming years.

Community Infrastructure Levy (CIL):

When planning permission is granted for a development that is CIL liable, the Council will issue a liability notice as soon as practicable after the day on which the planning permission first permits development. Completing the assumption of liability notice is a statutory requirement to be completed for all CIL liable applications.

Planning Balance:

The statutory starting point for determination is the development plan. The site is outside of the defined settlement limits and within the countryside and conflicts with the spatial strategy of the plan as the development is unacceptable in principle as per CP9 and CP11 of the Core Strategy and TB10 of the MDD Local Plan.

The development's spatial constraints also result in a grossly overdeveloped set of proposals that causes detrimental spatial and visual harm to the surrounding Countryside, whilst also blurring the transition between the settlement of Finchampstead to the and the open Countryside to the south. Furthermore, this lack of space on site results in inadequate living conditions for the intended occupiers and results in vehicular accesses that are unsafe for use and would cause adverse harm to highway safety.

There is also notable harm to vegetation on and adjacent to the site, including Veteran trees. Additionally, the site is poorly located in terms of access to sustainable forms of transport.

With all these areas of harm above noted, the proposals are contrary to Policies CP1, CP2, CP3, CP6, CP7, CP9 and CP11 of the Core Strategy, Policies CC01, CC02, CC03, CC07, CC08, TB10, TB21 and TB23 of the MDD Local Plan, Policies D2, AHD3, GA2, IRS4, IRS5 and IRS6 of the Finchampstead Neighbourhood Development Plan, sections 12 and 15 of the NPPF, Section B1 of The National Design Guide, BS5837:2012, The Borough Design Guide and Paragraphs 25 and 26 of the Planning Policy For Traveller Sites (PPTS).

Environmentally, the development would cause adverse harm to the landscape character and prevailing character of the area, Veteran trees and results in a biodiversity net loss on site which cannot be compensated for. Overall, the environmental performance of the development, in light of the highlighted harm, is considered to be negative.

Socially, the development would involve the provision of 2no. GRT pitches. As the Council cannot currently demonstrate a five year supply of pitches, this provision of 2no. GRT pitches is afforded weight in the planning balance but as outlined above, this weight is tainted as the site is not compatible/safe for the pitches proposed.

Economically, the site would perform a negligible short term economic role as a result of the construction period, and a negligible longer-term economic role via consumer spending. These are residual consequences of any residential development.

Consideration for alternative sites has been provided by the Council but it is ultimately recognised that there is no requirement in planning policy, or case law, for an applicant to prove that no other sites are available or that particular needs could not be met from another site. However, the lack of evidence of a search and the clear availability of alternative sites in more suitable locations elsewhere (as is demonstrated above), can undoubtedly weigh against the appellant.

In engaging the balance, those adverse impacts (as set out in the foregoing) as a result of the proposed development are considered to outweigh the benefits of this scheme when assessed against the framework as whole. This application is therefore recommended for refusal.

RECOMMENDATION	
Conditions agreed:	Not required
Recommendation:	Refusal
Date:	30 October 2024
Earliest date for decision:	26 September 2024

Recommendation agreed by: (Authorised Officer)	<i>MC</i>
Date:	31.10.2024

The Conservation of Habitats and Species Regulations 2017 Screening Assessment and Appropriate Assessment	
In the light of the “Sweetman Judgement” (People Over Wind and Sweetman v Coillte Teoranta, April 2018), the comments below comprise an Appropriate Assessment which includes advice on necessary avoidance and mitigation measures which is consistent with the advice provided to the Planning Inspectorate on such matters. <u>Summary of Response</u> WBC, in consultation with Natural England, has formed the view that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath Special Protection Area (SPA) is likely to have a significant effect on the integrity of the SPA, either alone or in-combination with other plans or projects. An Appropriate Assessment has been carried out which includes regard to mitigation requirements. This site is located approximately 4.1 km (measured from the access road to the application site) from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures. On commencement of the proposed development, a contribution (calculated on a per-bedroom basis) is to be paid to Wokingham Borough Council (WBC) towards the cost of measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in WBC’s Infrastructure Delivery Contributions Supplementary Planning Document (SPD). The strategy is for relevant developments to make financial contributions towards the provision of Suitable Alternative Natural Greenspaces (SANGs) in perpetuity as an alternative recreational location to the SPA and financial contributions towards Strategic Access Management and Monitoring (SAMM) measures. The TBH SPA is designed to mitigate the impacts of allocated development and windfall sites in accordance with the Council’s Development Plan. The application site is located outside of development limits and is not allocated for development, meaning alternative SPA mitigation would need to be sought. Therefore, the Council would not facilitate SPA mitigation for this site as it would undermine the strategic objective of mitigating development set out in the development plan. In the absence of a planning obligation to secure suitable avoidance and mitigation measures 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 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.

Date:	<i>ME</i>	Signed:	<i>31.10.2024</i>
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APPENDIX 3: TREE AND LANDSCAPE OFFICER CONSULTATION RESPONSES

MEMORANDUM

From:	Coralie Ramsey Trees and Landscape		
Service	WBC Landscape and Trees	App No:	242011
Address:	Land east of Warren Lodge, Warren Lane, Finchampstead, RG40 4HR.		
Proposal:	Full application for the proposed change of use of land for the siting of 2 no. Gypsy and Traveller pitches with creation of a second access off Finchampstead Road and associated installation of soft and hard landscaping.		
Type of Development:	Minor Gypsy and traveller pitches (1-9)		
Site Visit Made:	Yes/No		

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

The site is a field within Countryside and has a landscape character of High quality and sensitivity and lowest capacity. The north boundary is adjacent to Public Right of Way FINC35. The site presents as a welcome rural gap between settlements. The west boundary features 3 lime trees which are part of Tree Preservation Order (TPO) 1306/2009, T1, T2 and T3. According to the Ancient Tree Inventory (ATI) T1 is a veteran (no.46644) and T3 is a veteran (no.218700).

I refer to submissions PEA May 24; Arboricultural Statement Ref: LAS_746
Date: 05.06.24; planning statement 5.8.24 and Soft Landscape Proposals LAS 746
04 27.5.24.

National Planning Policy Framework 2024 (NPPF), Ancient woodland, ancient trees and veteran trees: advice for making planning decisions (Government Guidance). Wokingham Borough Core Strategy (Adopted 29 January 2010), CP1 – Sustainable development, CP3 - General Principles for development, CP11 - Proposals outside Development Limits (including countryside) and Wokingham Borough Managing Development Delivery Document (Local Plan) – Adopted 21 February 2014, Policy CC03: Green Infrastructure, Trees and Landscaping and Policy TB21: Landscape Character, Wokingham Borough Council Borough Design Guide Supplementary

Planning Document June 2012 and BS5837:2012: Trees in relation to design, demolition and construction – Recommendations refer.

The demarcated tree information can be summarised thus –

Tree T1 of the Tree Survey. TPO T1, lime. Veteran tree number 46644.

Tree T6 of the Tree Survey. TPO T2, lime.

Tree T14 of the Tree Survey. TPO T3, lime. Veteran tree number 218700.

Tree T13 of the Tree Survey, sweet chestnut. Veteran tree number 46643, noted on the ATI as felled (Update sent to ATI 19.9.24).

Tree T30 of the Tree Survey, oak. Accredited by the Tree Survey as a veteran.

The Government Guidance for veteran trees states ‘You should not approve development proposals, including gardens, within a buffer zone.’ The proposed driveway access is within a buffer, therefore it is untenable. Any ingress of development activities into the buffer would be unacceptable, for example, the planting proposed by the ‘Soft Landscape Proposals’.

The existing public realm view is of a small, hedge bounded field featuring mature trees. It is possible to see the back boundary from the arterial Finchampstead Road. This would be irrevocably changed by the installation of built forms and associated paraphernalia - although street scene views have not been submitted, so I use other sites as a guide. Ten trees and 2 groups of trees are to be removed, including those classified as ‘B’. These ‘B’ trees are 3 oaks being 9m to 10m tall with canopy spans from 5.5m to 7.5m, offering verdant visual and amenity impact within the plot. Tree planting is proposed (2.5m to 6m tall trees), but it would take many years to successfully replace the existing in form and function. Planting to screen the scheme would also take years to become effective, if at all, due to the close proximity of the structures to public realm views. Regardless, driveway access gaps would still allow views through to urban constructions.

In my view, the installation of urbanising built forms; access and hard surfacing on a small, narrow undeveloped field in a rural location would have an incongruous, detrimental impact on the character and appearance of the area and countryside. I suggest the development is contrary to T&L parts of policies such as CP1, CP3 and CP11, policies CC01, CC03 and TB21, the Design Guide SPD and sections 180 and 186 of the NPPF December 2023.

