

TOWN & COUNTRY PLANNING ACT 1990

STATEMENT OF COMMON GROUND

ARBORICULTURE

Appeal Reference: APP/W0340/W20/3265460

LPA Reference: 20/01238/OUTMAJ

Appellant Name: Bloor Homes Ltd

Site Address: Sandford Park, Newbury

Proposal: Proposal: Outline planning permission for up to 1,000 new homes; an 80 extra care housing units (Use Class C3) as part of the affordable housing provision; a new 2 form entry primary school (D1); expansion land for Park House Academy School; a local centre to comprise flexible commercial floorspace (A1-A5 up to 2,150 sq m, B1a up to 200 sq m) and D1 use (up to 500sq m); the formation of new means of access onto Monks Lane; new open space including the laying out of a new country park; drainage infrastructure; walking and cycling infrastructure and other associated infrastructure works. Matters to be considered: Access.

SIGNED.....

ANDREW GILES
WEST BERKSHIRE COUNCIL
(ON BEHALF OF THE LPA)

SIGNED.....

CHRIS ALLDER
BARRELL TREE CONSULTANCY
(ON BEHALF OF THE APPELLANT)

SECTION 1 - INTRODUCTION

Introduction

- 1.1 The Local Planning Authority (West Berkshire Council) (“the Council”) and the Appellant (Barrell Tree Consultancy on behalf of Bloor Homes Limited) have jointly prepared the following Arboricultural Statement of Common Ground (“ArbSOCG”).
- 1.2 It relates to an Appeal under Section 78 of the Town and Country Planning Act 1990 lodged by LRM Planning on behalf of Bloor Homes Ltd following West Berkshire Council’s decision to refuse outline planning permission for (LPA Ref:20/01238/OUTMAJ).
- 1.3 This Statement of Common Ground is supplementary to the main Statement of Common Ground.

Submitted Arboricultural Documents

- 1.4 The original planning application was submitted on 28th May 2020 (“the Application”). The Application was supported by the following documents in the Environmental Statement Vol 3 Appendices G11a and G11b:
 - a) Arboricultural Report ref: 14281-AA7-CA dated 10th January 2020; and
 - b) Tree Protection Plan 14281-BT12; and
 - c) Manual for Managing Trees on Development Sites – v2.1.
- 1.5 Subsequent to comments from the Council, further submissions were made as a ‘Wheatcroft’ consultation, and was supported by the following updated arboricultural documents:
 - a) Arboricultural Report ref: 14281-AA8-CA, dated 9th October 2020, and
 - b) Tree Protection Plan 14281-BT13a-f
- 1.6 The arboricultural information has been updated further and a draft report and plans are included within Mr Allder’s Proof of Evidence at Appendix 3. These are:
 - a) Arboricultural Report ref: 14281-AA9-CA-DraftforInquiry, dated 1st April 2021, and
 - b) Tree Protection Plan 14281-BT15a-f

The Council’s Consultation Comments

- 1.7 The Council issued a comprehensive tree consultation which is recorded as issued on 16th September 2020.
- 1.8 The Council’s Senior Tree Officer, Mr Andrew Giles issued a comprehensive response to the ‘Wheatcroft’ consultation 21st February 2021.

