APPLICATION NO: 20/00683/OUT		**OFFICER: Mrs Emma Pickernell**
DATE REGISTERED: 29th April 2020		**DATE OF EXPIRY:** 29th July 2020
WARD: Battledown		**PARISH:** Charlton Kings
APPLICANT:	W Morrison (Chelt) Ltd & Trustees Carmelite Charitable Trust	
AGENT:	Mr Peter Frampton	
LOCATION:	Land Adjacent To Oakhurst Rise, Cheltenham	
PROPOSAL:	Outline application for 43 dwellings including access, layout and scale, with all other matters reserved for future consideration	

Update to Officer Report

1. OFFICER COMMENTS

1.1 Introduction

1.1.1 The purpose of this update is to provide members with correspondence which has been received since the report was written which includes:

1.1.2 (a) Document from the Applicant's Ecologist (Aspect) including a Framework Management Plan and a response to this from Gloucestershire Wildlife Trust

(b) Response from Aspect to an objection received from a neighbour to the site

(c) Letter from Ecologist acting for Charlton Kings Friends (Bioscan)

(d) Letter from Aboricultural Consultant acting for Charlton Kings Friends (Barton Hyett)

(e) Response from County Ecologist to Bioscan letter (marked up copy)

(f) Letter and infographic sent to members by applicant

(g) Letter on behalf of CK Friends sent to members

(h) Email to Cllr Atherstone from Applicant

(i) Response to Barton Hyett's letter from the CBC Tree Officer.

(j) Response to Barton Hyett's letter from Applicants Arboricultural consultant (FLAC)

(k) several representations

1.2 Ecology

1.2.1 Further to the recent designation of the site as a Local Wildlife Site (LWS) the applicant's ecologist has prepared a Framework Management Plan. This suggests an outline for a fuller plan (required by condition) which will include measured to ensure the retained grassland is restored and improved. Gloucestershire Wildlife Trust has confirmed that the prescriptions within this document should result in securing and enhancing the biodiversity interest of the retained areas of the Local Wildlife Site.

1.2.2 Further correspondence from Aspect confirms that it will be possible to retain the existing pond on site. An additional condition in this respect is proposed so that details of this can be agreed.

1.2.3 The letter submitted on behalf of Bioscan makes reference to the Defra biodiversity metric, as discussed in paras 6.5.26 – 6.5.30 of the Officer report. The County Ecologist has provided a commentary to this letter which highlights issues in using the metric and reiterates that the metric is not the finished product and is not a replacement for a proper assessment by qualified ecologists. He repeats his view that the scheme will result in no net less of biodiversity.

1.2.4 The letter also makes reference to the recent designation of the site as a Local (Key) Wildlife Site (LWS). This makes reference to the recording and recognition of grassland species in relation to the designation, however GWT designated the LWS on the grounds of 'Value for Learning'. It was not stated that it qualifies on the ecological value of the grassland alone.

1.2.5 The conclusions of the Ecology section of the Officer report are unchanged. The County Ecologist will attend the Planning Committee meeting.

1.3 Trees

1.3.1 A report has been submitted on behalf of CK Friends in relation to the trees on site. A response has been provided from CBC Tree Officer. It is not considered that there is anything within these comments which would lead to a differing conclusion than already stated within the Officer report.

1.3.2 The Tree Officer will attend the Planning Committee meeting.

1.4 Conditions

1.4.1 The list of recommended conditions has been amended as follows:

Condition 20 – amended to include arboricultural considerations in the management plan and make reference to the Outline Arboricultural Management Plan. The time frame in criterion (e) changed to 10 years. A new criterion (j) added to include measures for the management of retained trees.

Condition 23 – amended to change the period for replacement of trees to 10 years

Condition 25 - amended to change the period for replacement of trees to 10 years

Condition 34 – New condition requiring the pond to be retained, in accordance with a scheme to be submitted.

2. CONCLUSION AND RECOMMENDATION

2.1 Subject to the changes to conditions outlined above the conclusion and recommendation is unchanged from the Officer Report. For completeness a full updated list of conditions is provided below.

3. CONDITIONS

1 The outline planning permission hereby granted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 Application(s) for approval of the reserved matters (appearance and landscaping) must be made not later than the expiration of three years from the date of this decision.

Reason: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3 The outline planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

4 The application for approval of landscaping as a reserved matter shall include full details of the surface water drainage proposals; and the information submitted shall be in accordance with the principles set out in the approved drainage strategy. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

1.

i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
ii. include a timetable for its implementation; and
iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The surface water drainage works shall thereafter be implemented strictly in accordance with approved details, prior to the commencement of any building works above ground level.

Reason: To ensure the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem, and to minimise the risk of pollution for the lifetime of the development, in accordance with adopted policy INF2 of the Joint Core Strategy (2017). The detailed surface water drainage proposals are required at reserved matters stage as they form an inherent part of the landscaping proposals.

5 No works shall commence on site on the development hereby permitted until details of highway improvements consisting of the installation of a connecting section of footway (2m wide) with tactile dropped crossing point between Beaufort Road and Ewens Road (north side), extension to the footway (2m wide) and dropped kerb tactile crossing point across Charlton Court Road, and a bus shelter to serve Bus Stop ID: glodtwmt located on Beaufort Road have been submitted to and approved in writing by the Local

Planning Authority and no occupation/opening to the public shall occur until the approved works have been completed and are open to the public.

Reason: To ensure that safe and suitable access to the site can be achieved for all users and that the priority is first given to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and secondly, so far as possible, to facilitating access to high quality public transport, in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

6 Prior to commencement of the development hereby permitted details of a construction management plan or construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

i. Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
ii. Routes for construction traffic;
iii. Any temporary access to the site;
iv. Locations for loading/unloading and storage of plant, waste and construction materials;
v. Method of preventing mud and dust being carried onto the highway;
vi. Arrangements for turning vehicles;
vii. Arrangements to receive abnormal loads or unusually large vehicles; and
viii. Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: To minimise disruption on the public highway and adjacent land users and to accommodate the efficient delivery of goods and supplies during the course of the construction works in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraph 110 of the National Planning Policy Framework. Approval is required upfront because without proper mitigation the construction works could have an unacceptable highway impact.

7 No development shall commence until a detailed Site Waste Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall identify the main waste materials expected to be generated by the development during the construction phase and set out measures for dealing with such materials so as to minimise overall waste and to maximise re-use, recycling and recovery in line with the waste hierarchy. The detailed Site Waste Management Plan must include: -

i. Information on the type and amount of waste likely to be generated prior to and during the construction phase;
ii. Details of the practical arrangements for managing waste generated during construction in accordance with the principles of waste minimisation; and
iii. Details of the measures for ensuring the delivery of waste minimisation during the construction phase.

The Site Waste Management Plan shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

Reason: To ensure the effective implementation of waste minimisation in accordance with Gloucestershire Waste Core Strategy: Core Policy WCS2 - Waste Reduction.

8 No building or use hereby permitted shall be occupied or use commenced until the means of access for vehicles, pedestrians and/or cyclists have been constructed and completed in accordance with the approved plans.

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the scope for conflict between traffic and cyclists and pedestrians, and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 108, 110 and 127 of the National Planning Policy Framework.

9 No building or use hereby permitted shall be occupied or use commenced until the car/vehicle parking area and turning space associated with each building within the development (including garages and car ports where proposed) shown on the approved plans PL005 Rev B and SK25 Revision: F has been completed and thereafter the area shall be kept free of obstruction and available for the parking of vehicles associated with the development.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between pedestrians, cyclists and vehicles is provided in accordance with policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

10 The development hereby permitted shall not be occupied until cycle storage facilities for a minimum of 2 no. bicycles per dwelling have been made available for use and those facilities shall be maintained for the duration of the development.

Reason: To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraph 108 of the National Planning Policy Framework.

11 Prior to occupation or use commenced, evidence that the pre-occupation elements of the approved Travel Plan have been put in place shall be prepared, submitted to and approved in writing by the Local Planning Authority.

The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan to the satisfaction of Local Planning Authority unless agreed in writing by the Local Planning Authority.

Reason: The development will generate a significant amount of movement; and to ensure that the appropriate opportunities to promote sustainable transport modes are taken up in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 111 of the National Planning Policy Framework.

12 The individual vehicular accesses hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2 metres back along each edge of the access, measured from the carriageway edge, extending at an angle of 45 degrees to the footway, and the area between those splays and the footway shall be reduced in level and thereafter maintained so as to provide clear visibility at a height of 600mm above the adjacent footway level and shall be maintained as such for the duration of the development.

Reason: To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, secure and attractive layout which minimises the scope for conflicts between pedestrians, cyclists and vehicles is provided

in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

13 The development hereby permitted shall not be first occupied until the proposed dwellings have been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

Reason: To ensure that the development incorporates facilitates for charging plug-in and other ultra-low emission vehicles in accordance with paragraph 110 of the National Planning Policy Framework.

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property and ancillary domestic storage without the grant of further specific planning permission from the Local Planning Authority.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between pedestrians, cyclists and vehicles is provided in accordance with policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

15 Prior to the commencement of the development hereby permitted including ground works and vegetation clearance a Construction Environmental Management Plan (CEMP) should be submitted to and approved in writing by the Planning Authority. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details. Any modifications to the approved details for example as a result of requirements of a protected species license must be submitted to and agreed in writing by the Planning Authority. The CEMP shall include final details of the following items:

Ecology:

(i) Outline Mitigation Strategy based on Section 4.6 of the Confidential Badger Appendix by Aspect Ecology dated April 2020.

(ii) Other Mitigation Measures MM1 (Hedgerow & Tree Protection), MM2 (Veteran Trees, MM3 (update Preliminary [tree] Roost Assessment), MM4 (Bat Survey and Soft-felling of Trees), MM5 (Re-installation of any affected Retained Bat Boxes), MM7 (Wild Mammal Construction Safeguards), MM8 (Habitat Manipulation/Destructive Search for Reptiles & Amphibians) and MM9 (Timing of Works to avoid Nesting Birds) based on the Ecological Appraisal by Aspect Ecology dated April 2020.

(iii) Adherence to the Tree Protection Plan incorporating arboricultural methods (iv) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) and other responsible persons plus lines of communication

Other Items:

(iv) Procedures for maintaining good public relations including complaint management, public consultation and liaison.

(v) Arrangements for liaison with the Council's Pollution Control Team.

(vi) Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites which shall be used to minimise noise disturbance from construction works.

(vii) Procedures for emergency deviation of the agreed working hours.
(viii) Waste and material storage.
(ix) Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.
(x) Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: To protect the local environment including its landscape and biodiversity value, to ensure that adequate mitigation/compensation measures are provided in order to safeguard protected species, and to reduce any potential impact on local residents, in accordance with saved policy CP4 of the Cheltenham Borough Local Plan (2006), adopted policies SD9 and SD14 of the Joint Core Strategy (2017) and paragraphs 8, 170, 175 and 180 of the National Planning Policy Framework. This information is required up front because without proper mitigation the construction works could have an unacceptable impact on protected species and the amenity of adjoining land users at the beginning of construction.

16 Notwithstanding previously submitted details, prior to the commencement of development, drainage plans for the disposal of foul water shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage shall be implemented in accordance with the approved details prior to first occupation of the development

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution in accordance with adopted policy INF2 of the Joint Core Strategy (2017). Approval is required upfront as any works on site could have implications for drainage, flood risk and water quality in the locality.

17 Prior to the commencement of development, a Lighting Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on mitigation measure MM6 (Sensitive Lighting) within the Ecological Appraisal by Aspect Ecology dated April 2020, and shall include the following details:

(a) the position, height and type of all lighting;
(b) the intensity of lighting and spread of light as a lux contour plan;
(c) the measures proposed must demonstrate no significant effect of the lighting on the environment including preventing disturbance to bats so that light falling on vegetated areas and features used by bats will be below or not exceed 2.0 lux; and
(d) the periods of day and night (throughout the year) when such lighting will be used and controlled for construction and operational needs.

The approved scheme shall be implemented for the duration of the development and thereafter maintained in accordance with the manufacturer's recommendations and scheme details.

Reason: To provide adequate safeguards for protected species on the site, and to ensure that foraging and commuting of bats is not discouraged at this location, in accordance with adopted policy SD9 of the Joint Core Strategy (2017), ODPM Circular 06/2005, paragraphs 109, 118 and 125 of the National Planning Policy Framework and Section 40 of the Natural Environment and Rural Communities Act 2006.

18 Prior to the commencement of development, plans showing the existing and proposed ground levels and slab levels of the proposed and adjacent buildings shall be submitted

to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure a satisfactory relationship between the proposed development and adjacent buildings and land, having regard to saved policies SL1 and D1 of the Cheltenham Plan (2020) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017). Approval is required upfront to allow the impact of the development to be accurately assessed.

19 Prior to the commencement of development, a method statement for the building foundation design, which takes account of existing soil types and adjacent trees so as to prevent future subsidence to new buildings and demands for the removal or heavy pruning of retained trees, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the retained trees in accordance with saved policies GI2 and GI3 of the Cheltenham Plan (2020), adopted policy INF3 of the Joint Core Strategy (2017) and paragraph 175 of the National Planning Policy Framework. Approval is required upfront to ensure that important trees are not permanently damaged or lost.

20 Prior to the commencement of the development a Landscape, Arboricultural and Ecological Management Scheme based on the Landscape Strategy drawing 19216.101 revision D dated 14-04-20, Proposed New Tree Planting Management Plan - Head of Terms, Outline Arboricultural Management Plan (included on Tree Protection Plan Dwg no. 38-1036.03-E) and the Ecological Appraisal dated April 2020 (Ecological Enhancements EE1 to EE8 inclusive) shall be submitted to and approved by the Planning Authority. The scheme shall comprise of a drawing and document that covers:

(a) Aims and objectives of the scheme including conservation of protected and priority species and a net gain for biodiversity appropriate green infrastructure;
(b) A plan with annotations showing the soft landscape, hard landscape, habitat, vegetation and artificial features to be retained, created and/or managed;
(c) Measures (including establishment, enhancement and after-care) for achieving the aims and objectives of management;
(d) Provision for educational but not public access;
(e) A work and maintenance schedule for 10 years and arrangements for beyond this time;
(f) Monitoring and remedial or contingency measures;
(g) Organisation or personnel responsible for implementation of the scheme;
(h) Issue of a homeowner's information pack on local recreational opportunities and the sensitivity of the Cotswolds Beechwoods SAC.
(i) Measures to achieve the retention and enhancement of the Ladies Bedstraw population within the site.
(j) Measures for the management of existing trees retained pursuant to Condition 25.

The Scheme shall also include details of the legal and funding mechanisms by which the long-term implementation of the scheme will be secured by the developer with the management body responsible for its delivery. The scheme shall be implemented as approved by the Planning Authority.

Reason: To conserve and enhance the landscape and biodiversity value of the land and in accordance with JCS policies SD6 and SD9, ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 8, 170 and 175. This is also in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006, which confers a general biodiversity duty upon Local Authorities.

21 Prior to the commencement of any above ground works, a scheme for the provision of fire hydrants (served by mains water supply) shall submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the hydrant serving that property has been provided.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire in accordance with adopted policy INF6 of the Joint Core Strategy (2017) and paragraph 110 of the National Planning Policy Framework.

22 Notwithstanding the submitted details, prior to the commencement of any building works above ground level, details of a scheme for the provision and future maintenance of multi-functional green infrastructure to include areas of informal play shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development.

Reason: To ensure that the development makes a positive contribution towards green infrastructure and provides opportunities for play and recreation in accordance with adopted policies INF3 and INF6 of the Joint Core Strategy (2017) and paragraphs 69 and 109 of the National Planning Policy Framework.

23 Notwithstanding previously submitted details, prior to the commencement of any building works above ground level, full details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify the number and location of all new trees and hedges to be planted; their species, size, spacing/density of hedges, root types, tree pit details (including details of introduced soil amelioration plans); and protection from deer and other predators as well as protection for the street trees from vehicles etc. The scheme shall also include: a. a short, medium and long term management for all trees to be planted; b. details of the restoration and remedial surgery to parts of the existing hedge to be retained; c. details of the proposed pond to the south of the site; and d. wild flower strips in the public open spaces. All hard landscaping works shall be carried out in accordance with the approved details prior to first occupation of the development unless otherwise agreed in writing by the Local Planning Authority. All soft landscaping shall be carried out in the first planting and seeding season following completion of the development or first occupation of the development (whichever is sooner). Any trees which within a period of 10 years, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of the same size or species unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area in accordance with saved policies D1, GI2 and GI3 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017). Approval is required upfront because the landscaping is an integral part of the development and its acceptability.

24 All works including paths, parking areas and other forms of hard landscaping that fall within Root Protection Areas (RPAs) of the retained trees shall be constructed using a no-dig method as per the submitted drawings. Prior to the commencement of development, full details of the proposed no-dig method shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented strictly in accordance with the details so approved.

Reason: To safeguard the retained trees in accordance with saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006), adopted policy INF3 of the Joint Core Strategy (2017) and paragraph 175 of the National Planning Policy Framework. Approval is required upfront to ensure that important trees are not permanently damaged or lost.

25 No trees, shrubs or hedges within the site which are shown to be retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed, without the prior written permission from the Local Planning Authority. Any retained trees, shrubs or hedges removed without such permission, or which die or become severely damaged or seriously diseased within 10 years from the completion of the development hereby permitted, shall be replaced with trees, shrubs or hedge plants of a similar size and species during the next planting season unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the retained trees in accordance with saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006), adopted policy INF3 of the Joint Core Strategy (2017) and paragraph 175 of the National Planning Policy Framework.

26 The development shall be implemented in accordance with the Tree Protection Plan drawing 38-1036.03-A dated 17.04.20 which incorporates arboricultural methods and supervision details. All protective structures installed shall be maintained until construction work has been completed. No materials, soils, or equipment shall be stored under the canopy of any retained tree or hedgerow within the application site.

Reason: To prevent unnecessary loss of amenity and biodiversity value of trees and shrubs to be retained in accordance with Policies GI2 and GI3 of the Cheltenham Plan (2020), ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 8, 170 and 175.

27 No tree and/or hedge clearance shall be carried out during bird nesting season (1st March to 31st August inclusive) unless the site has been surveyed in advance for breeding birds and a scheme to protect breeding birds has first been submitted to and approved in writing by the Local Planning Authority. Any such scheme shall be implemented in accordance with the approved details.

Reason: To provide adequate safeguards for protected species on the site in accordance with adopted policy SD9 of the Joint Core Strategy (2017) and paragraph 118 of the National Planning Policy Framework.

28 No construction works and/or ancillary operations which are audible at the site boundary shall be carried out on site outside the following hours:

Monday to Friday - 8am to 6pm
Saturday - 8am to 1pm

There shall be no working on Sundays or Public or Bank Holidays. Deliveries to, and removal of plant, equipment, machinery and waste from, the site shall only take place within the permitted hours detailed above.

Reason: To ensure that any impact on the amenity of the occupiers of adjacent dwellings is minimised and controlled in accordance with saved policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

29 No external facing or roofing materials shall be applied unless in accordance with: a) a detailed written specification of the materials; and b) physical samples of the materials. The details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the development is appropriate to its surroundings in accordance with saved policy D1 of the Cheltenham Plan (2020),

adopted policy SD4 of the Joint Core Strategy (2017) and guidance set out within Section 12 of the National Planning Policy Framework.

30 No boundary treatments, including boundary walls, fences or other means of enclosure shall be constructed unless in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall thereafter be implemented in accordance with the approved details prior to first occupation of the development hereby permitted.

Reason: To ensure that the external appearance of the development is appropriate to its surroundings in accordance with saved policy D1 of the Cheltenham Plan (2020), adopted policy SD4 of the Joint Core Strategy (2017) and guidance set out within Section 12 of the National Planning Policy Framework.

31 Prior to first occupation of the development, details of a Homeowner's Information Pack resource providing information on recreation resources in the locality shall be submitted to and approved in writing by the Local Planning Authority. The pack should reference:

- Alternative local recreation opportunities (off site), e.g. website information for Cotswolds AONB and recreation 'offer' https://www.cotswoldsaonb.org.uk/visiting-and-exploring/
- Relevant adopted Cheltenham, Gloucester and Tewkesbury JCS policy (e.g. INF3 green infrastructure) and supporting text (e.g. 5.4.6 re. Green Infrastructure strategy 'vision') and Policy BG1 of the Cheltenham Plan 2020.

Each dwelling shall be provided with an approved Homeowner Information Pack on occupation.

Reason: To ensure that appropriate measures to mitigate for any adverse effects to the Cotswold Beechwoods SAC that could potentially occur as a result of the proposal, are suitably addressed in accordance with adopted policy SD9 of the Joint Core Strategy (2017), policy BG1 of the Cheltenham Plan 2020 and paragraphs 175, 176 and 180 of the National Planning Policy Framework.

32 Prior to first occupation of the development, refuse and recycling storage facilities shall be provided in accordance with a scheme which shall have first been submitted to and approved in writing by the Local Planning Authority. The storage facilities shall thereafter be retained for that purpose.

Reason: In the interests of sustainable waste management and recycling, having regard to Policy W36 of the Gloucestershire Waste Local Plan.

33 Prior to first occupation of the development, leaf guards for the guttering and down pipes of the dwellings shall be installed in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority, and shall be maintained as such thereafter.

Reason: To reduce levels of tree-related inconvenience experienced by residents during the occupancy of the development.

34 The existing pond to the north of the site, indicated on Aspect ecology drawing 5487/ECO3, shall be retained in accordance with details which shall have been submitted to the Local Planning Authority prior to the first occupation of the site.

Reason: To provide adequate safeguards for protected species on the site in accordance with adopted policy SD9 of the Joint Core Strategy (2017) and paragraph 118 of the National Planning Policy Framework.

INFORMATIVES :-

1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

2 The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

i. Drafting the Agreement
ii. A Monitoring Fee
iii. Approving the highway details
iv. Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

3 The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk. You will be required to pay fees to cover the Councils cost's in undertaking the following actions:

i. Drafting the Agreement
ii. Set up costs
iii. Approving the highway details
iv. Inspecting the highway works

You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority.

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

4 The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at Network&TrafficManagement@gloucestershire.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

5 The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury borough council on 01242 264321 for further information.

@ Applicant's Ecologist & Glos. Wildlife Trust

aspect ecology

Framework Management Plan

Project: Oakhurst Rise, Cheltenham

Technical Briefing Note TN12: Framework Management Plan for Restoration of Retained Grassland and Associated Habitats

Date: 07 September 2020

1. Introduction and Background

1.1 Aspect Ecology is advising the applicant on ecological matters relating to the site at Land Adjacent to Oakhurst Rise, Cheltenham. The site is proposed for residential development and associated landscape enhancements (planning application ref: 20/00683/OUT). The site is subject to a recent LWS designation.

1.2 Under the proposals, which are to develop only part of the site, an opportunity is available to restore the retained area of existing grassland shown edged red on the accompanying plan to herb rich meadowland. The details of how this is to be carried out will be secured by way of a planning condition, to require the drafting and implementation of a Grassland Management Plan (or similar description). This will be attached to a grant of planning permission requiring the submission of the Management Plan for the approval of the LPA. The submission of the Management Plan pursuant to a planning condition will become available for public consultation. The Management Plan will also secure the management of the other associated habitats within the site.