Conditions & Reasons (if required)			
n/a			
Date:	19.9.24	Signed:	C Ramsey

MEMORANDUM

From:	Coralie Ramsey Trees and Landscape		
Service	WBC Landscape and Trees	App No:	242011
Address:	Land east of Warren Lodge, Warren Lane, Finchampstead, RG40 4HR.		
Proposal:	Full application for the proposed change of use of land for the siting of 2 no. Gypsy and Traveller pitches with creation of a second access off Finchampstead Road and associated installation of soft and hard landscaping.		
Type of Development:	Minor Gypsy and traveller pitches (1-9)		
Site Visit Made:	Yes/No		

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

The site is a field within Countryside and has a landscape character of High quality and sensitivity and lowest capacity.

I refer to submissions Arboricultural Statement Ref: LAS_746 Date: 05.06.24; soft landscaping proposals LAS 746 04 27.5.24 and additional submissions UKHab 16.5.24 20-1795 rev 1; Southern Site Access Vehicular Swept Paths Analysis TR01 B22007; Southern Site Access Visibility 1.10.24 001 B22007; site plan B22007 02 9.10.24.

National Planning Policy Framework 2023 (NPPF), Ancient woodland, ancient trees and veteran trees: advice for making planning decisions (Government Guidance). Wokingham Borough Core Strategy (Adopted 29 January 2010), CP1 – Sustainable development, CP3 - General Principles for development, CP11 - Proposals outside Development Limits (including countryside) and Wokingham Borough Managing Development Delivery Document (Local Plan) – Adopted 21 February 2014, Policy CC03: Green Infrastructure, Trees and Landscaping and Policy TB21: Landscape Character, Wokingham Borough Council Borough Design Guide Supplementary Planning Document June 2012 and BS5837:2012: Trees in relation to design, demolition and construction – Recommendations refer.

The tree information has been updated so that tree T13 of the Tree Survey, a sweet chestnut, has been reinstated on the Ancient Tree Inventory as veteran, tree number 46643.

Increasing the width of the 'south access' and the requirement of visibility splays, both initially and as maintained over time would reduce the opportunities for, and positive screening impact of, important green infrastructure boundary treatments along the arterial Finchampstead Road. The overall effect would be of a formal access in a Countryside location where there once was a field hedge. The scope of the scheme would be more publicly visible to the detriment of the character of the area.

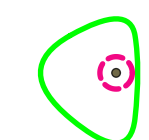
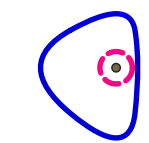
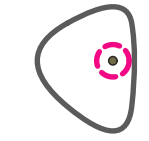
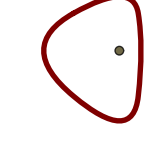
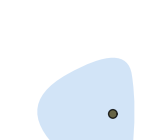
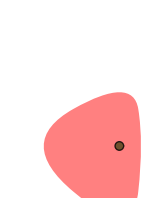
Recent submissions suggest that turning and positioning of vehicles and units will require more hard landscaping, further reducing the prospects for mitigating green infrastructure.

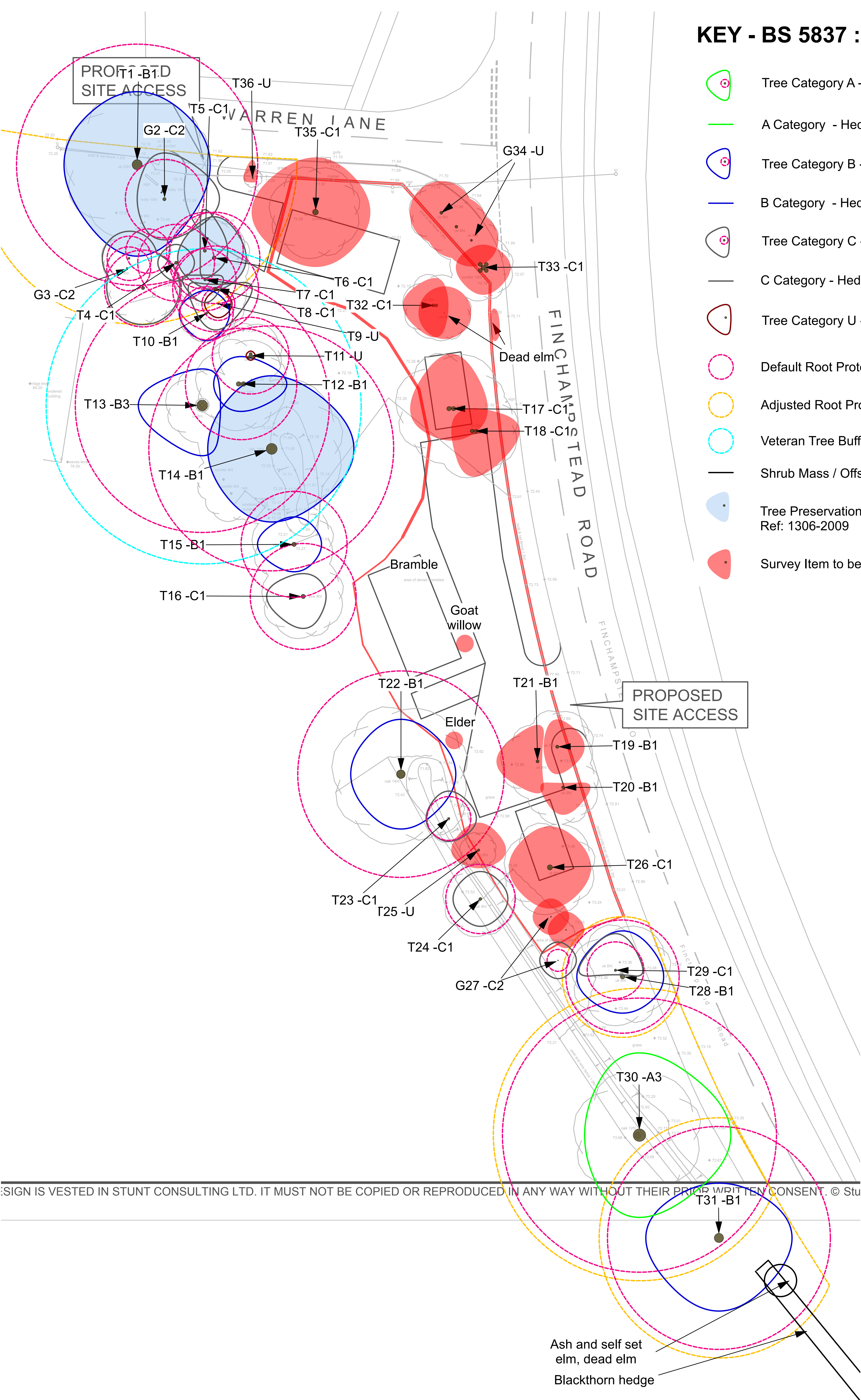
I therefore maintain my view that the installation of urbanising built forms; access and hard surfacing on a small, narrow undeveloped field in a rural location would have an incongruous, detrimental impact on the character and appearance of the area and countryside. I suggest the development is contrary to T&L parts of policies such as CP1, CP3 and CP11, policies CC01, CC03 and TB21, the Design Guide SPD and sections 180 and 186 of the NPPF December 2023.

Conditions & Reasons (if required)			
n/a			
Date:	15.10.24	Signed:	C Ramsey

APPENDIX 4: REVISED TREE RETENTION/LOSS PLAN

KEY - BS 5837 : 2012 Categories

-  Tree Category A - High Quality
-  A Category - Hedgerow, Group, Woodland
-  Tree Category B - Moderate Quality
-  B Category - Hedgerow, Group, Woodland
-  Tree Category C - Low Quality
-  C Category - Hedgerow, Group, Woodland
-  Tree Category U - Unsuitable for Retention
-  Default Root Protection Area to BS:5837:2012
-  Adjusted Root Protection Area to BS:5837:2012
-  Veteran Tree Buffer
-  Shrub Mass / Offsite Tree
-  Tree Preservation Order (TPO)
Ref: 1306-2009
-  Survey Item to be Removed



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Revision	Description	Date
A	First issue	27/5/24
B	Second issue	25/3/25
C	Third issue	24/4/25

LANDARB SOLUTIONS

Project:
Land adjacent to warren lodge care home
Finchampstead
Description:
Tree Retention and Loss Plan

