

FAO Case Officer

Sent by email only

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To whom it may concern,

243188| Scoping Opinion application to determine the content of an Environmental Impact Assessment for the proposed development of the Site to deliver around 3,930 dwellings together with associated infrastructure (to include internal roads / internal and external access points. landscaping, site wide flood alleviation and surface water drainage and other required infrastructure). New link road over the M4 motorway to Lower Earley Way; new junctions and potential highway upgrades to existing routes. Phased expansion of the Thames Valley Science and Innovation Park (around 100,000m²). New neighbourhood and district centres (retail, leisure, sports, cultural, health and service facilities); and associated education facilities to include primary and secondary school provision. Provision of Suitable Alternative Natural Greenspace, landscaping to include a country park.] Hall Farm/Loddon Valley SDL

In relation to the above application, we have the following comments on behalf of the Berks, Bucks and Oxon Wildlife Trust (BBOWT). As a wildlife conservation-focused organisation, our comments relate specifically to the protection and enhancement of the natural environment and wildlife. We comment on as many relevant issues as our resources allow, and the absence of a comment on an issue should not be taken as our approval.

BBOWT has major concerns about the proposed development including the potential negative impact to irreplaceable habitat (ancient woodland and veteran trees), priority habitat and species, multiple Local Wildlife Sites, the River Loddon and the wider ecological landscape.

Negative impact to irreplaceable habitat (ancient woodland and veteran trees) and priority habitat and species

There are multiple areas of ancient woodland including St Johns Copse, Loaders Copse, Newbury's Copse, and Furzen Coppice. There are also number of veteran trees that have been identified across the site. Both ancient woodland and veteran trees are irreplaceable



habitat and under the NPPF development resulting in the loss or deterioration of irreplaceable habitats should be refused (see relevant policy below). According to the Concept Plan in the EIA scoping report the proposed employment development is adjacent to the St Johns Copse ancient woodland and the proposed residential development is adjacent to or nearby the remaining ancient woodlands within the site boundary. These highly sensitive and ecological valuable irreplaceable habitats and the many species they support are greatly vulnerable to recreational pressure, disturbance, risk of antisocial behavior, increased predation from cats and dogs and light pollution. The Woodland Trust's 'Planning for Ancient Woodland: Planners' Manual for Ancient Woodland and Veteran Trees' suggests that *"as a precautionary principle, a minimum 50 metre buffer should be maintained between a development and the ancient woodland, including through the construction phase, unless the applicant can demonstrate very clearly how a smaller buffer would suffice. A larger buffer may be required for particularly significant engineering operations, or for after-uses that generate significant disturbance."* Therefore, there should be at least a 50m buffer between any ancient woodland and development of any kind to prevent the adverse effects of disturbance and light pollution and if the applicant cannot put this in place, then the application should be refused.

The applicant's Impact Assessment Scoping Report identified Section 41 Habitats of Principle Importance Purple Moor Grass and Rush Pasture and Wet Woodland. In addition to this according to the 'Priority Habitats Inventory (England) © Natural England' Arc GIS layer there are also large amount of floodplain grazing marsh and deciduous woodland.

While we welcome the applicant completing a wide range of species surveys, the results of these surveys should be submitted and uploaded to the public planning portal alongside the mitigation and compensation plan for specific species of ecological importance such as the 15 breeding red list bird species and 8 wintering red list species to ensure what is suggested is appropriate as different species need various specific mitigation. For example, the Impact Assessment Scoping Report states that Skylark *Alauda arvensis* were recorded. Skylarks are a species which nests within open vista habitats such as arable field compartments so if there are breeding pairs of skylarks or other notable ground nesting birds these species need an unbroken line of sight so would avoid nesting at overly developed areas. Therefore, appropriate mitigation for highly sensitive ground nesting birds would require leaving a plot of land that has no or very limited paths/access to avoid disturbance especially during the breeding season.

To comply with both NPPF and local plan policy CP7 Biodiversity (see relative policies below), the applicant must ensure that the development will not result in any harm to priority habitats or species and demonstrate how it will promote the conservation, restoration and enhancement of priority habitats and recovery of priority species.