1.3 The purpose of this note is to set out a framework for the Management Plan.

2. Structure for Management Plan

2.1. The management plan will be structured using a similar series of headings to the following:

1) Introduction
2) History to the site
3) Existing ecological baseline
   a. Botanical survey data
   b. Faunal survey data
   c. Fungi, lower plants and other groups
4) Management overview
   a. Aims and objectives
   b. Areas covered by the management plan
   c. Site tenure
   d. Responsibility
   e. Management structure
   f. Ecological constraints

5) Soil testing
6) Meadow Restoration prescriptions (capital works)
7) Pond creation (capital works)
8) Ongoing conservation management of meadow
9) Ongoing conservation management of other habitats
    a. Pond
    b. Trees
    c. Hedgerows and scrub
    d. Refugia and hibernacula
10) Conservation management prescriptions for faunal species groups
    a. Bats
    b. Badgers
    c. Reptiles
    d. Amphibians
    e. Birds
    f. Invertebrates
11) Control of invasive species and weeds
12) Management to prevent public access (land edged red)
13) Funding arrangements

3. Considerations for inclusion in grassland restoration prescriptions

3.1. Soil testing will be undertaken to assess existing nutrient levels within the soil and levels of compaction. Assessment of phosphorous levels is particularly important for grassland restoration. This will inform future restoration management actions.

3.2. At the present time, a rank closed grassland sward dominates the meadow. In order to open the root mat, a close grassland cut will be undertaken followed by light to moderate scarification through harrowing to break up the thatch and root mat. It may be necessary to harrow a number of times.

3.3. Timings of grass cuts will consider the life cycles of resident invertebrate species (e.g. timing of caterpillar food plants). Of particular relevance, is the spring abundance of Pignut *Conopodium majus* at the site which acts as the food plant for Chimney Sweeper Moth *Odezia atrata*. Other species should also be considered such as Five-spot Burnet Moth *Zygaena trifolii* the foodplant for which is Bird's-foot Trefoil *Lotus corniculatus*.

3.4. Harrowing can be detrimental to grassland fungi, particularly waxcaps that are associated with a moss layer. The presence of any grassland fungal interest will be reviewed prior to harrowing.

3.5. Harrowing will have the effect of activating the existing seedbank which is present allowing any herbs which persist in the soil which have been suppressed by the thick root mat to germinate.

3.6. Post harrowing, natural germination of meadow forbs will be assessed and, if necessary, will be supplemented with an appropriate neutral grassland herb rich native seed mix. This will be preferentially sourced from a local meadow or should this not be available, from a commercial supplier and will be sown post harrowing. Yellow rattle will be included as a component in the mix to suppress subsequent vigorous regrowth by coarse grasses. Sowing will be timed so that germination is successful e.g. in spring, when subsequent rainfall is likely. Otherwise watering will be necessary.

3.7. Currently, some vestigial grassland interest is present, with a number of herb species reduced to just a single specimen or small numbers of individuals e.g. Ox-eye Daisy, while other herb species are patchy within the sward such as Ladies Bedstraw. Turfs and plug plants of Ladies Bedstraw from 2 patches to the north west of the ice-house will be translocated into the area of meadow (land edged red).

3.8. Aftercare will be undertaken involving regular grass cutting (with removal of the arisings) e.g. every 2 – 4 weeks, during the period the restored sward establishes. Regard to invertebrate food plants will be taken (as per section 3.3 above). In particular, invertebrate lifecycles will be considered and areas of uncut sward may be required to be retained. Supplementary weed suppression will be undertaken as necessary with details of the methods to be employed set out in the full Management Plan.

3.9. Long term conservation management will be based on a hay cut regime of a cut in mid-July post flowering and seeding with the hay bailed and removed. An additional early spring cut in late April or early May and/or an early autumn cut in mid to late September will control vigorous grasses. Alternatively, the meadow could be lightly grazed post the hay cut in July (but not before) until the end of October. Regard to invertebrate food plants will be taken (as per section 3.3 above). Climate change is driving changes in flowering dates. For long term management, the timing of hay cuts will be adjusted to align with climate driven changes to flowering dates.

3.10. As part of the above, consideration will be given to the faunal interests present including reptiles, Badger and invertebrates, with appropriate safeguards put in place.

4 Consultation

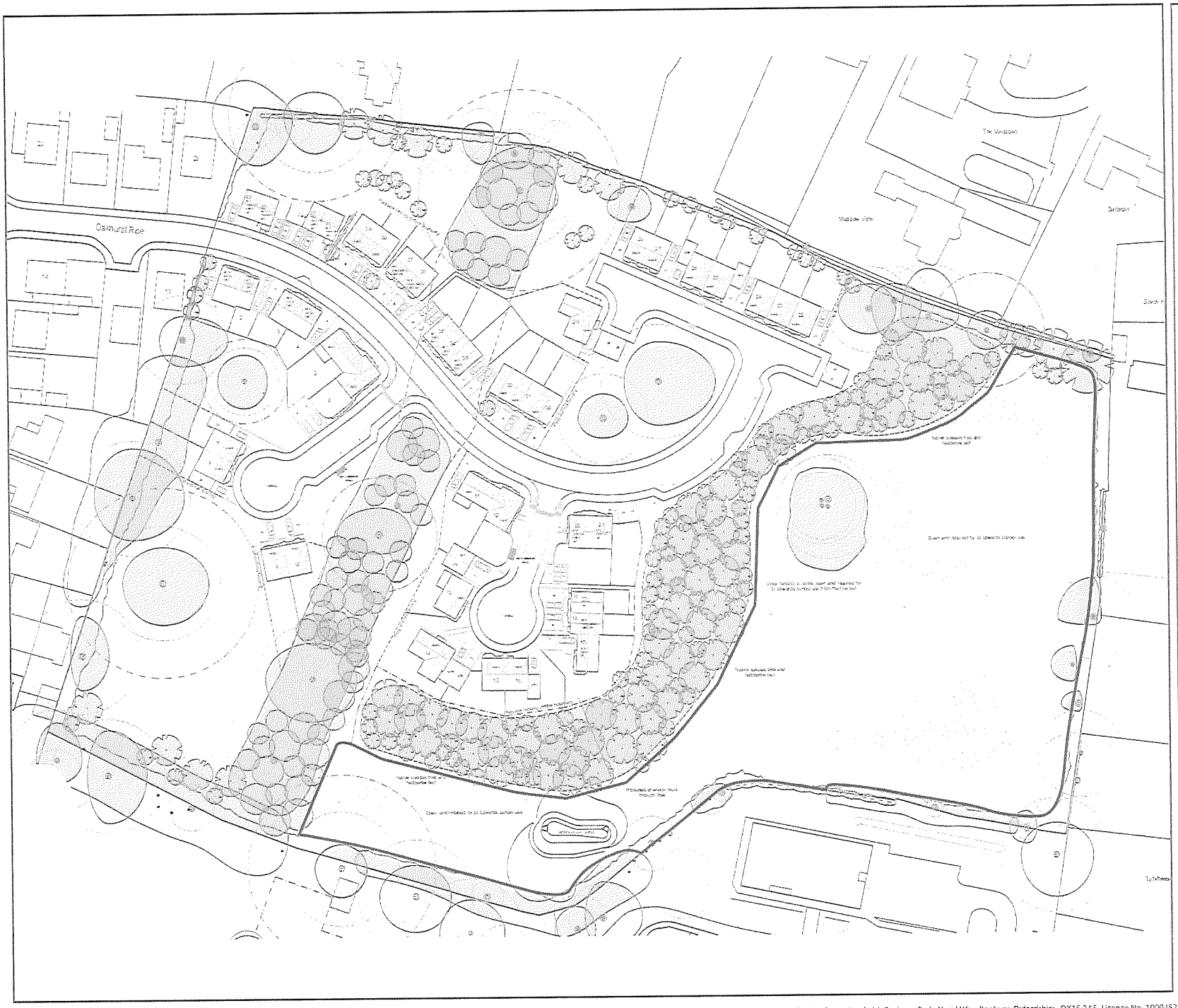
4.1. Gloucestershire Wildlife Trust has been consulted on the drafting of this Framework Management Plan and their comments have been fully incorporated into this final version (see Appendix 1).

5 Conclusion

5.1. A management plan based on the above framework will lead to the development of a botanically species rich meadow while its associated habitats e.g. hedgerows, scrub, pond and trees will also be managed to maximise their ecological potential. Benefits for faunal species will also be incorporated with funding for ongoing conservation management of the habitats secured as part of the development proposals. In conclusion, these prescriptions will provide a varied resource for wildlife that secure and enhance the interest of the Local Wildlife Site.

Plan 5487/RGR1

Location of Retained Grassland for Restoration



Key:

Retained Grassland for Restoration

aspect ecology

Aspect Ecology Limited - West Court - Hardwick Business Park
Noral Way - Banbury - Oxfordshire - OX16 2AF
01295 279721 - info@aspect-ecology.com - www.aspect-ecology.com

Land Adjacent to Oakhurst Rise, Cheltenham	PROJECT
Location of Retained Grassland for Restoration	TITLE
5487/RGR1	DRAWING NO.
-	REV.
September 2020	DATE

Appendix 5487/1:

a) Consultation response from Gloucestershire Wildlife Trust on the Framework Management Plan dated 07 September 2020; and

b) subsequent follow up email correspondence of the same date

Gloucestershire
Wildlife Trust

Gloucestershire Wildlife Trust
Robinswood Hill Country Park
Reservoir Road
Gloucester
GL4 6SX

info@gloucestershirewildlifetrust.co.uk
www.gloucestershirewildlifetrust.co.uk
Telephone: 01452 383333

Registered charity number: 232580
Registered in England number: 708575

William Morrison (Cheltenham) Ltd
113-115 Pillar House Bath Road
Cheltenham
GL53 7LS

7th Sept 2020

Dear Sir,

Advice on the content of Framework Management Plan for St Edwards Prep School Meadow Local Wildlife Site under planning application 20/00683/OUT.

This advice is limited to the Framework Management plan only and should not be taken as an endorsement of the planning application itself by GWT.

Comments on section 2 - Structure for Management Plan:

As an outline, the headings cover the range of management issues present at the site.

Comments on Section 3 - Considerations for inclusion in grassland restoration prescriptions:

3.1 Agree soil nutrient testing is required, assessment of phosphorous level is particularly important for grassland restoration.

3.2 Timing of grass cuts should consider the life cycles of resident invertebrate species (e.g. timing of caterpillar food plant) to avoid wiping out site population. If necessary, leave some areas uncut for invertebrates to complete their lifecycle. Harrowing can be detrimental to grassland fungi, particularly waxcaps that are associated with a moss layer. Be clear that there is not grassland fungal interest before undertaking harrowing and if there is, adjust the management appropriately.

3.4 It is preferable to retain what is already on site. If the residual seed bank is not sufficient, seed sourced from a local meadow would be preferable to seed from a commercial supplier to maintain local genetic integrity.

3.6 As in 3.2 invertebrate life cycles need to be considered. Some areas of uncut grass may be required, though food plants need to be present in uncut areas. Details should be given on method of weed suppression.

3.7 Climate change is driving changes in flowering dates. For long term management, the timing of hay cut may need to move to align with climate driven changes to flowering dates.

Kind regards

[redacted]

Dr Juliet Hynes

Nature Recovery Network Coordinator

Alistair Baxter

From: [redacted]
Sent: 07 September 2020 16:25
To: Alistair Baxter
Subject: RE: Oakhurst rise/St Edwards Prep School field

Dear Alistair, Thank you for the revised version of the Framework Management Plan (FMP) and the acknowledgment that these comments refer to the FMP only. Gloucestershire Wildlife Trust confirms that the prescriptions within the revised draft of the FMP should result in securing and enhancing the biodiversity interest of the retained areas of the Local Wildlife site.

Kind regards
Juliet

Dr Juliet Hynes
Nature Recovery Network Coordinator
Gloucestershire Wildlife Trust
Conservation Centre, Robinswood Hill Country Park,
Reservoir Road, Gloucester, GL4 6SX
Main Switchboard: [redacted]
Please note new number **Mobile:** [redacted]
www.gloucestershirewildlifetrust.co.uk
@gloswildlife /gloswildlife /gloswildlife

From: Alistair Baxter <[redacted]
Sent: 07 September 2020 16:01
To: Juliet Hynes <[redacted]
Subject: RE: Oakhurst rise/St Edwards Prep School field

Dear Juliet,

Thank you for your response of today's date in regard to the draft Framework Management Plan (FMP). We have taken on board all of the Trust's points and incorporated these into an updated FMP. I would be grateful for confirmation that as a result GWT can now endorse the FMP and its conclusion that *"these prescriptions will provide a varied resource for wildlife that secure and enhance the interest of the Local Wildlife Site"*. We understand that this would not be taken as an endorsement of the planning application itself by GWT.

Regards

Alistair Baxter
Director
t: 01295 279721 | m: 0787 6232615 | e: alistair.baxter@aspect-ecology.com

(b) Applicant's Ecologist response to objection

aspect ecology

Technical Briefing Note

Project: Land at Oakhurst Rise, Cheltenham

Technical Briefing Note TN13: Response to Charlton Manor Comments dated 04 September 2020

Date: 09 September 2020

1 INTRODUCTION

1.1 Aspect Ecology has been appointed by William Morrison (Cheltenham) Ltd. to advise on ecological matters relating to the site at Land Adjacent to Oakhurst Rise, Cheltenham. The site is proposed for residential development and associated landscape enhancements.

1.2 A letter from Charlton Manor dated 04 September 2020 has been submitted to Cheltenham Borough Council with comments relating to the ecology at the site. Aspect Ecology has been asked to review and respond to this correspondence. The comments are addressed in the same sequence that they occur within the letter and have been reproduced below for ease of reference.

2 COMMENTS

2.1 Aspect Ecology has numbered the comments for ease of reference:

2.2 **Comment 1:**

"It is truly regrettable that the annual hay cut of the field has been cancelled (according to the contractor who was scheduled to cut it in early July, "the developers' ecologists need to do more work"*). Such a delicate ecosystem is easy to undermine, and it is difficult to believe claims that the future of the site should be trusted to those wishing to profit from the land, when there is scant evidence the biodiversity that exists today is being protected under their stewardship".*

2.3 A further botanical survey[1] of the grassland was undertaken by Aspect Ecology following a submission made to the Council by Friends of Charlton Kings, in order to ensure the Cheltenham Borough Council were provided with the most up to date information. To benefit the botanical survey, so as to aid in the identification of species and provide further confidence in the survey results, cutting of the grassland was held back. The cutting of the grassland was further placed on hold to benefit the Gloucestershire Wildlife Trust and the County Ecologist whilst undertaking their own walkover and assessment of the grassland.

2.4 With this survey and assessment work now complete, the annual hay cut of the grassland has been re-scheduled for the near future. A minor delay to the cutting of the grass poses no threat to the wellbeing of the grassland ecosystem.

[1] Technical Briefing Note TN09: Results of Botanical and NVC Survey

2.5 **Comment 2:**

"With respect to the repeated surveys of the site in July and August (reptiles and grassland), it is regrettable that nothing has been done at the appropriate time of year, since 2016 when this site was first proposed. Any such surveys might have captured its full ecological value. Their absence speaks volumes, as the planning inspector noted in 2019".

2.6 A botanical survey of the grassland was undertaken in July 2019, whilst other surveys of the grassland have been undertaken in September 2016, and August 2020 (see section 2.2 of Aspect Ecology's Ecological Appraisal dated April 2020). The optimal period for neutral grassland surveys is from June to July, with Aspect's 2019 survey falling within this window. Further surveys in differing months would capture species visible at different times of year. It should be borne in mind that the purpose of the surveys is not to conduct a research project on the grassland but simply to adequately define the value of the grassland to inform a planning decision. Hence, no more than an appropriate level of survey is required for this purpose.

2.7 In relation to reptiles, survey work was undertaken between July and August 2019. While these months may not be optimal in nature for standard survey visits, as temperatures can on occasion be too warm, if adjustments are made to the methodologies employed to take account of conditions e.g. timing of surveys visits to the early morning or to cooler days, then an effective survey can be undertaken. This approach accords with relevant guidance[2]. Such adjustments were made for the 2019 reptile survey on site and as a result it was effective at recording and defining the reptile interest present. This approach employed is discussed in more detail at paragraph 2.4.4 of Aspect Ecology's Ecological Appraisal dated May 2020.

2.8 Accordingly, all survey work has been conducted within appropriate survey windows. The Planning Inspector in 2019 made reference that *"there is no countervailing evidence to indicate a greater presence of reptiles on the site"*. Accordingly, the surveys are of an appropriate level to inform a planning decision.

2.9 **Comment 3:**

"In particular, the Aspect survey in 2020 returned a similar count to the Bioscan survey done at the same time of year in support of CBC's case at appeal in 2019 (12 vs 14 grassland species, July /August). When the meadow is in flower, a very different result might have been evident; Bioscan's principal ecologist recorded 21 species and discounted a further 4-5 found, photographed and GPS recorded by non specialists, as unproven".

2.10 As discussed above, the level of survey carried out by Aspect Ecology is appropriate to inform a planning application. It is necessary to provide no more than an appropriate level of information to enable an informed planning decision to be made. This level of information has been provided.

2.11 **Comment 4:**

"The county ecologist states only 43% of the existing grassland will be retained, which sits uncomfortably with statements that 'new wildflower meadow' will be created. As is evident from photos that have already been submitted, the retained grassland is already a wildflower meadow so no 'new' creation is possible. The meadow flowers between April and June but has never been surveyed at that time (other than by Bioscan). Cowslips, vetches, woodrush, pignut, trefoils,

[2] Froglife Advice Sheet 10: Reptile Survey – An introduction to planning, conducting and interpreting surveys for snake and lizard conservation.

various buttercups and cuckoo flower predominate (The protected English bluebells, photos taken 3 May 2020, can be found across the field, including on the proposed site of the driveways for houses 22-28 and across the wider site of houses 11-21), not, as Aspect claim, in the hedgerows)".

2.12 We have clarified that the grassland on the site will be retained and enhanced (not created) within the submitted 'Technical Briefing Note TN10: Biodiversity Impact Assessment Using Defra Biodiversity Metric 2.0 Calculation Tool', and this is acknowledged by Gloucestershire Wildlife Trust in their correspondence dated 01 September 2020. The survey work has determined that the herb interest in the grassland is infrequent in nature comprising typically only 5 – 10% of the sward, with the sward dominated by grasses which make up 90 - 95% of the cover. Accordingly, the sward is in a significantly sub-optimal state. While grassland area will be lost to the proposal, the opportunity is present to restore the retained area of grassland to a herb rich sward. The Gloucestershire Wildlife Trust has confirmed the enhancement of the grassland habitat would benefit the ecological network[3]. A Framework Management Plan (see Technical Briefing Note TN12) of how this will be achieved has been agreed with Gloucestershire Wildlife Trust.

2.13 In particular, as Aspect Ecology's letter to Gloucestershire Wildlife Trust dated 07 August 2020 sets out, the proposals will:

- **Secure future**: The future of the grassland will be secured and protected such that the risk that its interest would be lost through inappropriate management e.g. application of herbicide, fertilizer or re-seeding would be removed;
- **Restoration**: Positive work would be carried out to restore the grassland interest to that of a meadow of high conservation value e.g. MG5. The detail of how this would be achieved would be the subject of a specific method statement, but could include the scarification of the sward to expose the underlying seedbank and soil and the import of green hay from a suitable local donor meadow if one is available or alternatively the spreading of an appropriate native wildflower seed mix with a large Yellow Rattle component to reduce the vigour of coarse grasses;
- **Conservation management**: Favourable grassland conservation management would be secured under the proposals which would be prescribed within a formal management plan. This would then be actioned to ensure the management of the grassland is optimal to maintain the restored botanical interest;
- **Long term funding**: Funding to manage the meadow would be secured under the proposals. This would most likely arise via a service charge on properties such that an assured source of funding for conservation management of the grassland would be available for the life of the development.

2.14 At the present there is no conservation management of the habitats on site. In the absence of the proposals, the prospects for restoration of the grassland are very low as are the prospects for securing the introduction of positive conservation management of the habitats. The proposed development provides an opportunity to protect the retained grassland and secure an appropriate management plan to maximise its biodiversity potential. Indeed, at the present time, there is the potential for the existing grassland interest to be lost, should for example the management of the grassland be altered, or herbicide or fertilizer applications be applied, or the sward re-seeded. By contrast, the proposed development provides the only opportunity to protect and secure the future of the retained grassland alongside an appropriate management plan to maximise its biodiversity potential.

[3] Gloucestershire Wildlife Trust letter to Cheltenham Borough Council on 07 August 2020.

2.15 **Comment 5:**

"There are repeated statements that the meadow is mown but not baled (although Aspect's evidence to the 2019 planning appeal stated the soil had been compacted by extensive use of machinery - that was also untrue). The field was baled the day before the inspector visited last year (photo below), and has been cut annually for as long as residents can remember. Hay is used by St Edwards School for the school farm, and is of sufficient quality to be usable by the Riding for the Disabled charity (they struggle to source organic hay locally and the school donate their surplus). Plenty of photos are available on social media".

2.16 The grassland at the site was baled for the first time in 2019. Prior to this date arisings were left in situ. Although the hay may be of sufficient quality for the school farm, their requirement for hay is very low and accordingly we are informed that this is typically purchased each year. We are also informed that there is no intention in 2020 to bale the hay.

2.17 Such management where the arisings are left in situ is not beneficial to the grassland botanical interests and may be contributing to the currently sub-optimal nature (particularly low herb cover) of the meadow. By contrast, under the proposals an optimal management regime would be secured for the retained areas of grassland, which will include hay cuts with the arising hay baled and removed from site. This would be beneficial for the grassland botanical interest.

2.18 **Comment 6:**

"Various ecology statements now note that the grassland will be leased to the school for their future use. It is unclear how ecologists are qualified to make that assertion. As a primary school St Edwards does not allow children on uncut grass given the prevalence of deer ticks. In the 10 years our children have been pupils at the school, they have kept off the main wildflower area and used the walking paths cut elsewhere across the site for forest school, nature walks and more".

2.19 The retained grassland east of the development will be protected in perpetuity, whilst management will be sympathetic to its recent designation as a Gloucestershire Local Wildlife Site (LWS) on the grounds of 'Value to Learning'. An outline of the optimal management of the grassland has been set out in a Framework Management Plan that has been agreed with Gloucestershire Wildlife Trust. A full detailed management plan based on the agreed Framework will be secured by condition. Conservation management, enacted under the plan, will considerably enhance the grassland's ecological interests such that its biodiversity interest features will become of considerably more interest for learning, hence furthering the criterion for which the LWS is designated.

2.20 **Comment 7:**

"There is a conflict between school use and biodiversity protection (as well as child protection, given the claimed access for residents of the new estate) - which is going to take primacy? And why should the tax payer fund (through S106 payment or otherwise) the maintenance of land that is going to be retained for the sole use of a private school"?

2.21 Use for education/learning and protection for biodiversity are compatible, as long as managed in the appropriate way. How this will be achieved will be set out in the full Management Plan for the grassland which will be secured by way of a planning condition. When enhanced, the meadow will provide a more accessible (through increased botanical diversity being more obviously apparent) resource for biodiversity teaching e.g. practical classes in plant taxonomy, nature drawing, countryside management, moth trapping, beetle collecting etc.