Status:
For Planning

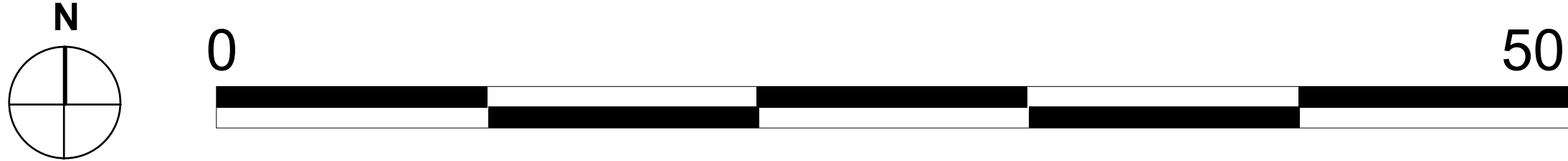
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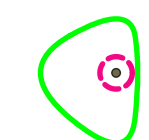
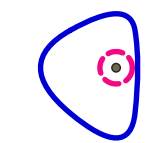
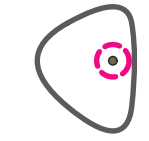
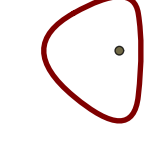
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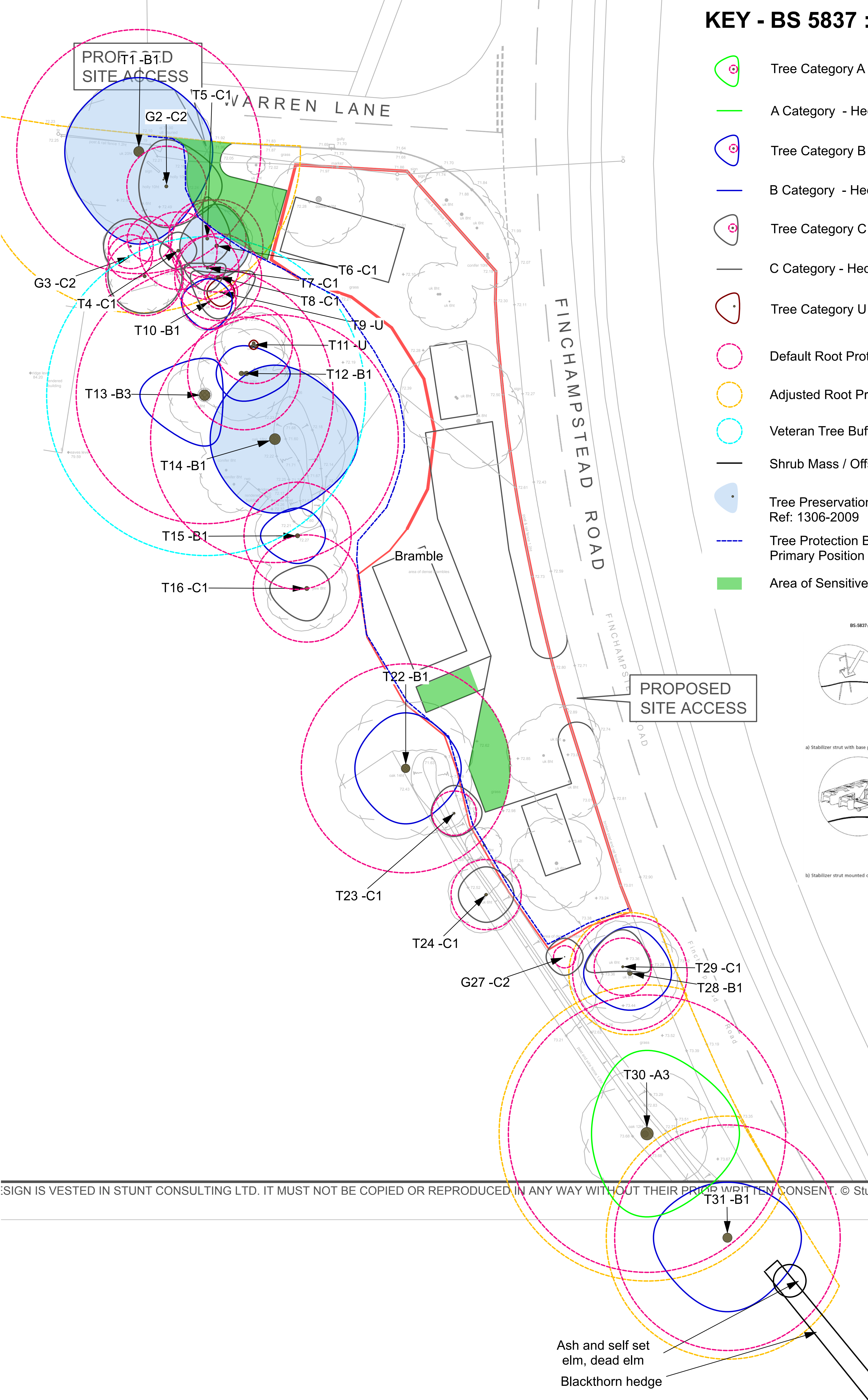
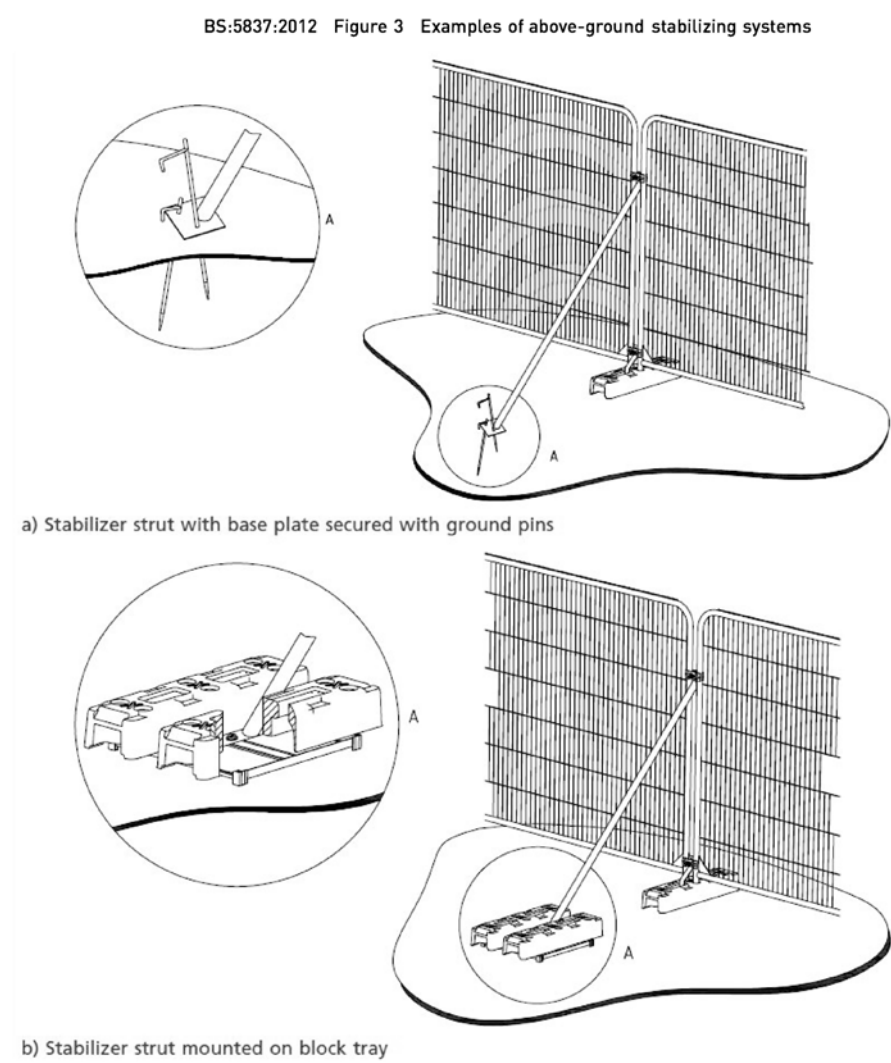
Revision:
B



APPENDIX 5: REVISED TREE PROTECTION PLAN

KEY - BS 5837 : 2012 Categories

-  Tree Category A - High Quality
-  A Category - Hedgerow, Group, Woodland
-  Tree Category B - Moderate Quality
-  B Category - Hedgerow, Group, Woodland
-  Tree Category C - Low Quality
-  C Category - Hedgerow, Group, Woodland
-  Tree Category U - Unsuitable for Retention
-  Default Root Protection Area to BS:5837:2012
-  Adjusted Root Protection Area to BS:5837:2012
-  Veteran Tree Buffer
-  Shrub Mass / Offsite Tree
-  Tree Preservation Order (TPO)
Ref: 1306-2009
-  Tree Protection Barrier to BS:5837:2012
Primary Position
-  Area of Sensitive Working/No Dig



Note: The original of this drawing was produced in colour - a monochrome copy should not be relied upon.