SECTION 2: MATTERS OF AGREEMENT AND IN DISPUTE

Matters of Agreement

- 2.1 The parties agree that the submitted arboricultural information **14281-AA7-CA** and plan **BT12** carried out by Chris Allder of Barrell Tree Consultancy was validated by the Council as part of the application 20/01238/OUTMAJ.
- 2.2 Tree Preservation Order 201/21/1016 was issued on the 7th October 2020 and confirmed on 18th March 2021 with modifications.
- 2.3 The Ancient Woodlands classified on site in accordance with the Natural England’s ancient woodland inventory are numbered in the Barrell report as:
- a) W62 Dirty Ground Copse
 - b) W72 Barn Copse
 - c) W90 Slockett's Copse
 - d) Slocketts Copse ‘West’ referred to as High Wood in the Natural England ancient woodland inventory and numbered on the report as: T78, T79, G80, T81, G82, T83, T84, T85, T86, T87, T88 and G89
 - d) W97 High Wood
 - e) W112 Crooks Copse
 - f) W161 Waterleaze Copse
- 2.4 The trees, woodlands and hedgerows are an important feature of the site and should be carefully considered.
- 2.5 The Government’s standing advice on buffer zones states:
- a) Woodland buffer zones should be at least 15m to avoid root damage.
 - b) Ancient or Veteran individual trees should have a buffer zone at least 15x larger than the diameter of the tree, or 5m from the tree's canopy, whichever is the greater.
- 2.6 Root protection areas (RPAs) are calculated using the methodology as set out in Section 4.6 of the British Standard 5837:2012.
- 2.7 The trees proposed to be removed are set out as follows:
- a) The original Arboricultural report **14281-AA7-CA** and plan **BT12** submitted with the application proposed the removal of the following trees:

British Standard 5837 Category			
	A (High quality)	B (Moderate quality)	C (Low quality)
Remove	T34, T76, T199	T1, G16, G17, T18, T19, T35, G51, T63, T64, T65, T69, G110(part), T178, T179, T185, T186, T187	T2, H5(part), G6(part), H7, G36, G37, G47(part), H60, G68(part), W73(part), G108(part), H115(part), G117(part), H169(part), T180, T182, T183, H200(part), T225, T226, T227, T228, G234(part), T246, G247, G248 (part)

Total	3no. trees	13no. individual trees 3no. groups of trees Part of 1no. group of trees	9no. individual trees 3no. groups of trees Part of 7no. groups of trees 2no. hedgerows Part of 4no. hedgerows Part of 1no. woodland
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- b) The revised Arboricultural report **14281-AA8-CA** and plan **BT13**, submitted for the 'Wheatcroft' consultation proposed the removal of the following trees:

British Standard 5837 Category			
	A (High quality)	B (Moderate quality)	C (Low quality)
Remove	T34, T76, T199	T1, G16, G17, T18, T19, T35, G51, T63, T64, T65, T69, G110(part), T178, T179, T185, T186, T187	T2, H5(part), G6(part), H7, G36, G37, G47(part), H60, G68(part), W73(part), G108(part), H115(part), G117(part), H169(part), T180, T182, T183, H200(part), T218, T219, T220, G223, T225, T226, T227, T228, T230, T231, T232, T225, T226, T227, T228, G234(part), T246, T247, G248 (part)
Total	3no. trees	13no. individual trees 3no. groups of trees Part of 1no. group of trees	19no. individual trees 4no. groups of trees Part of 7no. groups of trees 2no. hedgerows Part of 4no. hedgerows Part of 1no. woodland

- c) The revised Draft report **14281-AA9-CA DrafftforInquiry** and plan **BT15**, which takes into account the ongoing design work and excludes the trees along Warren Road, which is outside the red line boundary, proposes the removal of the following trees

British Standard 5837 Category			
	A (High quality)	B (Moderate quality)	C (Low quality)
Remove	None	T63, T64, T65, T69	H5(part), G6(part), H7, T8, G10, G47(part), H60, G68(part), W73(part), G108(part), H115(part), G117(part), H169(part), T218, T219, T220, T221, G223, T225, T226, T227, T228, T230, T231, T232, G234(part), T236, T246, T247, G248(part)
Total	None	4no. individual trees	14no. individual trees 5no. groups of trees Part of 7no. groups of trees 2no. hedgerows Part of 2no. hedgerows Part of 1no. woodland

Matters in Dispute

The parties do not agree on the following matters.

- 2.8 The Council is of the view that within the document (**14281-AA9-CA DraftforInquiry**) the tree survey shows additional trees to the ones shown requiring felling/pollarding or tree work:

	British Standard 5837 Category		
	A (High quality)	B (Moderate quality)	C (Low quality)
Fell/Pollard	T61(Fell), T154 (Fell/pollard)	T149 (Pollard)	T153 (Pollard)
Total	2 Veteran Trees	1 Potential Veteran Tree	1 Veteran Tree

NB This does not include any U category trees even though in the Councils view they have a significant potential to contribute to landscape and ecology.