2.22 In terms of child protection, there will be no access to the grassland by new residents. All ecological management costs will be financed from the development scheme. No costs will fall to the tax payer.

2.23 **Comment 8:**

Aspect state that the 'scrub' under the ice house is to be retained in their biodiversity metric, but elsewhere in the application it states that the scrub will be removed as part of the condition to improve the ice house. Which is it?

2.24 Tree Group 3003 on the ice house is shown as retained on the revised Tree Protection Plan Drawing no. 38-1036.03-F (19 May 2020). Accordingly, this tree group is recorded as retained within the biodiversity metric[4]. The retention of the tree group is acknowledged in the 'Heritage Impact Assessment' April 2020 which states at paragraph 4.7 that *"specifically, it is proposed to undertake selective clearance of scrub, but retaining the mature trees, thereby better revealing the icehouse mound"*. Accordingly, only minor tidying of the scrub around the ice house is proposed. It is not necessary to register such a small area of habitat change within the biodiversity metric as it has no material effect on biodiversity outcomes.

2.25 **Comment 9:**

"The most recent county ecology statement notes that mature trees will be removed above the badger sett, including ash and sycamore. This area of woodland is described as 'scrub' in the Aspect biodiversity metric rather than hedgerow or woodland, and the removal of the trees is not given comment in the FLAC tree report. Is the data is being used selectively to pass policy tests, rather than objectively to do the right thing by the site and the planning committee"?

2.26 The DEFRA calculation tool has been completed in accordance with the relevant user guide[5] and technical supplement[6], and rationale for category selections has been set out clearly within Aspect Ecology's Technical Note TN10 'Biodiversity Impact Assessment Using Defra Biodiversity Metric 2.0 Calculation tool'.

2.27 The FLAC tree report describes the trees under reference Tree Group 3004 as *"Cluster of slender upright principal trees comprising ash and sycamore with a scrubby understorey of other species. Quite dense, no management. Low arboricultural merit"*. They are graded as C category and their removal acknowledged in the tree schedule.

2.28 The data is therefore transparently presented and is objectively utilised in the relevant assessments.

2.29 **Comment 10:**

"The county ecologist states that mature ash "will be lost" in the next decade to ash dieback. This is unreasonable. Any mature tree could become diseased, but on that basis no tree merits protection, contrary to NPPF guidance. Natural England research indicates that hedgerow ash

[4] it is coded as scrub in the metric as there is no category in the metric available for trees

[5] Natural England (2019) The Biodiversity Metric 2.0L auditing and accounting for biodiversity: User Guide (Beta version)

[6] Natural England (2019) The Biodiversity Metric 2.0L auditing and accounting for biodiversity: Technical Supplement (Beta version)

trees appear to have a level of immunity to ash dieback, and therefore have a particular biodiversity importance".

2.30 The County Ecologist comments that *"there is a good chance that the ash will be lost to ash die-back disease in the coming decade even if the development does not go ahead"*. Hence, the comment from the County Ecologist is in fact qualified. Given progress of Ash dieback across the country at the present time, this comment appears reasoned in nature and hence is appropriate.

2.31 **Comment 11:**

"There appears to be conflict between the drainage strategy below ground and the tree planting above ground (namely there are claims to an unbroken new tree belt, without explanation as to how trees can be planted over a main drain). This affects the biodiversity metrics, the claimed screening for a Grade 2 listed building, and the claimed flood protection to the wider River Chelt flood plain".*

2.32 The project engineer has advised that it is standard practice, practical and feasible to plant so that the drainage can be implemented directly below or just to the side of the trees, without causing any harm either to the trees or the drains. The proposed drainage within the tree belt will be installed in line with standard installation methods for this situation (as approved for use by Severn Trent Water), including but not limited to, the establishment of appropriate root barriers and the use of an enhanced pipework specification.

2.33 **Comment 12:**

"The county ecologist states that the pond at the top of the site will be lost to the development, counter to statements elsewhere in the proposal. Given the pond is spring fed (and has been on Ordnance Survey maps since at least 1836), where is that water going to go"?

2.34 Loss of the pond had been presumed as it is not shown as retained on the submission plans. However, it is noted that the location of the pond is not to be developed. Accordingly, retention would appear to be possible. Accordingly, further consideration has been given by the applicant to this comment and it is now confirmed that the existing pond can be retained and that this retention could be secured by way of a planning condition. As the pond has been confirmed for retention, this will be beneficial to the biodiversity metric and management of this feature will be included within the management plan secured by planning condition. The project engineer has confirmed that the retention of the pond would have no impact on the storm water drainage strategy.

2.35 **Comment 13:**

"Why is there no comment made on the loss of nearly 30% of an 150+ year old important hedgerow? It is inconceivable that this habitat could be restored or replaced within a 15 year window. Risks to any claimed new habitat include climate change affecting the survival of new planting (drought and floods have killed off any new planting across the Battledown Hill since 2017, other than non native species), the impact of the roe and muntjac deer population in residence, the steep terrain precluding water retention and the dense clay subsoil noted in the Simpson report on drainage".

2.36 Loss of parts of the existing mature hedgerows are considered at section 4.5 of Aspect Ecology's Ecological Appraisal dated May 2020. In respect of the dividing hedgerow within the site (H1),

the area of loss is in fact 23.%[7] rather than the suggested 30%. The majority of the site hedgerows will be retained and protected, while losses will be compensated for by new native planting to bolster existing hedgerows alongside new native hedgerow planting, and the provision of a substantial woodland belt. The dividing hedgerow within the site is treated in the biodiversity metric as 'woodland' and accordingly its established value has been acknowledged.

2.37 The establishment of new habitat features will be monitored, with safeguards used as necessary to deter damage from deer, and any failures of planting will be replaced.

2.38 **Comment 14:**

"Comments from other sources seem to have been ignored across the ecology debate, whereas the claims of William Morrison's planning consultant have been repeated verbatim. Counter views include those of the county moth recorder on irecord ("lepidoptera assemblage would indicate high quality grassland", first recording of chimney sweep moth in the borough since the 1960s) and HMT's inspector of planning ("there will be a net biodiversity loss to the badger population", *full reptile survey necessary before permission is granted) but these have not even been mentioned, let alone addressed. This is regrettable, particularly from supposedly neutral consultees".*

2.39 As discussed above, the grassland is currently in significantly sub-optimal condition, with a very low herb cover of 5 – 10% which has been established from botanical survey work rather than inferred from moth records. The Chimney Sweeper moth has an acknowledged status as 'common'[8].

2.40 The layout has been substantially revised from that considered by the appeal Inspector such that under the revised proposals Badger interests would be fully safeguarded. Notwithstanding this fact, it should be borne in mind that Badgers are a common species (and indeed almost 35,000 Badgers were culled in England in 2019[9]) and do not enjoy an elevated conservation status. The protection they are afforded in legislation is solely on welfare grounds and the legislation allows for licences to be granted for works on Badger setts to enable development proposals to proceed. The intention of the legislation is for Badgers not to represent an impediment to development.

2.41 There is no reference to a *"full reptile survey necessary before permission is granted"* in the 2019 Inspector's decision. However, the matter of reptiles is fully addressed by the County Ecologist in their response dated 02 September 2020 which states *"In addition to previous on site surveys Aspect Ecology carried out an artificial refugia survey for reptiles between July and August 2019. Reptiles and evidence of them being present was also directly searched in suitable places/features. I can accept that there is only a low population of reptiles present consisting of only very few individual slow worms and grass snakes. The mitigation and enhancement measures (MM8, EE2, EE3, EE6 & EE7) plus proposed new landscaping should have a neutral to positive impact overall".*

[7] See Technical Briefing Note TN10: Biodiversity Impact Assessment Using Defra Biodiversity Metric 2.0 Calculation Tool. 07 August 2020. Existing area of H1 is 0.3415ha of which 0.2626ha is retained.

[8] https://butterfly-conservation.org/moths/chimney-sweeper

[9] https://www.gov.uk/government/publications/bovine-tb-summary-of-badger-control-monitoring-during-2019/summary-of-2019-badger-control-operations

3 CONCLUSION

3.1 The points raised in correspondence from Charlton Manor have been considered. In summary:

- The cutting of the grassland on site was delayed to benefit the botanical survey and the site visit by the County Ecologist and Gloucestershire Wildlife Trust. It has now been re-scheduled for the near future;
- Botanical survey work has been carried out at the optimal time of year. The purpose of the surveys is not to conduct a research project on the grassland but simply to adequately define the value of the grassland to inform a planning decision;
- To adjust for the timing of the reptile survey, modifications were made the methodology employed to ensure a satisfactory survey could be conducted. The County Ecologist is satisfied that the findings are robust;
- The grassland on site will be retained and enhanced (not created). The survey work has determined that the herb interest in the grassland is infrequent in nature comprising typically only 5 – 10% of the sward. While grassland area will be lost to the proposal, the opportunity is present to restore the retained area of grassland to a herb rich sward;
- The Gloucestershire Wildlife Trust has confirmed the enhancement of the grassland habitat would benefit the ecological network. A Framework Management Plan of how this will be achieved has been agreed with Gloucestershire Wildlife Trust;
- The future of the grassland will be secured and protected such that the risk that its interest would be lost through inappropriate management e.g. application of herbicide, fertilizer, re-seeding or the leaving of grass cutting uncollected (absence of baling) would be removed;
- At the present there is no conservation management of the habitats on site. In the absence of the proposals, the prospects for restoration of the grassland are very low as are the prospects for securing the introduction of positive conservation management of the habitats;
- By contrast, the proposed development provides the only opportunity to protect and secure the future of the retained grassland alongside an appropriate management plan to maximise its biodiversity potential;
- Use for education/learning and protection of biodiversity are compatible, as long as managed in the appropriate way. How this will be achieved will be set out in the full Management Plan for the grassland which will be secured by way of a planning condition;
- The tree group on the ice house will be retained. Only minor tidying of the scrub around the ice house is proposed;
- The project engineer has confirmed that the proposed tree belt planting can be designed so that it would not affect the drainage pipes which run beneath it;
- The existing pond on the site will be retained;
- The majority of the site hedgerows will be retained and protected, while losses will be compensated for by new native planting;
- The Chimney Sweeper moth has an acknowledged status as 'common';
- Badger interests would be fully safeguarded. Notwithstanding this fact, it should be borne in mind that Badgers are a common species (and indeed almost 35,000 Badgers were culled in England in 2019) and do not enjoy an elevated conservation status.

3.2 In conclusion, a review of the points raised in the correspondence from Charlton Manor finds that these are all already addressed within the application documents. In addition, following the comment raised in respect of the existing pond on site, the applicant has confirmed that this will be retained.

Ms Emma Pickernell
Senior Planning Officer
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 1PP

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29th July 2020
Our ref: SW20/E1986/EPL1
Planning application ref: 20/00683/OUT

Dear Ms Pickernell,

Land off Oakhurst Rise, Cheltenham – Review of Submitted Ecological Appraisal

Following receipt of the ecological appraisal report produced by Aspect Ecology in support of the recently re-submitted planning application for the above site, I have been instructed by the Charlton Kings Friends (CKF) to comment on the likely ecological impacts of the revised scheme.

Biodiversity loss

You may be familiar with my involvement in this site as part of the 2019 planning appeal at which I presented evidence to the Inquiry that led, in part, to the Inspector's dismissal of the appeal. A particular focus of the Inspectors deliberations regarding ecology, was the assessment I undertook of the net effect of the proposal on biodiversity based on the application of a recognised biodiversity metric[1]. Ultimately the Inspector in his decision found that "*the net effect of the proposed development on biodiversity is likely to be either neutral or negative to some degree and certainly not an enhancement as sought by the thrust of current national and local policy*".

Shortly before the close of the Inquiry, Natural England published a beta version (i.e. consultation draft) of their new metric (Metric 2.0) for review by the industry. Despite reference to this being made in oral evidence at the Inquiry, the applicant's ecologists have once again elected not to apply any form of metric to the conclusions in their current ecological appraisal in respect of the revised scheme. Given the current direction of travel of Government policy (towards mandating use of such metrics to demonstrate delivery of at least 10% 'Net Gain'), and the prominence of this issue at the previous appeal, at best, this seems an oversight.

It has therefore fallen to us, on behalf of CKF, to repeat this exercise for the revised scheme now before you. The attached Figures 1 and 2 show the pre and post construction habitats which I have entered into the new metric. The output from inputting these data into the metric is provided in Tables 1 and 2 below. In summary, based on the Metric 2.0, the development would result in a loss of 10.95 biodiversity units (from 34.32 to 23.37), or a loss of 31.90%. By this measure the revised scheme provides no greater protection of biodiversity on the site than the previous scheme and, as the Inspector found previously, continues to fly in the face of national planning policy and guidance which requires development to not

1 https://www.warwickshire.gov.uk/biodiversityoffsetting

only protect biodiversity but to go further and deliver *"net gains for biodiversity"*[2]. It is similarly not compliant with local planning policies such as policy SD9 of the Joint Core Strategy[3], which also require the protection and enhancement of biodiversity as part of development proposals. Relevant parts of this state (emphasis added):

> *"1. The biodiversity and geological resource of the JCS area will be protected and enhanced in order to establish and reinforce ecological networks that are resilient to current and future pressures. Improved community access will be encouraged so far as is compatible with the conservation of special features and interests*
>
> ...
>
> *5. Development within locally-designated sites will not be permitted where it would have an adverse impact on the registered interest features or criteria for which the site was listed, and harm cannot be avoided or satisfactorily mitigated*
>
> *6. Harm to the biodiversity or geodiversity of an undesignated site or asset should be avoided where possible. Where there is a risk of harm as a consequence of development, this should be mitigated by integrating enhancements into the scheme that are appropriate to the location and satisfactory to the Local Planning Authority. If harm cannot be mitigated"*

Habitat assessment

As part of my evidence to the Inquiry, reference was made to the Gloucestershire Key Wildlife Sites (KWS) selection criteria. At that time, 14 'key species'[4] had been identified in the grassland, close to the threshold of 20 needed for the site to be of sufficient diversity to be designated as KWS. As part of my current appointment by CKF I have revisited the site in 2020 in order to continue to catalogue the ecological interest present, focusing in particular on the floral diversity of the grassland. A further seven species have been recorded in the grassland in 2020 (see table 3) bringing the total to a minimum of 21. On the basis of this, not only has the site recently been formally put forward to the KWS selection panel for designation as a KWS, but, moreover, it is clear that the appellants ecological consultants have once again failed to accurately represent the true ecological value of this site. Indeed, they have now failed in both 2019 and 2020 to record many of the floral species present, and as a direct consequence, have materially undervalued the diversity and therefore value of the grassland. On the facts, the site clearly has significant ecological value and certainly well above the *"site context"* frame of geographical reference that is suggested by Aspect in their report.

Conclusion

The revised scheme does not overcome the inescapable fact, as previously found by the appeal inspector, that the site is of higher valued than the appellant's ecologists claim, and that as a consequence the proposed development would, notwithstanding the revisions made, still result in a demonstrable and significant loss of biodiversity, contrary to a raft of national and local planning policies. It has fallen to CKF, via ourselves, to document the value of the site in an accurate and properly representative manner and to expose omissions made by the appellant's ecologists and on which flawed assessments have been made. In

---

2 Paragraph 170 of the National Planning Policy Framework

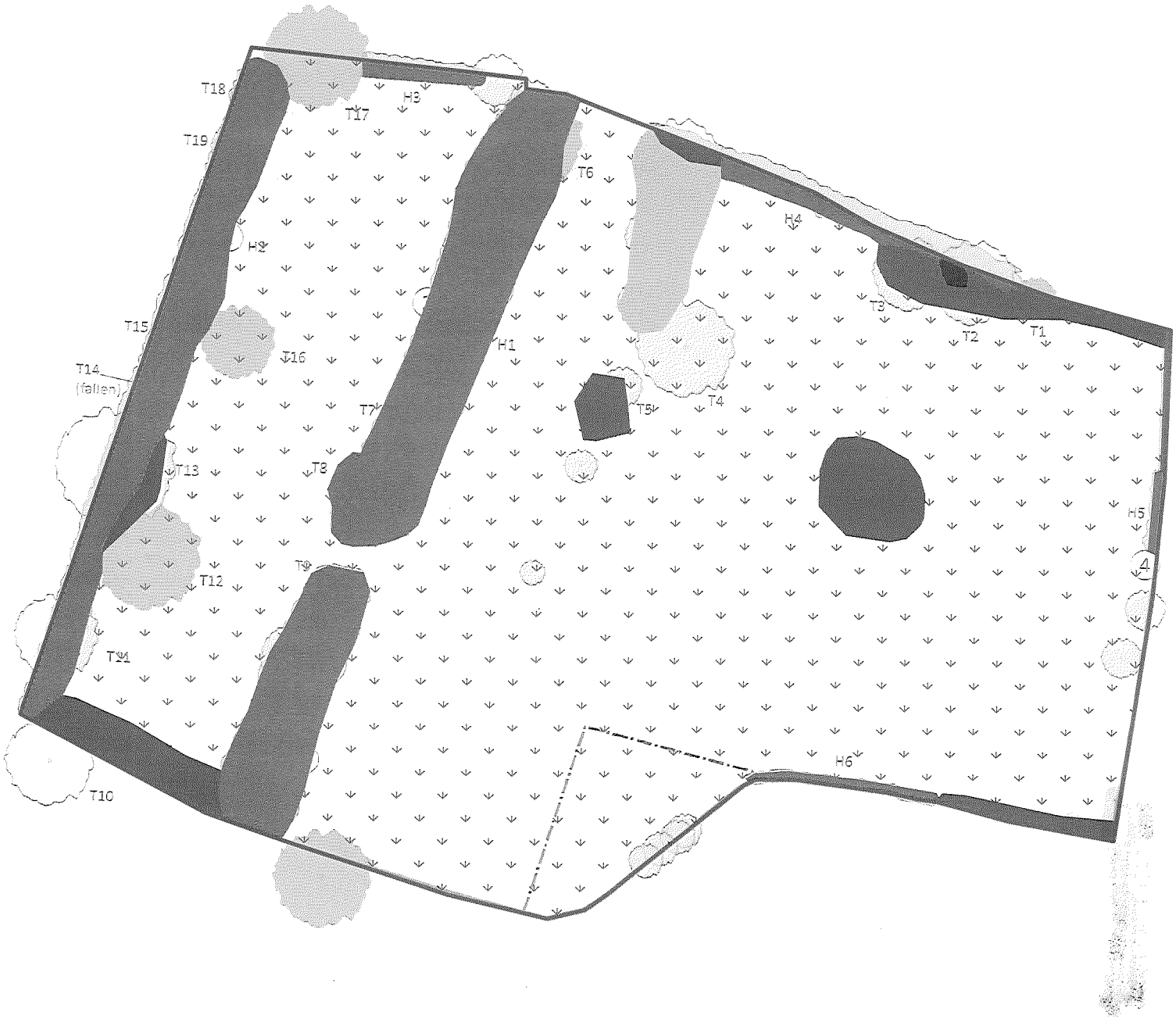
3 Other polices include NE2 and NE3 of the adopted Local Plan (2006).

4 As listed on Table H5c of assessment criteria H5.2.

the process of doing so, it has become apparent that the site in fact exceeds the qualification criteria for designation as a Key Wildlife Site, underlining that the impact of the scheme should be assessed in the context of the site being of at least District and more likely County (i.e. Gloucestershire) value for biodiversity. In light of these matters, there can be no other conclusion than significant harm to biodiversity would occurr due to the proposed development, and with the backdrop of the previous Inspectors comments, it is clear that this planning application should be refused.

Regards
FOR AND ON BEHALF OF BIOSCAN (UK) LTD

Samuel Watson MCIEEM
Principal Ecologist



Key

- Site boundary
- Semi-improved, neutral grassland - 3.42ha
- Dense, continuous scrub - 0.21ha
- Scattered scrub 0.08ha
- Hedgerows - 0.58ha
- Pond - 0.003ha
- Wall - 0.004ha

Base mapping is from Aspect - Habitats and Ecological Features, drawing ref: 5487/ECO2 dated April 2020

DO NOT SCALE

Title

Existing habitats

Project	Client
Land off Oakhurst Rise	Charton Kings Friends

Drawing No.	Revision	Project No.
Figure 1	A	E1986

Drawn	Checked	Date
SW	SW	July 2020

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Key

- Site boundary
- Neutral grassland - 2.16ha
- Development - 1.29ha
- Scrub/young tree planting - 0.49ha
- Retained trees - 0.35ha

DO NOT SCALE

Title

Post development habitats

Project	Client
Land off Oakhurst Rise	Charlton Kings Friends

Drawing No.	Revision	Project No.
Figure 2	A	E1986

Drawn	Checked	Date
SW	SW	July 2020

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Table 1 - Pre-development baseline

	Habitats and areas			Habitat distinctiveness		Habitat condition		Ecological connectivity			Strategic significance			Suggested action to address habitat losses	Ecological baseline
Ref	Broad Habitat	Habitat type	Area (hectares)	Distinctiveness	Score	Condition	Score	Ecological connectivity	Connectivity	Connectivity multiplier	Strategic significance	Strategic significance	Strategic position multiplier		Total habitat units
1	Grassland	Grassland - Other neutral grassland	3.42	Medium	4	Moderate	2	Low	Unconnected habitat	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	Same broad habitat or a higher distinctiveness habitat required	27.36
2	Heathland and shrub	Heathland and shrub - Bramble scrub	0.21	Medium	4	Moderate	2	Low	Unconnected habitat	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	Same broad habitat or a higher distinctiveness habitat required	1.68
3	Woodland and forest	Woodland and forest - Other woodland; mixed	0.08	Medium	4	Moderate	2	Low	Unconnected habitat	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	Same broad habitat or a higher distinctiveness habitat required	0.64
4	Woodland and forest	Woodland and forest - Other woodland; broadleaved	0.58	Medium	4	Moderate	2	Low	Unconnected habitat	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	Same broad habitat or a higher distinctiveness habitat required	4.64
		Total site area ha	4.29											Total Site baseline	34.32

Table 2 – Post-development baseline

Post development/ post intervention habitats																
						Ecological connectivity			Strategic significance			Temporal multiplier		Difficulty multipliers		
Proposed habitat	Area (hectares)	Distinctiveness	Score	Condition	Score	Ecological connectivity	Connectivity	Connectivity multiplier	Strategic significance	Strategic significance	Strategic position multiplier	Time to target condition /years	Time to target multiplier	Difficulty of creation category	Difficulty of creation multiplier	Habitat units delivered
Grassland - Other neutral grassland	2.16	Medium	4	Good	3	Low	Unconnected habitat	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	15	0.586	Low	1	15.19
Urban - Suburban/ mosaic of developed/ natural surface	1.29	Low	2	Good	3	Low	Unconnected habitat	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	5	0.837	Low	1	6.48
Woodland and forest - Other woodland; Young Trees planted	0.49	Medium	4	Poor	1	Low	Unconnected habitat	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	25	0.410	Low	1	0.80
Woodland and forest - Other woodland; broadleaved	0.35	Medium	4	Good	3	Low	Unconnected habitat	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	32+	0.320	Medium	0.67	0.90
Totals	4.29														Total Units	23.37

Table 3 – Cumulative KWS species list

Scientific name	Common name
Species recorded in 2019	
Carex spicata	Spiked sedge
Centaurea nigra	Lesser knapweed
Conopodium majus	Pignut
Galium verum	Lady's bedstraw
Lathyrus pratensis	Meadow vetchling
Leontodon hispidus	Rough hawkbit
Leucanthemum vulgare	Oxeye daisy
Lotus corniculatus	Common bird's-foot-trefoil
Lotus pedunculatus	Greater birds-foot-trefoil
Luzula campestris	Field wood-rush
Potentilla sterilis	Barren strawberry
Primula veris	Cowslip
Tragopogon pratense	Goat's beard
Trisetum flavescens	Yellow oat-grass
Species recorded in 2020	
Carex flacca	Glaucous sedge
Hyacinthoides non-scripta	Bluebell
Hypochaeris radicata	Cats-ear
Primula vulgaris	Primrose
Ranunculus bulbosus	Bulbous buttercup
Rhinanthus minor	Yellow rattle
Viola riviniana	Common dog violet

(d) Arboriculturalist on behalf of CK Friends.