Revision	Description	Date
-	First issue	27/5/24
A	Second issue	25/3/25
B	Third issue	24/4/25

LANDARB SOLUTIONS

Project:
Land adjacent to warren lodge care home
Finchampstead
Description:
Tree Protection Plan

Status:
For Planning

Scale: 1:200 @A1	Drawn I Checked DP MP	Date: 24/04/2025
Job Number: LAS 746	Drawing Number: 03	Revision: B

APPENDIX 6: REVISED LANDSCAPING PLAN



KEY

- Existing Retained
- Proposed Tree Planting
- Existing Soft Landscape Retained
- Proposed Grass - EL1 Flowering Lawn Mixture
- Proposed Mixed Native Hedge Planting
- Proposed Permeable Geocell with gravel surfacing
- Proposed Local Gravel
- Proposed 1.2m High Post and Rail Fencing

TREE PLANTING

Code	Species	Form	Girth cm	Height cm	Root condition	Quantity
AC	Acer campestre	EHS	14-16	425-600	65/85 L	11
AG	Alnus glutinosa	EHS	14-16	425-600	65/85 L	5
QR	Quercus robur	Std	8-10	250-300	45 L	8

NATIVE HEDGE TRANSPLANTS @ 5 per linear metre in double staggered row

Code	Species	Root Condition	Age + Times Transpl	Height cm	Quantity
AC	Acer campestre (10%)	Bagged	1+1	40-60	101
CA	Corylus avellana (10%)	Bagged	1+1	40-60	101
CM	Crataegus monogyna (10%)	Bagged	1+1	40-60	101
CS	Cornus sanguineum (10%)	Bagged	1+1	40-60	101
EE	Euonymus europaeus (10%)	Bagged	1+1	40-60	101
LV	Ligustrum vulgare (10%)	Bagged	1+1	40-60	101
IA	Ilex aquifolium (10%)	9cm pot	-	30-40	101
PS	Prunus spinosa (10%)	Bagged	1+1	40-60	101
VL	Viburnum lantana (10%)	Bagged	1+1	40-60	101
VO	Viburnum opulus (10%)	Bagged	1+1	40-60	101

Emorsgate EL1 Flowering Lawn Mix sown at 4gms/m2

Wild Flowers

%	Latin name	Common name
4	Galium verum	Lady's Bedstraw
0.5	Leontodon hispidus	Rough Hawkbit
1	Leucanthemum vulgare	Oxeye Daisy
3.7	Lotus corniculatus	Birdsfoot Trefoil
3	Primula veris	Cowslip
4	Prunella vulgaris	Selfheal
3.5	Ranunculus acris	Meadow Buttercup
0.3	Trifolium pratense	Wild Red Clover

Grasses

%	Latin name	Common name
8	Agrostis capillaris	Common Bent
40	Cynosurus cristatus	Crested Dogstail
28	Festuca rubra	Slender-creeping Red-fescue
4	Phleum bertolonii	Smaller Cat's-tail

Note: The original of this drawing was produced in colour - a monochrome copy should not be relied upon.

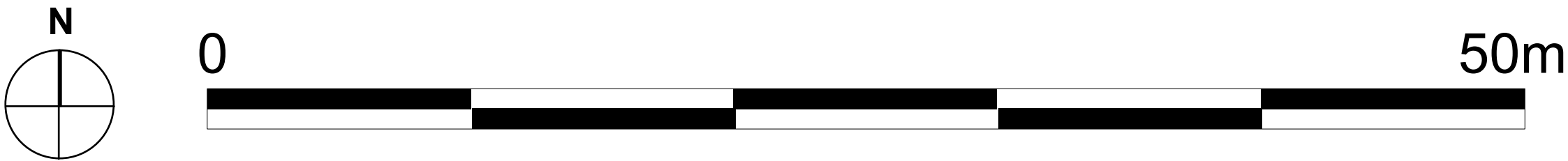
Revision	Description	Date
-	First Issue	27/5/24
A	Second Issue	24/3/25
B	Third Issue	24/4/25

LANDARB SOLUTIONS

Project: Land adjacent to warren lodge care home
Finchampstead
Description: Soft Landscape Proposals

Status: For Planning

Scale: 1:200 @A1	Drawn I Checked DP MP	Date: 24/04/2025
Job Number: LAS 746	Drawing Number: 04	Revision: B



APPENDIX 7: ANCIENT AND VETERAN TREE ASSESSMENT BY TREWORK ENVIRONMENTAL

Ancient and Veteran Tree Assessment

**Land East of Warren Lodge,
Warren Lane, Finchampstead, RG40 4HR**



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Document Control

Date	Report	Revision	Name	Position
19 th February 2025	250319-1.0-WLF-AVTA-PM	1.0	Paul Muir	Principal Arboricultural Consultant

Review

Date	Report	Revision	Name	Position

1.0 Introduction

1.1 Project Background

1.1.1 I have been instructed by Emily Temple of ET Planning to produce a written summary of the advice that I provided to her in December 2024 regarding whether three trees at a proposed development site east of Warren Lodge Care Home, Finchampstead, south-west of the junction between Warren Lane and Finchampstead Road have sufficient attributes for it to be considered appropriate to classify them as veteran trees.

1.1.2 I made a site visit on 17th December 2024 and assessed two mature lime (*Tilia x europaea*) trees, and one sweet chestnut (*Castanea sativa*) tree identified by the client on drawings and reports submitted as part of a planning application to Wokingham Borough Council (planning application number 242011).

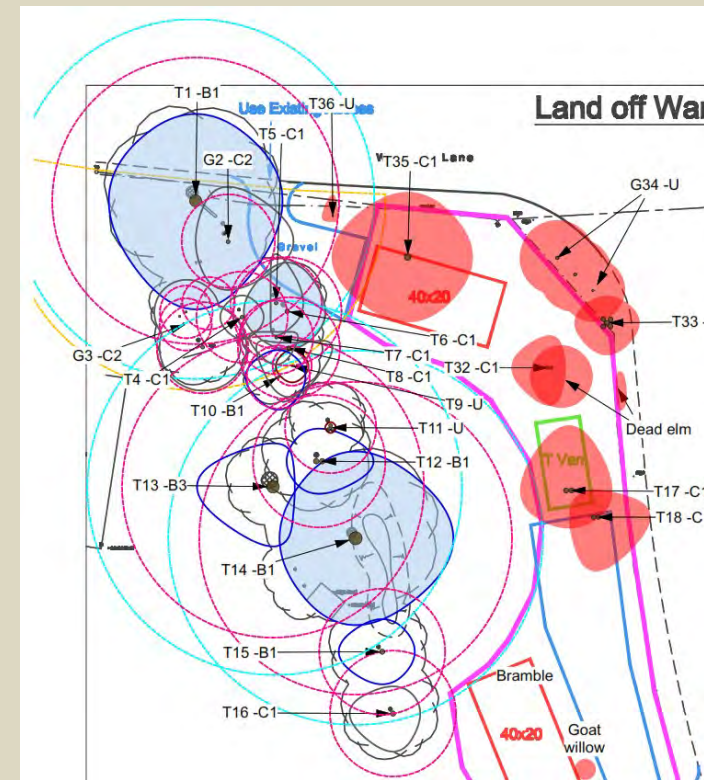
1.1.3 This assessment is intended to provide an opinion on whether the trees should be considered to be veteran. It has been requested because the requirement of a buffer zone (NPPF, 2023), greater in extent than the root protection area required around non-veteran trees, has planning implications for the site design layout currently submitted to the Local Planning Authority. This assessment does not comment on the suitability of the development proposals or on the proximity of the proposed layout to the trees. It is simply intended to be an assessment of whether or not the trees should be treated as veteran.

1.2 The Trees

1.2.1 The trees considered within this report are T1 (lime), T13 (sweet chestnut) and T14 (lime) according to the data presented in the Arboricultural Impact Assessment provided by LandArb Solutions (LAS_746, 05/06/24).

1.2.2 The three trees have been identified as category B trees according to BS5837: 2012 *Trees in Relation to Design, Demolition and Construction – Recommendations*, during the tree survey and have been treated as such during the design process.

1.2.3 The site design layout shows all three trees being retained within the proposed development.



1.3 Ancient and Veteran Tree Definitions

1.3.1 The terms “ancient” and “veteran”, as applied to trees, have been described in various publications (Fay and de Berker 1997, Read 2000, Lonsdale 2013, Woodland Trust, 2008 and 2024) but the terms have not been distinguished in a simple, clear and entirely consistent manner. This is partly explained by the fact that the ageing process in trees is conceptually a very complex one.

1.3.2 A tree can be ancient in the developmental sense; it has passed through a series of life stages and reached a phase beyond maturity during which the crown had reached, and maintained, its maximum extent for an extended period of time. Alternatively, a tree can be chronologically old; it may be considered ancient because it has aged in a physiological sense, growing very slowly due to less than ideal growing conditions (Del Tredici, 1999). Of course, a tree can be, and often is, both developmentally and chronologically old.

1.3.3 To further complicate the picture, trees of different species age, in a developmental sense, at different rates. Trees of the same species also age developmentally at different rates depending on local environmental conditions and, inevitably, according to the tree’s individual genetic attributes.

1.3.4 The term veteran is likely to have become adopted to describe trees that exhibit similar valuable habitat features to those (generally) found in ancient trees, but in trees that are not (or cannot be confirmed to be) either developmentally ancient or chronologically old for the species.

