

APPEAL REF: APP/X0360/W/25/3364304

PLANNING REF: 242067

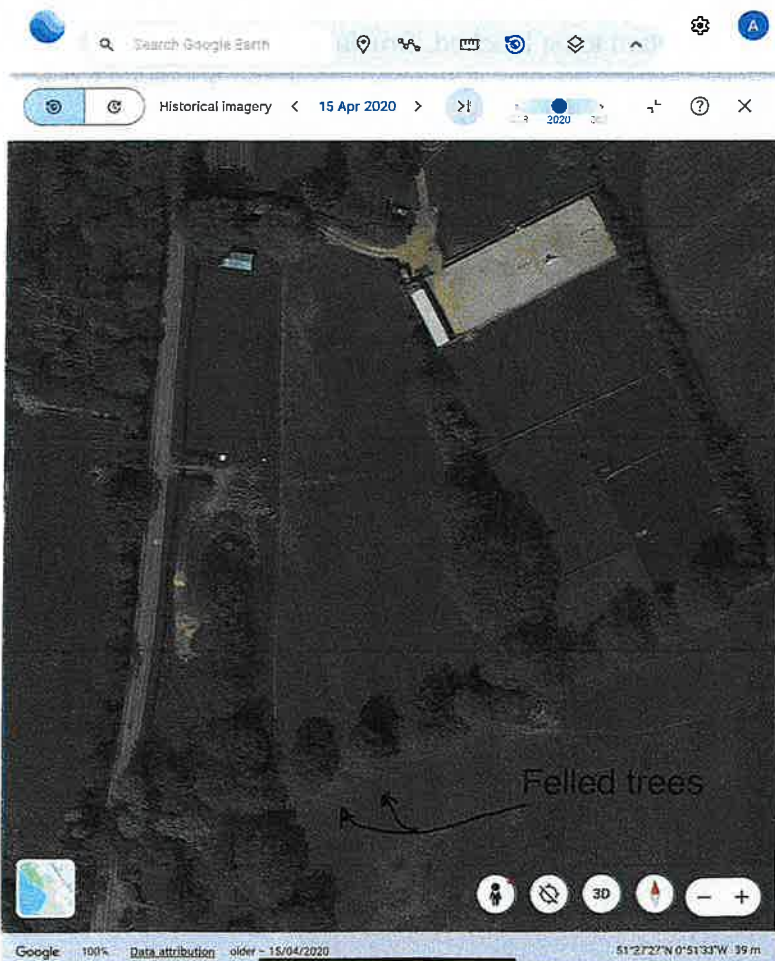
Land between Lodge Road and Tape Lane, Hurst, RG10 0EG

JOINT STATEMENT BY INTERESTED PARTIES

Ecological vandalism

Our property and those of my neighbours abuts the south west corner of the appellant's site. In March 2021, early one morning, we witnessed ecological vandalism, when, without warning, two irreplaceable oak trees (T85 and T86) were felled in order for the appellant to gain an access route into their main field from Lodge Road. This took place a matter of days before a tree preservation order was served.

To the residents of Hurst, this was a horrific act, akin to the felling of the Sycamore Gap Tree in Northumberland.



Google Earth image 15 April 2020 showing location of the two trees felled in March 2021. The historical field boundary has stood for decades, if not centuries.

Also note the absence of the northerly continuation of Hatchgate Ditch.

Having disposed of the felled trees, the appellant has conceded that it is now impossible to precisely determine their age or status, and therefore they also concede that the trees, potentially, are veteran. However, in evidence, the appellant confusingly makes contradictory claims. Whilst they accept that for BNG purposes the trees should be treated as veteran, the appellant argues that for NPPF purposes they are not veteran trees. Why do they say this? Because under the NPPF, a planning application should be refused due to the loss of irreplaceable habitat. The loss of veteran trees is the loss of irreplaceable habitat, and no compensation strategy can ever be adequate.

On this basis, and in accordance with the NPPF, this appeal should be dismissed.

The appellant's irresponsible act must not be rewarded with the granting of planning permission for 99 houses. Instead those who were responsible for the felling of the two trees should be brought to account for their actions.

The appellant's site floods, regularly

We have a drainage ditch known as the Southern Ditch (D2) running to south of our boundary with the appellant's site. This ditch drains into Hatchgate Ditch (D1), designated as a main river, a river which should flow to the north. Yet it does not, because it has been culverted without permission on the appellant's land, and found by the appellant to be blocked. Crucially, as the Inquiry will hear, it has no northerly connection with the River Loddon. Its flow is trapped within the appellant's site.