Barton Hyett Associates
Arboricultural Consultants

LAND ADJACENT TO OAKHURST RISE, CHELTENHAM

ARBORICULTURAL REVIEW

Prepared for: Charlton Kings Friends

Prepared by: Ian Monger

10 September 2020

Project reference: F.2622

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CONTENTS:

Instructions

Received from: Mrs Sally Walker, resident of Charlton Manor, Ashley Road, Cheltenham, on behalf of the community group 'Charlton Kings Friends' (CKF).

Terms of reference: to review the submitted outline planning application regarding land adjacent to Oakhurst Rise, Cheltenham (ref: 20/00683/OUT) and provide a statement commenting on the arboricultural elements of the development proposal. This follows a similar instruction for my colleague Paul Barton to comment on a previous application (ref: 18/00710/OUT), which was refused in March 2019.

Scope of work

The scope of my instructions are to:

- visit the application site to familiarise myself with the trees and site context
- review the arboricultural information submitted with the application
- prepare a report giving an independent view of the impacts of the development proposal on the trees at the site.

Documents used to prepare this report

In preparing this report, the following documents (amongst the full suite of submitted documents) have been obtained from the Cheltenham Borough Council website:

- Proposed site plan - drawing no: PL005 Rev B (April 2020)
- Arboricultural report - ref: SC38-1036 (April 2020)
- Landscape Strategy plan - drawing no: 19216.101 Rev F (April 2020)
- The Woodlands Trust consultee comment (June 2020)
- Ancient Tree Forum consultee comment (June 2020)

A copy of Tree Preservation Order (TPO) (No.1, 1981) was also obtained from the Cheltenham Borough Council tree officer.

Summary

The revised planning application for reduced number of dwellings proposed has clearly improved the development proposal in terms of the retention of veteran and protected trees, but the development proposal still has the potential to cause harm to significant trees. In

particular, hydrological changes due to obstruction of soil water flows by new structures may have an adverse impact. Despite protective measures that have been recommended, disturbance to the veteran tree habitats (including soil, ground flora and fungi) during construction and in the site's end-use is likely to occur. There remains a significant risk of permanent damage to high value trees, and of deterioration of the irreplaceable habitats of veteran trees.

1. Introduction

1.1. I am Ian Monger, senior arboricultural consultant at Barton Hyett Associates and a professional arboriculturist. I have 15 years experience working in the arboricultural sector including senior tree officer for a unitary local authority and as an independent consultant (which has included freelance tree officer work for a unitary authority). I am a professional member of the Arboricultural Association. I hold a BSc (Hons) in Environmental Science and Level 3 Technicians Certificate in Arboriculture. I am currently appointed by The Planning Inspectorate as a Non-Salaried Inspector for the determination of TPO appeals.

1.2. I have been asked to provide an independent review of the documents submitted to Cheltenham Borough Council (CBC) in relation to an outline planning application for development of an existing field to the north of St Edward's Preparatory School, to the east of Oakhurst Rise, Cheltenham. The outline planning application is for the construction of 43 dwellings consisting of a mixture of house types and flats. The application seeks approval for the proposal's access, layout and scale but appearance and landscaping are to be a reserved matter.

1.3. A previous outline planning application for 69 dwellings was refused in March 2019. Reasons for CBC's refusal can be summarised as:

- Failure to address constraints and requirements of the land allocation policy within the emerging Cheltenham Plan
- The loss of trees within the site including a significant TPO'd tree and likely deterioration of retained veteran trees
- Impact on the setting of nearby listed buildings

1.4. CBC's additional reasons for refusal on ecology and visual impact grounds were later withdrawn.

1.5. An Appeal against the refusal was dismissed in September 2019. The balancing of planning considerations which led the Inspector to dismiss the Appeal stand on their own. In any case, this new planning application will be considered by CBC on the basis of the details of new proposal, current national and local planning policy and consultation responses. I make some reference to Forbes-Laird Arboricultural Consultancy's (FLAC)

Proof of Evidence to the Appeal where explanation of its tree assessment methodology is missing from the current submission.

1.6. An arboricultural report prepared by FLAC has been submitted with the new planning application. This includes a tree survey, proposed tree retention and removal plan and a tree protection plan.

1.7. This review seeks to provide an independent arboricultural viewpoint on the merits and potential impacts of the proposed development on the site's trees. It is not intended to investigate or question the professionalism or competence of the author of the submitted arboricultural reports. I acknowledge that many aspects of arboricultural consultancy are inherently subjective and that there are numerous interpretations of published guidance, recommendations and standards that can affect the conclusions made on a site.

2. Method of review

2.1. In order to review the planning application and its impact on trees, I began by obtaining the development proposal plans and arboricultural report.

2.2. Following a desktop review of these documents, I made a site visit on 3rd August 2020, where I met Mrs Walker (Charlton Manor) and walked over the site to discuss some particular matters pertinent to this planning application.

2.3. This review has been conducted as a desktop study having studied the amended proposal and the arboricultural report and submitted comments which are available for public viewing on the council's online planning application register.

3. Review of the submitted arboricultural report and objection responses

3.1. The FLAC arboricultural planning submission (ref: SC38-1036, April 2020) consists of a tree survey schedule with a key, 'RAVEN' tree assessment, tree retention and removal plan and an outline tree protection plan. The submission is brief and succinct, dealing with matters arising from the Appeal and how they have been addressed, how the proposal complies with national and local planning policy (including the Tree Preservation Order (TPO) and a matter for resolution by the Planning Committee relating to tree 3015.

3.2. The submission itself provides minimal site-specific description or commentary regarding the impacts of the proposed development. The tree schedule contains all the site-specific details of the trees, including a column labelled 'Proposal' which states whether each tree/ group/hedge is to be retained, partially retained (groups and hedges) or removed in order to facilitate the development.

Veteran/ancient tree categorisation

3.3. The Woodland Trust (WT) and the Ancient Tree Forum (ATF) have submitted detailed objections to the proposal (June 2020), and refer to FLAC's submitted report and to the 'Ancient Woodland, ancient trees and veteran trees: protecting them from development' guidance ('Standing Advice') produced by the Forestry Commission and Natural England. The WT objects on the basis of damage and deterioration of seven veteran trees. The ATF

objects because they assert that the way veteran trees have been identified by FLAC means that trees which should be protected as such by national planning policy have been wrongfully excluded. FLAC has provided detailed responses to each objection (June 2020) which together add a significant degree of additional commentary to the submitted report.

3.4. The objections and subsequent responses focus on disagreements about: the definitions of what is a veteran tree within the national planning policy, policy guidance and published literature, the methodology for assessing veteran trees and the categorisation of the site's trees which follows from these. FLAC's submission uses its in-house 'RAVEN' methodology and identifies 7 veteran trees at the site. The 'RAVEN' methodology, while not as such 'endorsed' by the Appeal Inspector (in the usual sense of the word), was certainly accepted. In contrast, the WT use as their starting point the Ancient Tree Inventory (ATI) to identify veteran trees at the site (which is a source of information 'endorsed' within the Standing Advice (in the usual sense of the word), despite criticism of it from FLAC). The ATF focuses on the characteristics of veteran trees as the starting point. Both the WT and ATF disagree strongly with RAVEN's reliance on tree age/stem size as a starting point.

3.5. The result of the different approaches is that:

- The WT identify five additional trees (3010, 3014, 3015, 3022, 3027) which they believe should have been identified as veteran in the submission
- The ATF identify *at least* two additional trees (3010, 3014) as veteran, with insufficient information on others
- FLAC identify 4 trees (3021, 3026, 3028, 3031) which neither WT nor ATF highlight as veteran trees (albeit the ATF might include these with sufficient information).

3.6. Identifying veteran trees is not a straightforward or simple exercise when very old trees are in question, and there is demonstrably some inherent subjectivity involved which can include perceptions of age, rarity or special landscape context. Therefore, it is not my intention to muddy the waters for CBC with a fourth independent assessment. The FLAC report uses a consistent and transparent methodology in identifying the site's veteran and ancient trees, and so I do not find a sufficient reason to disagree with its findings in this regard.

Application of Veteran Tree Buffers (VTBs)

3.7. The FLAC report and plans include veteran tree buffers (VTBs) around all trees identified as veteran/ancient trees, which includes all those assigned the A3 quality category.

3.8. Three of the veteran/ancient trees 3007, 3021 and 3028 are identified as 'relic' veteran trees in the RAVEN assessment. RAVEN defines a 'relic' veteran tree as one bearing <75% of its former maximum crown volume. FLAC explained the concept of a 'relic' veteran tree within the arboricultural Proof of Evidence to the 2019 Appeal:

> *'3.3.8 Concerning Natural England's veteran tree buffer recommendation, this is clearly a precautionary, rather than evidence-based, protective distance. Whilst as a generality this might be suitable for some trees (albeit not justifiably applied as an absolute), it is the case that many veteran trees simply do not require a protective offset of the magnitude computed by the Natural England method (15 times stem diameter).*
>
> *3.3.9 This is because many veteran trees with a large-diameter stem have lost the greater majority of their original crowns. Because there is an unbreakable, biologically-imperative link between roots and shoots (known as the root:shoot ratio), such trees have a correspondingly compact root system too. Logically, it follows that where a tree occupies a much smaller biological space as a result of significant crown loss, it can be safeguarded by a reduced protective buffer compared to where it does not.'*

3.9. Instead of a VTB of 15 times the stem diameter recommended in the Standing Advice, the RAVEN methodology caps the VTB at 15 metres radius which results in a smaller area/ volume of soil being afforded protection in the site design and construction methodology.

3.10. The concept of a 'relic' veteran tree is not recognised in the Standing Advice, nor in published veteran tree literature or the objections of the ATF and WT. Nor does it appear within the RAVEN methodology itself.

3.11. The 'relic' veteran tree concept focuses on the *'much smaller biological space'* that a veteran tree with a reduced crown and root system may take. But the Standing Advice VTB seeks not only to mitigate damage to a tree's roots (which might still exist beyond a

calculated root protection area (RPA) or VTB), but also to mitigate direct impacts to soil, ground flora and fungi, the water table and drainage, and from pollution and disturbance to wildlife.

3.12. The application of a VTB to a veteran tree in accordance with the Standing Advice is not a means to *avoid* impacts, but is a means to *reduce* (mitigate) impacts. In this way, a VTB is necessarily precautionary to reduce impacts to an irreplaceable habitat.

3.13. It should be noted that the RAVEN methodology recognises extensive decay, extensive hollowing, crown senescence and retrenchment as additional primary features of veteran trees, but the 'relic' concept then downgrades the degree of mitigation provided by a VTB based on these these very factors. This is akin to 'begging the question'.

3.14. Whereas the Standing Advice would afford trees 3007 and 3021 VTB diameters of 21.8m and 22.8m respectively, they are only provided with VTBs of 15m diameter in FLAC's submission.

3.15. It is of note that FLAC's definition of a VTB for a 'relic' tree on the tree survey and retention plan submitted for the 2018 planning application was *'...a maximum and fixed VTB... of 15m radius'*. FLAC did not adhere to its own definition in that submission. As before, the FLAC submission for the current proposal calculates the VTB of tree 3028 - on the basis of a smaller north-west fragment of the original stem which is alive measured as 740mm diameter - as 15 times the remaining stem diameter, giving a VTB radius of 11m. Any definition of a VTB for a 'relic' tree (whether at a fixed 15m radius or not) has been removed from the current submission.

3.16. I am unconvinced by the concept of 'relic' trees, of FLAC's application of VTBs to them and of how this relates to the Standing Advice on veteran trees.

3.17. While the application of the concept of 'relic' veteran trees has no consequences for tree 3007 in the submitted design, it has significant consequences for potential impacts to 3021. The Standing Advice VTB of 15 times the stem diameter would bring the buildings and gardens of Plots 10, 11 and 13 and the road leading to Plot 10 within the VTB.

Arboricultural Impacts Assessment (AIA).

3.18. The FLAC submission lacks detail on the anticipated impacts of the development proposal. The assessment of impacts to trees is confined to a column in the tree schedule that states whether the tree is to be retained or removed, as shown on the submitted tree removal and retention plan.

3.19. The report does not provide comment on potentially damaging construction activities relevant to the site such as alterations in ground levels. While FLAC provided observations on potential hydrological impacts on trees in its Proof of Evidence to the Appeal, no assessment has been provided for the current application. Longer-term end-use indirect impacts on the veteran tree habitats, such as increased light from dwellings is not assessed. Although this may be beyond the remit of an arboriculturist, at least some recognition of potential end-use impacts should be provided for further ecological assessment and design.

4. Review of the development proposal in relation to trees

4.1. The FLAC submission summarises that the design of the proposals allows the retention of tree 3014 and the removal of all construction and gardens from veteran tree buffer zones, which it says addresses the matters arising from the Appeal decision in full.

4.2. The reduced number of dwellings proposed has clearly improved the development proposal from an arboricultural point of view. Trees, including the significant notable and veteran trees, are afforded more open space around them which will reduce the potential for damage and decline. New surface and foul drains within the proposed residential area are accommodated within the new road layout and outside of the RPAs and VTBs of trees.

4.3. There are several aspects of the proposal which are of note:

Retention of protected and veteran/ancient trees

4.4. The new design proposal for the site retains English oak tree T3014. The design also retains all of the trees identified as veteran trees within FLAC's submitted RAVEN

assessment, as well as all trees identified as veteran on the ATI. All individually-protected trees within the TPO will be retained.

4.5. Protected trees (those trees within area A3 of the TPO and present when the TPO was made) within TG3008 at the north-west site boundary would be removed for the new site access and for Plots 1 and 42/43.

Potential impacts of the proposed development

Oaks 3014 & 3015

4.6. Oak tree 3014 has been categorised as a B3 quality tree and has an RPA of 11.76m radius. However, given that the tree as 40+ years remaining safe useful life expectancy and has some veteran characteristics with the potential to become a veteran the tree appears to be a 'high' value tree within the definition of policy GI3 Trees and Development of the Cheltenham Plan. Oak tree 3015 has been categorised as an A1 quality tree and has an RPA capped at 15m radius.

4.7. The proposal is to isolate the two trees together within an island of open space surrounded by new road to the north, east and south and Plots 29 and 32 to the west. New structural street tree planting will be provided along the road edges.

4.8. A small portion of the periphery of the RPA of 3014 is within the boundary of Plot 30 and meets the foundations of the dwelling. Although RPAs are the standard layout tool when considering trees and development, it is worth underlining that an RPA is the *minimum* area around a tree deemed to contain sufficient roots and rooting volume to maintain a tree's viability. Recent research in to the extent of tree roots of old trees has shown that roots extend well beyond the 'drip line' of the canopy, and beyond the capped 15 metre radial RPA as recommended in BS5837. Using a ground penetrating radar, the roots of a mature oak tree at Burghley Estate were found at 24 metres from the stem[1]. It is therefore anticipated that the proximity of Plot 30 would result in some some root severance/loss, and soil disturbance within this area is inevitable.

4.9. A small portion of the north-west part of the notional RPA of 3015 (25m^2 or approx 3.5%) will be impacted by the proposed carriageway turning head, footway and car parking

[1] 'An examination by TreeRadar: http://sharonhosegoodassociates.co.uk/wp-content/uploads/2017/01/Burghley-TreeRadar-report.pdf

spaces for Plot 29. The FLAC report demonstrates that an additional 50m² of land contiguous with the RPA can be protected from construction activity. FLAC's assessment is that the incursion would not result in a material adverse impact on the tree, but suggest no-dig construction as an option to reduce the risk of adverse impact further. The feasibility of no-dig construction of highway proposed for adoption depends on whether the Highway Authority accept this construction method as meeting its standards.

4.10. The submitted tree protection plan shows the location of physical protective barriers and the area of road and parking which could be constructed using a no-dig cellular confinement system. A brief working method for installation of the surface is provided on the plan. I am concerned that the locations of the protective barriers leave very little working space for, for example, excavation to achieve levels and any grading that might be required and installation of kerbs and haunching. Additional working space might necessitate slightly greater incursions into RPAs than shown on-plan. But given that the application is for outline permission, more detailed information could be approved at a later stage.

4.11. The isolation of the trees within the open space island, surrounded by hard surfaces with associated drains on the sloping ground above T3015 may alter the local hydrology of the soil, reducing the availability of soil moisture to the trees.

4.12. Alteration of the shallow (max. 0.5m deep) topsoil by the construction of the carriageway to the south and east of the trees potentially could reduce the downward flow of water to the trees, or conversely could lead to containment of water within the RPAs. The shrinkable clay ground conditions might require deeper construction extents than is typical, and no detailed assessment of potential hydrological impacts on the trees has been provided for the current application.

Veteran oaks 3007, 3018, 3026, 3030 & 3031

4.13. The VTBs of veteran oaks 3007, 3018, 3026, 3030 & 3031 are fully respected within the layout in accordance with the Standing Advice. No structures, new surfaces or drains are located within the VTBs. This is a significant improvement on the previous proposal. The feasibility of protecting the VTBs from construction activity is demonstrated.

Veteran ash T3021

4.14. The application of the concept of 'relic' veteran, and the associated VTB which is capped at 15m by FLAC, has consequences for potential impacts to 3021. The capped VTB is respected by the layout except for a small part of the west periphery which is included within the garden of Plot 10. However, the Standing Advice VTB of 15 times the stem diameter (22.8m radius) would bring the buildings and gardens of Plots 10, 11 and 13 and the road leading to Plot 10 within the VTB.

4.15. If CBC accept the concept of a 'relic' veteran tree and the application of a 15m cap on its VTB, this would appear to be contrary to the Standing Advice.

4.16. Obstruction of the downward flow of water through the shallow (max. 0.5m deep) topsoil by structures to the north and north-east could lead to decreased availability of water within the VTB. The shrinkable clay ground conditions might require deeper building foundations than is typical, and no detailed assessment of potential hydrological impacts on the trees has been provided for the current application.

Veteran oak T3028

4.17. The layout design respects the VTB of oak 3028, although rear gardens and the garage of Plot 7 abut the edge of the VTB.

4.18. I am concerned that the location of the protective barrier adjacent to the garage of Plot 7 leaves very little working space. Additional working space, including scaffolding which straddles the protective barrier, might necessitate a slightly greater incursions into the RPA than shown on-plan. But given that the application is for outline permission, more detailed information could be approved at a later stage.

4.19. The tree would become partially isolated between new dwellings, and I am concerned that the fencing specification shown on the tree protection plan is inadequate to protect against ground and dust pollution during construction. A more appropriate specification (including screening barriers) could be approved at a later stage. I am also concerned about indirect impacts such as increased light from dwellings could degrade the habitat. It is not uncommon for isolated areas such as this to suffer from tipping of garden waste and informal access. The submitted landscape strategy identified that the area is not suitable for public access, and that appropriate deterrent planting can help to mitigate some of the

potential indirect impacts. Consideration should be given to securing more detailed information at a later stage.

4.20. Obstruction of the downward flow of water through the shallow (max. 0.5m deep) topsoil by structures to the north and north-east could lead to decreased availability of water within the VTB. The shrinkable clay ground conditions might require deeper building foundations than is typical, and no detailed assessment of potential hydrological impacts on the trees has been provided for the current application.

Protected oaks 3032 & 3033

4.21. The site's drainage outflow to existing off-site connections to the south and south-west is proposed to pass through the RPAs of protected oak trees 3032 and 3033. This is an improvement on the previous application, which proposed drainage through the VTB of veteran oak 3031. The tree protection plan notes that a trench-less technique should be used to minimise damage, and the arboricultural Proof of Evidence provided at the Appeal indicated that trench-less techniques are feasible.

4.22. It is reasonable to accept that more detailed specifications and working methods, which should include on-site arboricultural supervision, can be approved at a later stage.

Proposed Landscape Strategy

4.23. The proposed landscape strategy includes planting of a new native species woodland belt to the south-east of the residential area running from veteran oak 3007 to meet hedgerow group TG3005 at oak 3022. New open space, street and garden tree planting is also proposed. In the long-term, future mature canopies of new street tree and woodland belt planting may meet above the proposed carriageway and provide connectivity to the isolated oaks 3014 and 3015.

4.24. The proposed woodland belt contributes to compensating for the connectivity lost by the severance of the hedgerow group TG3005 for the proposed layout, and would eventually provide a visual screen. However, these benefits will take time to accrue, and the success of tree/woodland establishment depends on the adequate allocation of resources to, and implementation of, a new tree planting management plan. A new 10-year tree

management plan 'heads of terms' document has been submitted which aims to achieve 100% successful establishment of new tree and hedge planting.

4.25. The ground at the site has been shown to be a maximum of 0.5m deep slightly silty clay topsoil over firm to stiff clay. Obstruction of the downward flow of water through the shallow (max. 0.5m deep) topsoil by structures to the north and north-west could lead to decreased availability of water within the planting area.

4.26. The site's documented aspect and ground conditions and my observations on site suggest to me that successful tree establishment, to independence in the landscape, is likely to require a high level of resources over a long period of time. The usual landscape scheme tree replacement condition period of 5 years is likely to be insufficient to secure delivery of an approved detailed scheme in the long-term. A condition for the implementation of the new tree management plan over its full 10-year period would provide a stronger basis to ensure successful establishment of the new trees. If reliance is placed on planning condition(s) for the successful implementation of the detailed landscape scheme, the wording of such condition(s) should be carefully considered.

4.27. Although not a common practice, a Tree Preservation Order (TPO) can be made to protect trees to be planted pursuant to a condition imposed under paragraph (a) of section 197 of the TCPA (planning permission to include appropriate provision for preservation and planting of trees). That is to say, a TPO can be made to protect trees, groups of trees or woodlands *yet to be planted*, but which are specified within an approved detailed landscape scheme. Such an Order takes effect from the time the trees are planted.

4.28. For a tree protected by such as TPO as an individual or within a group of trees (but not woodlands) landowners have a duty to replace a tree which is removed, uprooted or destroyed because it is dead (or in contravention of the Order or because it presents an immediate risk of serious harm). The local planning authority can enforce this tree replacement duty by serving a tree replacement notice. (Enforcement by serving a tree replacement notice is discretionary, can be dispensed with and can be appealed).