	British Standard 5837 Category		
	A (High quality)	B (Moderate quality)	C (Low quality)
Prune *(crown lift 3-4m over site as necessary. Clip to reform hedges as appropriate)	All	All	All
Total	All	All	All

The appellants view is that T61 and T154 are both unsuitable for retention due to their condition. The appellants also consider that trees T149 and T153 require works to ensure their retention.

2.9 The Council is of the view that not all of the trees considered to be veteran and notable are shown on the Ancient Tree Inventory, and have summarised their concerns in the table below.

Category	Tree/Woodland Number	Impact within the 15m buffer Zone RPA	Post Development and notes	Appellants Response
Ancient Woodland	W72, W62, W90, W97, W112, W161, (T78, T79, G80, T81, G82, T83, T84, T85, T86, T87, G89)	<p>W72 Barn Copse - south western corner, adjacent to school field, location of football pitch.</p> <p>W62 Dirty Ground Copse - sealed surfaced footpaths on the southern, western and northern boundaries.</p> <p>W90 Slocketts copse – roads on the western and northern boundaries. Sealed footpaths on all boundaries.</p> <p>W97 High Wood Copse – access road on northern boundary. Sealed footpaths on all boundaries and SuDS attenuation basin on western boundary.</p> <p>W112 Crooks Copse – sealed footpaths around all boundaries. SuDS on north eastern boundary.</p> <p>W161 Waterleaze Copse – cycleway and footpath (unclear if sealed).</p> <p>Others Slockett’s Copse West ((T78, T79, G80, T81, G82, T83, T84, T85, T86, T87, G89) – valley crossing, sealed footpaths and SuDS conveyancing channels</p>	<p>The impact of the roads, formal and informal footpaths and SuDS being located within the 15 metre rooting area of the ancient woodlands; the Council is of the view that pressure will arise and future work will be required to carry out dead wooding, felling or crown lifting for health and safety reasons.</p> <p>Within these ancient woodlands some Veteran trees have been identified by the Ancient Tree Inventory (in addition to the ones listed below). Therefore the buffer zone should be increased and take into consideration any additional buffer around these specific trees.</p>	<p>Roads are not proposed within the buffer zones.</p> <p>Informal footpaths are a requirement of the Sandlford SPD, and any installation will be carefully designed if it is deemed appropriate that a footpath is to be installed.</p> <p>SuDS can be installed within buffer zones, as long as they respect RPAs, as set out in the Government’s standing advice.</p> <p>As set out in Mr West’s evidence at Appendix A, the woodlands will be subject to a woodland public access management plan to minimise impacts and balance conflicts.</p> <p>The ancient woodland buffer zone follows the Governments standing advice which will ensure protected of any trees within the woodland.</p>