Negative impact to Local Wildlife Sites

Local Wildlife Sites (LWSs) are identified and selected locally by partnerships of local authorities, nature conservation charities, statutory agencies, ecologists, and local nature experts, using robust scientifically determined criteria and detailed ecological surveys. Their selection is based on the most important distinctive and threatened species and habitats within a national, regional, and local context. This makes them some of our most valuable wildlife areas. Within the site boundary there are seven Local Wildlife Sites (St John's Copse, Hall Farm Woodland Triangle, Arborfield Bridge Meadow, Rushy Mead, Alder Carr adjacent to River Loddon, Loaders Copse Gravel Pit Wood/The Holt, and The Loddon River). It is crucial that the applicant thoroughly demonstrates how they will protect the LWSs

from direct and indirect harm to comply with local plan policy CP7 - Biodiversity (see relevant policies below). For examples, there must not be any new paths or roads through the site which would fragment the habitat and thorough management plans should be created for the LWSs within the applicant's site boundary to mitigate the increased recreational disturbance and increased predation. As part of the management plans the applicant should also state how they plan to restore the habitats, especially the priority habitats in the LWS to improve the resilience of the habitats and species and also to contribute to targets for the BOA which half the site falls within. For example, Arborfield Bridge Meadow LWS used to have lowland fen (according to Natural England Priority Habitat Arc GIS layer) but there has since been a decline in habitat quality and it has been recommended by the Berks LWS panel that the site is reverted to marsh grassland/fen. Therefore, the applicant should create a management plan that includes this restoration.

Negative impact to River Loddon chalk stream

The River Loddon is an incredibly wildlife rich chalk stream. These rivers are globally important and rare, there are only approximately 220 chalk streams in the world and most are in Southern England. Supporting countless species of plants, invertebrates, fish, birds and mammals which rely on very specific conditions such as water quality and temperature, chalk streams are highly vulnerable. Even the smallest changes put some of our most iconic wildlife at risk. According to the South East Rivers Trust the section of the River Loddon running through the site is already struggling with a moderate phosphate status and an overall status of poor. Any further pollution, including urban runoff, could tip this river over the edge making it impossible for it to recover.

There are no rivers achieving good chemical status and only 16% of designated rivers are in good ecological health in England. This is indicative of the current state of the water and drainage infrastructure which frequently fails and is unable able to meet existing requirements or adhere to licensed conditions. It is essential that the local wastewater infrastructure has the capacity to cope with an additional 3,930 dwellings and this should be assessed and taken into account by the council before granting permission, so the development does not result in additional sewage overflow incidents that pollute the local rivers and put wildlife at risk.

The Loddon Catchment partnerships' Action Plan¹ identifies flooding as one of the key issues impacting the River Loddon, especially as flooding events are being projected to become more frequent and more severe as the climate changes. When surplus water flows across the landscape it picks up chemicals and pollutants from urban runoff. Any development, but particularly development on and near a floodplain, like this application, will result in more impermeable surfaces inevitably increasing the flood risk. Therefore, it is crucial that the applicant provides a thorough and robust plan that shows that applicant will put in place Natural Flood Management that reduces flood risk by reinstating natural features such as wet woodlands, marshlands, water meadows, and meanders back into river systems which can absorb and hold water. This should be in addition to installing effective Sustainable Drainage Systems (SuDS) that also provide opportunities for wildlife to reduce flood risk and deliver wider benefits for biodiversity and water quality.

The habitat management and restoration plans for the development should incorporate the catchment priorities set out in the River Loddon Action Plan².

¹ <https://storymaps.arcgis.com/collections/4328b25bc06947889a21710cbefcca4e?item=4>

² <https://storymaps.arcgis.com/collections/4328b25bc06947889a21710cbefcca4e?item=5>

Biodiversity Net Gain and Nature Positive design

The proposed site is situated in a key potential location to reconnect the wider ecological network along the River Loddon. Surrounding the site are various sites of ecological significance including 32 Local Wildlife Sites within 2km and four SSSIs and the Thames Basin Heaths Special Protection Area (SPA) within 5km of the site.

