

Land between Lodge Road and Tape Lane, Hurst

R09 Ecology Rebuttal Statement – Environment Agency Evidence

31st July 2025

1.0 Purpose

- 1.1. Tyler Grange Group Limited (“TG”) has been instructed by Mac Mic Strategic Land Limited (“the Appellant”) to prepare this Rebuttal Statement in response to the Environment Agency (EA)’s Ecology Proof of Evidence (“PoE”) prepared by Lesley Sproat.
- 1.2. My rebuttal relates to Section 5 – Relevant Legislation, Policies and Guidance and Section 8 – The Environment Agency’s case.
- 1.3. It should be noted that WBC have removed RfR 6, after agreement of an updated Statutory Biodiversity Metric (CD11.5: 16452/BNG/4) by Duncan Fisher, Green Infrastructure Team Manager at the Council, as shown in his email of 9th July 2025 at Appendix 1 of the Ecology Evidence of Emily Major (CD5.4).
- 1.4. It is not disputed that de-culverting would have added benefits to biodiversity. However, there is no obligation to do so, and the Appellant is already achieving beyond the +10% biodiversity net gain mandatory requirement. It should also be noted that de-culverting the culvert onsite does not substantially improve the ecological connection with the Twyford Brook because a substantial length of culvert will remain under the highway and outside of the land within the Appellant’s control, with no known proposals to de-culvert the whole length of the watercourse.

2.0 Rebuttal of EA’s evidence in relation to Relevant Legislation, Policies and Guidance (Section 5)

Section 5.3 of the EAs PoE

- 2.1. The EA refers to WBC’s Culvert Policy, with particular focus on Section 6 of the ‘Wokingham Borough Council Culverting Guidance Notes’, ‘reason for policy’. Whilst this document is acknowledged, this policy relates to new culvert creation and is therefore not relevant to an existing culvert. There is no specific requirement within the policy to remove existing culverts.

Section 5.4 of the EAs PoE

- 2.2. The EA refers to the EA’s Culverting Watercourses guidance. Whilst this guidance is acknowledged and the benefits of de-culverting to biodiversity are not disputed, this appears to be the EA’s internal guidance and there is no legislative or planning policy obligation to de-culvert.



3.0 Rebuttal of EA's evidence in relation to The Environment Agency's Case (Section 8)

Section 8.3 of the EAs PoE

- 3.1. The EA state *'the proposed access road crossing and the current outline landscape proposals for this area of the site would prevent the ability to deculvert a section of this watercourse and fail to reverse the loss of open watercourse habitat as a result of the previous culverting'*,
- 3.2. Whilst it is not disputed that de-culverting works can provide enhancements for biodiversity, there is no obligation to provide betterment in this specific way within policy or legislation. Not de-culverting does not cause an impact to species, habitats and wildlife. The Appellants have demonstrated that 23.75% biodiversity net gain in watercourse units can be achieved without de-culverting. This is in addition and separate to the 10.82% net gain in habitats units and 13.15% gain in hedgerow units.
- 3.3. Gains in biodiversity with specific relevance to watercourses would be achieved through the reduction of encroachment into the existing watercourse and specific enhancements to the condition of the watercourse. This is demonstrated in the Statutory Biodiversity Metric (CD11.5: 16452/BNG/4) and its delivery could be secured via a condition for a Habitat Management and Monitoring Plan. The metric and approach is agreed with Duncan Fisher, Green Infrastructure Team Manager at the Council, as shown in his email of 9th July 2025 at Appendix 1 of the Ecology Evidence of Emily Major (CD5.4).
- 3.4. The EA have not disputed the BNG baseline.
- 3.5. Nevertheless, if the culvert (125m, based on EA mapping) is added to the BNG baseline, a net gain of +22.87% can still be achieved without de-culverting based on the current proposals.

Section 8.4 of the EAs PoE

- 3.6. For clarity on suggested enhancements to the watercourse ditches, these will include riparian planting and habitat enhancements to existing non-culverted watercourses. The encroachment multiplier within the agreed Statutory Biodiversity Metric (CD11.5: 16452/BNG/4) is being reduced (through removal of intensive grazing up to the riparian edge) and, therefore, providing an enhancement. It is suggested that these enhancements will be part of the "Species Specific Enhancement and Ecological Permeability report/plan" to be conditioned, particularly given the over-grazing which is currently preventing the watercourse from acting as a functioning riparian corridor for wildlife.

Section 8.8 of the EAs PoE

- 3.7. The EA state that *'ultimately, it is for the Local Planning Authority to determine if the assessments relating to Biodiversity Net Gain (BNG) are sufficient and the requirements can be met'*. The Statutory Biodiversity Metric (CD11.5: 16452/BNG/4) has been agreed by Duncan Fisher, Green Infrastructure Team Manager at the Council, as shown in his email of 9th July 2025 at Appendix 1 of the Ecology Evidence of Emily Major (CD5.4), hence this statement by the EA has already been met.

Section 8.9 of the EAs PoE



- 3.8. The EA state that *'Culverts usually remove or alter river and bank side habitat and may interrupt a wildlife corridor, acting as a barrier to the movement of wildlife'*. It is not disputed that culverts may alter river and bankside habitat and may act as a barrier for wildlife. It is also not disputed that de-culverting would result in a further 'betterment' for biodiversity. However, without de-culverting, the development is achieving beyond the mandatory +10% biodiversity net gain and there is no legislative obligation to de-culvert. Not de-culverting will not result in a further impact to species, habitats and wildlife and would result in a relatively minor additional net gain of no more than an additional 6% gain in BNG terms. To put the incremental gains of de-culverting the watercourse (wholly or partly) within the site boundary into context I set out in Table 1 below what the agreed net gain would be together with what the net gain would be by de-culverting (wholly or in part) the watercourse within the Site (and accompanying assumptions). It should be noted that the below represent 'best case scenarios' in terms of what enhancement could be achieved in the Statutory Biodiversity Metric in terms of de-culverting the watercourse as it assumed the de-culverted section would achieve the same state as the adjoining enhanced watercourse.

Table 1 Metric	Assumption	BNG Result
The agreed Statutory Biodiversity Metric (CD11.5: 16452/BNG/4)	Baseline does not include culverted section	+23.76%
No de-culverting of the Ditches, but adding the culvert into the baseline.	Adding 125m of culvert into the baseline and included as retained as a culvert (within the redline boundary)	+22.87%
De-culverting the Ditches in Appellant's control except for that part under the proposed access road	Deculverting of 95m (allow 30m to be retained to accommodate access road and any civils works) Interpreted within the Statutory Biodiversity Metric as: 30m retained culvert 95m of lost culvert and 0.95m of created 'other rivers and streams' in same condition and encroachment as 'enhanced watercourse' attached.	+27.19%
De-culverting the full length of the Ditches in Appellant's control	125m assuming open span crossing of the access. Interpreted within the Statutory Biodiversity Metric as: 125m of lost culvert and 125m of created 'other rivers and streams' in same condition and encroachment as 'enhanced watercourse' attached.	+28.55%