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Category	Tree/Woodland Number	Impact within the 15m buffer Zone RPA	Post Development and notes	Appellants Response
Veteran trees	<p>T31 T33 T34 T57 T59 T61 T127 T128 T130 T133 T143 T146 T148 T149 T150 T153 T155 T158 T160 T166</p>	<p>T31 Cycleway, footpath and emergency access upgrade. Plus Park House School design. T33 Impacted by design of Park House School. T34 Impacted by design of Park House School. T57 Cycleway, footpath and emergency access upgrade. T59 Cycleway, footpath and emergency access upgrade. T61 felling Within development area. T127 Upgrade to road, footpath/track T128 Upgrade to road, footpath/track T130 Upgrade to road, footpath/track T133 Upgrade to road, footpath/track T143 Cycleway, footpath and emergency access upgrade. T146 Cycleway, footpath and emergency access upgrade. T148 Sealed footpath T149 Sealed footpath T150 Sealed footpath T153 Sealed footpath T155 Unclear on impact T158 Unclear on impact T160 Unclear on impact T166 Cycleway, footpath and emergency access upgrade and SuDS outflow and attenuation basin.</p>	<p>The impact of the roads, cycleway, school, formal and informal footpaths and SuDS being located within the 15 metre rooting area of the Veteran Trees; the Council is of the view that pressure will arise and future work will be required to carry out dead wooding, felling or crown lifting for health and safety reasons.</p> <p>All Veteran trees should be fenced beyond the 15x stem diameter and retained as part of the proposed.</p>	<p>Roads are not proposed within the buffer zones.</p> <p>Informal footpaths are a requirement of the Sandleford SPD, and any installation will be carefully designed if it is deemed appropriate that a footpath is to be installed.</p> <p>Installation of any new surfacing will follow the requirements of BS5837:2012 and be of a no-dig permeable specification subject to a detailed method statement.</p> <p>SuDS can be installed within buffer zones, as long as they respect RPAs, as set out in the Government's standing advice.</p> <p>The school expansion land is being dealt with by a separate Statement of Common Ground, and the Veteran trees retained and protected.</p>

Category	Tree/Woodland Number	Impact within the 15m buffer Zone RPA	Post Development and notes	Appellants Response
Potential Notable/ Veteran trees	T44	T44 Footpaths	The impact of the roads, cycleway, school, formal and informal footpaths and SuDS being located within the 15 metre rooting area of the Potential Notable/Veteran Trees; the Council is of the view that pressure will arise and future work will be required to carry out dead wooding, felling or crown lifting for health and safety reasons.	<p>Roads are not proposed within the buffer zones.</p> <p>Installation of any new surfacing will follow the requirements of BS5837:2012 and be of a no-dig permeable specification subject to a detailed method statement.</p> <p>SuDS can be installed within buffer zones, as long as they respect RPAs, as set out in the Government's standing advice.</p> <p>The retention of deadwood is a vital element for woodland tree health and diversity. Health and safety inspection will be carefully undertaken to balance conflict and minimise impacts.</p>
	T45	T45 Footpaths		
	T46	T46 Footpaths		
	T76	T76 Construction of Valley crossing.		
	T77	T77 Construction of Valley crossing.		
	T111	T111 Sealed footpaths		
	T114	T114 Spine Road		
	T116	T116 felling for Monks Lane access		
	G120	G120 Sealed footpath and access road around SuDS		
	T121	T121 Sealed footpath		
	T122	T122 Sealed footpath		
	T123	T123 Sealed footpath		
	T125	T125 Sealed footpath and road		
	T126	T126 Sealed footpath and road		
	T129	T129 Sealed footpath, track and road		
	T151	T151 Sealed footpath		
	T152	T152 Sealed footpath		
	T154	T154 Sealed footpath		
	T159	T159 Footfall in country park		
	T172	T172 Sealed footpath		
	T173	T173 Sealed footpath		
	T174	T174 Sealed footpath		
	T222	T222 Monks Lane access		
T224	T224 Monks Lane access			
T233	T233 Monks Lane access			

2.10 The Council is of the view that the development will impact on more veteran trees and important trees than is shown on the tree survey.

The appellants do not agree with the Council's assessment of there being additional trees on the appeal site to those listed in the Ancient Tree Inventory that have potential Notable/Veteran status.

2.11 The Council is of the view that the buffer zones for ancient/veteran trees do not include the calculation for canopy spreads in error.

The appellants view is that this has been taken into consideration, but have used the stem diameter calculation.

2.12 The demonstration of the 15 metres Root Protection Areas; the Council is of the view that this has not been shown around the ancient woodlands on the Tree Survey or the Tree Protection Plan.

The appellants view is that the ancient woodland buffer zones are included in the Ecology evidence, and that the arboricultural report and survey uses the calculation method as set out in the BS5837:2012.