4.29. The making of a new TPO to protect at least the new woodland belt as a group (or groups) of trees would provide CBC with a stronger basis on which to ensure the successful establishment of the new trees in the longer-term.

National and Local Planning Policy

4.30. Paragraph 175c of the National Planning Policy Framework (NPPF) states that *'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 reasons and a suitable compensation strategy exists'.*

4.31. In my opinion, while the current proposal is much-improved from the previous proposal, there remains a significant risk that the proposed development could have a negative impact on some of the veteran trees from construction pollution and end-use light pollution, and by changing the soil ecosystem and hydrology that would lead to their premature deterioration.

4.32. CBC's Cheltenham Plan was adopted in July 2020. It makes specific reference to the importance of trees in the local landscape, and contains four policies of relevance to trees at the site:

HD4: Land off Oakhurst Rise

This site-specific policy includes requirements for development proposals for Oakhurst Rise to demonstrate the protection of key biodiversity assets and mature trees and the long term protection of mature trees and hedges.

D3: Private green space

The policy requires that proposals for development within extensive grounds of large properties... where appropriate , will be required to: a) retain mature trees; b) retain and enhance existing landscaping; c) provide new landscaping; d) avoid disturbance of significant habitats.

GI3: Trees and development

Development which would cause permanent damage to trees of high value (Note 1) will not be permitted. (Note 1: 'High value' means a sound and healthy tree with at least 10 years of safe and useful life remaining which makes a significant contribution to the character or appearance of a site or locality).

The proposal includes the removal of mature trees, such common ash 3016, the protected trees within TG3008 and trees within TG3005. Hydrological changes due to obstruction of soil water flows by new structures may have an adverse impact on, in particular, high quality trees 3014 and 3015 and veteran trees 3021, 3028 and 3021. Despite protective measures, disturbance to the veteran tree habitats (including soil, ground flora and fungi) during construction and in the site's end-use is likely to occur. In my opinion, the proposal does not comply with policies HD4, D3 and GI3.

The proposed landscape strategy can provide a net gain in the overall canopy cover at the site and enhance the existing resource. In my opinion, the proposal complies with elements b) and c) of policy D3.

GI2: Protection and replacement of trees

In cases where trees are not protected by a Tree Preservation Order or by being in a Conservation Area, but contribute to the townscape and character of the town, the Council will consider including such trees in a Tree Preservation Order.

Given the difficult growing conditions at the site, the making of a new TPO to protect at least the new woodland belt as a group (or groups) of trees would provide CBC with a stronger basis on which to ensure the successful establishment of the new trees in the longer-term.

5. Conclusions

5.1. My review of the site and the submitted arboricultural report leads me to the following conclusions:

5.2. The application site contains numerous trees that are of high value from a conservation and historical point of view. Seven of these are considered to be veteran trees which provide an irreplaceable habitat and many are important landscape tree features. As such, a precautionary approach should be adopted when designing any development proposals at the site to in order to reduce negative impacts on the trees, their soil, ground flora and fungi, the water table and drainage, and from pollution and disturbance to wildlife. This approach is clearly set out at both the national and local level planning policy.

5.3. The arboricultural information submitted with the planning application is succinct. The FLAC report uses a consistent and transparent methodology in identifying the site's veteran and ancient trees, and so I do not find a sufficient reason to disagree with its findings in this regard. However, it lacks a detailed assessment of the the development impacts to trees and conversely from trees to the development in future years. While FLAC provided observations on potential hydrological impacts on trees in its Proof of Evidence to the Appeal, no assessment has been provided for the current application.

5.4. The concept of a 'relic' veteran tree is not recognised in the Standing Advice, nor in published veteran tree literature or the objections of ATF and WT. Nor does it appear within the RAVEN methodology itself. The application of the 'relic' veteran tree VTB has significant consequences for potential impacts to 3021. If CBC accept the concept of a 'relic' veteran tree and the application of a 15m cap on its VTB, this would appear to be contrary to the Standing Advice.

5.5. The reduced number of dwellings proposed has clearly improved the development proposal in terms of the retention of veteran and protected trees, but the development proposal still has the potential to cause harm to significant trees. In particular, hydrological changes due to obstruction of soil water flows by new structures may have an adverse impact on, in particular, high quality trees 3014 and 3015 and veteran trees 3021, 3028 and 3021. Despite protective measures, disturbance to the veteran tree habitats (including

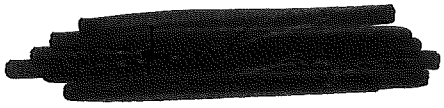
soil, ground flora and fungi) during construction and in the site's end-use is likely to occur. In my opinion, the proposal does not comply with policies HD4, D3 and GI3.

5.6. Site conditions suggest to me that successful new tree establishment, to independence in the landscape, is likely to require a high level of resources over a long period of time. The usual 5 year landscape scheme tree replacement condition period is likely to be insufficient to secure delivery of an approved detailed scheme in the long-term. If reliance is placed on planning condition(s) to achieve this, the wording of such condition(s) should be carefully considered. The making of a new TPO to protect at least the new woodland belt as a group (or groups) of trees once planted would provide CBC with a stronger basis on which to ensure the successful establishment of the new trees in the longer-term.

6. Recommendations

6.1. I have concluded through my review of the site and the proposed development that there remains a significant risk of permanent damage to high value trees, and of deterioration of the irreplaceable habitats of veteran trees.

6.2. I recommend that a detailed soil analysis and hydrological assessment is carried out in order to understand the soil hydrology and how the proposal would impact the high quality and veteran trees.



Ian Monger
BSc (hons), MArborA.
Senior Arboriculturist

References:

1) British Standards Institution (2012). BS5837:2012 'Trees in relation to design, demolition and construction - recommendations'.
2) Cheltenham Borough Council (2006). 'Cheltenham Borough Local Plan - Second Review 1991-2011'.
3) Department for Communities and Local Government (2012). 'National Planning Policy Framework'
4) Forestry Commission & Natural England (2018). 'Guidance: Ancient woodland and veteran trees: protecting them from development". Viewed online at: https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences#veteran-trees.
5) Hosegood, S., Lee, I. (2016). An unpublished report of the examination of tree roots of an oak tree at Burghley Estate. Viewed online at: http://sharonhosegoodassociates.co.uk/wp-content/uploads/2017/01/Burghley-TreeRadar-report.pdf.

(e) County Ecologist response to Bioscan

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Ms Emma Pickernell
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Cheltenham Borough Council
Municipal Offices
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Cheltenham
GL50 1PP

11th September 2020
Our ref: SW20/E1986/EPL2
Planning application ref: 20/00683/OUT

Dear Ms Pickernell,

Land off Oakhurst Rise, Cheltenham – Addendum Ecological Response

Following the submission of my previous report in respect of the above site and planning application (ref: SW20/E1986/EOL1, dated 29th July 2020), I am aware that two further submissions have been made by the applicants ecologist's dated 10th and 17th August 2020, and an online comment has also been submitted by the county ecologist, Gary Kennison, dated 14th August 2020. I have also been made aware of a more recent submission by the Gloucestershire Wildlife Trust (GWT), dated 1st September.

I have been instructed by Charlton King Friends (CKF) to comment on these new submissions, which I do below.

Metric-based assessment of biodiversity loss

Assessment of biodiversity loss using Defra Metric 2.0

I thank the applicant's ecologists Aspect for providing accurate measurements for each habitat type on the site, which CKF were, of course, unable to obtain from the submitted drawings due to their PDF format, although it is noted that the estimates were nevertheless within an acceptable error margin of the actual totals. I see no reason to disagree with the figures that have now been provided, although I note there is a discrepancy between the site area on the application form of 4.29ha and the total reached by Aspect of 4.12ha.

In the light of these area measurements, I have updated the Metric 2.0 assessment and discuss the results below. Several important points of clarification need to be made about the input parameters first, however.

i) I note the comment by Aspect Ecology that in Bioscan's Metric 2.0 assessment "*It is assumed that all habitats will be lost and re-created*". I have not been party to discussions regarding the development of the landscape strategy or the proposals for enhancement. In keeping with parties that are outside of the application team, I have had to rely upon the information submitted as part of the application, in this instance the ecological mitigation and enhancements drawing (ref: 5487/EC04) included in the submitted ecological appraisal report (ref: 5487 EcoAp2020 vf /DW). In respect of the two largest blocks of grassland on the site, this drawing

states *"Creation of new grassland habitats"* [underline added]. I concluded (not entirely surprisingly) from this that the existing grassland would be removed and replaced. 1 thank Aspect Ecology for clarifying the position and note that any suggestion therein that the development would deliver 'new' grassland, cannot, therefore, be correct and any apparent 'benefit' of grassland creation from the scheme should be discounted in the planning balance as a result.

However, in light of the need to create an artificial badger sett in the grassland in the southwest corner of the site, I do question whether in this area any retention of extant resource would be practically achievable, given the ground disturbance required. 2 his means that the only block of grassland that could in reality be retained (rather than recreated) is that on the east side of the development. The result of this is that approximately a quarter (1.06ha) of the existing grassland would actually be retained under the proposals, with some 0.85ha of grassland removed and recreated. I have factored this correction into the revised metric assessment detailed below.

ii) With regard to the suggested re-categorisation of the habitats in the baseline metric assessment, there is little need to debate this point in terms of metric outputs as there is no change in the distinctiveness score between 'other mixed woodland' (Bioscan categorisation) and 'scrub' (Aspect categorisation). In other words, the proposed re-categorisation results in no (zero) change to the assessed unit score. I am content to use either category, noting at the same time that the description in the Ecological Appraisal report[1] refers to scattered scrub (together with 'scrub') as being 'bramble'. The proposed re-categorisation therefore fails to reflect the fact that this area of 'scattered scrub' is in fact a small copse of trees (see Photo 1) and I maintain that 'other mixed woodland' would therefore be more appropriate.

3 n the absence of an accurate description of this habitat in the ecological appraisal, I have based my assessment of the parameter 'condition' on my own visits to the site. It is clear that the condition of this habitat is being hampered by the extensive badger activity in this area which is restricting the development of the ground flora. As such, based on the combination of these two factors, i.e. the poor ground flora but presence of mature trees, I consider a condition assessment of 'moderate' to be justified.

4 ven if the 'condition' of this habitat in the Metric is reduced to 'poor' (as Aspect suggest), the result is to only reduce the biodiversity unit value of this area from 0.64 to 0.32 a change of 0.32 units. The need to argue for such a small change is a symptom of the desire by Aspect to achieve every possible fraction of a unit out of disputed tweaks to the input parameters to engineer an output figure that approaches the threshold of acceptability in policy terms. This itself reflects that this is a development proposal that is innately damaging to the on-site biodiversity resource and that inadequate compensation is proposed for such damage. Even if the suggested tweaks are accepted, they have the result of no more than scraping the site's performance over the 'zero' line: the metric calculation Aspect have submitted shows an overall 0.48 unit increase on the site. However the clear direction of travel of national and local planning policy is towards biodiversity net gain being measured 5 s a policy compliant material consideration only where a 10% net increase is demonstrated – indeed this is set to become a national mandatory requirement in the Environment Bill and, pre-empting this, has already been adopted by many

[1] Aspect Ecology ref: 5487 EcoAp2020 vf /DW, dated April 2020

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Page: 2

Number: 1 Author: gkenniso Subject: Highlight Date: 11/09/2020 11:12:30
This is disingenuous as Aspect Ecology have corrected use of creation in recent correspondence. In any case we are talking about through better management etc. establishing wildflower rich grassland from existing and this is a significant gain and in no way can be discounted. The metric should not be slavishly followed in the way set out here as it will give perverse results as I have previously intimated.

Number: 2 Author: gkenniso Subject: Highlight Date: 11/09/2020 11:15:11
Extremely negative conclusion and ignores the fact that disturbance by badgers can enhance vegetation particularly the dense species-poor grassland currently present. Revised metric results presented here should be disregarded.

Number: 3 Author: gkenniso Subject: Highlight Date: 11/09/2020 11:19:53
if you are going to use the metric you must record habitats as they are in the existing valuation calculation. What they could be e.g. due to a different pattern and impact by badgers is something to consider as part of the post development assessment. Again this just shows the weakness of th use of the metric which does not consider species issues.. The consensus of ecological professionals is the best approach as the metric can always only be a rough guide in my view.

Number: 4 Author: gkenniso Subject: Highlight Date: 11/09/2020 11:22:20
The technical debate and disagreements between Aspect Ecology and Bioscan just prove one cannot solely relay on the metric which is not a finished product and does not consider all ecological issues in any case.

Number: 5 Author: gkenniso Subject: Highlight Date: 11/09/2020 11:25:18
This is incorrect no such policy exists yet. The metric is an unfinished product it has various flaws and is not bein gused consistently by ecologists yet. I am sure (and so is the Wildlife Trust) that with the conditions and S106 I have recommended there will be no net loss and very likely a net gain if one considers all the species particularly enhancing the site for bats etc.. The development can pass the policy test there is no figure to pass.

local authorities[2]. At its highest, Aspect Ecology's own assessment shows that the proposed development falls far-short of this target and in fact delivers no meaningful net gain[3].

iii) There has been no error in the assessment by Bioscan of the condition of the hedgerows H1 and H2 – both are assigned a value of 'moderate' in the pre-development (0.58ha) assessment and 'good' in the post-development (0.35ha) assessment.

iv) The inclusion by Aspect of hedgerows H3 to H6 as 'Native hedgerow' in the metric is patently incorrect and should be amended. These are ornamental hedgerows which have 0 (zero) biodiversity units. Inclusion of these as native hedgerows introduces a 0.338 unit bias that should be discounted. Correcting the overall output for this further exposes the claim of net gain as a fallacy.

v) There is no native hedgerow planting proposed by the landscape strategy or shown on the ecological enhancement drawing, and thus the inclusion of 0.461km of native hedgerow creation in the Metric should be removed.

A further element of the Metric assessment undertaken by Aspect that requires more detailed scrutiny is the justification for their application of strategic multipliers.

Strategic multipliers

In their assessment, Aspect Ecology have assigned some habitats a 'strategic location' multiplier, the suggestion being, it is assumed, that these habitats are located in an area that has been formally identified as being strategically important for that habitat. The two 'woodland' habitats (i.e. hedgerows H1 and H2), are noted to be assigned the 'within area formally identified in local strategy' assessment. The suggested rationale for this is outlined at 2.8 of Aspects submission[4], which states –

"Hedgerows H1 and H2 are considered to qualify as Priority Habitat and the local BAP, as such these habitats are considered to be within an area formally identified in local strategy such that they are of high strategic significance."

This appears to be a wilful misconception of the function and purpose of strategic multipliers within the Defra metric. The suggestion being made is that simply because the hedgerows meet the criterion for status as a national priority habitat that they are automatically strategically located. A priority hedgerow is a hedgerow that contains 80% or greater native species, a criterion met by most hedgerows in Britain. Conversely 'strategically located' is a function of the location of the hedgerow, for example as part of a wider network or connecting two designated sites. It is entirely possible, as is the case here, for a hedgerow to be a priority habitat but outside of a strategic location, or indeed in an ecologically isolated setting.

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2 See for example https://www.cherwell.gov.uk/news/article/624/council-ramps-up-biodiversity-target

3 This is also demonstrably below the 10% currently required by several planning authorities and which is the amount likely to be required under the upcoming Environment Bill.

4 Aspect Ecology ref: 1005487/012.let.CBC.ep, dated 10th August 2020. Technical Briefing Note TN10, dated 7th August 2020.

Page: 3

Number: 1 Author: gkenniso Subject: Highlight Date: 11/09/2020 11:27:05
Disagree strongly the development can secure long term biodiversity value at the location.

Number: 2 Author: gkenniso Subject: Highlight Date: 11/09/2020 11:27:28
More technical agruements - see above comments.

Number: 3 Author: gkenniso Subject: Highlight Date: 11/09/2020 11:36:33
Incorrect there will be much gap/reinforcement planting in several places to give an increase in native hedgerow and is depicted on the landscape strategy drawing.

Number: 4 Author: gkenniso Subject: Highlight Date: 11/09/2020 11:49:07
Disagree but again shows the arguments that can be generated by the imperfect draft Defra metric. In Gloucestershire priority habitats can certainly be seen to be strategically important particularly as the site is situated in a area identified as part of strategic green infrastructure by the Local Nature Partnership https://www.gloucestershirenature.org.uk/green-infrastructure-framework . Also CBC have signed up to the LNP's GI Pledge and so this gives added weight to the strategic importance of the hedgerow features being added to/ strenghtened.

If additional evidence of this was required, the Metric 2.0 user guide[5], published by Natural England (extract included at Appendix 1) states -

"5.30. The idea of strategic significance works at a landscape scale. It gives additional unit value to habitats that are located in preferred locations for biodiversity and other environmental objectives...Strategic significance utilises published local plans and objectives to identify local priorities for targeting biodiversity and nature improvement, such Nature Recovery Areas, local biodiversity plans, National Character Area[14] objectives and green infrastructure strategies".

The guide goes on to state –

*"In the absence of a locally or nationally relevant strategic documentation indicating areas of significance for biodiversity, the value of **1** should be used in pre and post development calculations".*

1spect provide no evidence for the site being within an area formally identified as strategically important for hedgerows or woodland and a score of 1 (i.e. no multiplier) should therefore have been applied.

There is similarly no evidence provided by Aspect for the existing or proposed ponds being located within a strategically significant location.

2onversely, the comments by the Gloucestershire Wildlife Trust (GWT) (see Appendix 2) confirm that the grassland is in fact strategically located. GWT state *"The site lies within a gap in grassland ecological network connectivity"*. Is it therefore appropriate to assign to the neutral grassland on site a strategic significance of *at least* 1.1 (i.e. location ecologically desirable but not in local strategy).

Metric outcome

3aving corrected the above errors, the metric assessment undertaken by Aspect should show a 4.21 loss of biodiversity units, equivalent to a 11.98% reduction (output included at Appendix 3). This is patently in conflict with national and local policy on the avoidance of net less of biodiversity.

Published metric assessment

It is noted that both Aspect Ecology and the County Ecologist raise a query as to the benefit of the metric assessment because it is in the process of beta testing. This fact is highlighted in my original submission[6] and is not disputed. It is though noted in Aspects submission of 10th August[7] at 1.3 it states *"It is considered that the most appropriate metric to use for the site is the Defra Biodiversity Metric 2.0 Calculation Tool"*. Any suggestion then that this metric is not a recognised and acceptable assessment tool is incorrect. The Defra 2.0 metric is widely and increasingly used to 4uide planning decisions throughout England and to assess the performance of proposals against the framework of national and local policies that seek to avoid net biodiversity loss and deliver net gain, and is on course to be mandated for such use upon the passing of the Environment Bill into law.

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5 Ian Crosher, Susannah Gold, Max Heaver, Matt Heydon, Lauren Moore, Stephen Panks, Sarah Scott, Dave Stone & Nick White. 2019. *The Biodiversity Metric 2.0: auditing and accounting for biodiversity value. User guide* (Beta Version, July 2019). Natural England

6 Bioscan letter ref: SW20/E1986/EPL1, dated 20th July 2020

7 Aspect Ecology ref: 1005487/012.let.CBC.ep, dated 10th August 2020. Technical Briefing Note TN10, dated 7th August 2020

Page: 4

Number: 1 Author: gkenniso Subject: Highlight Date: 11/09/2020 11:50:17
Incorrect and although Aspect Ecology have provided no evidence I have of strategic importance - see above comment

Number: 2 Author: gkenniso Subject: Highlight Date: 11/09/2020 11:53:46
Content to accept this but it must also be the case for the hedgerows - see above comment. Again shows the issues with using the draft Defra metric.

Number: 3 Author: gkenniso Subject: Highlight Date: 11/09/2020 11:56:56
Cannot support the figure derived here and ignores various biodiversity issues. draft Defra metric is imperfect, only covers habitats and is not mandatory. There is no policy conflict and in any case I believe there would be a net biodiversity gain from allowing the development with the conditions and S106 in place as I have recommended.

Number: 4 Author: gkenniso Subject: Highlight Date: 11/09/2020 11:57:58
Key word is 'guide' and a rough on eat that. See above comments.

Neither Aspect nor the County Ecologist have evidenced their assertion that use of the Defra 2.0 metric might give rise to error. One means of testing this might be through the application of an alternative published metric, such as those that preceded the general and widespread adoption of the more recent Defra 2.0 model. For the avoidance of doubt on this point, Bioscan have also, therefore, undertaken this exercise utilising the metric published by Warwickshire County Council[8] and which was employed as part of the 2019 appeal evidence.

The output from this exercise is attached at Appendix 4 and this shows a 7.33 loss of biodiversity, equivalent to -22.9%. This does not suggest an inconsistent result would be obtained by any other metric and again underlines that the proposals are patently in conflict with national and local policy on the avoidance of net less of biodiversity.

Conclusion

Having applied two established metrics to the proposed development, one of which is planned by Government to form the official and mandated tool for measuring biodiversity net gain in future planning decisions, 1 is clear that, by either measure, significant and demonstrable net loss of biodiversity would occur on this site. Aspect seek to rebut such conclusions by little more than bland repetition of a wholly subjective and unevidenced position shown to be untenable on the facts. Their case is not to engage with the facts but to sow uncertainty by advising that allowances be made for differences in subjective expert opinion and 'gut feeling' and seeking to discredit the application of what are now well-established quantitative methods.

There are of course cases where subjective opinion and quantitative metric outputs will be at odds with each other, and Bioscan are in the vanguard of advocating that care should be used when applying metric-based systems. In this case, however, the veracity of Aspect's competing assessment has to be viewed in the context of the many errors and inconsistencies that have been exposed in their assessments since the commencement of the planning debates over this site, including before the current application. I can confirm that the metric outputs discussed above align with the expert professional subjective opinion of not just myself, but of other highly experienced ecologists within Bioscan, and those views have consistently been found to be on the right side of the facts. 2spect's efforts to disregard any assessment technique that does not give them the answer they seek falls short of the requirements for rigorous and robust assessment of the impact of development proposals on biodiversity - requirements that are not only required by industry best practice in general but that form the thrust of national planning policy demands. 3ny suggestion that application of established metrics is not valid for the purposes of assessment of compliance with biodiversity net gain policies runs flat contrary to the direction of travel of government and local planning policy and in that context alone should be rejected if a legally safe planning decision is to be made.

KWS assessment

I have reviewed the submission by Aspect Ecology (dated 17th August 2020) in which they attempt to critique the basis on which the site has been put forward for designation as a Key Wildlife Site (now called Local

[8] https://www.warwickshire.gov.uk/biodiversityoffsetting

Page: 5

Number: 1 Author: gkenniso Subject: Highlight Date: 11/09/2020 12:06:53

No as there are issues with the metric and it is implicitly designed as a Habitat only tool for professional ecologists to use. It does not include important species population matters for example and there is a lot of latitude in assessment of hedgerows and woodlands/scrub as the dialogue between Aspect Ecology and Bioscan proves. The metric is only a rough guide and does not cover many biodiversity aspects it should not replace the considered views of a professional ecologist and the consensus is that there would not be a net loss of biodiversity from allowing the development.