Approximately half of the site area lies within the Loddon Valley South Biodiversity Opportunity Area (BOA). The targets and opportunities for this BOA are river management, restoration and protection, management and re-creation of lowland meadow habitat, management of wet woodland, parkland and farmland for farmland birds.

If the biodiversity of the site was significantly improved, it could have the potential to act as a strategic part of a larger landscape recovery. However, if the site's biodiversity was compromised then the wider ecological network could become further fragmented and prevent future ecological connectivity. The local planning authority should consider the impacts of the proposed development on any local wildlife and ensure that the applicant goes above and beyond to deliver environmental benefits. This can be achieved by appropriate habitat management, restoration and creation across the site, SuDS and Natural Flood Management and design that provides green infrastructure built in from the start such as biodiversity enhancement features (e.g. swift bricks, bat boxes, hedgehog highways etc) and green roofs.

If this is done the applicant should easily be able to achieve a high Biodiversity Net gain which is why we recommend the application should not be approved unless there is a minimum 20% Biodiversity Net Gain and the entire development has nature positive design.

Whilst the legal requirement is to meet a minimum 10% Biodiversity Net Gain, Government advice and Impact Assessments³ suggest that 10% net gain is likely in practice to only achieve “no net loss” rather than delivering ‘net gain’ that would contribute to nature’s recovery. We suggest looking at Kent County Council’s assessment⁴ of the potential effect of a 15% or 20% Biodiversity Net Gain target on the viability of residential-led development in Kent. In summary, a shift from 10% to 15% or 20% Biodiversity Net Gain did not materially affect viability in the majority of instances when delivered onsite or offsite. The biggest cost in most cases is to get to the mandatory, minimum 10% Biodiversity Net Gain which is already legally required as of February 2024. The increase to 15% or 20% Biodiversity Net Gain in most cases costs much less, is generally negligible, and it is unlikely to be what renders development unviable. Therefore, to deliver a true net gain, we would recommend that applicants deliver a minimum of 20%.

Furthermore, it is acknowledged that through legislation, developments are required to manage the habitats for at least 30 years. However, this should be seen as a very minimum. Once built, if approved, the development can be reasonably assumed to be there for ever, since even when the buildings are replaced, they would be likely to be replaced by other forms of development. Therefore, the wildlife habitat will be lost forever, and any

³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/839610/net-gain-ia.pdf

⁴ <https://kentnature.org.uk/wp-content/uploads/2022/07/Viability-Assessment-of-Biodiversity-Net-Gain-in-Kent-June-2022.pdf>

compensation must be provided forever. Otherwise, the result is to simply defer a significant loss of biodiversity that should not be occurring either now or in 30 years' time.

In perpetuity is considered to be at least 125 years in accordance with legislation which defines the 'in perpetuity' period (Perpetuities and Accumulations Act 2009). For example, this legislation was used to define in perpetuity in this extract from the Thames Basin Heaths SPA. Para 3.1.5 Thames Basin Heaths Special Protection Area Supplementary Planning Document which states: *"The avoidance and mitigation measures should be provided in order that they can function in perpetuity which is considered to be at least 125 years. An 'in perpetuity' period of 125 years has been applied in this SPD in accordance with the legislation which defines the 'in perpetuity' period (Perpetuities and Accumulations Act 2009.)"*

On-site or off-site compensation that involves only a 30-year agreement with no guarantee of the long-term security in perpetuity of the wildlife habitat created would not be appropriate. The loss of wildlife habitat on the site, and the potential impact on wildlife habitat away from the site, will be permanent so the compensation must be permanent.

As for nature positive design, integrating nature into new developments is proven to have a whole range of benefits for the community. The Wildlife Trusts' report *'Swift and Wild: How to build houses and restore nature together'*⁵ sets out how this can be achieved with case studies that demonstrate it's success. Furthermore, we recommend the development is designed with the Building with Nature standards⁶, or an equivalent standard which ensures that all green infrastructure is delivering maximum benefits for the health and wellbeing of residents, and for nature's recovery.

Relevant Policies

National Planning Policy Framework (2023)

Habitats and biodiversity 185.