2.13 Whether the formal footpaths other amenity land uses and SuDS can be placed within the 15 metres of the rooting area of ancient woodlands; the appellant shows formal footpaths and SuDS in these areas and the Council is of the view that this causes harm, Sandleford SPD is subject to Standing Advice from Forestry Commission and Natural England.

The appellants view is that footpaths can be installed within buffer zones and woodland if the design is of low impact, and that SuDS can be installed within buffer zone if they respect the RPAs. The Sandeiford SPD – L4 b) states: Use of set backs / buffer zones - development of roads or buildings will not be permitted within the buffer zones. They can be used for informal recreation and planting and informal footpaths. Services will only be permitted in buffer zones if they do not impact on root protection zones.

- 2.14 The extent of the tree work required is significant and the amount of tree work shown in the tree survey is not clearly defined or shown; the Council is of the view that much more tree work is required to ensure public Health and Safety in areas of public access. The impact of the formal footpaths and SuDS being located within the 15 metre rooting area of the ancient woodlands; the Council is of the view that pressure will arise and future work will be required to carry out dead wooding, felling or crown lifting for health and safety reasons.

The appellants do not agree that the proposed development, including the installation of footpaths and SuDS will lead to future pressure to carry out deadwood, felling or crown lifting that will be detrimental to the retained trees and woodlands.

- 2.15 The removal of 250 metres of hedgerow and trees covered by the TPO along Monks Lane without suitable mitigating planting is harmful and unacceptable.

The appellants landscape evidence does not agree with this assessment.

- 2.16 The status of further plans relating to the extension to Park House School grounds including the new pitch which has not been formally submitted or considered. The refused application impacted on ancient and veteran trees and also, the ancient woodland. SoCG for Education is being drafted and latest plans will be formally submitted then.

The appellants consider that the proposals for the extension to Park House School are ongoing, and will retain the veteran trees and protect the ancient woodland.

- 2.17 Whether the construction exclusion zone on the Tree Protection Plan show incursions within 15 metres of the ancient woodlands.

The appellants consider that the construction exclusion zone shown on the tree protection plan BT13 and BT15 follows the edge of the parameter plan development boundaries, which is informed by the County Wildlife sites plan as shown in Mr West's ecology evidence at Appendix A of his Proof.

- 2.18 Whether the fragmentation and isolation of Crooks copse from the remaining woodlands will result in its deterioration and harmful fragmentations of other ancient woodland blocks.

The appellants ecology evidence does not agree with this assessment.

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- 2.19 The Council consider that SuDS directly and indirectly impact on the ancient woodlands and veteran trees and this is not a matter that can be satisfactorily dealt with at the reserved matters stage.

The appellants do not agree with this assessment. Please refer to Mr Witt's evidence which explains that the SuDS are indicative only and will be subject to detailed design at the appropriate reserved matters stage.

- 2.20 The Council consider that the impact of post development pressure has not been shown in any detail and in report **14281-AA9-CA Draft for Inquiry** Table 1 and shows no post development considerations. The council is of the view that within the Ecologist's Proof of Evidence; map reference Post-Development UKHab Plan Sandleford Park, figure No. 3 and revision no. A dated 7th April 2021 the report clearly shows significant sealed surfaces on footpaths, roads, cycleways and SuDS within close proximity of the trees.

The appellants view is that this is an outline application for an allocated site, and that specific detailed design is a reserved matter. Post development pressure has been considered as part of this outline application, and the appellants view is that the development will not cause a detrimental impact on the retained trees and woodland.

- 2.21 Given the above, the Council and Appellant do not agree as to the scale and significance of the impact of the proposed development on the trees and woodlands.
- 2.22 The Council and Appellant do not agree as to whether the proposals are contrary to Policies CS17 and CS18 of the West Berkshire Core Strategy Development Plan Document (Core Strategy, adopted July 2012); and the Strategic Objectives and Development Principle L4 of the Sandleford Park SPD (adopted March 2015 with a single revision to include principle S1), standing Advice from the Forestry Commission and Natural England: Ancient woodland, ancient trees and veteran trees: protecting them from development and guidance in the NPPF.