Number: 2 Author: gkenniso Subject: Highlight Date: 11/09/2020 12:08:40

This argument can be applied to Bioscan too in disregarding the consensus of ecological representations including Natural England, Gloucestershire Wildlife Trust and my own views. The proposals are clearly compliant with current national and local policy contrary to the assertion here.

Number: 3 Author: gkenniso Subject: Highlight Date: 11/09/2020 12:09:06

As above comment

Wildlife Sites LWS). I am also now in receipt of the submission from GWT dated 1st September 2020 which confirms the site was formally designated a LWS at a meeting of the selection panel on 1st September 2020. 1There can be no further question that the site does meet the criteria for this status, and the attribution of LWS status also puts beyond any doubt that Aspect's assertion that the grassland is of no more than 'site' value is wrong.

2The designation of the site as a LWS is welcome confirmation by an independent panel of third parties of what the facts on the ground have consistently pointed towards throughout my involvement in this site, and brings into play an additional raft of policy considerations that are failed to be met by the current proposals. In the event that Aspect continue to dispute the award of LWS status, I make the following points on their claims that the appropriate criteria were exceeded:

Minimum species threshold

To meet one of the criteria for KWS designation, the grassland needs to contain at least 20 species from those listed in the KWS handbook as being representative of semi-natural grassland. To date 22 species have been recorded. In their submission of 17th August 2020, Aspect attempt to discount the inclusion of four of these species in their letter to Dr Juliet Hynes; bluebell, barren strawberry, primrose and common dog violet. The basis for this is that, in their option, these are "*likely closely associated with the hedgerows and marginal woody vegetation...Accordingly, these should be discounted from the list such that number of relevant KWS grassland species*". Such a statement is erroneous, as Aspect would know if they had spent their time onsite analysing the grasslands in the correct manner, and the very basis for it flawed.

In the first instance, the KWS handbook, published by the GWT, specifically includes these four species in the list of those representative of a semi-natural grassland.

Secondly, and in the event further evidence of the grassland (as well as woodland) affiliation of these species was needed, I need do no more than pick one of a number of sources that confirm this association. The Natural England (formerly English Nature) research report published on the assessment of the condition of lowland grassland Sites of Special Scientific Interest[9] also lists all but barren strawberry as being indicators of higher quality mesotrophic grassland (extract provided at Appendix 5).

There can be no argument that these species can and should be included in the list of indicator species that confirm that the site meets, indeed, exceeds the threshold for KWS-level interest. Any attempt to discount them artificially and erroneously skews the assessment. The bald fact is that Aspect failed to record these species yet now attempt to present a case for them to somehow be set aside as not valid as grassland species. This cherry picking of the facts and data is indefensible and should be rejected.

Other matters

In addition to several other factual inaccuracies in their correspondence to the GWT regarding the LWS assessment, Aspect also assert that "*there is no realistic mechanism*", to secure the future and management of the site other than through development. I do not agree with this position. Aspect have not identified any

[9] Robertson, H & Jefferson, R (2000) *Monitoring the condition of lowland grassland SSSIs* England Nature Research Reports No 315 Part 2.

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Number: 1 Author: gkenniso Subject: Highlight Date: 11/09/2020 12:12:15
The GWT letter actually says the site has meet the LWS criteria "on the grounds of Value for Learning, being a good selection of habitats and species exceptionally well-placed to offer educational opportunities by its proximity to a school." There is no mention of qualifying purely on the ecological value of the grassland alone.

Number: 2 Author: gkenniso Subject: Highlight Date: 11/09/2020 12:13:16
Even with LWS status as I have already advised the proposals are acceptable and compliant with local/national policy.

credible risk to the continued management of the grassland in the absence of development. The land has been in its current form since the early 1800s and there is no record of it having ever been subject to agricultural improvement or chemical treatment. LiDAR imagery also shows relic ridge and furrow through the meadow supporting the case that it has also never been mechanically cultivated. Moreover, and most significantly of all, CKF are fully committed to this site, seeking to secure it as a resource for residents. Crucially, they have ample capability to undertake any necessary targeted management.

Comments by Gary Kennison

Much of the content of the correspondence submitted by the county ecology officer, Gary Kennison, takes a lead from the reports submitted by Aspect Ecology and can therefore be viewed in tandem with the responses above. It is, though, unclear why Mr Kennison, even in his most recent submission disagrees with GWT in respect of the site meeting the criteria for designation as a KWS. He appears to have decided this from a single site visit of unknown duration and thoroughness at a somewhat less than optimal time of year (August). 1 his stands against the clear case on the facts, as confirmed by GWT and their decision to formally designate the site, that the site has significant ecological value and that the impact of the development should be measured against this.

Conclusion

Throughout this and previous applications, Bioscan has acted on behalf of CKF to ensure that the ecological interest of the site is properly and accurately recorded. The process has consistently exposed factual errors and inaccuracies in the work undertaken by the applicant's ecologists, Aspect Ecology. The fund of knowledge now collected by Bioscan (and which ought to have been properly documented by Aspect) has been sufficient to lead to the formal designation of the site as a Local Wildlife Site. Yet, Aspect Ecology seek to undermine this fact by discounting relevant facts on the basis of flawed assumptions.

2 What is placed beyond dispute by the cumulative evidence is that the current proposal would result in the significant and demonstrable net loss of biodiversity on the site. It would accordingly fail the relevant tests of local and national planning policy and should be rejected.

Regards
FOR AND ON BEHALF OF BIOSCAN (UK) LTD

[redacted]

Samuel Watson MCIEEM
Principal Ecologist

Page: 7

Number: 1 Author: gkenniso Subject: Highlight Date: 11/09/2020 12:21:06
One can have a view of a grassland from a single visit. A botanist can determine whether a high quality grassland is present or not from asingle visit. it is not necessary to see every species that might occur to categorise a vegetation community type. Species abundance and distribution is important too not just mere presence and species counts.
See comment above GWT do not mention qualification as a LWS by grassland quality alone. The GWT letter received focuses on educational value of a variety of habitat present and potential for enhancement which is possible through allowing the development.

Number: 2 Author: gkenniso Subject: Highlight Date: 11/09/2020 12:21:50
Strongly disagree for various reasons above.

Photo 1

Appendix 1

Natural England Joint Publication JP029

The Biodiversity Metric 2.0

auditing and accounting for biodiversity

USER GUIDE

Beta Version

First published 29th July 2019

NATURAL ENGLAND

www.gov.uk/natural-england

The spatial component

5.29. In biodiversity metric 2.0 there are two core spatial components. First, the **strategic significance** of a place for biodiversity, its geography. Second, ecological **connectivity**, the relationship of a habitat in a defined place to its immediate surroundings in respect of biological and ecosystem flows. While these concepts are not completely independent of each other they do represent different qualities of a habitat.

Strategic significance

5.30. The idea of strategic significance works at a landscape scale. It gives additional unit value to habitats that are located in preferred locations for biodiversity and other environmental objectives. Ideally these aspirations will have been summarised in a local strategic planning document which articulates where biodiversity is of high priority and the places where it is less so. Strategic significance utilises published local plans and objectives to identify local priorities for targeting biodiversity and nature improvement, such Nature Recovery Areas, local biodiversity plans, National Character Area[14] objectives and green infrastructure strategies. Table 5-5 shows the multiplier scores for both impact and compensation sites based on its place in a strategic plan.

5.31. In the absence of a locally or nationally relevant strategic documentation indicating areas of significance for biodiversity, the value of **1** should be used in pre and post development calculations. Use of a score of 1 does not penalise a proposal.

TABLE 5-5: Strategic significance categories and scores

Strategic Significance categories			
Category	Score	Point applied to calculation	
		Pre-impact	Post-impact
High strategic significance High potential & within area formally identified in local policy	1.15	Yes	Yes
Medium strategic significance Good potential but not in area defined in local policy	1.1	Yes	Yes
Low Strategic Significance Low potential and not in area defined in local policy	1	Yes	Yes

Connectivity

5.32. The focus of connectivity in biodiversity metric 2.0 is the relationship of a particular habitat patch to other surrounding **similar** or **related** semi-natural habitats. These help facilitate flows of species and ecosystem services increases habitat resilience.

[14] For more details of National Character Areas see: https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making/national-character-area-profiles

Appendix 2

Gloucestershire
Wildlife Trust

Gloucestershire Wildlife Trust
Robinswood Hill Country Park
Reservoir Road
Gloucester
GL4 6SX

info@gloucestershirewildlifetrust.co.uk
www.gloucestershirewildlifetrust.co.uk
Telephone: 01452 383333

Registered charity number: 232580
Registered in England number: 708575

By email to:
Emma Pickernell, Cheltenham BC

Gary Kennison, Gloucestershire CC

Alistair Baxter, Aspect Ecology

07 Aug 2020

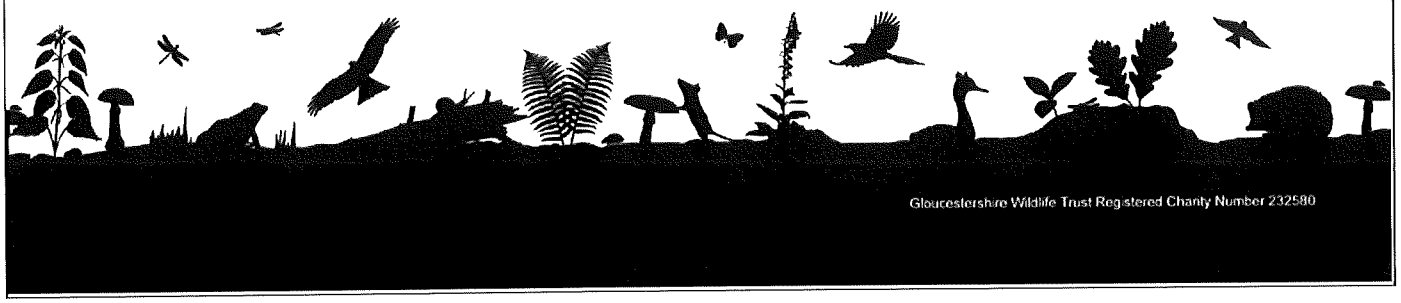
Proposed Local Wildlife Site at St Edwards Prep School, Charlton Kings (Site under planning application 20/00683/OUT)

Dear Sir/Madam

Regarding the proposal for Local Wildlife Site status on land at St Edwards Prep School, Charlton Kings (Site under planning application 20/00683/OUT).

In order to achieve the goal of a balanced and useful Local Sites system, the Gloucestershire Wildlife Sites Partnership uses minimum habitat and species thresholds that fit the unique biodiversity of the county into a wider context, and a set of general criteria based on the DEFRA-recommended version of the Ratcliffe criteria.

The proposed site does meet the criteria set out in the Key Wildlife Sites (now referred to as Local Wildlife Sites [LWS]) handbook (2015), being greater than 0.5 ha (site is approximately 3.5 ha), confirmed as MG1 grassland habitat by NVC survey carried out by Aspect Ecology in July 2019 and Aug 2020 and by Bioscan in July 2019 and recording, through combination of all of the above surveys 22 species from the grassland list. However, MG1 can cover a wide range of grassland condition, from very high grass cover and few herbs through to much lower grass density and significant herb cover. As it stands at the moment, the proposed site is of borderline LWS quality and the LWS process requires it to be examined by the LWS selection panel to determine whether it should be adopted as a LWS or not. The panel may be unable to convene before the planning application goes to committee.



Gloucestershire
Wildlife Trust

The site lies within a gap in grassland ecological network connectivity. Enhancement to grassland habitat within this area would benefit the ecological network and with appropriate management the quality of the grassland on this site could be enhanced within a relatively short time. Irrespective of the LWS selection panel decision, it is Gloucestershire Wildlife Trusts view that any development on this site should provide a strong commitment to biodiversity net gain and a strong management and maintenance plan for both the grassland and veteran tree features on the site.

Kind regards

Dr Juliet Hynes

Gloucestershire Nature Recovery Network Coordinator

Appendix 3

Headline result

On-site baseline	Habitat units	35.15
	Hedgerow units	0.00
	River units	0.00
On-site post-intervention (including habitat retention, creation, enhancement & succession)	Habitat units	31.26
	Hedgerow units	0.00
	River units	0.00
Off-site baseline	Habitat units	0.00
	Hedgerow units	0.00
	River units	0.00
Off-site post-intervention (including habitat retention, creation, enhancement &	Habitat units	0.00
	Hedgerow units	0.00
	River units	0.00
Total net unit change (including all on-site & off-site habitat retention/creation)	Habitat units	-3.89
	Hedgerow units	0.00
	River units	0.00
Total net % change (including all on-site & off-site habitat creation + retained habitats)	Habitat units	-11.07%
	Hedgerow units	0.00%
	River units	0.00%

Appendix 3 -- Metrix 2.0 output

A-1 Site habitat baseline

Habitats and areas			Habitat distinctiveness	Habitat condition	Ecological connectivity	Strategic significance	Ecological baseline	Retention category biodiversity value						
Broad Habitat	Habitat type	Area (ha)	Distinctiveness	Condition	Ecological connectivity	Strategic significance	Total habitat units	Area retained	Area enhanced	Baseline units retained	Baseline units enhanced	Baseline units succession	Area lost	Units lost
Grassland	Grassland - Other neutral grassland	3.3967	Medium	Moderate	Low	Location ecologically desirable but not in local strategy	29.89		1.06	0.00	9.33	0.00	2.34	20.56
Heathland and shrub	Heathland and shrub - Mixed scrub	0.15	Medium	Poor	Low	Area/compensation not in local strategy/ no local strategy	0.60	0.09		0.36	0.00	0.00	0.06	0.24
Woodland and forest	Woodland and forest - Other woodland; broadleaved	0.34	Medium	Moderate	Low	Area/compensation not in local strategy/ no local strategy	2.72		0.26	0.00	2.08	0.00	0.08	0.64
Woodland and forest	Woodland and forest - Other woodland; broadleaved	0.16	Medium	Moderate	Low	Area/compensation not in local strategy/ no local strategy	1.28		0.11	0.00	0.88	0.00	0.05	0.40
Lakes	Lakes - Ponds (Non- Priority Habitat)	0.003	High	Poor	Medium	Area/compensation not in local strategy/ no local strategy	0.02			0.00	0.00	0.00	0.00	0.02
Heathland and shrub	Heathland and shrub - Mixed scrub	0.08	Medium	Moderate	Low	Area/compensation not in local strategy/ no local strategy	0.64			0.00	0.00	0.00	0.08	0.64
	Total site area ha	4.13					35.15	0.09	1.43	0.36	12.29	0.00	2.61	22.50

A-2 Site habitat creation

Proposed habitat	Area (hectares)	Distinctiveness	Condition	Ecological connectivity	Strategic significance	Temporal multiplier	Difficulty multipliers	Habitat units delivered
				Ecological connectivity	Strategic significance	Time to target condition/years	Difficulty of creation category	
Heathland and shrub - Mixed scrub	0.06	Medium	Good	Low	Area/compensation not in local strategy/ no local strategy	7	Low	0.56
Urban - Woodland	0.41	Medium	Good	Low	Area/compensation not in local strategy/ no local strategy	32+	Low	1.57
Urban - Suburban/ mosaic of developed/ natural surface	1.28	Low	Good	Low	Area/compensation not in local strategy/ no local strategy	5	Low	6.43
Grassland - Other neutral grassland	0.85	Medium	Good	Low	Location ecologically desirable but not in local strategy	15	Low	6.58
Lakes - Ponds (Non- Priority Habitat)	0.0097	High	Good	Medium	Area/compensation not in local strategy/ no local strategy	5	Low	0.16
Totals	2.61							15.30

A-3 - Site habitat enhancement

Baseline habitats	Change in distinctiveness and condition			Area (hectares)	Distinctiveness	Condition	Ecological connectivity	Strategic significance	Temporal multiplier	Difficulty multipliers	Habitat units delivered
Baseline habitat	Proposed habitat (Pre-populated but can be overridden)	Distinctiveness change	Condition change				Ecological connectivity score	Strategic significance	Time to target condition/years	Difficulty of enhancement category	
Grassland - Other neutral grassland	Grassland - Other neutral grassland	Medium - Medium	Moderate - Good	1.06	Medium	Good	Low	Location ecologically desirable but not in local strategy	15	Low	12.06
Woodland and forest - Other woodland; broadleaved	Woodland and forest - Other woodland; broadleaved	Medium - Medium	Moderate - Good	0.26	Medium	Good	Low	Area/compensation not in local strategy/ no local strategy	15	Medium	2.49
Woodland and forest - Other woodland; broadleaved	Woodland and forest - Other woodland; broadleaved	Medium - Medium	Moderate - Good	0.11	Medium	Good	Low	Area/compensation not in local strategy/ no local strategy	15	Medium	1.05
			Total area	1.43						Enhancement total	15.60

Appendix 4

Appendix 4 – Warwickshire Metric output

Pre-development assessment

Existing habitats on site Please enter all habitats within the site boundary			Habitat distinctiveness		Habitat condition		Habitats to be retained with no change within development		Habitats to be retained and enhanced within development		Habitats to be lost within development	
code	Phase 1 habitat description	*Habitat area (ha)*	*Distinctiveness*	*Score*	*Condition*	*Score*	*Area (ha)*	*Existing value*	*Area (ha)*	*Existing value*	*Area (ha)*	*Existing value*
	Direct Impacts and retained habitats			**A**		**B**	**C**	**A x B x C = D**	**E**	**A x B x E = F**	**G**	**A x B x G = H**
B22	Grassland: Semi-improved neutral grassland	3.39	Medium	4	Moderate	2			1.06	8.48	2.33	18.64
A131	Woodland: Mixed semi-natural woodland	0.34	Medium	4	Moderate	2			0.26	2.08	0.08	0.64
A131	Woodland: Mixed semi-natural woodland	0.16	Medium	4	Moderate	2			0.11	0.88	0.05	0.40
A22	Woodland: Scattered scrub	0.23	Medium	4	Poor	1	0.09	0.36			0.14	0.56
	Total	4.12				**Total**	0.09	0.36	1.43	11.44	2.60	20.24
												∑D + ∑F + ∑H
										Site habitat biodiversity value		32.04

Post-development assessment

Proposed habitats on site (Onsite mitigation)			Target habitats distinctiveness		Target habitat condition			Time till target condition		Difficulty of creation / restoration		Habitat biodiversity value
code	Phase 1 habitat description	Area (ha)	Distinctiveness	Score	Condition	Score		Time (years)	Score	Difficulty	Score	
	Habitat Creation	**N**		**O**		**P**			**Q**		**R**	**(N x O x P) / Q / R**
A21	Woodland: Dense continuous scrub	0.05	Medium-Low	3	Good	3		3 Years	1.1	Low	1	0.49
A112	Woodland: Broad-leaved plantation	0.41	Medium	4	Good	3		10 years	1.4	Medium	1.5	2.34
n/a	Built Environment: Gardens (lawn and planting)	1.28	Low	2	Good	3		3 Years	1.1	Low	1	6.98
B22	Grassland: Semi-improved neutral grassland	0.85	Medium	4	Good	3		5 years	1.2	Medium	1.5	5.67
	Total	2.60										
	Habitat Enhancement						**Existing value S (= F)**					**((NxOxP)-S)/Q/R**
B22	Grassland: Semi-improved neutral grassland	1.06	Medium	4	Good	3	8.48	3 Years	1.1	Low	1	3.85
A131	Woodland: Mixed semi-natural woodland	0.26	Medium	4	Good	3	2.08	10 years	1.4	Low	1	0.74
A131	Woodland: Mixed semi-natural woodland	0.11	Medium	4	Good	3	0.88	10 years	1.4	Low	1	0.31
	Total	1.43									Trading down correction value	-7.47
											Habitat Mitigation Score (HMS)	12.91

HBIS = HMS - HIS

Habitat Biodiversity Impact Score	-7.33
Percentage of biodiversity impact loss	36.22

	Loss	**Gain**	**Impact**
Woodland Habitat	1.60	3.88	2.28
Grassland Habitat	18.64	9.52	-9.12
Wetland Habitat	0.00	0.00	0.00
Other Habitat (including Built Environment)	0.00	6.98	6.98
Total	20.24	20.38	0.14
		Trading down	-7.47
			-7.33

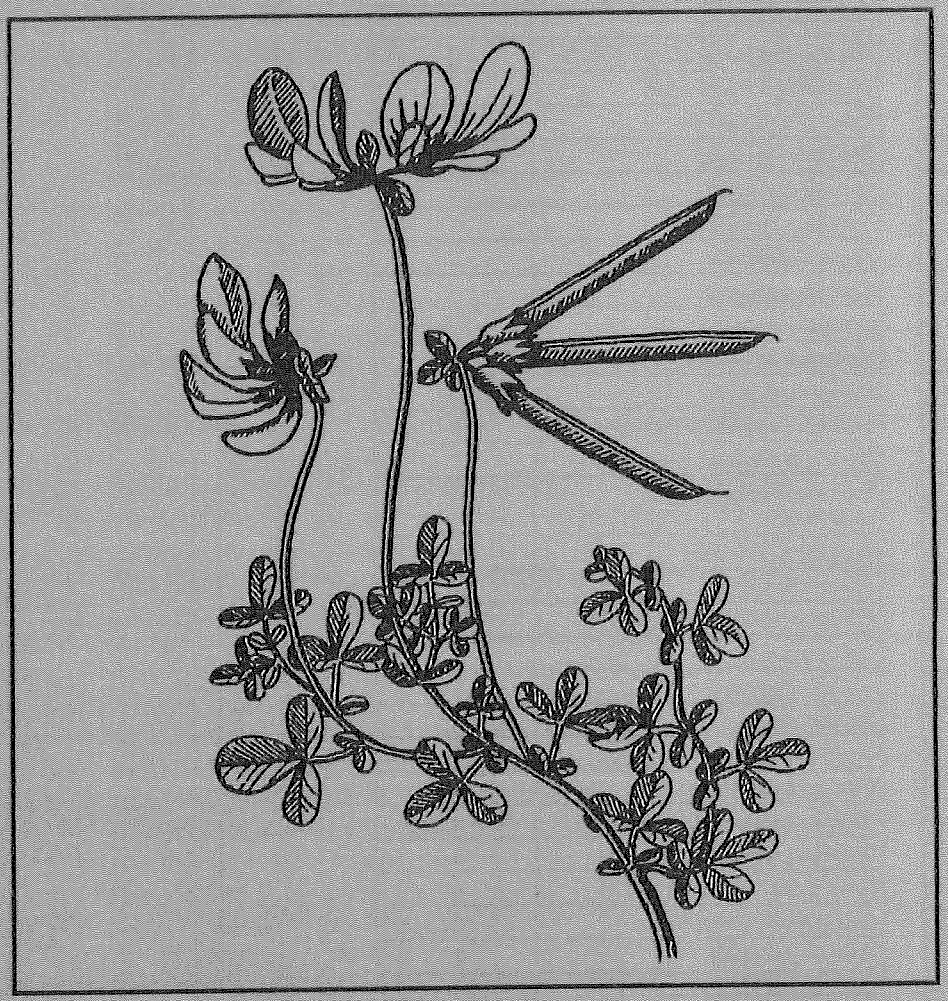
Appendix 5

GLISH
TURE

Monitoring the condition of lowland grassland SSSIs

Part 2 - A test of the rapid assessment approach

No. 315 - English Nature Research Reports



working today
for nature tomorrow

rophic Grassland Indicator Species

Species name	Mesotrophic Indicator score
ı ptarmica	1
nia eupatoria	1
nia procera	1
eptans	1
illa filicaulis	4
illa glabra	4
illa monticola	8
illa xanthochlora	4
vineale	1
ırus bulbosus	4
ıe nemorosa	2
ı pubescens	1
ı compressus	2
ium lunaria	2
ıodium sylvaticum	1
ıedia	2
commutatus	4
racemosus	4
palustris	1
ıula rotundifolia	2
ıine pratensis	1
ıcutiformis	1
aryophyllea	2
lemissa	2
liandra	2
listans	2
listicha	2
livisa	4
chinata	2
lacca	2
ıostiana	2
ıuricata	4
ıigra	2
ıvalis	2
allescens	2
anicea	2
ilulifera	2
ulicaris	2
picata	2
ɔmentosa	8
esicaria	2
verticillatum	2
ea nigra	1
ium erythraea	1
ı dissectum	4