1.3.5 The term veteran, however, has not been defined in a strict (and easily applied) sense and is often used in one or more of the following ways (generally without explanation):

- As an umbrella term to describe all trees that exhibit the habitat features typically found in an ancient tree
- As a term to describe a tree exhibiting the habitat features typically found in an ancient tree that is neither developmentally nor chronologically ancient
- As a term to describe an ancient tree itself (the term “all ancient trees are veteran, but not all veteran trees are ancient” is often quoted)
- As a term to describe the habitat rather than the tree (“veteran tree habitat features” has become commonly referenced)

- As a term to describe a tree in the long period of transition from late maturity to the ancient life phase, during which damage will inevitably occur as part of the natural ageing process (contradicting the concept that “veteran” status is a reflection of condition, and is not a life stage)
- According to general usage; a resilient, yet damaged, survivor

1.3.6 This situation has the potential to cause significant issues in the planning context within which ancient and veteran trees are afforded protection because of the irreplaceable habitat that they host, (NPPF, 2023) and where a binary decision on ancient and veteran “status” is required in a context where such certainty is often not possible, nor is it a reasonable expectation.

1.3.7 To further complicate matters efforts to provide field or survey guidance to assign ancient or veteran status to a tree have often introduced inconsistencies and unforeseen and undesirable consequences by focusing on the size of a tree or by simply and crudely counting habitat features, regardless of significance or extent.

1.3.8 Appendix A contains Treework Environmental Practice’s internal guidance on how to approach this issue. For the majority of trees it is unlikely that it will be possible to make an indisputable statement regarding veteran status. Our preferred approach is therefore to describe the features and factors that should be taken into account with the aim of building up a justification for the status of the tree. More recently our approach has evolved to consider rather whether the habitat should be considered irreplaceable given that this is what the NPPF seeks to protect. The value of both ancient and veteran trees is primarily due to the longevity of the habitat. This is what makes the habitat irreplaceable.

1.3.9 Providing a descriptive justification for ancient or veteran status is appropriate because simply listing or counting attributes or features can easily lead to young, not uncommon, damaged trees being erroneously classified as veteran, with equal provision for protection as that offered to ancient trees. Similarly, relying on girth or size alone has the potential to lead to small diameter old trees, or less chronologically old trees with extensive micro habitat features, being denied protection where this would, in fact, be appropriate.

1.3.10 Considering whether a tree should be classed as ancient or veteran requires all parties to be open, objective, reasonable and proportionate when discussing the value of the tree or trees being assessed.

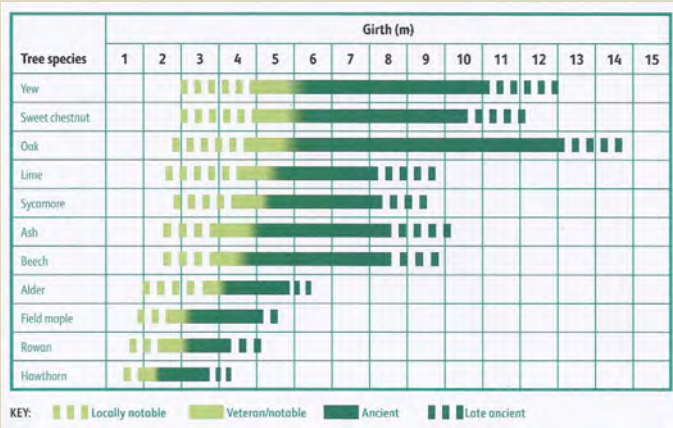
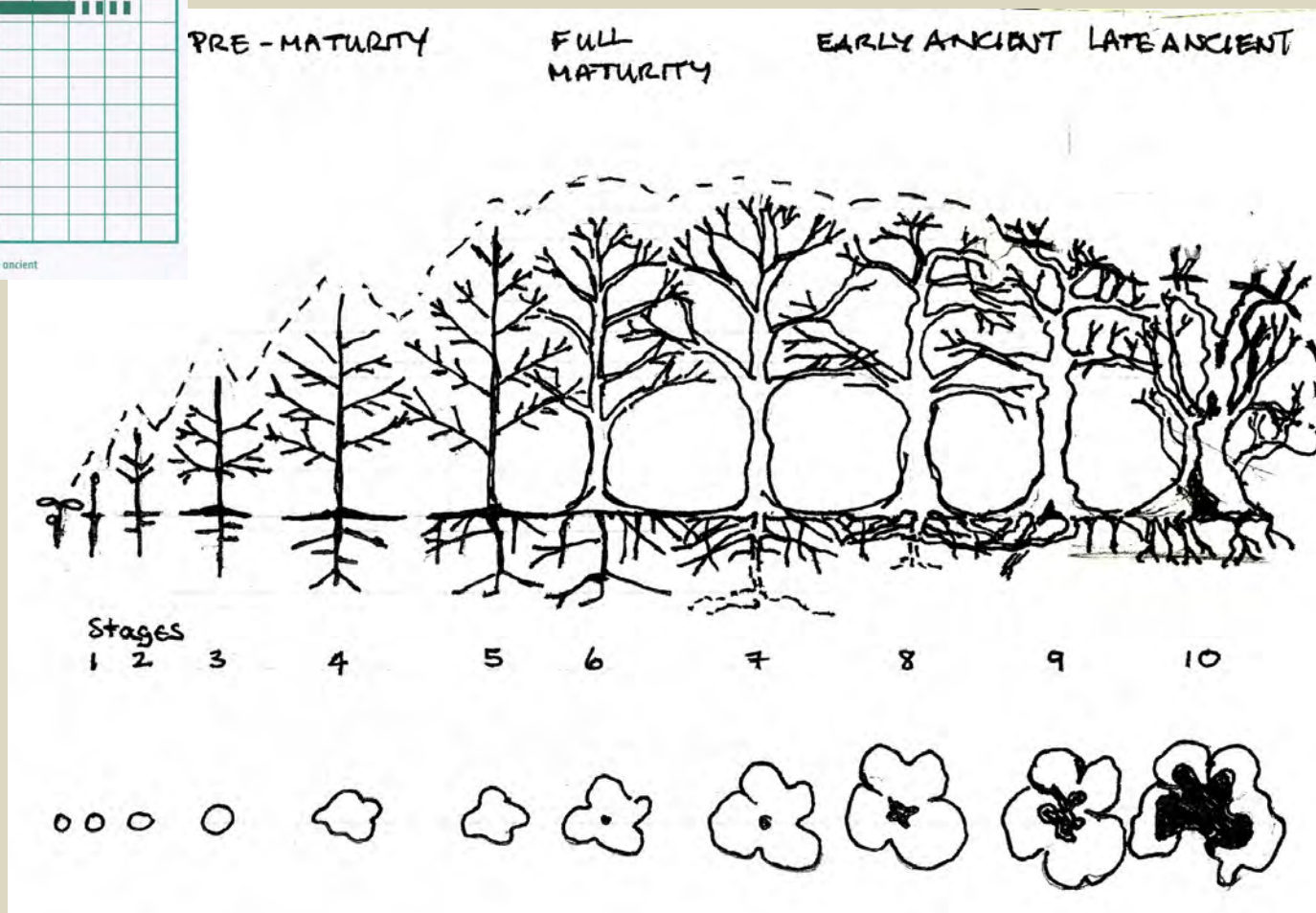


Figure 1.3 (Lonsdale, 2013) (left): Girth can be considered as one of a number of factors providing an indication of the age of a tree.



Morphological Stages (Fay 2002) (above), after Raimbault (1995) and Lonsdale (1999), with stages 8 and 9 showing the long transition between maturity (stage 7) and the ancient phase.

2.0 Individual Tree Assessments

2.1 Tree T1 – *Tilia x europaea* (lime)

2.1.1 Tree T1 is a maiden tree in the mature phase of development (1); stage 7 according to the morphological model proposed by Raimbault (1995). A stem girth of 348 cm (measured at 1.3 m above ground level) (3) gives the tree the potential to be locally notable according to figure 1.3 (Lonsdale, 2013), although a stem diameter of 111 cm is really not at all uncommon for a lime tree in the mature life stage.

2.1.2 For a lime to be considered likely to be developmentally ancient a suggested girth of 550 cm (175 cm diameter) is proposed in figure 1.3. For a lime to have the potential to be a late mature veteran a girth of 450 cm (143 cm diameter) is suggested in figure 1.3. Girth is not in itself relevant in terms of irreplaceable habitat and is referred to only as a potential indicator of chronological age. There is nothing unusual about the growing conditions or crown morphology of tree T1 that provides evidence to suggest that the tree has grown particularly slowly, has been suppressed or restricted such that the stem diameter is not a reasonable metric with which to estimate age and life stage.

2.1.3 A chronological age of between 111 years and 123 years old, depending on growing conditions, can be estimated from the girth (White, 1998). The tree is therefore not particularly old for the species.

2.1.4 The tree is nevertheless a mature specimen with a large crown and is significant in the landscape. The tree has an estimated height of 31 m, which is tall, although this is not unusual for a mature lime tree.

2.1.5 Given the likely age and life stage of T1 it is not surprising that there are none of the habitat features that one might expect a tree to exhibit if it were in the ancient life stage. There are also no habitat features that one might expect to find in the ancient phase but that have been caused prematurely (by stress, pruning or storm damage) such that the tree might be considered to be a non-ancient veteran.