Increasingly, year on year, we have witnessed an ever rising water table, with standing water on the appellant's field remaining for long periods, and both our ditch and Hatchgate Ditch regularly being overwhelmed and breaching their banks. The encroachment of fluvial and pluvial flood risk upon our properties is evidence based.



Western side of appellant's field flooded, with Hatchgate Ditch breaching its banks, on 30 January 2021



Repeated (increased) widespread flooding on 31 March 2023 (Western side). Hatchgate Ditch has breached its banks, causing extensive fluvial flooding.



Repeated (increased) widespread flooding on 31 March 2023 (Western and central portion). This was the day that Hurst suffered severe flooding, triggering the commissioning of a Borough wide S19 Flood Risk Assessment Report.

We are deeply concerned that if this appeal were to be allowed, and with climate change now taking hold, there is a real prospect of flooding affecting our properties and those of our neighbours. The appellant has consistently failed to provide an acceptable Flood Risk Assessment and Drainage Strategy (FRA&DS). The Environment Agency agrees and has recently ratified their objection to the proposed development, once again stating that the appellant's FRA&DS and hydrology modelling are not fit for purpose.

The appellant has failed to demonstrate that their drainage strategy would be able to protect either the planned new houses, or the wider community from flooding as a result of their proposed development. This is irresponsible and a fatal flaw in their appeal.

New Government flood zone maps published in March 2025 have established that there are now areas of flood zone 2 and 3 along Hatchgate Ditch, across the appellant's site, and in numerous locations within our immediate locality.

The appellant will have known of the new flood zone maps at the time they submitted their appeal in April 2025, yet they chose to ignore their statutory duty to perform a Flood Risk Sequential Test. If they had done so they would have failed, as evidenced by the appellant's failed Flood Risk Sequential Test carried out in July 2025. There are clearly other locations within Wokingham Borough, in flood zone 1, better able to accommodate 99 houses.

On this basis, and in accordance with both the NPPF and PPG, this appeal should be dismissed.

The appellant chose in April 2025 not to front load their appeal with a rebuttal against the Environment Agency objection. Instead they relied on "under the counter" negotiations with the EA, in order to "buy time", and in doing so they withheld evidence from scrutiny by other interested parties.

This is contrary to the Government's Planning Appeal Procedural Guide. We therefore wish to voice our objections to the appellant's failure to respect and protect the fundamental rights of interested parties. They have been disingenuous and disrespectful to both the Inquiry and interested parties. A formal complaint about the appellant's actions has been lodged with the Planning Inspectorate to this effect.

Furthermore, some of the new evidence submitted to the Environment Agency was partially gathered by way of unlawful excavations within the bed of Hatchgate Ditch, a main river. These excavations were in the root protection area of TPO protected trees. Any activity in the bed of, or within 8 metres of a main river requires an EA Flood Risk Activity Permit. The EA have confirmed that the appellant neither applied for, nor was granted, such a permit, making their recent activity unlawful.

This unlawful activity is currently being investigated by both the Environment Agency and Wokingham Borough Council.

We respectfully ask that the Inspector see for himself the harms caused by this unlawful activity when making his site visit.

We furthermore ask that evidence obtained as a result of unlawful activities be disregarded at the Inquiry.

Conclusion

The question that needs to be asked is "why are we here?"

Clearly we are here because the appellant has a blatant disregard for environmental issues and for the mental health of the residents of Hurst. They are blinkered by the prospect of financial reward.

The tilted balance of the NPPF has a presumption in favour of sustainable development where it can be demonstrated that the adverse impacts of development do not significantly and demonstrably outweigh the benefits.

Firstly, the loss of the two veteran trees, without wholly exceptional reasons, disengages the tilted balance. The deliberate and calculated wanton destruction of irreplaceable habitat must not be rewarded by the granting of planning permission.

Secondly, the appellant has failed to adequately assess the risk from flooding and the original EA objection still stands. It is therefore impossible for this Inquiry to conclude that there is no demonstrable flood risk. The presumption in favour of sustainable development cannot therefore be applied where the magnitude and weight of the harms in terms of flooding have not been adequately assessed.

For these reasons we respectfully request that the appeal be dismissed.

Joint statement on behalf of:

Andrew and Jean Dolinski
34 Martineau Lane, Hurst, RG10 0SF
(Resident 23 years)

Jonathan and Heather Norris
36 Martineau Lane, Hurst, RG10 0SF
(Resident 31 years)

12 August 2025