Species name	Mesotrophic Indicator score
Cirsium heterophyllum	4
Coeloglossum viride	1
Colchicum autumnale	4
Conopodium majus	1
Crepis paludosa	2
Dactylorhiza fuchsii	1
Dactylorhiza incarnata	2
Dactylorhiza maculata	2
Dactylorhiza maculata x D. fuchsii	2
Dactylorhiza majalis	4
Dactylorhiza purpurella	4
Dactylorhiza traunsteineri	2
Danthonia decumbens	2
Eleocharis palustris	1
Epilobium palustre	1
Epilobium parviflorum	1
Epipactis palustris	2
Equisetum palustre	1
Equisetum pratense	2
Equisetum sylvaticum	1
Euphrasia anglica	2
Euphrasia arctica ssp borealis	8
Euphrasia nemorosa (incl *E. curta*)	2
Euphrasia rostkoviana ssp rostkoviana	8
Festulolium loliaceum	1
Filipendula vulgaris	2
Fritillaria meleagris	8
Galium palustre	1
Galium uliginosum	1
Galium verum	1
Genista tinctoria	2
Gentianella campestris	1
Geranium pratense	2
Geranium sylvaticum	4
Geum rivale	4
Gymnadenia conopsea	2
Hordeum secalinum	1
Hyacinthoides nonscripta	1
Hydrocotyle vulgaris	1
Hypericum maculatum	1
Hypericum tetrapterum	1
Isolepis setacea	2
Juncus compressus	4

Page: 24

Number: 1 Author: sam Subject: Rectangle Date: 10/09/2020 16:50:16

Species name	Mesotrophic Indicator score
subnodulosus	1
ı arvensis	1
a macrantha	2
ıs montanus	1
ıs nissolia	4
ıs pratensis	1
lon hispidus	2
lon saxatilis	2
themum vulgare	1
:atharticum	1
ovata	2
orniculatus	1
:nuis	1
liginosus	1
campestris	1
multiflora	1
; flos-cuculi	1
chia nummularia	1
ıthamanticum	4
ı caerulea	1
'is discolor	1
'is secunda	1
;us pseudonarcissus	1
'he fistulosa	1
'he pimpinelloides	8
'he silaifolia	8
· repens	1
· spinosa	2
;lossum vulgatum	2
mascula	2
morio	4
acetosella	1
ucillia viscosa	4
:sia palustris	2
laris palustris	1
la officinarum	1
ıella saxifraga	2
go media	1
thera bifolia	2
thera chlorantha	2
ıla serpyllifolia	2
ıla vulgaris	2
ınum bistorta	8
ınum viviparum	2
illa anglica	1
illa erecta	1
illa palustris	2

Species name	Mesotrophic Indicator score
Primula farinosa	2
Primula veris	2
Primula veris x P. vulgaris	2
Primula vulgaris	2
Pulicaria dysenterica	1
Ranunculus auricomus	2
Ranunculus bulbosus	1
Ranunculus ficaria	1
Ranunculus flammula	1
Rhinanthus minor	1
Sagina nodosa	1
Sanguisorba minor	1
Sanguisorba officinalis	8
Saxifraga granulata	2
Senecio aquaticus	1
Senecio erucifolius	1
Serratula tinctoria	2
Silaum silaus	8
Stachys officinalis	2
Stellaria graminea	1
Stellaria palustris	1
Succisa pratensis	2
Thalictrum flavum	2
Thymus polytrichus	2
Trifolium fragiferum	8
Trifolium medium	1
Trifolium ochroleucon	8
Triglochin palustris	4
Trisetum flavescens	1
Trollius europaeus	4
Valeriana dioica	4
Valeriana officinalis	1
Veronica officinalis	1
Veronica scutellata	2
Vicia orobus	4
Vicia tenuissima	1
Vicia tetrasperma	1
Viola canina	2
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(f) letter & infographic from applicant to Members

WILLIAM MORRISON

(CHELTENHAM) LTD

14 September 2020

Councillor David Willingham
c/o Municipal Offices
The Promenade
Cheltenham
Gloucestershire
GL50 9SA

Dear Councillor Willingham

OAKHURST RISE – A SITE ALLOCATED IN YOUR LOCAL PLAN

Later this week your Planning Committee will be asked to consider our application for 43 new homes at Land off Oakhurst Rise, Cheltenham. Oakhurst Rise is a site allocated for development in the Cheltenham Local Plan which you adopted on 20 July. The principle of development on this site is clearly and firmly established. We have worked closely with your officers to create a scheme that comprehensively addresses the site-specific requirements set out in the Local Plan and which considers the issues raised by the Inspector when considering a larger scale proposal.

You may be aware that we the applicant, facilitated an inspection of the site by the Gloucestershire Wildlife Trust (GWT), who subsequently designated the site as a Local Wildlife Site on the grounds of value for learning. We welcome this swift decision and the certainty it provides. The Trust clearly concludes that the proposed development of this site affords an important opportunity to both enhance and protect the ecology of this site in perpetuity and the County Ecologist concurs.

The status of the site as a Local Wildlife Site is now settled and Policy SD9 of the Joint Core Strategy is engaged. We are firmly of the view that the relevant policy criteria are satisfied by this scheme and this is supported by the County Ecologist. A Framework Land Management Plan has been prepared and submitted to GWT, which has commented *'Gloucestershire Wildlife Trust confirms that the prescriptions within the revised draft of the FMP should result in securing and enhancing the biodiversity interest of the retained areas of the Local Wildlife Site'*. It is in the interests of the whole of Cheltenham to bring forward this allocated site with a scheme that satisfies the various planning requirements.

In addition to this backing, there are strong reasons to actively support this scheme.

- It will provide a cross-section of new market dwellings.
- It will deliver 18 affordable homes in an area that desperately needs them but will not get them in this plan period without our scheme.
- By carefully siting new homes to the west of the site and creating new landscape features, we consider the scheme satisfactorily meets all the criteria attached to Policy HD4. Your Senior Conservation and Heritage Officer has no objections to the scheme which has been designed in consultation with him.
- We are protecting the key biodiversity assets and mature trees. We have both a long-term plan for management of the retained trees and importantly we have agreed a Framework Management Plan with GWT for the retained grassland. Our approach is fully supported by CBC's Senior Trees Officer and backed by the County Ecologist. Our proposals, which include extensive new planting, represent an overall biodiversity gain.
- The development will lower the risk of flooding in vulnerable areas of the town – our attached infographic clearly explains how.
- Gloucestershire County Highways has no objection to our scheme and nor have they for previous larger applications on this site
- It is fully supported by your social housing provider Cheltenham Borough Homes alongside other registered providers.
- If planning permission is granted it is ready to deliver new homes straight away

Since our previous application, the urgent need for new homes has only intensified. Cheltenham does not have a five-year land supply and there is a huge shortfall of affordable homes. Our policy compliant proposals ought to be part of the solution to this challenge.

Oakhurst Rise has clearly been identified by the Borough Council as an appropriate location for development. We believe this clear policy statement plus the significant changes we have made to the scheme warrant support at Committee.

We are strongly urging the Committee to support these proposals. In the meantime if you have any questions please, do not hesitate to contact us on info@williammorrison.com.

Yours sincerely

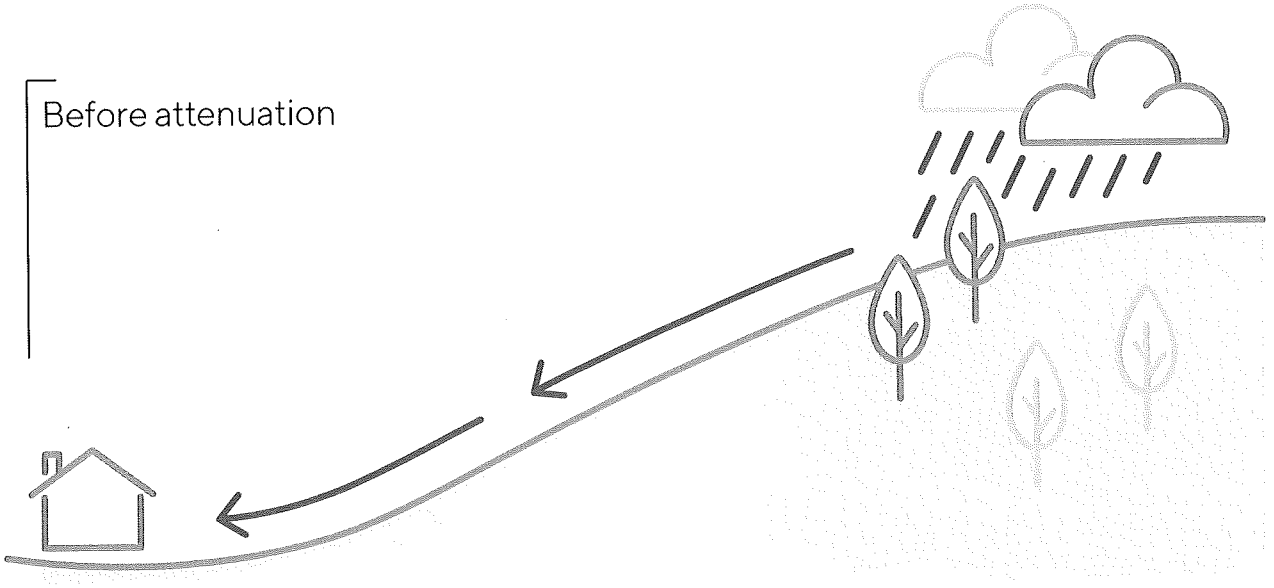
Directors of William Morrison (Cheltenham Ltd)

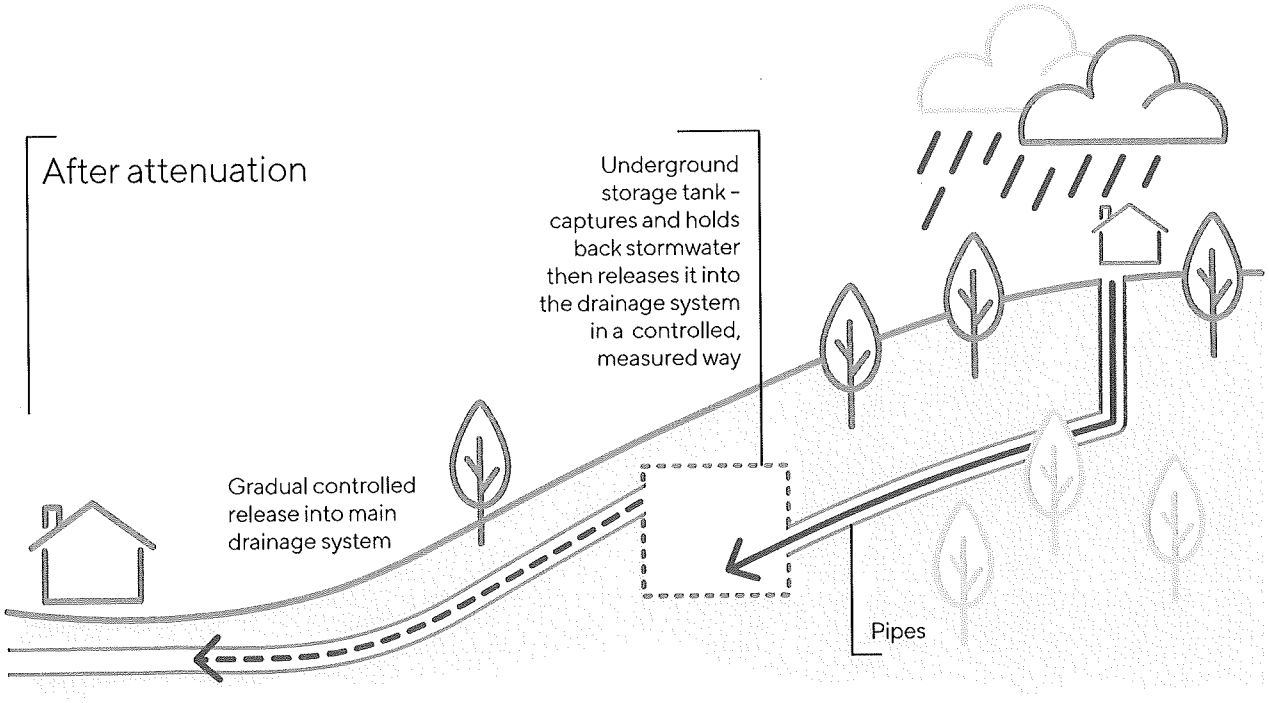
Oakhurst Rise - Flood risk betterment

Helping to manage flood risk in Cheltenham

- The Oakhurst Rise development will lower the risk of flooding in vulnerable areas of the town
- At the moment water runs freely off this site into the Cheltenham drainage system
- This runoff is set to increase by up to 40 per cent over the coming years as a result of climate change
- Our attenuation system will reduce flood risk to lower lying areas of Cheltenham by:
  - The holding back of runoff water from the hill
  - Its storage in attenuation tanks
  - Its gradual controlled release

In simple terms, Oakhurst Rise is a positive step in managing flood risk in Cheltenham.





(9) letter from CKFriends to Members.

20/00683/OUT

This application was submitted during lockdown, following a failure to appeal the rejection of a previous application in October 2019. In June 2020, the site was identified as meeting the qualifying criteria for Local Wildlife Site (LWS) Status. The Cheltenham Plan was adopted with site specific (HD4) policies in July. And Gloucestershire Wildlife Trust (GWT) designated the application site as an LWS on 1 September 2020.

The LWS baseline data of May 2020 was not presented at the appeal, did not feature in Local Plan consultations, nor was it a design consideration for this outline application.

While LWS status does not preclude development, it clearly influences the balance of "sustainable" development.

The Officer's Report (OR) at para 7.6 summarises harms and benefits of 20/00683/OUT based on appeal findings for 18/02171/OUT. However, the appeal inspector was presented with a greater amount of social housing, ruled prior to HD4 adoption, and did not have to consider the LWS status of the site or the new species data for the grassland under threat.

In determining this new application, councillors are asked to consider whether the obligation to review and protect assets of particular importance (uniquely, a local wildlife site, a Grade II* heritage asset and a Grade II asset) invokes para 11di of the NPPF.

The committee will wish to take a view on the soundness of housing supply data, following a national lockdown, not least because this is an outline application and the draft planning conditions alone mitigate against the prospect of timely delivery.

Policy HD4 requires "A minimum of 25 dwellings, subject to master planning"

The application is **72% above a policy compliant minimum of 25 units.** The additional harm to biodiversity and heritage, and pressure on overstretched infrastructure, is **discretionary.**

The absence of a 'master plan' results in a raft of contradictions within the application over the future use of the site, access to the land and land management responsibilities, with a proposal for S106 funds and council time to be assigned over the next decade, managing the ecology of a site that is leased to a private school and inaccessible to taxpayers.[1]

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[1] The applicants are selling the land on receipt of planning permission. The officer report (OR) at 6.11.13 states that S106 payments will be used to maintain the site and a management company will be set up for that purpose; other officers assume residents will pay the "not cheap" bill. The design statement states "the site enables a significant amount of open green space to be available to the residents" yet there is zero residential access to protect the ecology of the remaining grassland, available to private school students under lease. The ecological, residential and educational uses of the land are in conflict without a master plan, to the detriment of all.

National and local policy requires protection of biodiversity assets; policy SD9 requires improved community access (to biodiversity assets). This application **guarantees** the loss of circa 30% of an important hedgerow, 57% of strategically important grassland, 2 mature trees, a spring fed pond and a badger sett. What is promised as replacement is inadequate and unenforceable[2]. While the site is currently in charitable ownership with considerable (managed) community access, in future, the meadow will be fenced off for exclusive use by the private school under commercial arrangements.

Policy HD4 requires safe and convenient pedestrian and cycle links. The access is described by the appeal inspector as 'tortuous'; there is no cycleway provision in the application. Oakhurst Rise (14% gradient) is at the upper limits of e-bike performance.

Gloucestershire's strategic plan on cycling offers no upgrade to CK cycling routes before 2031. The London Road is a category 4 route suitable for experienced cyclists only. At the last planning committee Highways commented that, contrary to the Highway Code, cyclists on Oakhurst Rise should rely on motorists flashing their headlights, as it was too narrow for an inbound HGV and an outbound cycle to navigate the hill simultaneously.

For information when considering **Public Sector Equalities Duty**, the site cannot be accessed safely by wheelchair and will be shut off completely in bad weather, as Oakhurst Rise is documented to be impassable after heavy frost or snowfall.

Policy HD4 requires protection of mature trees, in addition to national policy protection for ancient and veteran trees. The appeal inspector stated "It is first appropriate to note the evidence of the Woodland Trust that a significant number of veteran and ancient trees on the appeal site have **not** been identified as such in the assessment submitted by the arboricultural consultants to the Appellants...".

The committee is now asked to accept that the inspectors concerns are "largely overcome" (6.4.11), despite a strengthening of policy under HD4, and that the loss of mature trees is 'regrettable (7.4)' rather than a policy failure that is explicitly at odds with the direction from the local plan inspector in her final report ("I have made a minor change to the modified policy HD4 to **require the protection of mature trees**").

Policy HD4 requires a layout and form of development that **respects the character, significance and setting of heritage assets** that may be affected by the development

Historic England [HE], a statutory consultee, are also the national technical authority on heritage harm; they continue to object in detail, supported by:

- The appeal inspector's comments, following a full day of heritage evidence.

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[2] The county ecologist and GWT (para 6.5.25) requested a legal covenant to protect the grassland but conclude it is not possible. It is unclear what enforcement action or council priority would be assigned to something as routine as grass cutting regimes.

- A total dependence on screening. HE standing advice says screens should be a feature of last resort to reduce harm; the tree officer notes it will be decades before the trees reach maturity, with considerable risk from clay soil and from resident deer (he also notes residents will not tolerate large trees).
- CBC's evidence at appeal, that screening would **not** mitigate harm to heritage assets.

Given the OR admits there is real harm and HE's authoritative position, CKF encourages councillors to **take their own view on whether this harm, to which they must attach significant weight, is acceptable**

Finally, we contend there is significant biodiversity harm from this application (6.5.28).

The case at appeal was based on 14 of 20 grassland species having been identified as present in the meadow. Even then, the inspector stated "the net effect of the proposed development on biodiversity is likely to be either neutral or negative to some degree".

Since submission of this new application, the grassland species count has been confirmed to exceed the LWS qualifying criteria (22 out of 20 species present). Legally protected wildflower species have been photographed in the grassland to be lost, in contravention of **policy SD9 provisions for nationally protected species to be safeguarded in accordance with the law.** GWT have given the site LWS designation.

Badgers are highlighted as being of borough interest, but despite focus in the local plan, this application chooses not to avoid the main sett, by developing the site above 25 units.

Ecology input to the site design (from Aspect) was as follows: "Features of ecological importance include hedgerows and the mature/veteran trees, which are of at least local level value... The remaining habitats within the site are **not** considered to form important ecological features and their loss to the proposals is of minor significance." The design statement says the site is "unkempt grass and a few trees".

In the last few weeks acknowledgement of ecological value of this site has changed beyond all recognition, but without any obvious impact on the design or the harms being acknowledged. Aspect's input to the biodiversity DEFRA metrics is in contradiction of their own evidence to the committee earlier in the process (e.g. hedgerow is now classified as being of strategic vice local importance); as a result they claim marginal biodiversity net gains. Bioscan's calculations of net loss (absent from the planning portal) are attached.

The committee is being asked to take assurance that the site will be managed effectively by all future landowners, and that this will **guarantee** future biodiversity gains. We do not see the plan as credible. Or, as the most recent RSPB report on biodiversity noted this week, there is a gulf between rhetoric and reality, resulting in a catastrophic failure of governmental policy on biodiversity.

(h) Email from applicant to Cllr. Atherstone.

[redacted]

From: Ian Kirby <[redacted]>
Sent: 15 September 2020 19:03
To: Emma Pickernell
Subject: FW: FOR THE ATTENTION OF CLLR VICTORIA ATHERSTONE PLEASE
Attachments: Victoria Atherstone.docx; Oakhurst Attenuation Infographic v.7.pdf

Good evening Emma

Copy correspondence for your information and records

Kindest regards

Ian

From: Ian Kirby <[redacted]>
Sent: 15 September 2020 18:58
To: 'cllr.victoria.atherstone@cheltenham.gov.uk' <cllr.victoria.atherstone@cheltenham.gov.uk>
Subject: FOR THE ATTENTION OF CLLR VICTORIA ATHERSTONE PLEASE

Sent from the office of Huw Evans; William Morrison (Cheltenham) Limited

Dear Councillor Atherstone,

I hope will forgive me making direct contact with you. My name is Huw Evans; I am a director of local company, William Morrison (Cheltenham) Limited.

Firstly, I would like to offer my warmest congratulations on your new role and appointment to the CBC Cabinet. This is an exciting period for Cheltenham at a time when there is a real opportunity to drive investment into our town, secure new infrastructure, and deliver on the Council's vision.

The recently approved Local Plan is an important part of this and a chance to show local business and wider investors that the town is serious about boosting the economy. One of the first opportunities to put this into practice will be on Thursday (17th) when our proposed development at Oakhurst Rise goes to planning committee. The site will deliver 43 new properties including 18 much-needed affordable homes. This is probably the only site in the plan period that will deliver a significant number of affordable properties in Charlton Kings in the near future.

Generally, there is a serious shortage of new homes in Cheltenham. Levels of demand are too high, driving up the price of housing stock, denying many of the opportunity to buy or even rent at a reasonable and affordable price. This is a deterrent to existing employers expanding and to new potential employers setting up in, or relocating to the area. The vibrancy within our local economy is not being adequately stimulated.

The Oakhurst Rise development affords other strong advantages;

The undeveloped area of the site will be enhanced as a wildlife habitat in line with the wishes of the Gloucestershire Wildlife Trust
Flood risk from storm water which currently runs unabated off the hill will be lessened
The trees and ecology on the site will be the subject of long-term management and protection.

The site is in your Local Plan and backed by your officers. Nevertheless, we remain concerned that some councillors are actively campaigning against it.

Would you please consider offering balance to the debate led by local objectors, by introducing the counter arguments related to your new post and the responsibilities that accompany it?

I would be delighted to have an opportunity to discuss further with you and happy to speak on the phone or meet with you at any time and location convenient to you. My mobile number is 07767 236756 and my email is huw@hdevans.co.uk . In the meantime, thank you very much for taking the time to consider my email.