2.1.6 The tree has young epicormic shoots around the base which is typical of all common lime (2, 3), and whilst most trees at the latter end of the mature life stage are likely to have early stages of decay at the base, there is no visible evidence of this (further technical investigations might reveal some decay or hollowing in the centre of the stem).

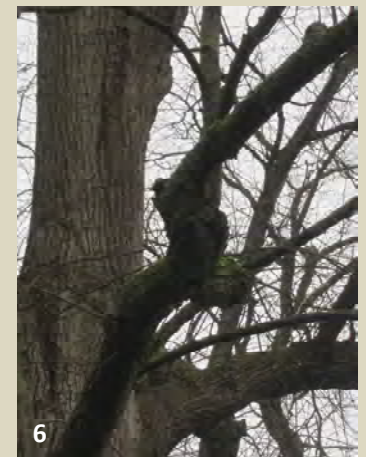


2.1.7 Upper crown morphology shows no signs of dieback, reorganisation or retrenchment in response to either developmental ageing or stress initiated by long term external environmental changes (4).

2.1.8 The lower crown does contain reiterations (new vertical shoots originating from dormant buds, developing on the upper surface of lower order limbs) (4, 5), but this is typical for all lime during the mature phase of development and, in the absence of morphological changes in the upper crown, not an indication of retrenchment or whole crown reorganisation

2.1.9 There is some evidence of lateral limb pruning or storm damage to lower order (smaller diameter) limbs, indicated by abrupt changes in limb orientation, at the crown periphery which would have played a role in initiating the reiterations that can be observed in the crown (5, 6). Small diameter wounds, associated with this pruning or damage, are present within the crown.

2.1.10 There are small dead limbs throughout the crown, typically present on all mature trees.



2.2 Tree T13 – *Castanea sativa* (sweet chestnut)

2.2.1 Tree T13 is a mature, maiden sweet chestnut tree that has developed a particularly unusual low and contorted crown form (10 m high) presumably originating from the competition and suppression of adjacent trees, although other historic events could have influenced the branch structure (such as browsing or other damage during the formative period of crown growth as a young tree).

2.2.2 A stem girth of 343 cm (measured at 0.7 m above ground level) suggests that the tree is only just large enough to have the potential to be considered locally notable (Lonsdale, 2013). A stem diameter of 109 cm is not at all large for a sweet chestnut.

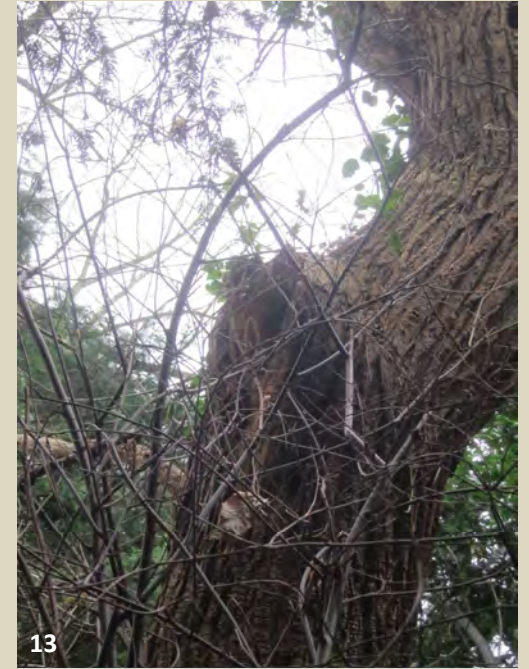
2.2.3 An age of between 120 years and 170 years old, depending on growing conditions, can be estimated from the girth (White, 1998). This is not exceptional for the species. If the tree has always been heavily suppressed, growing in closed woodland, the age estimate may be 216 years. However, it is highly unlikely that a tree with this girth is in the ancient life stage. Figure 1.3 suggests that a sweet chestnut would have a girth of 600 cm (191 cm diameter) at the beginning of the ancient phase and 480 cm (153 cm diameter) for it to be a late mature veteran.

2.2.4 Whilst the short bole may be hollow there is no external evidence that this is the case (7). Two first order large diameter limbs originate at between 2.0 m and 3.0 m, one has subsided and is resting on the ground and one extends towards Warren Lodge Care Home (7, 8, 10) and has been pruned back from the boundary. There is one large area of advanced decay on the upper surface of the northern subsiding first order horizontal limb (7, 10, 11).

2.2.5 The upper crown contains one dead limb and one pruned stub, evidence of pruning cuts, regrowth originating from both adventitious and epicormic shoots and seams of dead bark and hollows associated with pruning (7, 8, 13, 14). Four dead limbs (desiccated, not decayed) are present on the principal crown limbs.

2.2.6 One decayed hole is present at the top of the bole (9), two holes are present where the upper principal stem bifurcates (12), originating from limb death or pruning wounds. Decay is likely to be localised, but the woodpecker hole beneath the two holes on the principal stem suggest decay may be coalesced into a reasonably large seam in the upper crown stem (12).





2.3 Tree T14 – *Tilia x europaea* (lime)

2.3.1 Tree T14 is a maiden tree in the mature phase of development (15); stage 7 according to the morphological model proposed by Raimbault (1995). A stem girth of 373 cm (measured at 1.0 m above ground level) gives the tree the potential to be locally notable according to figure 1.3 (Lonsdale, 2013), although a stem diameter of 119 cm is really not at all uncommon for a lime tree in the mature life stage. The girth measurement is also distorted by the presence of ivy (16, 17). A girth of 350cm to 360 cm (a stem diameter of 111 cm to 115 cm) is likely to be more accurate.

2.3.2 A chronological age of between 110 years and 130 years old, depending on growing conditions, can be estimated from the adjusted girth measurements (White, 1998). The tree is therefore not particularly old for the species.

2.3.3 The tree is significant in the landscape with a crown height estimated as approximately 27 m.

2.3.4 Young epicormic growth around the base is typical for the species (17).

2.3.5 Whilst the bole and base of principal stems are obscured by ivy no evidence of decay or hollowing was visible. Given the life stage of the tree early stage decay and hollowing is likely at the base.

2.3.6 Upper crown morphology shows no signs of dieback, reorganisation or retrenchment in response to either developmental ageing or stress initiated by long term external environmental changes (15, 18, 19).

2.3.7 Pruning and possibly storm damage to the peripheral growth of lower crown limbs has resulted in the development of reiterations on these lower limbs (18, 20).

2.3.8 There is a notable absence of habitat features associated with the ancient phase of development. One broken branch stub (21) and one decayed pruning wound (22) were observed within the crown.





3.0 Conclusions

3.1 Conclusions

3.1.1 With the exception of late stage ancient trees, with either documented great age, exceptionally large girths indicating great age, and all of the attributes typical of very old trees, assigning the status of “veteran” to many trees will often be a relatively subjective assessment. The assessment provided in this document is a subjective opinion based on the features observed during the site visit without any information available relating to the history of the trees or the site.

3.1.2 Despite the potential complexities of assigning ancient or veteran status to a tree, the two lime trees T1 and T14 do not possess any attributes that would suggest they are anything other than typical mature trees.

3.1.3 Neither tree has a girth that indicates great age for the species, and there is nothing to suggest that the growing conditions have slowed growth rates such that girth is not an appropriate metric with which to assess age; both trees have attained a full crown and a crown height that indicate normal growing conditions.

3.1.4 The crown morphology of both trees is consistent with what would be expected for a lime tree in the latter half of the mature life stage. There is no evidence of crown dieback or upper crown decline either due to ageing related retrenchment or crown reorganisation due to stress initiated by long term external environmental influences.

3.1.5 Neither tree has any decay or hollowing in the bole, and there is a distinct lack of micro habitat features throughout the crowns of both trees. These trees are remarkable only in that they have avoided accruing any significant habitat features given their age and life stage.

3.1.6 It is not difficult to conclude that trees T1 and T14 are neither ancient nor veteran. They do not appear to support irreplaceable habitat.

3.1.7 The sweet chestnut T13, in contrast, has not experienced a typical pathway through developmental phases, and interpreting its history is more difficult.

3.1.8 Whilst girth is not large enough to place the tree in the ancient phase of development, and growing conditions are not likely to have been so poor that age can be assumed to be significantly underestimated by girth, an age of up to 200

years is possible if the tree has been growing in suppressed conditions similar to those that would be experienced in a closed woodland. This is old for a tree with this crown scale, but not particularly old for a sweet chestnut.

3.1.9 The tree has a low crown and whilst there is some evidence of relatively recent crown dieback, crown form has primarily been determined at an early age rather than through crown reorganisation, following crown expansion. The current crown extent has also been influenced by relatively recent pruning and the regrowth that has arisen following this.

3.1.10 The tree has various micro habitat features (holes, an open limb cavity, dead limbs, dead bark, a crown formed from epicormic and adventitious growth) but it lacks the primary feature of extensive and significant hollowing within the bole.

3.1.11 Taking a precautionary approach T13 could be considered to be a non-ancient veteran, having developed some micro habitat features due to the less than favourable growing conditions within which it has developed, due to limb death and loss and because of the apparent pruning operations that have taken place. The tree has had longevity in the face of unfavourable conditions, and, given the small crown extent can be expected to continue to have longevity, provided it is not suppressed further by adjacent trees.