To protect and enhance biodiversity and geodiversity, plans should:

(a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity ⁶⁵; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation ⁶⁶; and

*(b) **promote the conservation, restoration and enhancement of priority habitats**, ecological networks and the protection and **recovery of priority species**; and identify and pursue opportunities for securing measurable net gains for biodiversity.*

186.

When determining planning applications, local planning authorities should apply the following principles:

⁵ https://www.wildlifetrusts.org/sites/default/files/2024-10/24SEP_Planning_Report_HR-DIGITAL%20%281%29.pdf

⁶ <https://www.buildingwithnature.org.uk/>

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶⁷ and a suitable compensation strategy exists;

Wokingham Borough Core Strategy (Adopted 29 January 2010)

CP7 - Biodiversity

Sites designated as of importance for nature conservation at an international or national level will be conserved and enhanced and inappropriate development will be resisted. The degree of protection given will be appropriate to the status of the site in terms of its international or national importance.

Development:

*A) Which **may harm county designated sites (Local Wildlife Sites in Berkshire)**, whether directly or indirectly, or*

*B) Which **may harm habitats or, species of principle importance in England for nature conservation, veteran trees or features of the landscape** that are of major importance for wild flora and fauna (including wildlife and **river corridors**), whether directly or indirectly, or*

C) That compromises the implementation of the national, regional, county and local biodiversity action plans will be only permitted if it has been clearly demonstrated that the need for the proposal outweighs the need to safeguard the nature conservation importance, that no alternative site that would result in less or no harm is available which will meet the need, and:

i) Mitigation measures can be put in place to prevent damaging impacts; or

ii) Appropriate compensation measures to offset the scale and kind of losses are provided.

CP1 – Sustainable development

Planning permission will be granted for development proposals that:

1) Maintain or enhance the high quality of the environment;

2) Minimise the emission of pollutants into the wider environment;

- 3) *Limit any adverse effects on water quality (including ground water);*
- 4) *Ensure the provision of adequate drainage;*
- 5) *Minimise the consumption and use of resources and provide for recycling;*
- 6) *Incorporate facilities for recycling of water and waste to help reduce per capita water consumption;*
- 7) *Avoid areas of best and most versatile agricultural land;*
- 8) *Avoid areas where pollution (including noise) may impact upon the amenity of future occupiers;*
- 9) *Avoid increasing (and where possible reduce) risks of or from all forms of flooding (including from groundwater);*
- 10) *Provide attractive, functional, accessible, safe, secure and adaptable schemes;*
- 11) *Demonstrate how they support opportunities for reducing the need to travel, particularly by private car in line with CP6; and*
- 12) *Contribute towards the goal of reaching zero-carbon developments⁴¹ as soon as possible by:*
 - a) *Including appropriate on-site renewable energy features; and*
 - b) *Minimising energy and water consumption by measures including the use of appropriate layout and orientation, building form, design and construction, and design to take account of microclimate so as to minimise carbon dioxide emissions through giving careful consideration to how all aspects of development form.*

CP3 - General Principles for development

Planning permission will be granted for proposals that:

[...]

- c) *Have no detrimental impact upon important ecological, heritage, landscape (including river valleys) or geological features or water courses.*

Conclusion

The proposed site is in a location which is critical for wider landscape recovery and restoration in the local area. The River Loddon, a rare and important LWS chalk stream that is of major importance for the ecological network, runs through the middle of the site. There are multiple LWSs, irreplaceable habitats, and priority habitats which support many priority and notable species, and the Loddon Valley South BOA covers approximately half of the site further highlighting the importance of this site's role in nature recovery locally. With this in mind we believe the site is inappropriate for development, particularly one of this size and poses great risk to the local environment and wildlife. Therefore, if it is demonstrated that the need for this development in this location outweighs the risk, the applicant must do everything possible to prevent any direct or indirect harm to the ancient woodland, veteran

trees, and River Loddon, and as for the rest of the site mitigate the risk, compensate for any harm done and go above and beyond in contributing to nature's recovery on the site. This includes a very minimum of 20% and clear demonstration and the entire development has benefits for wildlife integrated into the design.

Please do not hesitate to get in touch should you wish to discuss any of the matters raised.

Yours sincerely,

Holly Gray

Planning and Policy Officer

Berks, Bucks and Oxon Wildlife Trust