With kind regards

Sincerely

Huw Evans

① Response to Barton Hyett from CBC Trees officer

File note/response to 10/9/20 Barton Hyett (BH)-Ian Monger report

regarding trees at land adjacent to Oakhurst Rise

20/00683/OUT

A FLAC (applicants arb consultant) response to BH report is being created but as yet, Trees Officers/CBC have not received the final version.

Barton Hyett notes the divergence of opinion by Ancient Tree Forum, Woodland Trust and FLAC Arb consulting as to identifying veteran trees. His report does not identify what he considers are the veteran trees on site.

BH states that the FLAC identified veteran trees have not been afforded the increased root protection area now required under NPPF requirements and goes on to explain the reasons why this is the case (due to their being "relic" trees and have less than 75% of their former crown) and so require less rooting area from which to take water. However BH report that the reduced area will also impact the, soil, ground flora, fungi, water table and drainage, pollution and disturbance to wildlife and does not agree with this reasoning. There is no concept of a "relic" veteran in the NPPF. However, in CBC trees officer opinion, the trees to which this has been applied would have sufficient soil, buffer planting and other measures to protect them should this development proceed and reserved matters be agreed. FLAC would not have used this 2relic" tree initative unless he was confident that he could argue it at any appeal following any refusal.

Para 3.19 BH states that the end use impact on veteran trees has not been assessed (eg increased artificial light from dwellings and changes in hydrology). The nature of converting much of this site to dwellings, roads and open spaces will have an impact on the site. However the site has been designated as suitable for development and I consider that the current proposed design does respect, in the main, tree protection guidance. Assuming successful establishment of new trees in the proposed planting outline plan, there should (in the long term) be a net gain in canopy cover.

Para 4.1-5 BH States that the current design is an improvement on previous designs (from an arb perspective) and reduces the potential for damage and decline of all veteran trees (identified by FLAC) , as well as trees identified as veteran on the Ancient Tree Inventory and all trees with a TPO.

4.6-8-BH states that a small portion of the Root Protection Area (RPA) of T3014 is within the boundary of plot 30 and meets the foundations of the dwelling Plot 30. I consider this incursion to be marginal and indeed there is an equivalent (increased) rooting area for this tree elsewhere adjacent around its periphery. This tree is not shown as a veteran tree in the design-whilst it has many characteristics of a veteran, this argument has been rehearsed elsewhere.

4.9-the incursion into the RPA of T3015 with a no-dig road solution is a matter for the Highways authority regarding the acceptability of design. Such a no-dig road solution has been seen elsewhere outside this site (eg the entrance to the former police station on the A40).

4.10-BH states that tree protective fencing is very tight to the RPAs and there will be little scope for the insertion of haunchings, kerb stones etc. In my experience of large scale sites, there is often colatteral and unexpected negative impact and damage to trees during the build phase of a site. However as BH states, as this is an outline application, a method statement can be agreed by condition.

4.12-BH states that construction of carriageway and deeper than normal foundations could have an impact on water flow/retention around retained trees. However, water availability as a result of rainfall will not be affected by this proposal as no significant construction is to take place under canopies of retained trees. Adaption of eg kerbside design can be altered so as to encourage/discourage water flow as appropriate as a planning condition.

4.13 The Veteran Tree buffers (VTB's) on T's 3007, 3018, 3026,3030 and 3031 are respected in according with the formal Standing Advice and is an improvement on previous applications

4.14-16a 15M radius circle to protect the RPA of veteran ash T3021 due to it being a "relic" tree would bring a small part of its western periphery into plot 10. However, if the standing Advice is taken at face value, then plots 10, 11 and 13 as well as a portion of road leading to plot 10 would be within the Standing Advice protected zone. This "relic" reasoning makes logical sense but is not strictly in line with the official formal guidance.

4.17-19-concerns regarding T3028 and the protection afforded to it post development. This is mirrored by my own comments and agreement could be reached via planning condition

4.21-22 Recommends drainage method statement close to Trees 3032 + 3033 can be agreed via planning condition but should include on-site arb supervision. I concur.

4.26-29 Describes concerns that the proposed extensive new planting will take much time money and resource over the longer term. A less than usual 10 Year Replacement Planning Condition is recommended. I concur.

It is also suggested to create a new TPO for trees/woodlands yet to be planted is suggested. This would give this council further leverage to enforce replacement trees as necessary and to achieve establishment and growth to maturity of the proposed planting. I concur. This TPO could also include the "tidying up" of the existing TPO (ie serve a new TPO on the existing retained TPO'd trees so that the site as a whole could be protected. A separate TPO could be created for all off site trees (within St Edwards School) which are subject to this same TPO.

4.30-32 Describes concerns regarding contravention of the NPPF and the Cheltenham Local Plan as a result of damage to veteran trees during and after the course of construction from construction pollution, end-use light pollution, changing the soil ecosystem and hydrology. In my opinion, development of the land will cause changes to the above, but my experience is that if the conditions and reserved matters can be agreed and protection is put into place as described in the Tree Protection Plan, that such change should be minimal and not significant.

C.Chavasse 15.9.20

(j) Response to Barton Hyett from applicant's arboriculturalist

FLAC

FLAC Instruction ref. SC38-1036
OAKHURST RISE

Cheltenham Borough Council Planning Application ref. 20/00683/OUT:
Barton Hyett Associates' *Arboricultural Review,*10.09.20

Project Arboriculturist's Response

Introduction

1. I note that there is widespread common ground between us on arboricultural matters, including on the identification of ancient and other veteran trees, and on tree retention/ and removal outcomes arising from the proposals.

2. In light of this, BHA's concerns can be distilled to two matters:
i) The concept of 'relic' trees; and
ii) How the identified veteran trees would be safeguarded.

I discuss these matters in turn below.

Relic trees

3. The concept of the relic tree is a response to the simple fact that the size of a tree's stem is driven by the maximum size of its crown: the protection afforded by any multiplier of stem size must, therefore, relate to safeguarding the tree at its peak size and, it follows, peak biological activity.

4. To some extent, maintaining a maximum safeguarding distance for a tree that is only marginally smaller than its peak size is reasonable. But at some lesser size this ceases to make sense due to the progressive reduction of the biologically active space that accompanies a diminishing tree.

5. Thus, if a tree is a *relic* of its former self, it is reasonable and proportionate to adjust the safeguarding requirement to reflect the reduction in biologically-active space that accompanies this. The estimate of crown loss threshold is set at 75% such that where a tree bears 25% or less of its estimated former maximum crown size, it passes the threshold for relic status.

6. The best example of a relic tree on this site is the ash tree numbered 3021, a photograph of which helpfully appears on the front cover of BHA's *Arboricultural Review*. Looking at this image objectively, it is clear that this is a tree missing the vast majority of its crown, and which bears a stem subject to massive vascular dysfunction. As a greatly diminished specimen it would plainly be irrational to treat it as if it were at its full size.

FLAC

7. Where a relic tree is present (in this case with trees 3007, 3021 and 3028), I recommend applying protection via the RPA principle, calculated from the maximum continuity of vascular function in the stem, out to a cap of 15m.

8. Whilst the *Standing Advice* does not refer to the relic approach, equally it is clear that it does not address situations, such as tree 3021, where large-stemmed trees bear minimal residual crowns: simply, this is a matter on which it is silent. As such, practical, professional judgment is both required and desirable.

9. This was the approach taken with the appeal scheme and was accepted by the Inspector:

> *At the Inquiry, it was equally established that there was no substantive dispute among the parties to the appeal that the root protection areas (RPAs) and veteran tree buffers (VTBs) of the trees proposed to be retained in the development have also been correctly defined in terms of BS5837 and Natural England Standing Advice*
> (Appeal Decision 20 September 2019 para 59, page 8).

Safeguarding measures for veteran trees

10. The BHA reviewer identifies a number of areas where he considers veteran trees could be adversely affected by the proposed development. Planning conditions are proposed to ensure protection of existing trees during construction, the ground water arrangements associated with the development, and the future management of all trees.

11. Thus working space, hydrology and light pollution - raised as issues by BHA - are all subject to Conditions, within the compass of which further safeguarding details can be sought by the Council in due course. These details will be submitted to the LPA for their approval, which accordingly retains full control over both process and outcome.

Julian Forbes-Laird

BA(Hons), Dip.GR.Stud, MICFor, MRICS, MEWI, Dip.Arb(RFS)

15 September 2020

(K) Additional Representations

APPLICATION NO: 20/00683/OUT	**OFFICER: Mrs Emma Pickernell**
DATE REGISTERED: 29th April 2020	**DATE OF EXPIRY:** 29th July 2020
DATE VALIDATED: 29th April 2020	**DATE OF SITE VISIT:**
WARD: Battledown	**PARISH:** Charlton Kings
APPLICANT:	W Morrison (Chelt) Ltd & Trustees Carmelite Charitable Trust
AGENT:	Frampton Town Planning Ltd
LOCATION:	Land Adjacent To Oakhurst Rise, Cheltenham
PROPOSAL:	Outline application for 43 dwellings including access, layout and scale, with all other matters reserved for future consideration

ADDITIONAL REPRESENTATIONS

16th September

Coversdown
Birchley Road
Cheltenham
GL52 6NY

Comments: 14th September
In the light of the fact that Gloucestershire Wildlife Trust has designated the meadow as a local wildlife site, I would like this point added to my objection.

The local plan was agreed before the full biodiversity of the site was recognised. So 25 is at the upper limits of viability. 43 is unnecessary overdevelopment.

Losing grassland to trees (with dubious survival rates for the latter on steep clay hills) would be regrettable

HD4 requires protection of the biodiversity features not replacement, or mitigation for loss. We are losing important hedgerow, mature trees, an enormous badger sett and strategically important grassland (county ecologist says at least 57% will be lost).

How can this development proposal be considered to be "protection of the Biodiversity" ?

Coversdown
Birchley Road
Cheltenham
GL52 6NY

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How can this development proposal be considered to be "protection of the Biodiversity" ?

27 Oakhurst Rise
Cheltenham
Gloucestershire
GL52 6JU

Comments: 15th September
Letter ~~available to view in Documents tab~~. attached.

The Old Hay Barn
Bentham
Cheltenham
GL51 4TZ

Comments: 15th September
I support this application. at a time when we require new houses of all types to hold up this scheme further when it appears to have met planning policy and spending money that should have been spent on the scheme itself rather than fighting "not in my backyard" objectors.

Charlton Manor
Ashley Road
Cheltenham
Gloucestershire
GL52 6NS

Comments: 16th September
A couple of features of this new application have only just come to light.

1. The badger sett has apparently been moved to the north east corner of the site (although given it is a confidential annex residents are unable to offer proper opinion). Is moving 7+ adult badgers into the proximity of a listed building really advisable, given the subsidence and other problems that their digging causes in other parts of the borough? The current sett is advised to extend for nearly an acre under ground. HD4 requires the design to avoid heritage harm?

2. The site risks looking like Colditz for the next decade. The latest last minute revisions (none of which are included in the landscaping or design statements), and cause increased heritage

harm to both Manor Houses, now include fencing of the grassland (GWT request), fencing around the retention pond (presumably deer proof to prevent wildlife from getting trapped inside) to protect primary school children from drowning, fencing off the important hedgerow (tree officer), fencing off with deer proof fencing of all new planting (tree officer), and fencing to protect the veteran trees.

How can this be compliant with policy SD9 which requires biodiversity assets to have increased access wherever possible? The site has been community accessible for decades, with the right permissions from the school. All of this because there is no coherent master plan as required under HD4.

3. Given the Battledown fees for estate maintenance are high per household, and that is volunteer run (and to the mutual benefit of all), how are 'affordable homes' going to be able to pay for a commercial management company to run ecological management of a site to which they have no access?

Charlton Manor
Ashley Road
Cheltenham
GL52 6NS

Comments: 16th September

Letter attached

27 Oakhurst Rise
Cheltenham
GL52 6JU

14 September 2020

Dear Ms Pickernell

Ref: 20/00683/OUT

Regarding the issue of access to the proposed site, it is important to highlight the appeal Inspector's comments made in September 2019 when he upheld the refusal of 18/02171/OUT:

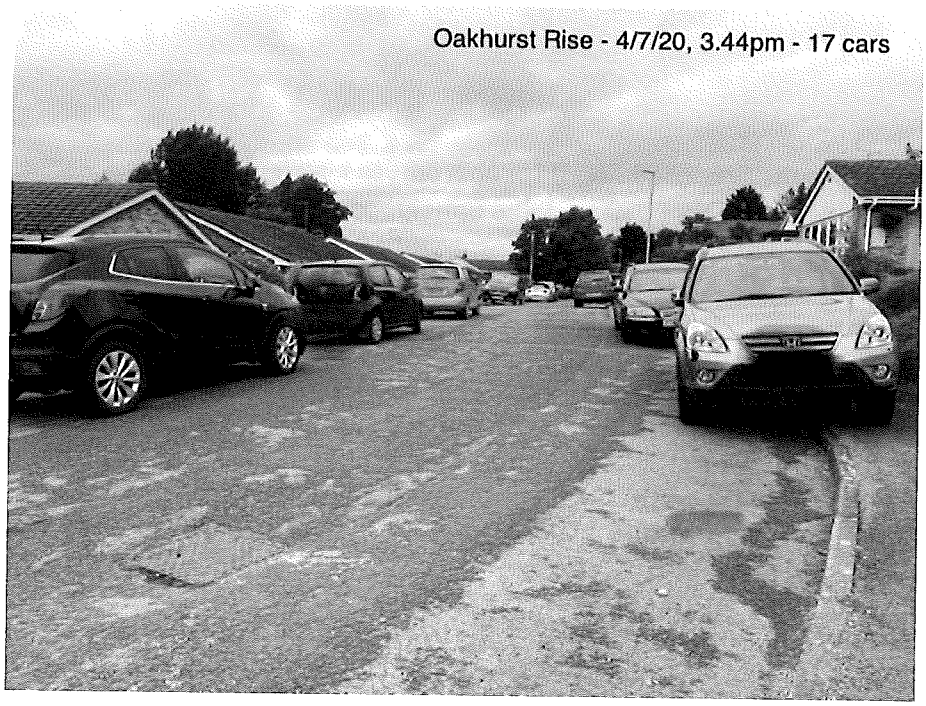
Access and Traffic

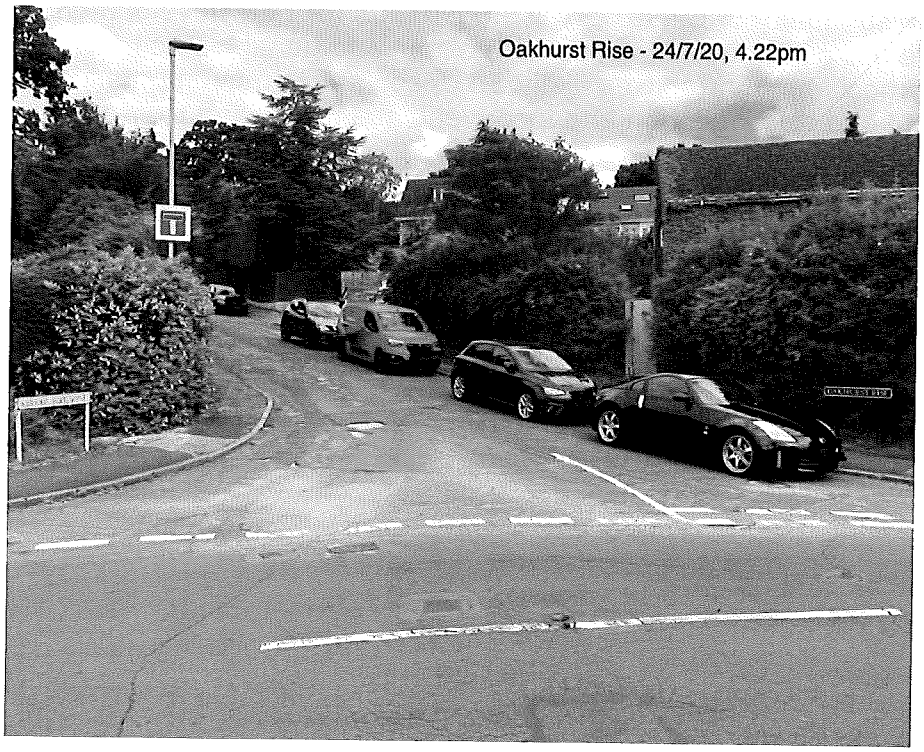
103. The route to the sole access point to the appeal site is over a network of residential access roads via an established housing area, with much on-street parking in place for much of the time. The cul de sac of Oakhurst Rise, which would be extended to form the on-site access roads to the proposed development, has a steep gradient.
104. I acknowledge that there are no technical objections to the route in traffic or highway safety terms, whether with regard to width, gradient or alignment of the carriageways, junction or forward visibility, or existing traffic flows.
105. However, such technical issues are not the only consideration in the assessment of the suitability of the access arrangements for new development. In this case, there are genuine local concerns that the additional traffic from the proposed development, amounting to a likely 30 or so vehicle movements in any peak period, would add to congestion and inconvenience to existing frontage residents.
106. I am satisfied that such an increase in traffic flow would not have a significant impact on the wider highway network.
107. However, it is telling that one resident of Oakhurst Rise has been officially advised that an ambulance required to transport a person with mobility difficulties on a regular basis would no longer attend due to difficulty in parking at the frontage once the road was extended. That is a transient personal matter of relatively little planning weight and might be at least assisted by the provision of an additional turning head proposed within the site. However, it helps to illustrate that the access route, as a whole, is tortuous and far from ideal.
108. Notwithstanding the lack of any objection from the highway authority, this factor militates to some degree against the grant of permission for built development of the scale now proposed for the appeal site.

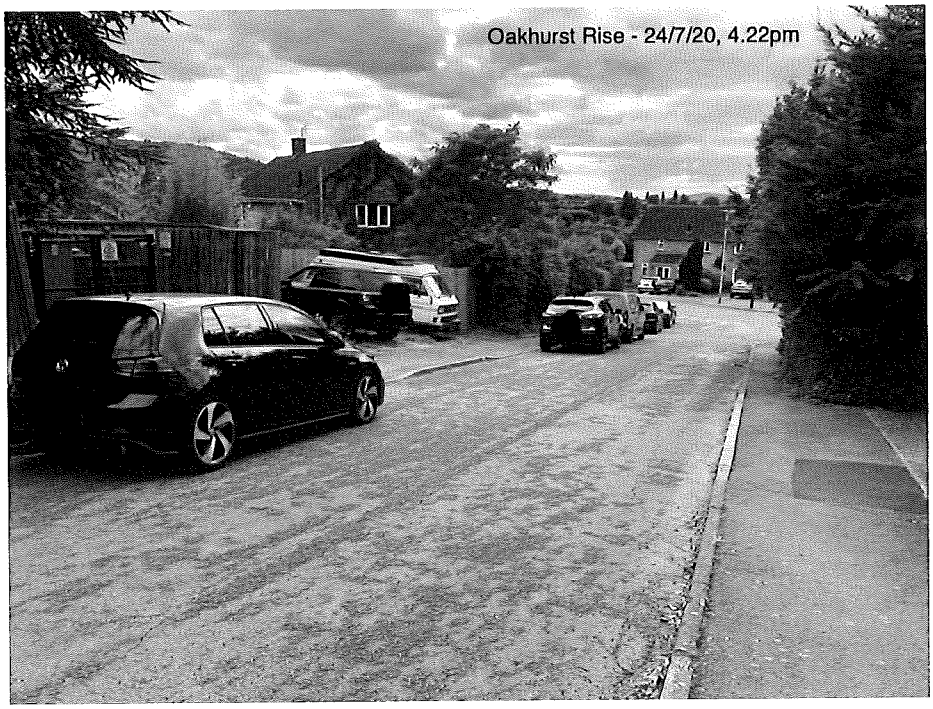
The following photographs demonstrate the high level of on-street parking in place for much of the time. As the Inspector noted, this access route, given the congestion together with a steep gradient (14%) is tortuous and far from ideal.

The photograph taken on 4/7/20 by a local resident is a good representation of normal on-street parking levels experienced each day on Oakhurst Rise. On this particular day, a total of 17 parked cars were noted on-street.

The photographs taken on 24 & 25/7/20 show the congested parking approaching the junction of Oakhurst Rise and Beaufort Road. Residents have reported many near misses when attempting to navigate this junction.

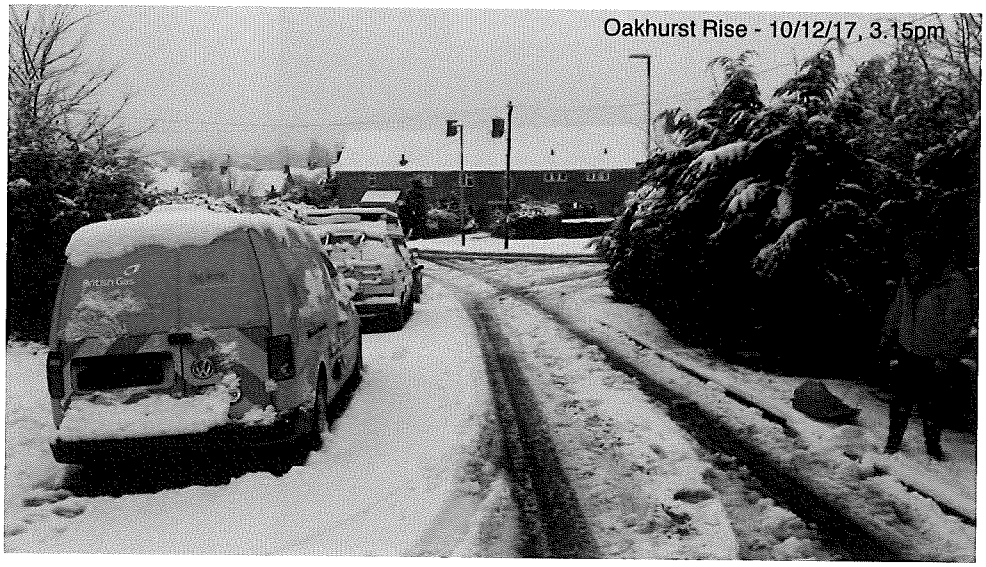





Oakhurst Rise - 24/7/20, 4.22pm


Oakhurst Rise, 25/07/20, 05.45am

The last two photographs were taken following heavy snowfall in December 2017. Only four-wheel drive vehicles are able to access Oakhurst Rise in these conditions – residents resort to parking their cars in neighbouring roads, further down the hill.



Kind regards,

[redacted]
27 Oakhurst Rise

16 September 2020

20/00683/OUT

Dear Emma,

In reviewing the application with a heritage adviser, a point of detail has been identified which our less expert group had missed.

Any engineering operation counts as development. The attenuation pond (and associated boundary protection) is clearly development. You will want to take advice on whether the earthworks for drainage are also development.

Given this is in breach of the local plan inspector's direction on prevention of heritage harm (which prohibits development above Ashley Manor south of the line west from the school boundary), we will argue tomorrow that this is certainly in breach of policy HD4, and the resultant harm is counter to JCS and national policy.

You may want to take advice – and I can only apologise for the last minute input.

Kind regards,

[redacted]

Charlton Manor