3.1.12 The decay habitat is likely to have been present for decades rather than for a significant proportion of the life of the tree. There is a question, therefore whether these habitat features should be considered to be irreplaceable.

3.1.13 It is also not certain that this tree can be described as exceptional in terms of the micro habitat features that are supported as required by the NPPF (2023).

3.1.14 I would consider T13 to have some valuable habitat features and a crown form that provides some level of confidence that these features will have longevity and develop further over time. The tree might be described as a non-ancient veteran. However, I would not be confident that the habitat supported requires a buffer zone. The tree itself would be adequately protected if the root protection area is respected within the proposed development. The additional buffer zone would only be required if it were considered to be a risk that the associate fauna and flora, hosted by the tree, would be detrimentally impacted by the proposals.

Qualifications and Experience

I have worked at Treework Environmental Practice, an industry leading arboricultural consultancy for 25 years and have been working within the arboricultural industry for 30 years (Appendix B).

I have been involved with the management of ancient and veteran tree populations for over 20 years.

I am currently a member of the Technical Advisory Panel for the Ancient Tree Forum.

I am a VETcert certified specialist at the consulting level (2019).

References

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Ancient woodland, ancient trees and veteran trees: advice for making planning decisions. Natural England and Forestry Commission (2022)

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Read, H. (2000). Veteran Trees. A Guide to Good Management Practice. Veteran Trees Initiative.

Ancient Tree Guide No4 - What Are Ancient Veteran and Other Trees of Special Interest. Woodland Trust (2008).

Recognising and categorising ancient and other veteran trees. (2024) Woodland Trust.

Appendix A

Treework Environmental Practice Internal Guidance - Ancient and Veteran Trees

Ancient and veteran trees

Developmental phases or life stages

As trees age they pass through a series of developmental phases reaching the ancient life stage as a result of a combination of physiological and resource limitations. An ancient tree is generally characterised by a reorganisation of the crown through a process of retrenchment, a tendency towards the development of individual and independent functional units, changes in crown architecture, and by decay processes that lead to hollowing in the bole and in principal stems. In terms of time, progression to the ancient life stage is highly variable between species, is dependent on the genetic disposition of the individual tree and the local tree population and is influenced by local growing conditions and available resources. Because an ancient tree is at a developmental phase, this status cannot be simply or neatly defined either chronologically, or in terms of the tree's size.

A veteran¹ tree is simply one that has developed characteristics that are typically found at the ancient life stage, but that has not progressed through developmental phases sequentially or over a period of time that might be expected for the local population of a certain species in particular growing conditions. An event, or series of events, causing physiological stress or physical damage, either natural or through human intervention, has interrupted the usual developmental processes.

The key attribute common to both an ancient and a veteran tree is longevity. Longevity confers on both ancient and veteran trees their primary value; an ecosystem that supports rare habitat. Longevity also distinguishes a veteran tree from a tree that is simply damaged or in terminal decline. For a tree to be classified as veteran it will have demonstrated a resilience in response to stress or damage. Both ancient and veteran trees can be expected to have, or have had, significant life expectancies within the current developmental phase. What counts as significant will vary between species and according to circumstance.

Ancient tree features

Records spanning hundreds of years, charting the progress of a tree through the typical developmental phases are unlikely to be available to assist with defining the ancient or veteran status of a tree. Classification according to life stage will need to be reached based on the morphological features and characteristics that can be observed during an inspection. These features can then be considered together with a quantifiable dimension, such as stem diameter or girth.

The key characteristics that are likely to be present in many ancient and veteran trees are:

- Crown reorganisation or retrenchment involving the initiation and development of low and mid crown epicormic shoots together with dieback at the crown periphery
- The development of extensive hollowing in the bole and principal stems
- The tendency towards the development of potentially independent functional units (Lonsdale, 2013)

¹ The term veteran has also been used as an umbrella term to describe ancient and non-ancient trees with comparable habitat features. In this document "veteran" means "non-ancient veteran".

- The tendency towards a shift in crown architecture from the hypertone to epitone mode (the preferential development of shoots on the upper surface of the limb) (Raimbault, 2006)

Further features that are frequently likely to be observed include:

- The development of reiterations and epicormic growth throughout the crown
- Evidence of a history of storm damage resulting in spilt and broken limbs, wounds, tears and scars
- Naturally formed stubs supporting live growth
- The presence of bark fluxes and exudations
- Retained deadwood in the crown and at the crown periphery
- Numerous holes and water pockets
- The presence of fungi and associated decay processes
- Significant bark wounds, loose bark and seams of dysfunctional cambium

Any basis for defining whether a tree is ancient or veteran relying on the presence of these features should take into account not only the number of features present, but the volume, quality and nature of those features with particular consideration being given to longevity. For example, recently initiated reiterations resulting from drought stress likely to precede the death of a tree should be distinguished from old, established reiterations that are evidence of a more progressive crown reorganisation.

The problem with the concept of age and size

At any point during the life of a tree the individual parts will be at a range of ages, both chronologically and developmentally. That all parts of a tree are never at one developmental phase is the central issue in reaching a satisfactory definition of an ancient or veteran tree; the concept of ageing in animals does not transfer well to an understanding of ageing in trees.

In addition to the presence of certain morphological features ancient trees are likely to have large stem dimensions arising from annual increments being laid down over long periods of time. Guidance has been provided to attempt to aid classification of ancient and veteran trees according to stem girth such as Figure 1.3 below. However, growth rates vary between species, individuals and according to growing conditions, such that it is possible for a veteran tree to have a larger stem than a tree that has reached the ancient life stage, perhaps through the latter growing in unfavourable conditions.

A range of stem dimensions should be used in combination with the presence of morphological features with the aim of building an argument that a tree justifies the classification of ancient or veteran.

Growing conditions and life history create exceptions

Basing a classification on the presence of morphological features or stem dimensions or even a combination of both does not guarantee that trees will be easily identified as ancient or veteran. It is

important that exceptions be allowed to properly capture the true population of ancient and veteran trees within a population.

The following are examples of trees that might warrant a deviation from following a rigid set of criteria for ancient or veteran status, based on numbers of morphological features or a minimum stem girth:

- A tree may be very old for the species but may not have attained an expected girth, simply due to extremely poor growing conditions; physiological stress may have delayed the progression of developmental phases. Classification as an ancient tree may or may not be appropriate depending on the presence or absence of morphological features and the corresponding habitat that confers the ecological value on an ancient tree.
- A fast growing individual in favourable conditions may be in the mature or late mature developmental phase whilst having reached a girth typical for an ancient tree of that species; it will not exhibit the morphological features that would be expected for a tree in the ancient phase.
- A regularly cut pollard may have a crown of regrowth in the juvenile developmental phase, and a girth that is diminished as a result of the continual, cyclical removal of the crown, but it may be chronologically old and the bole may be extensively decayed. A regular cycle of pollarding generally favours longevity.
- A lapsed pollard may have a crown in the mature phase, and a girth that is larger than the regularly cut pollard by virtue of the extended period that the crown has remained uncut. It may have ancient features related to the increased likelihood of failure of the mature lapsed pollard stems.
- A young shoot arising from the remnant roots or base of a collapsed decayed bole (phoenix growth) has no ancient features and is both developmentally and chronologically young, but is still the regenerative remnant of a tree that is in the ancient life stage. The decaying remains of the tree, the roots and the unique habitat inherent in the soil ecosystem remaining after hundreds of years of development, may retain value worthy of protection.
- Similarly a historic coppice stool can be thousands of years old, yet the above ground parts may comprise of re-growth in the juvenile or mature phase. The soil and debris within the decayed stool is likely to offer a rare and valuable ecosystem.
- The bole of a tree in the ancient phase may have decayed and broken up, or developed into individual functional units such that the measurable girth no longer reflects the number of years and the progression through developmental phases that have occurred. Morphological characteristics clearly indicate that the tree is ancient.
- A tree may have numerous morphological features consistent with a veteran tree arising from a series of events causing stress or damage, and have a large stem diameter, but it may simply be in a state of terminal decline, and without longevity the classification of veteran tree is arguably not appropriate.

Ancient or veteran?

Ancient trees have the potential to be more valuable than veteran trees due to the length of time that they have supported the rare habitat associated with the typical morphological features present, and this is generally the case. However, given individual and local genetic variability and

wide ranging growing conditions it is possible for veteran trees to be older than ancient trees even where the trees are of the same species.

Given that pollarding interrupts the natural progression of a tree through developmental phases, it can be argued that a pollard can never be considered truly ancient (in a developmental sense) even where it reaches an age equivalent to an ancient tree, and supports the same ecologically rare habitat. However, pollarding tends to promote longevity and a pollard is likely to remain viable for longer than an ancient tree of maiden form. In this sense the distinction between ancient and veteran can be unhelpful if the aim is to conserve the most ecologically valuable trees.

Equally, whilst the soil and decaying remnants of a collapsed ancient tree may have value and this needs to be recognised, the phoenix shoot offers no more habitat value than a young tree.

It is often not possible to distinguish with any degree of confidence between an ancient and veteran tree in the field. Consequently the distinction should be subordinate to an assessment of the relative quality, variety and volume of the unique habitat supported, to the potential for longevity of the individual and to the context within which it is growing; a population of veteran trees within a diverse habitat is likely to offer greater ecological value than an isolated individual ancient tree.

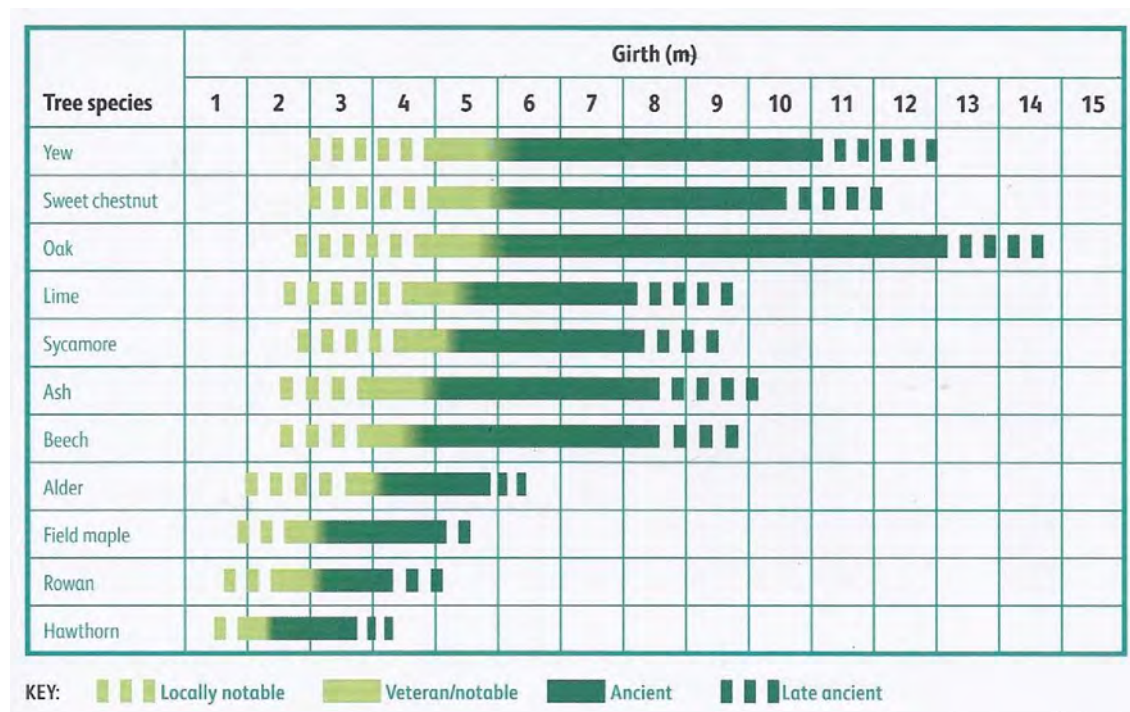


Figure 1.3 Chart of girth in relation to age and developmental classification of trees (Lonsdale, 2013)

The value of trees

Trees can be chronologically old, of historical or cultural significance or may simply be locally important and loved and can, and should, be valued as such. Lonsdale (2013) proposes that such trees should be identified as “notable” specimens. Similarly, trees that support habitat features can



be noted as having such without being ancient or veteran. Such habitat value can be extremely important depending on the context within which the tree is growing.

Failing to distinguish between chronologically “ancient” trees, or trees that provide unique or rare habitat and those trees that have reached the ancient developmental phase is likely to result in confusion regarding the meaning of the term ancient and veteran. This has the undesirable potential to undermine the unique and rare status that a true ancient tree should possess.

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Appendix B

Paul Muir, Principal Arboricultural Consultant – Curriculum Vitae

Curriculum Vitae



Paul Muir

Principal Arboricultural Consultant

Qualifications

MSc Environmental Forestry – Specialising in Arboriculture and Urban Forestry, University College of North Wales, Bangor (1993-95)

BSocSc Economics Class 2.1, The University of Birmingham, Edgbaston (1988-91)

Risk Assessment for Commercial Arboriculture, FASTCO (2001)

Quantified Tree Risk Assessment (QTRA) (2006)

CSCS – Managers and Professionals (2017)

Areas of Expertise

Tree structural stability and biomechanics/tree statics and the static load test

Tree risk management

Tree population management/inventory

Veteran and ancient tree management

Professional Membership

Sachverständigen-Arbeitsgemeinschaft Baumstatik Group (SAG Baumstatik e.V) Member (2010)

Professional Experience

2018-Present Treework Environmental Practice

Principal Arboricultural Consultant

2005-2017 Treework Environmental Practice

Arboricultural Consultant/Senior Arboricultural Consultant

Procurement, administration and management of large scale tree inventories for significant populations of trees managed by Treework Environmental Practice on behalf of a number of large estates and housing associations.

Carrying out individual tree risk/condition assessments and large scale surveys for amenity tree populations and veteran tree populations.

Responsibility for the supervision of contracting teams employed by Treework Environmental Practice's clients to undertake arboricultural work in relation to tree risk, veteran tree (specialist techniques) and on development sites.

Offering advice to developers on issues relating to trees, development and planning according to the principles set out BS5837: 2012.

Providing training for contractors on veteran tree management techniques in the UK and abroad.

The UK's leading authority on tree statics and static load test.

Delivering presentations at national and international conferences and events. Offering training courses in the UK and worldwide.

2000–2005 Treework Services Ltd

Arboricultural Department Contracts Manager

Management of a medium sized contracting tree surgery team involved in both domestic and large scale tree surgery contracts and specialising in veteran tree management and retrenchment pruning techniques. Achieved Arboricultural Association Approved Contractor status.

Presentations

2018 Tree Root Stability – Static Load Test Theory and Case Studies

Centre for Urban Greenery and Ecology (CUGE), 8th Regional Arboriculture Seminar “Tree Feet Under”, NParks, Singapore.

2018 Safety Factors Versus Strength Loss: Appropriate Tree Failure Criteria and The Static Load Test – Increased Confidence Through Data Collection

One day workshop commissioned by the Centre for Urban Greenery and Ecology (CUGE), NParks Singapore.

2018 Long-term management of ancient and veteran trees. Case studies from the UK

Deutsch Baumpflegetage, Kletterforum (German Tree Care Conference, Climbers Forum), Augsburg.

2016 Safety Factors Versus Strength Loss. Choosing Appropriate Tree Failure Criteria and The Static Load Test. An Application of the Principles of Tree Statics

Is it VALID? Defects, Decay and Decisions Seminar Series. Tree risk assessment, tree statics and the static load test. Auckland, New Zealand and Brisbane, Sydney, Melbourne, Adelaide and Perth, Australia.

2015 Safety Factors Versus Strength Loss. Choosing Appropriate Tree Failure Criteria

Key note speech and biomechanics workshop. Arboricultural Association, Amenity Arboriculture Conference ‘Sustainability and the Urban Forest’, University of Warwick, UK.

2013 Tree Statics and the t/R ratio

Arboricultural Association, Regional Training Event. ‘Trees in the Natural and Built Environment’, Cornwall, UK.

2013 Strength loss or safety factors? Some basic principles that ought to define tree hazard assessment

London Tree Officers Association Seminar, Camden, UK.

2012 An Introduction to the Static Load Test and Static Load Test Demonstration and Case Studies

Municipal Tree Officers Association, West Bromich, UK.

2011 The Static Load Test: Tree Structural Integrity, Safety Factors and a Storm Resilience Protocol

Arboricultural Association, Utility Arb Conference. Looking Beyond the Problem. Market Bosworth, UK.

2011 Gorsedd Circle, Belle View Park, Newport – Longitudinal Cracks, Case Study

SAG Baumstatik AGM, Cologne, Germany.

- 2011 Static Load Test Demonstration**
London Tree Officers Association, Mill Hill, UK.
- 2009 Tree Statics. Basic Engineering Principles and The Static Load Test and The role of detailed tree hazard assessments within the context of managing large populations of trees**
CUGE Regional Arboricultural Conference, Singapore.
- 2008 Veteran Trees and The Principles of Good Management**
English Heritage Training Course, 'Ecological Management of Historic Buildings and Sites, West Dean, UK.
- 2007 Statics Integrated Method. A practitioners field approach in the UK and The role of detailed tree hazard assessments within the context of managing large populations of trees**
Treework Environmental Practice Seminar IX, Tree Statics: An Innovative European Perspective for Tree Diagnostics and Management, Blagdon, UK.
- 2005 Tree Statics. What can we learn from this new technology?**
Arboricultural Association Amenity Conference, Exeter, UK.



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APPENDIX 8: PHOTO OF T14s STEM TAPE MEASURE 25.02.25

